'The EU's Common Security and Defence Policy: A Work in Progress?'

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Dedicated to my Grandmother, Katie O' Reilly

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List of Abbreviations

Benelux	Belgium, Netherlands and Luxembourg
CCC	Capabilities Committee Conference
CCM	Civilian Crisis Management
CEDC	Central European Defence Cooperation
CFSA	Common Foreign and Security Affairs
CFSP	Common Foreign and Security Policy
CIVCOM	Committee for Civilian Crisis Management
EC	European Community
ECSC	European Coal and Steel Community
ECSDP	European Common Security and Defence Policy
EDA	European Defence Agency
EDC	European Defence Community
EEAS	European External Action Service
EEC	European Economic Community
EMU	European Monetary Union
EPC	European Political Cooperation
ERRF	European Rapid Reaction Force
ESDI	European Security and Defence Initiative
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EU Council	European Council of Ministers
EURATOM	European Atomic Energy Treaty
HG 2010	Helsinki Headline Goal 2010
HHG	Helsinki Headline Goal
HR /VP	High Representative for Foreign Affairs and Security Policy and Vice President of the Commission
Lisbon	Treaty of Lisbon
Maastricht	Treaty of Maastricht
NATO	North Atlantic Treaty Organisation
Nice	Treaty of Nice
OSCE	Organisation for Security and Cooperation in Europe
PPEWU	Policy Planning and Early Warning Unit
PSC	Political and Security Committee
QMV	Qualified Majority Voting
SEA	Single European Act
SHAPE	Supreme Headquarters Allied Powers Europe
UK	United Kingdom of Great Britain
UN	United Nations Organisation
US	United States of America
USSR	Union of the Socialist Soviet Republics
WEU	Western European Union

Abstract

"The World must know what happened and never forget"[1]

General Eisenhower's quotation demonstrated the severity of the suffering, brutality and inhuman treatment perpetrated by the Third Reich against the civilian population. Allied Forces were appalled by the nature of these atrocities subsequently discovered after Germany's surrender. The sheer destruction of Europe combined with the civilian death toll strongly influenced European leaders to co-operation in the area of defence in order to prevent a future conflict in Europe. Following the war, Europe became embroiled in a political and military struggle between two opposing superpower civilisations namely the USSR and USA.

The territorial expansion of the Soviet Union within Europe presented Western European States with a new security challenge consequently threatening their very existence. While European States established new defensive alliances signing the Brussels Treaty (1948) and Western European Union Treaty (1954) in an effort to pool their military capacity to counteract the threat from the Soviet Union. The failure of the European Defence Community abandoned in 1952 demonstrated an inability by European Governments to formulate and coordinate military capabilities consequently becoming a recurring theme for over fifty years to come. Europe realised it needed concrete military protection against the Soviet bloc and subsequently turned to membership of the North Atlantic Treaty Organisation to fill the vacuum.

European States commenced cooperation on economic and trade policies with the founding of the EEC promoting European political integration. By 1997 the EU had emerged as a powerful economic player on the international stage. As the Cold War progressed some European States gradually embarked upon a political crusade to build an independent autonomous military capability within Europe separate from NATO structures. This departure signaled the beginning of political paralysis in respect of defence issues while simultaneously symbolising a new period of sovereign integration evolving to create the EU.

In 1998 the St. Malo Conference represented a major political milestone in the advancement of European security policy with Britain and France agreeing to create an autonomous military capability for the EU. St. Malo signified a new departure in the EU's ambitions to become a strong international player in foreign and security matters. The EU proceeded to develop military capability structures to conduct conflict prevention and crisis management tasks. The Europe aimed at maintaining close links with NATO while simultaneously creating an independent capabilities structure separate from NATO as the legacy of the Cold War faded.

The development of CSDP in the period 1998 – 2003 was remarkable in nature with the creation of the ERRF, Helsinki Headline Goals and EU Battle Group Formation. These

[1] General Dwight Eisenhower at the Allied Control Council in Berlin (1945)

mechanisms empowered the EU to demonstrate its ability to perform international tasks implementing a CSDP in pursuit of foreign policy objectives. The performance of CSDP missions (military and civilian) effectively asserts the ability of the Union to act as an international player within Europe.

This thesis aims to identify and critique the political contours encompassing the foundation, evolution and development of European security and defence policy. This thesis will conduct an analysis of the influencing factors impeding EU security and defence progression and conclude with an overview of CSDP today and its challenges in the future.

Scope of Study

The key objective of this thesis is to conduct an examination and analysis covering the political processes involved in the evolution of European security and defence policy. This thesis will map this developmental process from the establishment of the European Economic Community in 1957 to date. It will map the developmental stages of European security and defence policy and provide a critical commentary on the proponents and opponents of European integration in this field during the course of its growth.

This thesis will examine the key historical events influencing the development of Europe's security and defence policy and discuss the internal obstacles to building a more proactive Europe on the international stage. It will conclude by outlining how Europe has hesitated and struggled to develop its foreign, security and defence policies while asserting the author's views on the future challenges facing the EU's security environment.

Introduction

"For man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state, but from the hand of God. We dare not forget today that we are the heirs of that first revolution. Let the word go forth...the torch has been passed to a new generation"[2].

President John F. Kennedy, during his Inaugural Address in January 1960, provided a unique insight into the international political, economic and social challenges facing the World during an era of political upheaval. Just fifteen years prior to President Kennedy's his election to political office, the World experienced the end of the World War II. The President aimed to encourage his generation to rise to the challenge of combating political injustice, inequality and the human suffering emanating from oppressive political systems, with the objective of building a better world for future generations.

The Second World War was one of the deadliest and bloodiest wars known to mankind involving over 30 Countries and ultimately concluding with widespread destruction and 60 – 85 million deaths.[3] The scale of the devastation was unimaginable. In the aftermath of the War, Europe found itself threatened by the rise of Communism and the emergence of the Cold War. Political tensions peaked in the 1950's and involved multiple military standoffs between East and West, due to opposing political ideologies.

[2] Inaugural Address by President John F. Kennedy in Washington D.C on the 20th of January 1960
[3] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration' Palgrave MacMillan (2004) P. 2

Unsurprisingly, western European states sought to increase cooperation for 'security and economic purposes' within an increasingly interdependent global environment.[4] Europe's history of instability and conflict meant that political cooperation for European states was a way of resolving historical conflicts and consolidating democratic principles. As one prominent politician said *"the principle underpinning the European Union is well established: Europeans better hang together or they will hang separately"*.[5]

The concept of European integration originated in 1950 and led to the creation of the European Coal and Steel Community in 1951. While the ECSC focused on a narrow economic objective, its overarching political goal was to achieve peace between France and Germany. The ECSC is credited with laying the principal foundation of the modern European Union.

Howorth describes 'European Integration' as a process of creating a complex supranational governance system of sovereign nation-states, pooling sovereignty and resources while transferring national power to a new political entity, ultimately for the betterment of Europe and its citizens.[6] The establishment of the ECSC, European Atomic Energy Treaty and the European Economic Community, are evidence of increasingly deeper and closer European integration among Member States in chosen areas of competency.

For a period of over forty years (1957-1999) the European Union focused primarily on building its competency in the area of economic, trade, environment, energy and internal market policies through its development of an institutional framework.[7] The European defence policy was one of the founding principles of European integration in 1950, yet until the Treaty of Maastricht in 1992 it remained largely informal and absent from the centre stage of European politics.

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[4] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration' (n 3) P. 2
[5] Wim Kok et al, 'Facing the Challenge: The Lisbon Strategy for Growth and Enlargement' European Commission (2004) P. 17
[6] Jolyon Howorth, 'Security and Defence Policy in the European Union' Palgrave MacMillan (2007) P. 191
[7] ibid

This thesis aims to explore chronologically how a common European security and defence policy has evolved. As will become apparent, this process has encountered many difficulties over the years.

Chapter 1 - Historical Background to the Founding of European Security & Defence Identity

During the course of the 20th Century a series of bloody conflicts, namely World War I (1914-1918) and World War II (1939-1945) engulfed the European Continent were followed by the subsequent advent of the Cold War Era (1945-1990). The aspirations of Western European Governments to co-operate in areas such as defence and security emerged from a desire to prevent any further conflicts in Europe given the devastating death toll caused by respective wars, in addition to the economic carnage inflicted on the Continent. Europe was conscious that these wars had been caused mainly by the rise of nationalism in Germany and therefore a solution to protect the Continent from such threats in the future was urgently required.

The first opportunity arose in 1944 when Belgium, Netherlands and Luxembourg agreed to ratify the 'Protocol of The Hague'[8] establishing greater political cooperation with military assistance within Europe to counteract a re-invigorated Germany after post-war reconstruction.[9] The US Government introduced the 'Truman Doctrine' accompanied with a financial package for Europe in the form of Marshall Aid. Marshall Aid aimed at encouraging the rapid re-construction of European economies, thus promoting European integration with the added benefit of counterbalancing the influence of the USSR.

1.1 Reconstruction of Europe 1945 – 1957:

The provision of US financial aid to European states promoted greater cooperation and integration in the hope of healing the old wounds of two destructive World Wars. During this period two French Government Ministers, Robert Schumann and Jean Monnet recognised the weaknesses of the French economy and France's decline as a military power in the aftermath of World War II.

[8] Treaty of the Hague, 1944
[9] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 10 - 15

Both advocated a proposal to the establishment of a political union with Great Britain to encourage greater political integration by states and thus eliminating the threat of a future war in Europe.[10] The role of the United States in actively encouraging Western European integration after the Second World War signified a new departure in American foreign policy from isolationism to a position of dominance in an effort to combat an aggressive and expansionist USSR. The original objective of American foreign policy in Western Europe aimed at reconciling historical rivalry between France and Germany but recent developments with the USSR reshaped that policy.

British Prime Minister Churchill focused on raising European moral in 1946 by calling for a "United States of Europe". Churchill later launched a 'Unionist' position on the creation of a European customs union rather than supporting the 'federalist' idea advocated by Schumann and Monnet. Churchill's view emanated from political, geographic and cultural positions and was restrictive in promoting closer European integration. This political effort resulted in the establishment of the Council of Europe to promote "*a closer union between its members in order to protect and promote the ideals and principles which constitute their common heritage and further economic and social progress*".[11] Monnet's response to the limited agreement of European integration in the Council of Europe was recorded as "*nothing is possible without men, nothing is lasting without institution*".[12]

1.2 Early European Integration

The 'Protocol of The Hague'[13] (1944) set out a model for greater political cooperation between France, West Germany, Belgium, Netherlands, Luxembourg and Italy and subsequently laid the foundation for the European Economic Communities.[14] Another important mutual defence alliance was successfully negotiated resulting in the Treaty of Dunkirk in 1947.[15] The treaty was agreed and involved the United Kingdom and France forging a mutual military alliance in the event of a future European conflict. This was encouraged to counteract a remilitarised Germany after the end of its belligerent occupation.

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[10] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 14 - 15
[11] Pierre Gerbert, 'The Origins: Early Attempts and the Emergence of Six (1945-1952) London P. 40 - 44
[12] Jean Monnet, French Official at the Council of Europe, 1947
[13] Treaty of the Hague (n 7)
[14] Treaty of Rome, 1957
[15] Treaty of Dunkirk, 1947

This agreement was later expanded transferring its command and control responsibility for military assistance to the Brussels Treaty Organisation [16] encompassing the 'Benelux' countries namely Belgium, Netherlands & Luxembourg in 1948. The Brussels Treaty of the Western European Union of 1948 was originally designed as a "mutual defence pact against any future repetition of German aggression" but provided a nucleus that helped to convince the US to launch the North Atlantic Treaty Organisation in 1949.[17]

Anglo-French participation began to dominate the European political agenda, as they were the major European powers of the time. Germany was subject to partition among the victors of the Second World War and France was wary of the prospect of a remilitarised Germany. Consequently, it forged ahead with plans for European defence integration. The incorporation and further expansion of the Brussels Treaty Organisation into a mutual defence alliance to include a North Atlantic dimension (US & Canada) occurred in 1949 giving birth to the North Atlantic Treaty Organisation.[18] The development of the NATO alliance was viewed as a strategic move by the US and Western European States given the increased aggression of the USSR in Eastern Europe.

The agreement of this treaty was reached in the midst of events in Greece (1947) and early developments in Hungary. The attempted political coup in Greece by the Communist Party and the Soviet invasion in Hungary displayed little respect for national sovereignty by the latter. The USSR initiated the Berlin Blockade in 1948 – 1949 in countenance to Allied protests about military actions in Eastern Europe and on the Korean Peninsula. The alliance with NATO afforded and extended US military protection to Western European States and continued to dominate for a period in excess of fifty years.

[16] Belgium Treaty, 1948
[17] Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications', International Journal (2003) P. 1
[18] North Atlantic Treaty Organisation, 1949

1.3 European Defence Community

The French Government proposed a military alliance in Europe under the guise of the 'European Defence Community'[19] in 1950 with the objective of building a militarised United Europe. This initiative was strongly supported by the United States to counteract the increased military power of Eastern European Communist States. However, the absence of participation by the United Kingdom coupled with the defeat of the proposal in the French Parliament ultimately concluded in the abandonment of the notion. The establishment of a 'European Defence Community' at this time would have satisfied the quest of European Governments to counteract the spread of Communism in addition to the fulfilling the desire of the French Government of asserting Europe's military muscle independent of US involvement.[20]

France aimed to include Germany within the proposed community due to its fear that a remilitarised Germany would pose a threat to its national interests leading to future conflict. When the British Government refused to be included in any military alliance or community associated with the transfer of sovereignty to supranational institutions it commenced a period of British isolationism in the Continent. Britain viewed itself as a powerful military nation that acted as an intermediary between the US and Europe enjoying a 'special relationship' arrangement with the latter. The refusal of Great Britain to participate in the alliance was due to British fears that the US Government could resort to a policy of 'isolationism' and was a significant factor, along with British views opposing European supranationalism, in their to remain aloof from European politics.

The US strongly encouraged France and the 'Benelux' countries to forge ahead with the 'EDC' and believed that the rearmament of Germany should take place in the context of Cold War aggression. However, the remilitarisation of Germany created widespread anxiety in France with the idea of a re-emergence of German military power proving a stumbling block for French participation. The issue of German rearmament proved to be very controversial in France and ultimately resulted in the defeat of the 'EDC' plan

[19] European Defence Community, 1950
[20] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 19 - 22

in the French Assembly. The abandonment of the 'European Defence Community' created a defence and political vacuum in Europe ultimately resulting in the modification of the Treaty of Brussels by NATO.

1.4 Western European Union

The Treaty of Brussels modified NATO structures in 1954 and created the Western European Union (WEU)[21] Pillar enhancing greater participation by European States.[22] This treaty bestowed military protection on member states under the auspices of the US military increasing its military presence in Europe as a deterrent to Stalin's expansionist plans.[23] The extension of NATO counteracted the defence exposure of Europe in the absence of a defence alliance and by extension rendered the Western States of Europe dependent on US military protection during the Cold War. NATO was also responsible for the spread of US democratic values and its capitalist system of economics across Europe increasing its political, economic and military influence.

[21] Western European Union, 1948
[22] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 27 - 29
[23] ibid

NATO focused on European expansion of its pact and focused on facilitating German membership of the Organisation to facilitate greater participation in Western Europe. German participation in NATO would require a rearmament and remilitarisation of the country, which was strongly opposed by France but supported by Britain. France reluctantly accepted German membership of NATO under diplomatic duress by Britain, US and Canada.[24] The US held the view that West Germany's membership of NATO was a crucial deterrent against further USSR expansion in Europe while enabling NATO to nurture a gradual remilitarisation of Germany within a controlled environment. The French did not support NATO's view as recent history had thought them to be fearful of a remilitarised Germany.

1.5 European Coal and Steel Community

The first successful act of European integration occurred in 1951 with the signing of the Treaty of Paris[25] establishing the European Steel and Coal Community[26] by six countries (France, Germany, Italy, Belgium, the Netherlands, and Luxembourg). This treaty was ratified for the purpose of ensuring an equal distribution of Europe's natural resources therefore creating a common market for essential industrial raw materials such as coal and steel from the Ruhr Valley.

The objective of the ECSC was to eliminate competition for natural resources and raw materials between the major powers of Europe, thus mitigating the risk of further conflict between France and Germany.[27] While initial efforts by France and West Germany to create a political and military community were unsuccessful, Franco-German government officials and diplomats continued to focus on the theme of European integration successfully establishing the 'ECSC' in 1952.[28]

[24] Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications', (n 17) P. 5 - 9
[25] Treaty of Paris, 1951
[26] European Coal & Steel Community, 1952
[27] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 30 - 32
[28] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 33

1.6 European Economic Community

The six European States party to the ECSC ratified the Treaty of Rome in 1957, establishing a 'European Economic Community'. The 'EEC' aimed to create a common market for economic and commercial activity and signaled a new departure in European integration. This political development gave birth to the concept of European economic integration and hailed a new era of inter-state co-operation and the pooling of sovereignty in the quest for a 'closer union of states'.

This process of integration is best described by Ernest Haas:

> *"European Integration is defined as a process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over pre-existing national states. The end result of a process of political integration is a new political community, superimposed over the pre-existing ones".*[29]

The 'EEC' marked a new dawn for integrated cooperation in Europe and focused on creating a 'customs union' among Member States by eradicating tariffs and barriers to trade while enabling the free movement of goods, capital, services and people across internal borders.

The Dutch Government promoted the idea of closer and deeper integration in Europe identifying economic and international trade as areas for priority while the French Government less keen on a customs and economic market but concentrated their focus on the European Energy Sector believing it to more important to its national interest. It was during this period Monnet and the French Government recognised the significance of coal and steel as a raw material was in dramatic decline and that new sources of energy were becoming more prevalent in Europe.

[29] Ernst B. Haas, 'The Uniting of Europe', Stanford University Press (1968)

It was within this context the French ratified the Treaty of Rome establishing the 'EEC' in 1957 [30] as it recognised that further political integration in Europe was reliant on the founding States of the European Community. By ratifying the 'EEC' Treaty the French secured the ratification of the European Atomic Energy Community (EURATOM) in the same year.[31] This treaty established an internal market for nuclear power within Europe for the purpose of guaranteeing energy integration, cooperation, supply and security.[32]

The 'EURATOM' Treaty was considered crucial to satisfying French economic and energy industrial consumption in the face of economic stalemate and growing energy needs.[33] France's reluctant ratification of the European Economic Community later transpired to be the key milestone upon, which the foundation of the entire European Union framework rests.

The Treaty of Rome resulted in the creation of an internal market constructed with the sharing of national sovereignty in the creation of supranational institutions similar to those established in the 'ECSC'. Britain refused to participate in the negotiation process citing the loss of sovereignty as too big a sacrifice for acceptance confining it to economic and political isolation in Europe until 1973.[34] While Britain had emerged as a major economic and military power from post war Europe, this period nevertheless marked the end of the British Empire. Britain's imperial decline marked a loss of international influence and this was demonstrated at the Suez Canal in 1956.

1.7 Suez Canal Incident 1956

The Egyptian Government, under President Nasser, nationalised the Suez Canal in 1956 expelling a joint Anglo-French Agency tasked with managing the waterway vital for the protection of British and French economic trade links with the Middle East and Asia. Britain and France intervened in the dispute seeking the deployment of Israeli troops in Egypt in an effort to overthrow the Nasser Regime. The Israeli Government articulated an action of pre-emptive self-defence in accordance with Article 51 of the UN Charter.

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[30] Treaty of Rome, 1957
[31] European Atomic Energy Treaty, 1952
[32] ibid
[33] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 31
[34] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 33

French and British troops were deployed to the region in an effort to take military control of the Canal, famous for its trade linkage to both Countries. The Soviet Union asserted it would come to the aid of the Egyptian Government if Israeli, British and French troops did not withdraw from Egypt. One issue of concern emanated from the Soviet annexation of Hungary in 1956, which was prior to the Suez Canal Incident. The actions of the USSR in Hungary were strongly condemned by the international community and the intervention of the US Government resulted in the withdrawal of Israeli, British and French troops prior to Soviet intervention in this dispute at the behest of President Nasser.[35]

The Suez Canal Incident ended in humiliation for the British and French Governments as it exposed the weaknesses of their military resources without the military protection of the US. This event resulted in a dramatic realisation of how exposed both nations were in terms of their roles in a new political and military superpower world the US and USSR.[36] Becher believes the Suez Canal Incident was the start of the end for Britain as a military power while exposing the fragile state of French military capabilities during this period.[37] One significant outcome of this incident was the realisation that there was no longer a role envisaged for a European independent military body in the new international system.

1.9 European Developments in the period 1960's – 1970's

Political developments in Western Europe during the late 1960's and 1970's focused on achieving efficiencies and expansionist developments in the area of the European Economic Community, European Coal & Steel Community and European Atomic Energy Community.[38] The ratification of the Merger Treaty (Brussels) of 1965 signified the executive consolidation and centralisation of executive bodies for the European Economic Community (as outlined above) while preserving the independence of each Community Pillar respectively.

[35]Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications', (n 17) P. 9 - 13
[36] Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications', (n 17) P. 23 - 28
[37] Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications', (n 17) P. 13
[38] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration' (n 3) P. 30 - 34

There was a notable absence of developments in the arena of European defence and security initiatives during the early to late 1960's with the exception of various proposals for European States to play a more prominent role within NATO. The lack of political progress and European integration in the area of security and defence policy in the 1950's and 1960's is primarily responsible to the "inability and failure of Britain and France to agree on fundamentals, a problem that dates back to the negotiation of the Treaties of Dunkirk and Brussels".[39]

One of the fundamental differences of opinion between France and Britain was in relation to the potential political fallout in Washington if a European defence mechanism was established. Britain feared a military withdrawal by the US from European affairs causing a collapse of NATO and increased vulnerability of Europe to Soviet political and military influence. The British believed that European security could only be realised through NATO given the weaknesses identified in European military capabilities. Britain aligned itself with US military power developed an Atlanticist Alliance while the French harboured ambitions focused on building a European mutual defence developed an Europeanist perspective.

According to Howorth, "the inability of Britain and France to agree on fundamentals dated back to the negotiation of the Treaties of Dunkirk and Brussels".[40] France believed in forging ahead with greater European defence integration but was hindered by Britain. The divergence of Anglo-French opinions in European defence matters were exasperated by Charles De Gaulle's refusal to accede to Britain's entry into the 'EEC'.

France had become frustrated at the re-subsuming of the 'WEU' into the central structure of NATO in the 1950's providing the US and Britain control of European defence leadership with the effect of leaving France in the cold.[41] De Gaulle's refusal to support British entry into the 'EEC' was blamed on Anglo-French tensions over European defence but this reflected a belief that the Allies did not rate French military power.[42]

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[39] Jolyon Howorth, 'European Integration and Defence: The Ultimate Challenge', Chaillot Papers, Institute of Security Studies (2000) P.2
[40] Jolyon Howorth, 'European Integration and Defence: The Ultimate Challenge', (n 39) P. 2
[41] ibid
[42] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 30 - 34

The proposals from the US through NATO to create an exclusive European Pillar were raised periodically during the 1960's and 1970's. These proposals aimed at providing a greater role for European powers within the NATO framework but ultimately resulted in disputes between the alliance members over finance and burden sharing initiatives between Atlantic partners. The European side led by the French and Italy demanded more influence and power within the NATO leadership, but these promised reforms failed to materialise due to steadfast British support of US leadership of the Alliance.[43]

However, this dilemma was dissipating, as the European security environment was about to change dramatically with the introduction of political reforms in the USSR by President Gorbachev in the 1980's.[44] Before this is discussed however, it is necessary to explore developments at this time in relation to increased Political Cooperation within Europe. The Franco-German leadership rapprochement in the late 1950's signaled a new desire by both governments to construct a sense of community within the 'EEC'.

This political view was motivated by the dramatic increase in the volume of international trade between Member States bestowing unprecedented economic growth on the bloc. The achievement of economic success by the 'EEC' facilitated its emergence as an international economic player in the early 1960's. Now the Franco-German alliance wanted to continue European integration through greater political cooperation.[45]

[43] Tonra, B., 'The Foreign Policies of the European Union Member States', Manchester University Press (2000) P. 36 - 38
[44] ibid
[45] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 46 - 48

Chapter 2 - Introduction of European Political Co-operation

European leaders convened a meeting in 1969 at The Hague to discuss the issue of Cooperation in the field of foreign policy. This meeting introduced a new concept to European integration politics known as 'European Political Co-operation' based on issues affecting the community's external relations. The launch of this policy coincided with Germany embarking upon closer international relations with Eastern bloc Countries. The European Community had become an international entity in international affairs because of its economic power but had no role in foreign policy rendering it a weak international player in the foreign policy arena.[46]

The objective of the European Economic Community in discussing foreign policy issues provided an opportunity for member states to exchange information on issues of international and regional importance in an effort to co-ordinate their policies towards a common consensus. The co-ordination and articulation of the EEC's position in respect of the Middle East War of 1973 led to the development of the concept of European Political Co-operation on the level of consensus demonstrated in the Vienna Declaration on the Arab-Israeli conflict.[47]

The Conference on Security and Co-operation in Europe convened in the early 1970's annually assisted in laying the foundation to establishing an international role for the EEC in promoting greater political co-operation among states.[48] During the 1970's the EEC further expanded and developed procedures associated with 'European Political Co-operation' (EPC) published in a number of key instrumental reports namely the Davignon (Luxembourg) Report (1970), Copenhagen Report (1973), and the Stuttgart Report (1983).[49]

[46]Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications', (n 17) P. 11 - 15
[47] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 582
[48] ibid
[49] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 581 - 583

2.1 Davignon (Luxembourg) Report (1970)

In October 1970 the six founding States convened a meeting of the European Foreign Council in Luxembourg in order to reach agreement on formulating and subsequently articulating respective foreign policy positions arrived at on behalf of the European Community. The outcome of the meeting formally developed greater political interaction by states to become as known as European Political Co-operation. EPC had the overall objective of formulating, discussing and asserting common foreign policy positions on behalf of the 'EEC'.

The Davignon Report[50] published by 'EEC' Foreign Ministers following the conclusion of this meeting focused on gaining an understanding of major issues of international politics impacting upon Europe. One of the key recommendations of the Davignon (Luxembourg) Report in 1970 was to establish a Political Committee (PC) to meet on a quarterly basis in Brussels. The PC aimed at advancing issues pertaining to EC internal market security while convening annual meeting of the Conference on Security & Cooperation in Europe (OSCE).[51] The rate of progress in the early stages of EPC was relatively slow due to the 'consensus' approach adapted by states.

2.2 Copenhagen Report

EC Members joined by three new accession States namely Ireland, UK and Denmark convened a Foreign Council Meeting in Copenhagen in 1973. The objective of this meeting aimed to further advance the recommendations of the Davignon Report and to formulate common positions and common policies on behalf of the 'EEC' in international relations and foreign policy. The Copenhagen Report[52] copper fastened the mechanisms and procedures adopted by Foreign Ministers and the PC for agreeing common foreign policy positions.

[50] Davignon Report, 1970
[51] Organisation for Security and Cooperation in Europe, 1975
[52] Copenhagen Report, 1973

This conference aimed at creating a voice for Europe in foreign policy matters while hoping to develop the 'EEC' as a new force in international politics. The key recommendations from Copenhagen formed the 'collegiate' basis that Foreign Policy decisions must be arrived at and the utilisation of individual Member States Diplomatic Missions on behalf of the European Community.[53]

2.3 Advancement of European Political Cooperation

In October 1981 the newly expanded 'EEC' of ten Member States convened a Foreign Council Meeting in Brussels to re-affirm the general commitment to advancing European Political Co-operation. The Foreign Ministers asserted their views that European Political Cooperation could ultimately result in the creation of a European Union with pillars including foreign and security policy creating a significant breakthrough in European politics after a decade of benign progress.

This new departure signaled the first major development for the Europe in foreign policy since the initial rejection of the European Defence Community in 1950. This Council meeting reinforced the important role-played by European Political Cooperation since its introduction in 1969 under the umbrella of progressing European political integration.[54] The 'EEC' introduced a secure telecommunications network called 'Coreu' for the exclusive performance of 'EPC' by its Foreign Ministers.[55]

2.4 Stuttgart Conference

The previous Council meeting was a milestone in political terms as it laid the pathway for the organising of another council conference arranged for Stuttgart, Germany in 1983. The outcome of this conference set out a clear commitment by the ten Member States to formulate a 'Solemn Declaration on European Union' in the preceding years. This declaration included a guide for Community Institutions, Community Law, European Monetary Union, Foreign Policy (Political & Economic Security) and further European Integration. The Stuttgart Conference represented a significant strive forward

[53] ibid
[54] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 583
[55] Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications', (n 17) P. 13

for the 'EEC' as the majority of Member States committed to exploring the principles agreed at this conference.[56]

While Britain expressed a significant reservation in respect to its participation in European Monetary Union indicating it would avail of an 'opt out' clause from same. Dinan et al hailed Stuttgart as a very substantial milestone for European integration with ambitious proposals for reshaping the structure and scope of the 'EEC'. The aspect containing foreign policy related to formulating common principles and objectives in addition to proposing the possibility of joint action campaigns encompassing military intervention and defence policy. The Stuttgart Conference delivered a solemn declaration by States in defining a clear road map and vision for the future of the Community. The plan contained a policy for the realisation of a 'Union' offering political and economic security for its Europe's future.[57]

In summary, as a result of these significant conferences, four distinct categories for conducting foreign relations business on behalf of the Community were identified:

(i) meetings of heads of state and governments to provide overall direction,
(ii) meetings of foreign ministers on a monthly basis of 'EPC',
(iii) establishment of a Political Committee of political and national officials to meet regularly to discuss policy issues and,
(iv) working groups to exchange views and reports on mutual areas of interest

Firstly, it is accurate to state that progress in developing 'European Political Cooperation' was slow at the start but it improved incrementally over the course of the 1970's.[58]

2.5 Effectiveness of European Political Cooperation

The approach adopted by the 'EEC' aimed at ensuring Europe had a voice in international politics that matched its economic strength in global affairs.[59] It is noteworthy to state that throughout the late 1970's and the majority of the 1980's the Greek Socialist Government displayed a critical view of the consensus approach of the

[56] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 585
[57] ibid
[58] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 583
[59] ibid

EPC urging the introduction of a majority based rule for decisions. The Greek Government had become frustrated at the 'EEC's' prolonged decision making processes combined with its failure to criticise Turkish actions in Cyprus in the late 1970's.

In 1981 France questioned whether the EPC was fit for purpose in view of the 'EEC' failure to agree a position on Soviet aggression in Eastern Europe. The Soviet invasion of Afghanistan in 1979 and the implementation of martial law in Poland in 1980 exposed the inadequacies of the EPC in asserting itself although the 'EEC' finally agreed to impose limited economic sanctions on the Soviet Union in late 1982.[60]

The political will encouraging the EPC to develop a voice for the 'EEC' emanated from the Stuttgart Conference (1983) due to pressure applied by Germany and Italy. These States collectively launched a joint initiative to extend EPC in late 1982 prior to the next Council Conference. The German-Italian Plan for expanding EPC was called the *Genscher-Colombo* Plan. This plan aimed at extending EPC to international external affairs but was viewed with skepticism by Britain and the Netherland. Both countries feared the alienation of the US in such matters.[61]

States like Ireland, Denmark and Greece faced internal domestic obstacles in agreeing to participate in any security or defence initiatives but nevertheless a formula was reached with a 'Solemn Declaration on European Union'.[62] Within a short period further significant progress was made by the 'EC' at an Intergovernmental Conference in 1985 introducing a new landmark treaty for Europe.

2.6 The Single European Act

The Single European Act of 1986[63] was the first major revision of the Treaty of Rome introducing important modifications to the legal frameworks of the ECSC, EURATOM and EEC. This treaty was ratified by the twelve Member States, who committed to a timetable for the creation of a customs union, internal market and furtherance of economic integration with the objective of establishing a single European currency by 2002.

[60] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 582 - 584
[61] Tonra, B., 'The Foreign Policies of the European Union Member States', (n 43) P. 36 - 38
[62] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 584
[63] Treaty of Single European Act, 1985

One of the key elements of the Single European Act included provisions to formulate a common foreign and security policy on behalf of the EC through a process of inter-governmentalism. The SEA provided a framework for codifying the procedures introduced in European Political Co-operation. The SEA aimed at advancing EPC through adopting a consensus approach in formulating common positions on behalf of the Community. Defence matters continued to remain outside of the scope of European integration despite extensive efforts by France and Germany. Both States wished to develop cooperation in defence policy and in the armaments industry. Franco-German desires for enhanced military collaboration aimed at increasing operational efficiencies in areas such as military training, equipment, systems and logistics.

The Franco-German Alliance was concerned about the rising dominance of their US industry competitors within the aerospace and armaments sectors and the effects on the international armaments industry. The Franco-German Governments wanted to consolidate their respective industry components in order to production of smart weapons arising from combined research and development synergies. Britain blocked these endeavours and refocused in its efforts to revitalise the 'WEU' pillar of NATO[64] providing a compromise to European defence ambitions. In reality, British defence, military and industrial interests were better served through their US strategic alliance.

The Single European Act set out new parameters for the Institutions of the 'EEC' in streamlining the area of foreign policy positions but did not envisage that military aspects of European Security would come under the remit of European Political Co-operation. This prohibited individual governments from advancing the security and defence agenda beyond the guise of foreign policy initiatives. This would assist in keeping all Member States aligned in formulating and asserting a united common position on foreign policy issues.

This impasse resulted in Britain objecting to participation in a defence alliance outside the remit of NATO with similar support from Denmark. Ireland displayed significant reservations about their domestic arrangements, opposing military participation by 'EEC' States. Germany and France proposed that security and defence should be

[64] Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications', (n. 17) P. 2

included under the Treaty but Ireland and Greece objected to their inclusion based on domestic policy factors. While progress in the area of foreign and security policy was deemed extremely slow during the 1960 – 1985 period, it was nevertheless one of the areas where European integration continued with the inclusion of all Community partners.

The Single European Act required the "external policies of the 'EEC' and the policies agreed in Political Cooperation must be consistent"[65] while tasking the President of the Commission with overall responsibility for its regulation. The political environment surrounding the 'EEC' changed dramatically in the early 1990's with the fall of the Berlin Wall and the disintegration and subsequent retreat of the USSR from the international stage. The external relationship between Europe and Eastern Europe evolved substantially in the period 1987 – 1990 as revolution and independence prevailed creating new democratic States in Western Europe's backyard. Europe couldn't ignore this geopolitical trend.[66]

The establishment of these new independent states introduced a new type of security environment consisting of instability and unpredictability for the 'EEC'.[67] Prior to the fall of communism Europe had exclusively enjoyed the mutual military protection of the US / NATO Alliance but the changing trend in international geo-politics resulted in the decline of this relationship as the latter's attention focused on the Middle East and Asia. There was a realisation within Europe that the 'EEC' needed to strengthen its external action capability.[68]

[65] Treaty of Single European Act (n 58)
[66] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 108 - 112
[67] Tonra, B., 'The Foreign Policies of the European Union Member States', (n 43) P. 201
[68] ibid

While the 'SEA' introduced a period of incremental progress in the foreign policy area there was a political and international vacuum developing due to the collapse of the USSR. This vacuum exposed the 'EEC' as an international player with weak external relations policies. One of the key international developments of the early 1990's demonstrating this point was the invasion of Kuwait by Iraq.

This incident resulted in the Gulf War exposing the 'EEC' as a powerless actor on the international stage. Political events in Europe quickly overwhelmed the EC with the re-unification of Germany; the emergence of multiple inter-state conflicts in Eastern Europe acted as a catalyst for European States to realise they urgently needed to develop the EC's external relations capacity.[69]

[69] Brian O' Boyle, 'Irish Neutrality: A Utilitarian or Ideological Policy? Galway: NUI Galway (2007) P. 7 - 9

Chapter 3 - The Creation of the European Union and the EU's Foreign Policy Platform

3.1 Prelude to the Treaty on European Union

The shortcomings of Europe's external relations capacity exposed in a rapidly changing international security environment influenced the Community's desire to the formalisation and strengthening of the EEC's security capabilities. This political willingness resulted in the formulation and construction of a new treaty framework in 1992 as developed by the Treaty of Maastricht (TEU). The Treaty on European Union (Maastricht) radically transformed the agenda in respect to the future integration of Europe with the creation of a three-pillar system evolving to create a new international identity named as the 'European Union'[70]

The security environment of Europe prior to the ratification of the Maastricht Treaty is of paramount importance in terms in developing an understanding of why certain legal provisions were included or excluded in the treaty framework. The invasion of Iraq in 1990 exhibited the weakness of the 'EEC' to formulate a coordinated response to a conflict violating international law. The inability of the 'EEC' to assist the US in the provision of military capabilities and less than adequately trained personnel for the international coalition was deemed embarrassing and humiliating for Europeans. The inability of the 'EEC' emanated from unrealistic expectations associated with shortcomings in the European treaty framework preventing defence policy progression.

European powers such as Britain and Spain aligned their support with the US coalition against Iraq as mandated by the UN while France looked to the Arab League for a diplomatic solution to the conflict. The Community's only neutral country Ireland asserted its reluctance to support any defensive policy moves thus restricting European participation in this field.[71]

[70] ibid

[71] Inger Osterdahl, 'The EU and its Member States, Other States, and International Organisation – The Common European Security and Defence Policy', Nordic Journal of International Law (2001) P. 341 -343

The removal of the 'iron curtain' in the early 1990's resulted in the retreat of US military capabilities (defence systems and troops) from Europe with the US refocusing on the Middle East and Central Asia. Anglo-French fears that a diversion of US military from Europe would leave the continent exposed to the influence of Russian and its continued political axis of nations caused European States to focus on re-invigorating the 'WEU'. With the EEC's lack of foreign and security policy countries such as Britain, Germany, Italy, Belgium, Spain and Portugal became more defensively on NATO for their military defence.[72]

These States began to assert their security and defence identity within the WEU pillar of NATO. However, France had become disillusioned with NATO and its US leadership following the humiliating experience of its military forces during the first Gulf War. The desert war exposed how French troops were insufficiently equipped and inadequately trained for high-level intensity combat mission in comparison to their US counterparts.

The joint US / French military operations in the Gulf angered the French as it publicly highlighted the extent of French military decline subsequently creating a diplomatic rift in French and US relations.[73] In the aftermath of the Gulf War the French expressed the view that European Nations had to assume responsibility for the protection of European interests. France articulated that this could only be achieved through the creation of an independent autonomous military capability in Europe.

[72] Inger Osterdahl, 'The EU and its Member States, Other States, and International Organisation – The Common European Security and Defence Policy', (n 71) P. 344 - 349
[73] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 586 - 587

The outbreak of civil war in the Federal Republic of Yugoslavia in 1991 caused considerable discomfort to the 'EEC' due to its peripheral location in Europe's backyard. The break-up of the Serbian dominated Federal Republic led to a fierce and bloody civil war of genocide, war crimes and crimes against humanity occurring under the leadership of President Milosevic's Regime. The refusal of NATO to intervene in the early stages of this civil war and the inability of the 'EEC' to act militarily against the Serbian Army allowed Milosevic act with impunity.[74] The will to create an independent European military capability was met with support and opposition by States.

France, Germany and Spain classified as Europeanist States were anxious to establish an EU defence policy in response to the Balkan's crisis but were rebuffed by Denmark, Ireland and Sweden with the latter two citing their neutrality policy. The primary motivation for this 'autonomous' European capabilities plan can be traced to France's isolationism within NATO. France withdrew from the NATO structures when President Mitterrand failed to get the necessary support from President Bush at the Key Largos meetings for a European leadership role in NATO. France viewed itself indispensable to the Atlantic Alliance but soon realised it was no longer considered a key partner for the US as its military efforts fell short of American expectations during the Gulf War.[75]

Britain, Portugal, the Netherlands and Demark were classified as Atlanticist States and refused to support any move that could weaken the NATO Alliance. Britain was conscious that France would encourage Europeanist States to persevere with a defence alliance outside of NATO thus encouraging the US leadership to create a permanent power sharing structure within the Alliance. This gave birth to the European security and defence identity (ESDI) within NATO supported by the majority of EC alliance aligned Members. The ESDI became more prominent in supplementing European security when US troops began withdrawing from Europe at the end of Balkan's Crisis. It is interesting to note that Ireland was the single EEC State to remain outside of the ESDI.[76]

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[74] ibid
[75] Jolyon Howorth, 'European Integration and Defence: The Ultimate Challenge', (n 39) P. 17 – 20
[76] ibid

It is important to take cognisance of the changing security environment surrounding the EEC in the early 1990's, which set the scene thus motivating European States to negotiate the Treaty of Maastricht, expanding the realm of foreign and security policy. Maastricht negotiations were intense political debates identifying a rift between Atlanticist and Europeanist States. The details of this comprise in the Maastricht Treaty referred to the inclusion of a provision stating that the Union would explore the "eventual framing of a common defence policy, which might lead to a common defence" thus appeasing Europeanist States.[77] The Atlanticist States were appeased with a provision recognising the inclusion of the WEU as "an integral part of the development of the Union"[78] thus placing the NATO alliance at the heart of EU foreign and security policy.[79]

3.3 Treaty of Maastricht and Development of Foreign Policy

The Maastricht Treaty[80] established the legal framework for the further integration of Europe through the creation of a three-pillar system of governance enacted in February 1992. The pillarised approach entrenched a dual governance approach consisting of supranationality and intergovernmental elements, and created new institutions such as the Court of Auditors. The second pillar established under Maastricht was intergovernmental in nature comprising of the common foreign and security policy (CFSP) focusing on the EU's external relations capacity. Inter-governmentalism relied on agreements reached by Member States governments outside of the general competency of the Union.

The formalisation and inclusion of CFSP marked a significant step by Member States incorporating European Political Cooperation into a dedicated pillar designing the 'common foreign and defence policy' sphere. The third pillar established under Maastricht was also intergovernmental in its construction, comprising of the Justice & Home Affairs Pillar. "This Pillar focused on law enforcement, criminal justice, asylum & immigration and judicial co-operation".[81]

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[77] Treaty of Maastricht, 1992
[78] ibid
[79] Jolyon Howorth, 'European Integration and Defence: The Ultimate Challenge', (n 39) P. 15 – 17
[80] Treaty on European Union, 1992
[81] ibid

Article J of the Maastricht Treaty established a new departure for the newly formed Union by outlining the 'obligation of the EU to define and implement a common agenda covering all aspects of foreign and security policy', which aimed in time to conclude with the potential to formulate a common defence policy. Article J set down a comprehensive framework to cover the scope of foreign and security policy areas giving Europe a strong role as an international player.[82] The political sensitivities exposed in the negotiation process forced Member State leaders to tread carefully in CFSP development due to the reservations expressed by Britain, Ireland and Denmark.

3.3 'CFSP' – first step towards a European Security Policy

The CFSP pillar aimed at addressing a need for the EU to look beyond the Cold War era by being more politically proactive in terms of developing firmer positions in respect of international relations and developments. The development of common positions in security and defence policies as envisaged by the Maastricht Treaty concentrated on developing a EU security and defence capability in the longer term as proposed by France and Germany. Opposition by Britain under Conservative PM John Major and neutral Ireland could theoretically bring the project crashing down so incremental progression was the plan executed by Europeanist Member States and agreed to by all.

The formation of the second pillar had the effect of keeping the 'CFSP' separate from the decision-making institutions of the newly created European Union (EU) confined in the sphere of inter-governmentalism. The decision making power would remain within the realm of individual States but collectively the Council of Ministers would define common positions for the compliance of the Member States based on the principle of unanimity[83]. The Maastricht Treaty provided a series of CFSP policy objectives namely (i) to safeguard common values, fundamental interests and the independence of the EU' (ii) 'to strengthen the security of the EU and its Member States' (iii) 'preserve international peace and security in accordance with the UN Charter' (iv) 'promote international cooperation' and (v) develop and consolidate democracy, rule of law, human rights and respect for fundamental freedoms'.

[82] ibid
[83] ibid

Maastricht negotiators were conscious that any reference to defence policy would create political difficulties in ratifying the treaty by the Irish State. The Irish Government were anxious to link any future security role for the EU to be intrinsically linked to the principles and values contained in the UN Charter. Ireland's participation in UN peacekeeping missions was a long established tradition dating to 1958.[84]

The Maastricht Treaty introduced two key instruments to be adopted in the implementation of CFSP. These included 'common positions' to establish systematic cooperation on a daily basis and 'joint actions' enabling Member States to pool together subject to approval of the EU Council. The 'joint action' category had the potential to form the basis for building an external action capability.[85] The provision of Article J.1 sets out the objectives of the CFSP Pillar namely "to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter as well as the principles of the Helsinki Act and objectives of the Paris Charter".

The inclusion of this provision was to appease and satisfy Ireland's articulated reservations based on its neutral status. Article J.2 stipulates that the WEU will become an integral part in the development of the EU and will have the responsibility of implementing decisions and actions by adopting practical arrangements utilising NATO. The inclusion of this stipulation signified the ambitions of Member States to ultimately advance to the stage of a 'common defence' with the means to implement potential decisions on common actions.

The use of WEU structures within NATO satisfied the concerns of Britain, Denmark and the US.[86] Since 1990 France under President Mitterrand and Germany under Chancellor Kohl had strongly advocated their desire to incorporate WEU capabilities into the framework of the EU in devising a common foreign and security policy. The British Government cited the importance of the NATO alliance rejected this proposal but promoted the establishment of an ESDI via the WEU.

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[84] Brian O' Boyle, 'Irish Neutrality: A Utilitarian or Ideological Policy? (n 69) P. 7 - 9
[85] Treaty on European Union (n 80)
[86] ibid

3.4 A Victory for Europeanists & Atlanticist States

The Maastricht Treaty set out a pathway to subsume the ESDI and by extension the WEU into the structures of the EU using it as an operational arm of CFSP. Article J.4 provided a clause within the treaty outlining the 'mutual respect' for the position of both neutral states and those aligned to NATO. This was designed as a political balancing act by negotiators. The criticism of the inclusion of the CFSP pillar in Maastricht predominantly related to the requirement of unanimity in the decision making process which caused prolonged difficulties in the Council when required to respond to an emerging international crisis.

This bureaucratic delay in the decision making process was based on the stringent condition of unanimity in the Council which was required to sanction a position or course of action as demonstrated by the Balkans Crisis. The EU could not agree on a collective view as Greece was centrally involved in supporting Croatia. The CFSP process was exasperated by the fact the four neutral states were part of the European Union by 1993 and had to have their views accommodated in order to avoid derailing the process. If the Member States' political or constitutional positions came into conflict with the common position formulated by the EU, then the State concerned could invoke the 'veto' to terminate such plans.

The British use of the veto to prevent European security policy developing was widespread and one of the key reasons why the British became more isolated in Europe. Britain was viewed as increasingly obstructionist of European endeavours by Member States and subsequently found itself on the fringes of EU politics. Europe started to view Britain as a Eurosceptic nation and the common dominator in preventing EU development in areas such as monetary union, social rights and defence issues.

The ratification process for Maastricht resulted in a constitutional referendum in Ireland with a specific provision being inserted into the Treaty framework, taking cognisance of Irish neutrality. This was a significant development in securing the ratification of the

Treaty as Irish neutrality had the potential to torpedo the entire process.[87] One of the central components of the Treaty involved its vision to eventually frame a common defence commitment for Europe. The use of the language contained in the Treaty's legal provisions was of paramount importance to the Anglo-Irish Governments in respect of their complex ratification processes. Britain needed political guarantees to preserve the Atlantic Alliance while Ireland needed similar guarantees to protect its neutrality.[88]

The wording in Maastricht afforded neutral states such as Ireland the option of avoiding participation in a military alliance through the principle of unanimity while providing an independent course of action for other like-minded states to pursue without causing conflict for non-participants. The wording of a 'Declaration' provided by Europe to the Irish Government was politically sufficient to secure ratification by the Irish people.

It is worth commenting that the general principles of CFSP as set out in the content of Maastricht aimed at safe guarding the common values of the EU, the strategic interests of Member States and the independence of a future European Union in accordance to international law. The reference to the UN Charter provided additional reassurances to smaller neutral states such as Ireland, Austria and Sweden. The ratification of the Maastricht Treaty and establishment of the CFSP can be classified as a significant step forward for Europe in line with French ambitions.

This new policy departure aimed at framing a common defence policy over the course of time was firmly placed within the competency framework of the EU after decades of disagreements, failures and false starts. The Maastricht Treaty laid the foundation stone in formalising the parameters of European Political Co-operation and advancing towards a common policy framework for foreign and security issues, despite the many obstacles endured along the political journey.[89]

[87] Brian O' Boyle, 'Irish Neutrality: A Utilitarian or Ideological Policy? (n. 69) P. 1 - 6
[88] ibid
[89] Robert L. Nicholson, 'Regional / National Security in the European Union', Homeland Security Review (2008) P. 223 - 229

Chapter 4 - The Journey from Maastricht to Amsterdam

The prolonged and protracted ratification process involved in the implementation of the Maastricht Treaty indicated EU Governments' suspicion of European political integration and the establishment of the CFSP. From an early stage, the institutional deficiencies for implementing CFSP decisions were problematic. The confusion arose in the formulation of 'common positions' and 'joint actions' with differential approaches being adapted by Member States, the Council and Commission. The reason for this confusion emanated from the lack of legal clarity produced by the two instruments introduced by Maastricht.[90]

The difficulties encountered were procedural namely formulating 'common decisions' but greater political challenges emerged with Member States adhering to unanimity in the CFSP Council. This caused gridlock in the decision making process. When this occurred it thwarted the ability of the CFSP Pillar in reaching 'joint actions' (requiring qualified majority voting) based on a reluctance of Member States to deviate from the principle of unanimity in formulating their decisions. One of the crucial challenges facing CFSP related to political culture, a notable distinction between European and National interests being pursued by officials with issues of national interests prevailing.

For example Greece refused to comply with EU foreign policy directions in 1994 while holding the EU Council Presidency as it refused to recognise the Republic of Macedonia, instead deciding to impose economic sanctions on the nation in line with its national views.[91] While some CFSP instruments suffered setbacks from ineffectiveness there were wide spread praise for some of its endeavours taken under 'joint actions' namely the European Stability Pact praised by the UN.[92] The ESP was initiated at the behest of the French in 1994 to build external relations with countries of Central and Eastern Europe. This involved a framework of disarmament, arms control, nuclear nonproliferation, developmental aid and economic assistance to ease their transition into the EU.

[90] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 588 - 592
[91] ibid
[92] UN General Secretary Kofi Annan at Council meeting in Brussels in 1993

In 1995 the EU embarked upon a reconstruction mission in the city of Mostar in Bosnia with the assistance of the WEU military capabilities. According to Dinan, however, the vast majority of 'joint action' missions were less than successful and resulted in missions been cancelled, withdrawn and aborted by the EU.[93] During Maastricht negotiations one of the key international developments impinging on the external relations capacity of the EU emanated from the conflict in Yugoslavia. The scope of the conflict had increased since the ratification of the Maastricht Treaty with violence and bloodshed spreading from Serbia and Bosnia to Kosovo, Slovenia, Croatia, Albania and Macedonia affecting the entire countries and populations. Towards the end of 1995 multiple war crimes and genocide had been committed in Sarajevo and Srebrenica by the Serbian Army ultimately resulting in US air bombardment of Serbian Forces.[94]

The entire saga of the Yugoslavian conflict highlighted the political failings of the CFSP and its inability to respond within a military capacity.[95] Germany's recognition of the new State of Croatia developed into a vast European diplomatic relations dispute as Greece almost became embroiled in the Balkans crisis itself by engaging with Serbian Forces.[96] During the early to mid-1990s a number of crucial political developments transpired arising from French withdrawal from the NATO command structure. These developments involved the EU Commission President Jacque Delors setting the scene for greater European military integration in countenance of rapid NATO expansion in Eastern Europe.

The US Congress was conscious of the additional resources required to fund NATO expansionist plans and demanded additional resources from WEU Members. The US Congress demanded a greater level of 'burden sharing' for the enticement of leadership roles but was refuted by France and Germany in its endeavours. The motivation for change in the future direction of EU defence policy was projected by the French Government in 1994, encouraged by the political support from the EU Commission President. The Commission President Delors, a French national was not lost on US / European audiences.

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[93] Holland, M., 'Common Foreign and Security Policy: the record and reforms', London: Journal of Security Studies (1997)
[94] Muschwig, M., 'Crisis of Transatlantic Relations: NATO and the Future European Security and Defence Identity (ESDI)', International Comparative Law Journal (2002).
[95] Jolyon Howorth, 'European Integration and Defence: The Ultimate Challenge', (n 39) P. 21 - 26
[96] ibid

The publication of France's Defence White Paper in 1994 intrinsically linked its national defence strategy to that of the European Union. It set out to achieve its objective through the signing of multiple bilateral agreements with fellow European States in recognition that this could promote the development of Union defence policy. The signing of a number of bilateral agreements with Germany, Britain and Mediterranean countries established a "centre of European defensive initiatives".[97] France embarked upon securing and agreeing a number of important defensive initiatives with Germany and the UK during this period. Franco-German initiatives saw the creation of 'Eurocorps' a so called rapid reaction force made up of French and German troops led to short deployments in Kosovo and Croatia in support of NATO missions.

At this time, France embarked upon a bilateral defence alliance with Britain focusing on nuclear and air force cooperation between both countries. The Anglo-French defensive initiative progressed to establishing a 'joint action' force for deployment in Bosnia under the auspices of a UN peacekeeping force. It was also during this period that France's isolationism from NATO intensified over the use of shared military infrastructure leading to a political dispute led between President Chirac and US President Clinton. In light of the continued US alienation of France from NATO it decided to turn its focus entirely on developing a European defence capability within the EU.[98]

4.1 Amsterdam Council

One of the proposals put forward by France in 1996 was the integration of the WEU into the EU through a process of treaty convergence. This political manoeuvre was rejected by Britain and vetoed by Prime Minister Tony Blair at the Amsterdam Council meeting in 1997. The opportunity for changing the course of European defence policy was missed again in the face of intensified fighting in the Balkans Region. The ignition of the Balkan's crisis for a third time added to the increased frustration of the British who urged the US military to intervene in the region. This fell on deaf ears in Washington. The Clinton Administration ignored the demands of the British and

[97] Jolyon Howorth, 'European Integration and Defence: The Ultimate Challenge', (n 39) P. 23 - 24
[98] ibid

NATO continued a halfhearted air campaign destroying local infrastructure with minimal effect on Serbian Forces.

In effect the Balkans crisis offered a unique opportunity for the EU to change the discourse of its security and defence policy but it fell on deaf ears with continued British opposition to any autonomous EU defence capability. The Balkans crisis illustrated the weakness in European political integration and identified key challenges for the EU in managing the pooling of national sovereignty in foreign, security and defence policy.[99] The failure of the EU's foreign and security policy framework as highlighted by the Balkans conflict was to the forefront of the minds of European leaders as they prepared for a future intergovernmental conference mandated by the Maastricht Treaty for 1996.

The identification and formulation of legal provisions to be included for discussion at the Amsterdam intergovernmental conference in 1996 related predominantly to institutional and procedural adjustments required in the CFSP and the adjustments need in European institutions in anticipation for EU enlargement to the East.

4.2 Treaty of Amsterdam (1997)

The Treaty of Amsterdam emerged from a EU intergovernmental conference setting out treaty reform to modernise European institutional structures due to the accession of Austria, Finland and Sweden in 1995. Amsterdam also anticipated further enlargement of the bloc to Central and Eastern Europe in less than a decade. Another key issue of concern for the EU focused on the reform of the CFSP institutional framework in order to address political and procedural weaknesses.[100] From the outset of the Amsterdam negotiations there was consensus among EU Members that CFSP discussions should focus on instruments (such as 'policy decisions', 'actions' and 'strategies'), decision-making processes, representation, planning and analysis, the budget and the relationship between the WEU and the EU.[101]

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[99] Jolyon Howorth, 'European Integration and Defence: The Ultimate Challenge', (n 39) P. 25 - 26
[100] Olsen, J., 'The Many Faces of Europeanisation', Journal for Common Market Studies (2002) P. 18 - 23
[101] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 593

The Amsterdam Treaty contained 15 Articles amending existing European Treaties, 13 Protocols and 51 Declarations exchanged between the EU and Member States, thus producing the contextual element of the legal provisions contained therein. Article 1 of the Treaty contained 16 paragraphs setting out the legal provisions for enactment in relation to the CFSP and Justice & Home Affairs Pillars. The Union established its competency in the area of citizenship and set out the rights of the individual as well as expanding its remit into new competency areas namely immigration, civil law and civil procedure. However, the crux of the new legal provisions contained in Article 1 related to principles and responsibilities associated with the CFSP.

The Amsterdam Treaty identified and introduced four policy instruments for the successful operations of the CFSP Pillar. These included (i) principles and guidelines adopted by the European Council and issued to give political guidance to EU institutions through intergovernmental cooperation (ii) common strategies setting out 'common positions' and 'joint actions' for collective action as determined by the Council based on qualified majority voting for areas of mutual interest (iii) 'joint actions' reserved for 'operational actions' required to address a specific crisis or development as determined by the Council – the EU Commission would be tasked with providing implementation plans for these operations (iv) common positions adopted by the Council defining the approach of the Union in respect of a specific international or regional event, development or subject affecting the EU.[102]

In brief, Amsterdam transformed 'joint actions' and 'common positions' to EU mechanisms making CFSP implementation effective. Amsterdam transformed the decision-making processes of the CFSP by incorporating new formulas extending QMV namely (i) Constructive abstentionism and (ii) the emergency brake mechanism. (i) Constructive abstentionism enabled the Union to proceed with missions of regional or strategic importance if agreed unanimously by Member States and provided that abstentionism nations could not account for over one third of the weighed votes in the Council. This mechanism facilitated the emergence of a neutral bloc of countries like Ireland, Austria, Finland and Sweden whose policy of neutrality had to be respected in the CFSP.[103]

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[102] ibid

[103] Olsen, J., 'The Many Faces of Europeanisation', (n 100) P. 35 - 38

(ii) The Emergency brake provision enabled decisions on 'joint actions' to be taken by QMV and if smaller states opposed any measure due to creating conflict with their national interest a referral could be made to the European Council who ultimately decided its faith through unanimity.[104] The reform of the decision-making procedures in the CFSP aimed to establish a more effective and robust manner of formulating and implementing EU policy in this field. The structure of this process was strongly influenced by the political decisions that had emerged in Europe prior to the convening of the intergovernmental conference in 1996.

Traditional Europeanist countries like Germany, France, Belgium, Netherlands and Luxembourg (minus Italy) asserted a collective view that the EU must assume additional responsibilities in the area of security policy but the British Conservative Government rejected this notion. Prime Minister Major led an increasingly Eurosceptic Government, which demanded 'opt in' 'opt out' clauses for countries in chosen areas in the negotiation phases. France and Germany disagreed, as they believed this mechanism would create a two tier European model at odds with the concept idea of European Union. Britain prevailed as it threatened to veto the CFSP if it was not facilitated. There is no doubt this model was reflected in the framing of the CFSP when the treaty text was complete.[105]

Britain used its opt out for avoiding EMU and Social Charter participation while Denmark declared it would opt out of any defence policy framework. Amsterdam aimed to introduce innovative institutional continuity for CFSP. These provisions included (i) the appointment of a High Representative for the CFSP (ii) the establishment of a CFSP Planning & Analysis Unit and (iii) EU budgetary measures for CFSP and the relationship between the EU & WEU. The appointment of the High Representative for the CFSP aimed to provide a solution to key problems such as coherent policy continuity, political recognition and political leadership for external relations.

[104] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 594 - 595
[105] Olsen, J., 'The Many Faces of Europeanisation', (n 100) P. 36 -37

The establishment of a Planning & Analysis Unit aimed to address a lack of planning and preparation encountered by previous CFSP missions. This unit was given responsibility to gather intelligence and relevant information for dissemination at Council level prior to any decisions being undertaken. (iii) The consolidation of a CFSP budget within the overall EU budget brought clarity for Members about who would incur the cost of CFSP operations in the future.[106]

4.3 Europeanist –v- Atlanticist

During the Amsterdam Treaty it was evident that old tensions were sparked between the Europeanist and Atlanticist States. This was compounded by the accession in 1995 of Austria, Finland and Denmark who joined Ireland to create a neutral bloc of countries. The changing dynamics of European membership represented a new challenge to Europeanist States in their effort to develop an embryonic security policy for the EU.[107]

In late 1996 the EU Membership of the WEU had agree a mechanism within NATO to establish an agreement to borrow extensive and sophisticated military equipment from the organisation. This agreement was important in theory as it gave clearance to "European-led, low intensity crisis management operations" under the Petersburg Tasks using NATO infrastructure.[108] This development between NATO and the WEU partnership encouraged the Europeanist States to contemplate integrating the WEU into the EU as previously muted by France in 1992. Under Amsterdam the WEU became an integral part of the EU's CFSP framework giving it the capacity to become an international player on the international stage with real military capability.[109]

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[106] Jolyon Howorth, 'European Integration and Defence: The Ultimate Challenge', (n 39) P. 35
[107] ibid
[108] Alexander Moens, 'European Defence and NATO', (n 108) P. 262
[109] Alexander Moens, 'European Defence and NATO', (n 108) P. 265 - 267

France believed this action would bring all EU States under a single remit, as the majority of States were either members of NATO or belonged to the WEU. This position was strongly opposed by Atlanticist States Britain and Denmark supported by the new bloc of neutral countries citing their opposition to the militarisation of Europe.[110] In view of the polarised positions emerging, the Europeanists decided to accept that the EU would strive for the "possibility of the integration of the WEU into the EU, should the European Council so decide" as detailed by Article 17 of the Treaty.[111]

The difficulties encountered in the negotiations at Amsterdam were an initial setback for the Europeanist States who wished to advance the objective of creating EU military capability. As Britain opposed these measures it was agreed that a provision for the 'progressive framing of a common defence' would be included in the Treaty.[112] Article 17 provides that any decision to incorporate the WEU in the furtherance of a common defence would require the support of Member States thus pushing EU defence policy into the future.

It is notable that Europeanist States did prevail in advancing the defence agenda within the Amsterdam Treaty with the inclusion of the Petersburg tasks as contained in Article 18. Article 18 defined these tasks as "humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management including peacemaking".[113] This step was important in creating an element of military capability within the EU policy framework in the absence of an autonomous structure. States including the four neutral States agreed to the adoption of the Petersburg's tasks in Amsterdam by consensus.

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[110] Brian O' Boyle, 'Irish Neutrality: A Utilitarian or Ideological Policy?', (n 69) P. 10 - 12
[111] Article 17 of the Treaty of Amsterdam, 1997
[112] ibid
[113] Article 18 of the Treaty of Amsterdam, 1997 – 'Petersburg tasks'

In line with this the British proposed the formation of a new model of 'constructive co-operation' within NATO. This proposal aimed at formalising the European security and defence identity' to damn the aspirations of the French in gaining support for greater EU autonomy.[114] The US and Britain then proposed the establishment of a Combined Joint Task Force operation involving WEU States to promote constructive cooperation and ESDI empowerment in NATO.

Overall the Treaty of Amsterdam had a relatively minor effect in respect of meaningful CFSP innovation in respect of ESDP, other than the insertion of a commitment to exploring the idea of a common defence framework. What was significant was that Amsterdam did include the creation of military capability albeit under the auspices of the Petersburg's tasks.

The bulk of the Treaty related to reforming decision-making and power in the European Commission and Parliament. The reform and reweighting of power in the EU emanated from the accession of States in 1995 and in preparation for further European enlargement. Britain's role in Europe had been controversial since the rise to power of the Conservative Party under Thatcher in 1979. Thatcher and her successor John Mayor were classified as 'Eurosceptic' and adopted an obstructionist approach to monetary and defence policy. In 1997 the election of New Labour to Government in Britain changed the establishment's view towards Europe.[115]

[114] Alexander Moens, 'European Defence and NATO', (n 108) P. 262
[115] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 166

The principal provisions contained in Amsterdam aimed at reaffirming the Union's values and belief systems by making it relevant to its citizenship. The Amsterdam ratification process was cumbersome and slow in nature as EU leaders were conscious of the political fallout from the troublesome ratification of the Maastricht Treaty. This time Governments handled the process with care with only two States, Ireland and Denmark, putting it to the people in referendum. The Danish Government negotiated an 'opt out' clause from security and defence asserting the opinion that the EU should not have any role to play in external security matters as this was a matter exclusively for NATO. [116] The ratification of the Amsterdam Treaty had incorporated recent developments in CFSP into the EU legal framework and committed the Member States to exploring the incremental development of ESDP.

[116] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 46

Chapter 5 - EU Foreign and Security Policy after Amsterdam

The ratification of the Amsterdam concluded in June 1999 giving effect to the provisions of the treaty. The appointment of former Secretary General of NATO and Spanish Foreign Minister Javier Solana as High Representative of the CFSP was a strategic move by the EU. The personality and experience of Solana was well received within the EU and his past relationship with US leaders at NATO eased the Atlantic Alliance in addressing issues of mutual distrust. Solana personified the CFSP role and incrementally build a European alliance to prepare for the advancement of the security and defence policy. Solana transformed the CFSP pillar into a proactive and robust entity resulting in the adoption of twenty-one 'common positions' and twelve 'joint actions' in 1999 alone. The majority of these 'joint actions' related to the conflicts in the former Yugoslavia, Ukraine and Russia.[117]

Some of the practical functions of the CFSP involved the issue of declarations and statements to election monitoring in Eastern Europe and Africa. Solana was frequently called upon to mediate in disputes in Central and Easter Europe. The CFSP imposed arms embargos, trade sanctions, and travel restrictions against States such as Iraq and Syria. One of the striking developments of CFSP was its encouragement of increasing EU military capability to give effect to its policies. The argument for development military capabilities was conducted primarily as the conflict in the Balkans deteriorated.[118]

Britain supported by Denmark emerged as powerful opponents of European security policy. Britain refused to enable or participate in European security policy advancement until the very peak of the Balkans conflict. The Europeanist States, led by a reinvigorated France, advocated a need for linking its national security to that of the European Union. Germany and the 'Benelux' countries supported the French expression of European military integration. France's increasing military isolationism from the Atlantic Alliance (NATO) and its sphere of influence created an atmosphere where European States wished to examine the potential for autonomy from NATO.

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[117] Alexander Moens, 'European Defence and NATO', (n 108) P. 265
[118] Alexander Moens, 'European Defence and NATO', (n 108) P. 264 -269

NATO's rapid expansion in the East encompassing Poland, Czech Republic, Hungary and Romania created tension in the WEU when the US Congress requested European partners to increase its burden sharing (financial) responsibilities, which was rebuked by the latter. Europe had become frustrated with the failure of NATO to intervene in the Balkans allowing the crisis to escalate and deepen. Tony Blair was of the view that it was time for Europe to intervene but the reality was European military capability was very limited for combat type missions.

In view of the increasing willingness of the European Union under CFSP to become an active player in international security and its current inability to intervene in the Balkan's without NATO support had reached its political limits – the time had come for Europe and Britain alike to refocus their attentions towards a new international capacity namely the European Union.[119] In 1998 the British Government launched its 'Strategic Defence Review' with the inclusion of attaching importance to the future of British participation in the CFSP and by implied inference in ESDP.

In October 1998 at an EU Summit in Portschach, Austria British PM Tony Blair announced that he would have no objections exploring an EU defence policy if his EU partners (France, Germany and Italy) fulfilled certain commitments. This enormous policy shift by Blair effectively removed the threat of the British 'veto' from EU defence politics representing a new departure in the discourse for European security advancement. Britain's persistent blocking of an autonomous European defence capability framework had changed in favour of advancement as Blair re-asserted his nations' ambitious to a constructive European partner.[120]

[119] Jolyon Howorth, 'European Integration and Defence: The Ultimate Challenge', (n 39) P. 25
[120] ibid

5.1 The Saint Malo Transformation

The preamble to the St. Malo Summit convened by French President Chirac and British Prime Minister Blair marked a major shift in defence strategy by Britain. Blair and Chirac were conscious that European efforts in the area of CFSP had been advanced to their maximal potential under the stewardship of Javier Solvana. It was acknowledged that the CFSP had become an effective mechanism for the bloc, but the absence of an institutional mechanism to take decisions on security matters was of little benefit to the EU. This crucial Summit took place in Saint-Malo in France in December 1998 when the British and French Premiers began a process to change the face of international politics. The Summit took place in the backdrop of a Continent facing political turmoil and security upheaval around its periphery ranging from Maghreb to Kosovo, and from the Caucasus to the Baltic States.[121]

The St Malo Declaration represented a milestone in European security history as it put an end to adversarial politics between old military rivals. Britain and France reached agreement on a gradual framework for 'autonomous action' in creating EU military capability.[122] St. Malo was very significant as it addressed three major obstacles preventing the construction of European security policy. (i) The EU asserted its desire to build 'the capacity for autonomous action' on an independent platform. This established the EU's desire to act on its own initiative separate from the NATO.

[121] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 39) P. 6 - 7
[122] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 8 - 9

(ii) The Declaration called for 'appropriate structures' (force structures) to be introduced for decision-making and implementation of CFSP actions. According to Howorth this was a call for the establishment of new institutions to formulate policy in the area of security matters.[123] (iii) The most significant measure contained in the St. Malo Declaration related to the creation of a 'credible military force' and 'the means to decide to use them', signifying a major milestone in the evolution of European capabilities. The Anglo-Franco Summit called this new approach the 'Common European Security and Defence Policy (CESDP). Both Governments were keen to drawing a distinction between ESDI, a component of NATO and the CESDP, exclusively an arm of the CFSP.[124]

The British and French leaders were anxious to outline that ESDI and CESDP would continue to operate independently of each other but co-exist in a complimentary manner. The CESDP would operate exclusively via EU decision-making enjoying EU autonomy. St. Malo established a new discourse for European defence capacity endorsed by British consent creating a "revolution in military affairs".[125]

The outcome of St. Malo proclaimed that the EU as an entity must have "credible forces, the means to decide to use them and the readiness to do so, in order to back up its capacity for autonomous action in response to international crises".[126] For the first time in fifty years, EU leaders were united in their determination and approach to create European security capabilities. Premiers Blair and Chirac asserted their desires to fulfill the political ambition of ensuring that "Europe can make its voice heard in the World".[127]

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[123] ibid
[124] ibid
[125] Richard Whitman, 'Amsterdam's Unfinished Business - The Future of the Western European Union?' Institute for Security Studies (1999)
[126] Cologne Summit in Germany (1999)
[127] British Prime Minister Tony Blair at a Press Conference of the Saint Malo Declaration (1998)

The success of the St. Malo Summit realised the historical ambitions of the French nation in achieving European defence integration resonating back to Monnet. The French and British leaders established the foundation of CESDP at St. Malo but the advancement of European defence policy gathered substantial pace in the late 1990's due to the influence of a rapidly changing international environment.[128] In 1999 one of the key factors influencing European leaders in rapidly increasing the rate of development of CESDP, related to a further outbreak of violence in the Balkan's when Serbian forces lay siege to Kosovo.

5.2 Blair's International Community Vision

In April 1999 Tony Blair delivered a speech in Chicago outlining his views on the doctrine of international community:

> *"We are witnessing the beginning of a new doctrine of international community. By this I mean the explicit recognition that today more than ever before we are mutually dependent, that national interest is to a significant extent governed by international collaboration and that we need a clear and coherent debate as to the direction this doctrine takes us in the field of international endeavour".*[129]

The context of this speech emanated from the emergence of a 'new world order' creating a new 'international community' which began to establish a precedence of military intervention in the internal affairs of a sovereign state to prevent human rights abuses and humanitarian crises. Such intervention had occurred in countries like Somalia, Sierra Leone, Kosovo and East Timor.[130] Tony Blair's actions at St. Malo and his doctrine of international community had catapulted Britain to the centre stage of European and international affairs.

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[128] Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications' (n 17) P. 3
[129] Speech by British Prime Minister Tony Blair in Chicago in (1999)
[130] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 22 - 23

Blair believed that British foreign policy needed to assert its influence by adopting a three step approach: by encouraging the UN to become a more proactive international police man; manage its 'close' relationship with the US to encourage a more proactive NATO and to rebuild relationships in Europe placing Britain at the heart of CFSP. The St. Malo Declaration was strongly criticised by the US and in Europe by smaller and neutral states (Austria and Sweden) for its commitment to build an autonomous EU military capability. However, the political reaction of larger EU States including Germany, Italy and the Netherlands was welcoming and supportive.[131]

5.3 Cologne Summit

In 1999 the German & Finnish EU Presidency's dedicated their political agenda to translating the commitments made at St. Malo into an institutional framework incorporating defence policy into the CFSP Pillar. The German Presidency established the CESDP as a coherent political objective and was responsible for persuading the US and its partners to support a more effective role for the EU in defence matters. In 1999 the EU Council meeting convened at Cologne provided the green light for the implementation for a political military mechanism within the CFSP. Cologne echoed the sentiments expressed at St. Malo in acknowledging that the CESDP would not prejudice the operations of the Atlantic Alliance.[132]

The institutional framework reached at Cologne involved institutional development and innovations. Firstly, the Office of the High Representative for CFSP subsumed the roles and functions of the Secretary General of the European Council and Secretary General of the WEU.[133] The culmination of these leadership positions had the desired effect of creating a single powerful office under Javier Solvana. Secondly, the establishment of a Policy Planning and Early Warning Unit (PPEWU) expanded the strategic functions assigned to the Office of High Representative establishing an advice and analysis bureau. Thirdly, Cologne provided for the creation of a number of high-powered political and military entities such as the Political and Security Committee, the European Military Committee, and a European Military Staff.[134]

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[131] Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications', (n 17) P. 3 - 5
[132] ibid
[133] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 32
[134] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 35 – 37

The Political and Security Committee was created at ambassadorial level with the role of monitoring crisis situations, policy development and operational planning tasks. The European Military Committee consisting of EU Defence Staff leadership, created with a permanent EU military structure responsible for coordinating and liaising in defence policy and planning areas. The European Military Staff was established under the direction of the EU Council for the provision of military expertise and guidance in support of CFSP missions.[135]

The institutional framework for CESDP was formed with an intergovernmental impetus addressing the concerns articulated by neutral countries Austria. Both States were opposed to the prospect of participating in any EU military defence, which would be contrary to their neutrality. The Cologne Council addressed these fears by declaring that CESDP as being intrinsically linked to the realisation of the Petersburg's tasks.[136] Denmark continued to invoke its 'opt out' clause during the duration of the Cologne Summit.

5.4 Helsinki 'Headline Goal'

The Helsinki European Council meeting, which convened in December 1999, signified the launch of the new CESDP framework reached at Cologne. Additionally, it announced the inclusion of headline military goal objectives. St. Malo committed the EU to creating autonomous capacity and Helsinki delivered that objective, with plans to create a military force to conduct EU-led operations from 2003 onwards. The creation of the ERRF aimed at achieving Council decisions based on the implementation of the Petersburg tasks with the support of a UN mandate.

The Helsinki 'Headline Goal was supported by the entire bloc of EU nations with the exception of Denmark who invoked their 'opt out' clause from ESDP. The Helsinki 'Headline Goal' was introduced at the suggestion of the British in order to appease the French and German Governments' aspirations for a European military force. The EU established a vision for achieving 'force catalogue' preparation targets for constructing army, naval and air force operations by 2003.

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[135] Cologne Council Summit in Germany (1999)
[136] ibid

The Helsinki Council stated this "autonomous capacity would take decisions where NATO as a whole is not engaged, to launch and conduct EU led military operations in response to international crises".137 The EU established the 'Headline Goal' of developing a European military force of 50-60,000 troops capable of deployment within 60 days and to be sustainable for one year on an international mission. The 'Headline Goal' related to the capability fulfillment of the Petersburg's tasks namely peacekeeping, rescue missions, crisis management and humanitarian operations.138 The 'Goals' created command controls, intelligence networks, logistic supports and combat naval and air support.139

The EU's Helsinki Council aimed to address the shortfall of EU military capability as raised by the US at the Washington DC Summit in April 1999. Helsinki effectively transformed European defence from a theory-based policy to a reality with capability. The formation of a rapid reaction force confirmed this capability and aimed to expand its potential pool of deployable forces to 200,000 by 2008. Helsinki provided a new capability approach for the EU with options to use NATO or non-NATO assets for potential operations.140 Helsinki established two institutional entities to implement this capability development in the Headline Goal Task Force and the EU-NATO Ad Hoc Working Group. Europe was finally acquiring military building capacity.

Helsinki reinforced the importance of the EU and NATO working in partnership for achieving a better European defence framework. 141 The restrictive use and interpretation of 'conflict prevention' and 'crisis management' as defined in the Petersburg's tasks was the political apex influencing the acceptance of the Helsinki Goals by the neutral bloc of EU States. Britain, France, Germany, Belgium, the Netherlands and Luxembourg were conscious that EU defence policy required the support of the entire EU bloc resulting in conflict prevention and crisis management been defined as priorities. Britain and Germany were politically sensitive to preventing the alienation of NATO with the development of CESDP therefore continuing in their attempts to persuade NATO to transfer military assets to European States.142

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137 Helsinki European Council Meeting on the 10th / 11th of December, 1999
138 ibid
139 Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 38
140 Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 38 - 39
141 ibid
142 Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications', (n 17) P. 3 - 5

Britain, France and Germany concluded that the future success of the EU's defence policy hinged on the utilisation of NATO structures and capabilities in the short to medium term. One of the most contentious elements of the Helsinki Council meeting related to the development of the European rapid reaction force discussed above and subsequently critiqued as a European army. The French and British Governments went to extensive efforts to play down the creation of the rapid reaction force as a mechanism to improve military capabilities for conflict prevention and crisis management operations.143

The Helsinki 'Headline Goal' was subject to vocal US concerns about the risks associated with European efforts on NATO defence capabilities. The US authorities were adamant that EU defence developments should not impede NATO capabilities. The US set out three preventive principles to be adhered to by the EU namely the avoidance of 'decoupling, duplication and discrimination'. The US were generally supportive of the necessity to build a credible European defence capability but not at the expense of NATO.144 The launch of the 'Helsinki Headline Goals' coincided with the launch of NATO's Defence Capabilities of 1999 by the US Government resulting in a shift of policy focus to Central Asia and the Middle East.

NATO's policy shift increased momentum for European advancement in order to fill the void left in Europe by a NATO military reshaping. In March 2000 an EU Council meeting changed the name of the CESDP to the European security and defence policy (ESDP). The March 2000 Council meeting reviewed ESDP progress to date with a review of its institutional structures: namely the Political and Security Committee (PSC), the Military Committee and the EU Military Staff.145

The French EU Presidency rapidly pressed ahead with institutional innovations and convened a Capabilities Commitment Conference in November 2000. The CCC convened in Brussels aimed to determine personnel commitments to the 'Helsinki Headline Goal' objective. In December 2000 the French Government formulated a paper presented to the Council in order to advance ESDP by overcoming some key

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143 ibid
144 Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications' (n 17) P. 3 - 5
145 Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 598 - 599

political obstacles in the area through a parallel development of military capacity by the EU.

Europe needed clarity on the nature of its relationship with NATO, specifically on the formal consultation process and capability of asset sharing for operations. Another issue of concern for the EU surrounded the increased tensions between Turkey and the Union within NATO. The EU had issues with Turkey's human rights record and restricted access to the EU market while Turkey opposed NATO/EU asset-sharing as a countermeasure. 146 To overcome this obstacle and to satisfy French political aspirations, the French proposed a separation of EU and NATO capabilities in its defence paper in view of Turkish opposition to EU / NATO asset sharing.

This political suggestion was rejected by the British Government in a very public confrontation between the two sides at Nice and resulted in NATO agreeing to form a permanent EU structure with asset sharing guarantees. The British believed that European capability structures developed independently of NATO would duplicate force, and operational planning, thus diminishing the coherent military efforts of NATO. Therefore both sides had to work towards a compromise agreement to address the prevailing issue. This compromise performed the purpose of gaining autonomy for ESDP by determining that the EU and NATO were 'separate but inseparable'.147

The Berlin Plus Accord reached between the EU and NATO consented to asset sharing on a case-by-case basis between the parties putting this issue to bed for the short term. One of the significant steps emerging from the Nice Summit involved a proposal to incorporate the WEU into the EU in addition to the establishment of the North Atlantic Council between the EU and NATO. This Council would form a political structure for building better relationships between the two organisations. This was a very significant development as it included Canada and Norway who had previously voiced concerns about ESDP capability development but whose opinions were ignored within Europe due to US military dominance of the Alliance.148

[146] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 599
[147] Robert L. Nicholson, 'Regional / National Security in the European Union', (n 89) P. 226 - 233
[148] Robert L. Nicholson, 'Regional / National Security in the European Union', (n 89) P. 229 - 234

During the end of 2000 the French explored the possibility of extending the civilian external action capabilities of ESDP in order to appease the EU's neutral states. The interesting element of ESDP history in 1999 and early 2000 related to the assimilation of the EU's neutral states in adopting a participatory approach to the EU's Partnership for Peace Initiative – political participation under CFSP.149

[149] ibid

Between 1999 and mid 2000 neutral states such as Ireland, Austria, Finland and Sweden changed their national outlook confirming their willingness to participate in the Petersburg's task agenda. Howorth cites conflict prevention and crisis management as defined in the 'Petersburg's tasks' as one of the determining factors for the neutral bloc.[150] The central factor influencing the neutral states change of policy related to the EU's civilian capacity proposal for deployment operations under the remit of the 'Petersburg's tasks'.[151]

5.5 Introduction of Civilian Crisis Management (CCM)

The EU recognised the strong political support and impetus placed by the neutral bloc on the civilian external capacity aspect of ESDP and organised a Council meeting for Feira in mid-2000 to expand this competency. The EU Council meeting at Nice was highly successful in nature and gathered momentum from the rapid developments in 'ESDP' since the St. Malo Declaration in 1998. Nice concluded with widespread agreement that new proposals and innovative reforms to European security and defence policy would be necessary in order to provide the legal framework for continued advancement in this area.

The EU Council agreed that proposals adopted at Nice would form the legal basis of a new treaty to give effect to these proposals. However, the larger EU States recognised the concerns shared by its neutral bloc and were under political pressure to appease them. With this political objective in mind, the EU Council decided to convene a Summit to explore options regarding the civilian aspect of crisis management relating to policing and justice matters as articulated by the neutral bloc. This additional element of ESDP would add a new principle to EU security policy, distinguishing it from the military approach of NATO.[152]

[150] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 45
[151] Alexander Moens, 'European Defence and NATO', (n 108) P. 267
[152] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 47

5.6 Feira Council Meeting – Developing CCM

In June 2000 the EU Council meeting was convened at Santa Maria da Feira in Portugal with the objective of formally introducing civilian capabilities to crisis management tasks as well as incorporating policing missions into this element of enhanced ESDP. The EU Council adopted a holistic approach to ESDP by including the role of civilian and non-military instruments in "humanitarian action, rescue operations, refugee and displaced persons assistance, peace operations, peacekeeping, preventive diplomacy and conflict resolution".[153]

This holistic model of ESDP provided an opportunity for smaller and neutral States to participate at the heart of operations utilising their expertise and knowledge in these areas combining an element of 'soft' power to ESDP military capacity. The adoption of 'soft' civilian capabilities finalised the Council's preparation for the forthcoming Treaty of Nice framework.[154] There was growing concern within Europe among non-EU / NATO (Czech Republic, Hungary, Iceland, Norway, Poland and Turkey) members that EU / NATO political relations needed to be better defined in order to address regional security concerns.

These six countries from Eastern Europe urged a greater level of formal dialogue between the EU and non-EU NATO countries. The Council resolution established a formal link between the Political Security Committee and the North Atlantic Council coupled with establishing a permanent link between EU military staff and NATO military leadership to resolve these relationship issues.[155] The six countries concerned were provided with 'observer' status at the Political Security Committee, while Canada and Norway were given greater attention by the EU. The EU Council facilitated Canadian and Norwegian interaction at the North Atlantic Council.

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[153] ibid
[154] Robert L. Nicholson, 'Regional / National Security in the European Union', (n 89) P. 223 - 229
[155] ibid

The Europeanist States of France, Germany and Italy were the power force encouraging ESDP progression at the Feira Council. These States called for a formal agreement between NATO and the EU to clarify the asset-sharing conundrum. The parties finally resolved this contentious issue organising for the transfer of NATO assets to 'ESDP' for EU-led missions to the delight of EU States expanding the Berlin Plus Accord.[156] The Feira Council meeting had a two-pronged objective agenda in developing a civilian capability strategy for ESDP and finding solutions to addressing outstanding obstacles preventing the realisation of European military capability.

Great Britain had advocated that EU planning capabilities should remain intrinsically linked to NATO structures at Helsinki, pressing for this provision to be inserted into the text of 'catalogue goals'. France opposed this development due to her withdrawal from NATO planning capabilities (emanating from its alienation by the US) but compromised, agreeing to form a Combined Joint Headquarters facility with Britain to resolve this dilemma.[157] The Feira Council was deemed a successful meeting as it concluded with a new civilian capability framework for implementation in EU ESDP missions while also addressing the sustainability issue for military capability development.[158]

The pace of development of ESDP since the St. Malo Summit can be described as both very rapid and very significant in nature. ESDP advancement gathered substantial pace from Cologne to Helsinki, and from the Brussels Capabilities Conference and Feira Council concluding its developmental phase at the Nice Summit. These series of Council meetings were responsible for the realisation of a European military capability turning ESDP into an operational arm of CFSP while adding civilian crisis management as a new core component to the EU's foreign and security framework. The rapid development of ESDP in the period of 1998 to 2000 can be described as truly remarkable and breathtaking in nature.[159] It is interesting to note this ESDP developmental phase has occurred outside of the traditional treaty framework.

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[156] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 47
[157] ibid
[158] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 170 - 171
[159] Robert L. Nicholson, 'Regional / National Security in the European Union', (n 89) P. 229 - 235

Chapter 6 - The Final Journey from Nice to Lisbon

The Nice Treaty aimed to radically overall institutional voting and representation dynamics to facilitate the eventual accession of twelve Central and Eastern European States. The legal provisions constructing the Nice Treaty were formulated at a series of intergovernmental conferences convened by EU leaders over a two-year period. The Treaty negotiations were concluded at an intergovernmental conference at Nice in France in December 2000. The Treaty was designed to address the institutional issues arising from the Amsterdam Treaty while introducing further institutional reforms required for enlargement of the Union. The key components of the Treaty framework related to institutional reform in preparation for a significant enlargement phase coupled with the introduction of enhanced cooperation procedures in the area of CFSP.[160]

The Treaty aimed to radically overhaul institutional voting and representation dynamics to maintain the Union and its institutions as efficient and effective organs. Nice proposed to establish newly created bodies / institutions on a statutory footing within the context of the treaty framework. The Treaty modified a number of legal provisions contained in the Amsterdam Treaty and included a number annexes not previously subject to the treaty ratification process.

These annexes were called the Presidency's Report and related to CFSP / ESDP. The Nice Treaty radically changed the pillarisation of the EU resulting in a reshaping of the ESDP governance structure.[161] The Nice Treaty redefined the defence policy structure of the CFSP Pillar by formally transferring the operational functions of the WEU into the EU defence framework. This structural reconfiguration has resulted in the establishment of two military bodies namely the EU Military Committee and EU Military Staff under the remit of the Political Security Committee established under Article 25 of the Treaty.

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[160] Treaty of Amsterdam, 1997
[161] The Presidency Report Annex to Treaty of Amsterdam, 1997

The Nice Treaty contained a provision in its Annex for the establishment of a 'Committee for Civilian Aspects of Crisis Management' under the control of the Political and Security Committee. The 'CCACM' was responsible for the monitoring and supervision of civilian and non-military instruments for conflict prevention, crisis management and humanitarians tasks. The Treaty's Presidency Annex developed a consultation mechanism for EU / NATO and non-EU / NATO members in its achievement of a coherent defence policy.

The Nice Treaty introduced a number of changes to European decision making processes and structures that had an indirect effect on CFSP and ESDP namely 'enhanced cooperation', 'qualified majority voting', 'vote weighting' and 'principles of unanimity' for specified competencies areas. The purpose of introducing these new decision making systems in specified competencies aimed at ensuring that the EU could continue to operate effectively (with twenty seven Members) by imposing a fair and balanced mechanism for accommodating the views of larger and smaller States.

Article 27 (a-e) of the Nice Treaty modified the nature of 'enhanced cooperation' in the area of CFSP while imposing restrictions on its application in the area of ESDP. This provision reflected the sensitivities uncovered during the negotiation stage of the Treaty between larger (France, Germany and Italy) and smaller States (Greece, Ireland, Denmark). This imposed the right of a grouping of States to forge ahead with a specific policy or initiative without the consent or participation of all States.

Article 24 of the Nice Treaty modified the legal provision introduced in Amsterdam requiring 'at least a majority' for furtherance of this right.[162] Nice altered this provision meaning a minimum of eight states could forge ahead with a particular policy departure. This reflected a balanced approached adopted by the Council in encouraging closer cooperation in certain areas by a group of States subject to restrictions by the Council if deemed prudent. This mechanism was viewed as necessary in the context of a massing an enlarged Europe subject to the ratification of the Treaty.[163] This provision translated into being one of the most innovative and transformative aspects of the Treaty enabling Members to avail of a 'closer cooperation clause' for like-minded States thus preventing one or a small number of Member States from obstructing further integration in an area.[164]

The Nice Treaty was predominantly a legal framework to modify the provisions of Amsterdam by introducing administrative and management reform in the EU's institutions in anticipation for enlargement. Reforms introduced by the Nice Treaty related to the structure and volume of the EU Commission and Parliament, which were contentious in nature. The reforms introduced in respect of the decision-making processes were aimed at ensuring that an enlarged Union could operate efficiently and effectively. Accordingly, these provisions included extending the principle of 'enhanced cooperation' to CFSP and an expansion of policy areas subject to qualified majority voting.

6.1 Internal Dissent during Nice Negotiations

The French Presidency was the central proponent for designing the institutional rebalance and subsequently increasing the power of larger EU Members. France and Germany clashed over such plans as the Germans believed a criterion based on population should give them greater voting strength in the Council than the French. The French opposed this position, as they believed Franco-German parity was key to EU harmony and success as was the case since 1951. Both sides agreed to maintain the Franco-German voting parity while adding an additional weighting criterion based on population size to satisfy Germany.

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[162] Treaty of Nice, 2001
[163] ibid
[164] ibid

However, disagreements were not confined to the larger states alone. The Netherlands angered Belgium by demanding greater voting rights than its more populous neighbour resulting in a compromise that Brussels would host all EU Council meetings on a permanent basis.[165] The French Presidency also angered smaller States by proposing to eliminate their right to nominate an EU Commissioners. The French proposed that a system of rotating Commissioner be introduced for smaller States after Nice. This caused an outcry of anger from smaller States at the Nice Council meeting and resulted in the proposal being modified to one Commissioner per State until the Union reached 28 Members. Ireland was one of the more vocal smaller States who demanded their continued right to nominate a Commissioner to counterbalance the rebalance of power in favour of larger States.[166]

The EU Nice Council meeting was a bruising affair for Europe. The level of reform agreed did not reflect the original agenda submitted by the French Presidency due to the reluctance of small States to accelerate such matters.[167] The surprise element of the Nice Treaty negotiations was that the larger States never anticipated the loss of their second Commissioner. This demonstrated the ability of smaller States to politically impede or influence the leadership direction of the EU without derailing the advancement process in its entirety. According to Howorth the Nice Treaty was "never intended to be anything more than a stopgap measure' for an enlarged Europe arising from the divisions exposed by the Nice Council meeting.[168]

[165] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 170 - 175
[166] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 49 - 54
[167] ibid
[168] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 40 - 44

The Nice Treaty was primarily an expansionist treaty ultimately preparing the EU and its institutions for enlargement. One of the central components of the Treaty established the creation of the European security and defence policy framework. This was a significant development in order to give legal effect to the developmental measures agreed from St. Malo in 1998 to the realisation of EU military capacity in 2000. The Nice Treaty introduced a framework advancing ESDP in three key areas (i) establishing European military capabilities (ii) establishing 'ESDP' institutional structures (Political, Civilian and Military Bodies) and (iii) building relationships with Allies (EU, non-EU & NATO partners).[169]

6.3 ESDP under Nice

The new ESDP framework introduced by the Nice Treaty was significant in that it established the European Military Committee and European Military Staff structures on a permanent basis while placing these bodies under the Political Security Committee. The inclusion of the ESDP element in Nice was harmonious in agreeing its composition as the majority of the political work had been completed outside the Treaty framework between 1998 and 2000. The move to relax the criteria for enhanced cooperation was considered important in the interest of enabling further CFSP advancement in an enlarged EU.[170]

6.4 Political Legacy of Nice

The political legacy of the Nice Treaty has been described as 'more enduring' than the Treaty's provisions as the conduct of larger States (predominantly France's) behaviour created an atmosphere of distrust and bitterness for smaller States. The Nice Treaty signaled a new departure for the EU as it was evolving into a more intergovernmental focused political entity dominated by large States. This had the political effect of pitching small States against larger States and caused resentment in the EU Council directed at France. Upon the conclusion of negotiations even the close Franco-German relationship had been damaged by events during this period.[171]

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[169] ibid
[170] ibid
[171] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 170 - 171

6.5 Nice Rejection

The progression of 'ESDP' was rapid, enjoying the support of fourteen Members of the Union. The real difficulty for the EU in the content of the Nice Treaty emerged in the ratification process when the Irish electorate rejected the proposal in June 2001. The rejection by the Irish people sent shock waves through the European establishment and had the potential to postpone EU enlargement. The Irish Government, under pressure from Brussels, carried out a comprehensive review of the failures arising in the Irish referendum campaign of 2001. The key issues identified by the Irish Government determined that Irish Neutrality and a political disconnect with Europe were the two crucial factors influencing Irish voters.[172]

The Irish Government and the EU negotiated two Declarations to be included in an Annex to the Treaty at the Seville Summit in June 2002. The Seville Declaration [173] contained an EU Declaration to Ireland acknowledging its policy of neutrality and an Irish Declaration introducing a 'triple lock' mechanism in respect of Irish participation in CFSP, and, by extension, ESDP missions. In the interim period the EU established the Convention of the Future of Europe in order to prepare a political roadmap for Europe's future. The Irish electorate ratified the Nice Treaty in October 2002, endorsing EU enlargement and ESDP development. In the midst of a second Irish Referendum, the EU Council convened a meeting in Brussels with the Convention on the Future of Europe in October 2002 with the objective of drafting a new treaty for the EU after its enlargement.

[172] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 185 - 189
[173] Seville Declaration recognising Irish Neutrality – EU Council Summit (2001)

Chapter 7 – Road to Lisbon

7.1 The Impact of September 2001 on CFSP & ESDP

The terrorist attacks in New York City in 2001 perpetrated by 'Al Qaeda' resulted in the devastation of the World Trade Centre and caused the deaths of approximately 4,000 innocent people. This atrocity was a watershed moment in the history of international security due to the political and military repercussions that would ensue at the behest of the US and its allies. The events of September 2001 had profound implications for encouraging the further advancements in ESDP in Europe. The most significant military response came from NATO in the aftermath of '911' supported by Britain, Denmark and Norway.[174]

7.2 Impact of '911' on ESDP

The impact of '911' created two distinct developments in the development of ESDP. Firstly, the emergence and willingness of Germany to act in its capacity as a military power and secondly the exposure of a political disagreement between larger States (Britain, France and Germany) and smaller States (Belgium, Netherlands, Spain and Portugal) about the propensity of the larger military States to dominate defence cooperation with the US in its 'international war on terror'. The most important fundamental relationship change occurred between NATO and the EU with regular meetings between the two parties resulting in closer cooperation. NATO and the EU held a joint Capabilities Conference in late 2001 to rectify 'Force Catalogue' deficiencies.

[174] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 600

This was augmented by the announcement by the Belgian EU Presidency at the Laeken Council meeting in December 2001 stating the Rapid Reaction Force was approaching an operational capacity due to intensified ESDP efforts. France and Germany took advantage of the 'pro-ESDP' atmosphere in the EU and proposed the merger of the High Representative for CFSP and the role of External Relations Commissioner, to create a EU Foreign Minister. This proposal was a substantial institutional development evaluating ESDP as being a central element of CFSP. As the US prepared its forces for War in the Middle East, tensions among EU States heightened over British participation in the War effort.[175]

The US Government was strongly criticised by European nations for its display of disrespect for the UN, causing significant political divisions in Europe. The sense of disarray in Europe became publicly apparent as US intentions to pursue a war in Iraq and Afghanistan became clearer in the late 2002. British PM Blair wholeheartedly supported the efforts of US President Bush in his 'international war on terror' while France and Germany publicly disagreed with the US / British approach to the Middle East.[176]

The French and German premiers were facing national elections and feared support for a deeply unpopular US administration would have an adverse effect on their respective campaigns. France and Germany enjoyed the support of the Belgium, Luxembourg and Greece while Britain enjoyed that of Denmark, Italy, Portugal, and Spain. This demonstrated the scale of divisions among EU nations reopening old political wounds between Atlanticist and Europeanist States.[177] One of the low points of ESDP during this period occurred in April 2003 when Belgium, France, Germany and Luxembourg on the fringe of a Council Summit announced plans for greater defence cooperation between them with proposals to establishment a military HQ in Belgium. This idea fed into French aspirations for an independent force planning and operational capability outside of NATO thus developing a potential Operational HQ for ESDP missions.

[175] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 602 - 605
[176] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 7 - 17
[177] Bush Doctrine – US Security Strategy (2002)

This European departure was viewed as a regressive measure by Britain but nevertheless within a short period of time the French Government realised any defence alliance was deficient without British participation. Britain was also conscious that Europe had the capacity to succeed in building a defence capacity and wished to be part of that process. In the lead up to the Iraqi and Afghani Wars the French and British Premiers agreed to formulate plans for the first ESDP mission to Macedonia in order to replace NATO troops deployed there. They also approved plans for a small force to deploy in Bosnia in early 2003. The French Government proposed to embark upon a peacekeeping mission in the Congo under the CFSP banner in 2003.[178]

The deep political divisions that emerged in Europe over US / UK military action did not impair EU relationships to a point of been unable to work together.[179] According to Dinan, Britain under Tony Blair did become more politically isolated in Europe as the War in Iraq and Afghanistan dragged on. It is widely known that Britain was no stranger to isolationism in Europe but nevertheless this was a setback for the dynamic leader who inspired the initiative to embark upon European defence integration at Saint Malo.[180]

The international relationship to suffer the most strain arising from ESDP developments was that of the US and France. The French were persistent in their opposition to US dominance of NATO and became critically vocal of US Policy in the Middle East. In 2003 France renewed its objective of building a European military planning and capability structure independent of NATO. The French raised the suggestion that an EU military HQ should be constructed in Brussels but were ferociously opposed by British and the US. Britain brokered a compromise between the two sides, resulting in a furtherance of the EU's 'Berlin Plus' arrangements within NATO putting the issue to bed for the moment.[181]

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[178] Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications', (n 17) P. 8 -11
[179] Klaus Becher, 'EU Defence Policy: Evolution, Prospects and Implications', (n 17) P. 11 - 14
[180] ibid
[181] Robert L. Nicholson, 'Regional / National Security in the European Union', (n 89) P. 312- 313

The French Government continued to concentrate on its relationship with Britain (despite its anti-war sentiments) in order to keep political differences from taking root and derailing the significant progress achieved by both countries since 1998 in ESDP. The continued engagement and joint planning of ESDP operations by the French and British Governments assisted in overcoming these political obstacles and keeping ESDP on track in the 2002 – 2004 period. The astute political leadership skills displayed by Mr. Javier Solana were commended as he kept EU States focused on the formulation of a 'European Security Strategy'.[182]

7.3 European Security Strategy – A New Milestone

Despite the political differences created by US / British military actions the dynamic stewardship of Javier Solvana combined with the sheer determination of French President Chirac, succeeded in protecting the ESDP from derailment as the war effort intensified in late 2002. The next significant milestone in the evolution of ESDP emanated from Solvana's plea to European leaders in June 2003. Solana called on Europe to be more assertive in its foreign and security policy and continued to advocate that Europe should have the option of using military force to achieve its objectives. He suggested the creation of a coherent and viable European Security Strategy to assist the EU in combating threats to its security environment.

The EU Council agreed to the formulation and subsequent launch of the European Security Strategy (ESS) at its meeting in December 2003 which was unanimously adopted by States. The launch of this Strategy marked a milestone departure in ESDP as it identified the UN Charter as a fundamental framework for international relations. The ESS asserted the EU's intention to become a "global player" and "to share in the responsibility for global security and in building a better world"[183] The ESS identified the security threats to the EU as "terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organised crime" while declaring that "none of the new threats is purely military; nor can any be tackled by purely military means. Each requires a mix of instruments".[184]

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[182] Desmond Dinan, 'Ever Closer Union – An Introduction to European Integration', (n 3) P. 604
[183] European Security Strategy, 2003
[184] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 107

The ESS defined two strategic objectives "building security in its own neighbourhood and creating an international order based on multilateralism". Howorth states that although both objectives "require a range of instruments, the former is more likely to involve military power and the latter civilian power".[185] The ESS focused on promoting 'multilateralism' through partnerships and cooperation in the area of conflict prevention, crisis management and peace building in Europe and beyond. The ESS advanced the ambitions of neutral States like Ireland, Austria, Finland and Sweden by including conflict prevention, crisis management and humanitarian tasks while using civilian and military capabilities under a UN mandate.[186]

The European Parliament asserted that, "Security has been redefined in the EU context whereby the EU has a role in conflict prevention, crisis management and peace building". The importance of including key elements such as crisis management, peace building and humanitarian tasks within the Strategy provides a crucial impetus on civilian aspects of this action plan in dealing with the reconstruction of economies and societies as military efforts have limited scope for reconstruction. The rebuilding of the State infrastructure coupled with the building of a democratic society and institutions of the rule of law in conflict zones was recognised as vital to the overall success of future ESDP missions.[187]

In early 2003 the EU Council appointed Javier Solana to conduct a review of the ESDP military capabilities in line with the EU commitments made at Helsinki under the 'Force Catalogue' category in 1999. Solana's review of the 'Helsinki Headline Goal' (HHG) uncovered serious concerns about force mobilisation, force readiness, operational planning, capability structures and issues surrounding the concept of usability. Solana outlined that less than 10% of the EU's total military strength of 1.7 million troops were adequately trained and prepared for high intensity combat or serious peacekeeping operations.

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[185] ibid
[186] Robert L Nicholson, 'Regional / National Security in the European Union', (n. 89) P. 220 - 226
[187] Robert L Nicholson, 'Regional / National Security in the European Union', (n. 89) P. 225

Solana's findings were that on a rotational system this number fell to between 15,000 to 20,000 troops causing serious concerns for sustained EU military targets.[188] The French Government proposed a new concept of 'Battle Group' formation to tackle this limited supply of highly trained European troops for the purposes of crisis management missions. Solana identified the weakness of procuring a new generation of strategic military systems required for distant crisis management or peacekeeping operations as crucial for supporting combat troops on missions.

The main strategic areas identified for addressing included "air to air refueling; combat search and rescue; headquarters; nuclear, biological and chemical defence; special operations forces; ballistic missile defence; unmanned aerial vehicles; strategic airlift; space and interoperability".[189] There was a realisation in Europe that relying on voluntary integration was no longer sufficient in achieving the objective of transforming overall operational capability. The EU agreed that it was necessary to have a collective agenda to drive the process to achieve set targets.[190]

France, Germany and Britain believed the time had come for Europe to develop a real military capability structure using the 'Helsinki Headline Goals' as a template for achieving this objective. Solana recognised that targets established in Helsinki were unrealistic and a new structure would be required to address the deficiencies identified by him. That formula emerged as the 'Headline Goal 2010' initiative.

[188] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 79
[189] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 80
[190] 'Helsinki Headline Goals 2010' Initiative (2003)

7.4 'Headline Goal 2010'

The EU needed to undergo a transformational change from being a traditional military player to being a "high level network centric warfare" similar to US military forces.[191] In 2004 the EU proceeded to introduce a 'European Network Enabling Capability' linking EU forces for interoperability while also providing a link to US military advance warning systems. By 2004 EU Military Chiefs of Staff were collectively engaged within the ESDP framework to establish modest but attainable 'Force Headline Goals".

On the 17th of June 2004 the EU Council adopted a new military initiative namely 'Headline Goal 2010' with the objective "to be able by 2010 to respond to a crisis with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty on the European Union". The 'HG 2010' initiative established the 'Battle Group' concept as a cornerstone of the EU's action plan to improve European military capabilities and to appease French and German demands for independent EU led operations .[192] This raised serious concerns among neutral states, as many were fearful that the EU was moving towards militarisation.

The 'Headline Goal 2010' initiative aimed at prioritising and establishing interoperability, deployability and sustainability as the key components of European military capability advancement. The 'Headline Goal' Initiative set out a development plan for implementation (2004 – 2010) including the establishment of a 'European Defence Agency' (EDA) by 2005.

The HG 2010 established a number of objectives such as the implementation of a strategic lift joint coordination plan by 2005; the ability to deploy high intensity combat troops in 'battle-group' formation by 2007; the introduction of an EU aircraft carrier group by 2008 and highly sophisticated communications systems and accompanying assets by 2010.[193] The 'Headline Goal 2010' set out the capabilities agenda for ESDP with France and Germany leading the transformation with renewed determination.

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[191] ibid
[192] EU Council Summit in Brussels in 2004 – 'Headline Goals 2010'
[193] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 81

7.5 European Defence Agency

The EU Council established the European Defence Agency in July 2004 ahead of schedule in order to "bolster Europe's military capabilities to match aspirations. Additionally it needed to "respond better to the challenges facing our defence industries".[194] This was a recognition by the EU of the importance of building a strong, multi-national military capability structure. The EU Council set out the key objectives of the EDA consisting of, (i) the requirement to address identified defence capability deficiencies in Europe; (ii) harmonisation of military operations and procurement method; (iii) coordination of defence policy and military cooperation; (iv) the support of defence, research and development initiatives for future operational support functions; and (iv) the implementation of measures for enhancing industrial and technological innovation.[195]

The EU Council tasked the Agency with these significant priorities with the overall objective of strengthening EU military capabilities. The Council appointed Javier Solana as the Head of the EDA in a bid to strengthen the credibility of the newly established organisation. The French, with the support of Germany, Belgium and Luxembourg, proposed the creation of an Operational HQ for the EDA, which was a contentious issue for the British who opposed the idea. The EDA had assumed responsibility for EU operational planning capability without the support of Britain, yet Blair didn't obstruct the initiative. As previously discussed the spat between the US and France intensified in 2003 and when the French insisted on creating an independent EU operational planning HQ.[196]

[194] Javier Solana, High Representative for Common Foreign and Security Policy in July, 2004
[195] Robert L Nicholson, 'Regional / National Security in the European Union', (n 89) P. 226
[196] ibid

France and Britain reached a compromise in early 2004 agreeing that EU operations under the 'Berlin Plus' arrangement would be located in NATO's SHAPE HQ in Belgium while EU led operations would be assigned to an appropriate National HQ for multinational operations for such purposes. The final element of the Anglo-French compromise proposed an autonomous EU Civil-Military Planning Cell to be developed at ESDP HQ in Brussels. France and its allies[197] supported this compromise to avoid derailing ESDP development to date. It is interesting to note that the question of an EU Operational HQ has yet to be resolved and currently remains currently on the political agenda yet.[198]

7.6 EU Battle Groups

As previously stated the British Government had originally introduced the Battle Group concept at the Helsinki Council Summit in 1999. While the concept was broadly welcomed by all European powers it was nevertheless restricted to the model designing the European Rapid Reaction Force due to British demands. The development of the EU Battle Group model was subject to an Anglo-French Summit in November 2003 with agreement reached by the parties on expanding the concept for the purpose of crisis management tasks. The EU Council unanimously agreed to develop the Battle Group concept in February 2004 when the French, German and British Governments presented a paper recommending a new departure in this field of EU capability with the construction of 13 Battle Groups.[199]

The Battle Group concept focused on a model of "small, rapidly deployable units capable of high-intensity warfare successfully shifted the objective from quantity to quality".[200] Battle Groups were formed as "units of 1500 to 2500 troops prepared for combat in jungle, desert, or mountain conditions, deployable within 15 days and sustainable in the field for up to 30 days with potential extension to 120 days".[201] They are defined as "minimum military effective…..rapidly deployable, coherent force package capable of stand-alone operations or for the initial phase of larger Operations".[202] The EDA took

[197] Belgium, Luxembourg, Spain and Italy
[198] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 81
[199] Robert L Nicholson, 'Regional / National Security in the European Union', (n 89) P. 228
[200] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 83
[201] ibid
[202] 'Headline Goals 2010' Initiative

over strategic responsibility for EU Battle Groups but operational command was the responsibility of participating States with a designated group leader.

The Battle Group formation was designed to imbue a force Headquarters with assigned operational and strategic enablers such as air support and logistics for operational missions. The composition of the Nordic Battle Group was an interesting concept given that a number of Member States of the bloc pursued a policy of military neutrality namely Ireland, Finland, and Sweden. The participation of these States in the Nordic Battle Group along with Norway, Estonia and Britain was an interesting political and militaristic development. Neutral States asserted the view that UN mandates for missions performed under the Petersburg's tasks was crucial to their initial and continued participation in such ventures.[203] Denmark was the sole State that decided not to participate in the EU's Battle Group Formation.

According to Williams "the Battle Group concept is a cornerstone of the EU's current 'Headline Goal 2010' action plan to improve European military capability" [204] consisting of "multi-national and nationally based rapid response formations".[205] The Battle Group concept was a major milestone in realising European military capabilities outside of NATO. The problem Europe now faced related to the duplication of capabilities across 15 armies, navies and air forces and the wastage incurred by declining defence budgets.

[203] Surya P. Subedi, 'Neutrality in a Changing World: European Neural States and The European Community' International and Comparative Law Quarterly (2002)
[204] Tim Williams, 'whose finger will be on the EU Battle groups trigger? Europe's World (2006) P. 2
[205] Robert L Nicholson, 'Regional / National Security in the European Union', (n. 89) P. 228

The prospect of an enlarged EU expected to take place in May 2004 would increase this duplication to 27 armies, 24 air forces and 21 navies.[206] The accession of 12 Eastern European countries into the EU was anticipated to strengthen ESDP development, as many of these States would enjoy dual membership of NATO and the EU.[207] While the Helsinki Summit greatly enhanced the advancement of military capability within the EU, it can also be credited with responsibility for introducing Civilian Crisis Management to ESPD originally in 1999.[208]

7.7 A Model for Civilian Crisis Management

As previously discussed the concept of CCM was adopted by the European Council meeting at Helsinki in December 1999 to provide a holistic approach to conflict and humanitarian missions undertaken by the EU.[209] The Lisbon Council meeting established the Committee for Civilian Aspects of Crisis Management in March 2000. The CCACM was placed under the remit of the EU's Political and Security Committee giving it important impetus within the overall sphere of the ESDP.

The Portuguese EU Presidency can be identified as the milestone period for CCM making it a pivotal element to ESDP. The Feira Council meeting in 2000 adopted four priorities for CCM consisting of policing; strengthening rule of law; and strengthening civilian administration using highly skilled and experienced personnel.[210] In 2001 the EU Goteborg Council meeting set the objective of developing CCM capabilities by setting a target of constructing and training a police reaction force of 5000 deployable officers for crisis management operations by 2003 with 1000 officers rapidly deployable within a period of thirty days.

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[206] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 81
[207] Alexander Moens, 'European Defence and NATO', (n 89) P. 260 - 263
[208] Civilian Crisis Management was a term first introduced in the Presidency Report at the Helsinki Council to compliment and augment military power due to the changing nature of conflicts…
[209] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 99
[210] ibid

Goteborg introduced a Police Action Plan for the EU. The Swedish EU Presidency was responsible for achieving a breakthrough in CCM capabilities by developing a comprehensive policy framework for 'Civilian Crisis Management Capabilities' adopted within the ESDP.[211] The EU convened a number of instrumental Summits to develop CCM policy capabilities namely (i) Policing Capabilities Commitment Conference (ii) Rule of Law Commitment Conference (iii) Civil Administration & Civil Protection (iv) Prevention of Violent Conflicts (v) Basic Guidelines for Crisis Management (vi) Crisis Management Capabilities Conference.[212]

In 2002 EU leaders convened the first Civilian Crisis Management Capabilities Conference in order to establish a coherent and comprehensive CCM framework for Europe. The launch of the European Security Strategy in 2003 represented a significant watershed moment for CCM placing it at the heart of European Security Policy. By mid-2000 CCM activities played a crucial role in ESPD operations spanning from the West Balkans (Kosovo) to the Southern Caucasus, and from Northern and Central Africa to the Middle East. The expansion of the civilian external capacity was advanced under the Irish Presidency of the EU in 2004 with the adoption of new objectives such as Security Sector Reform and Disarmament, Demobilisation and Reintegration Policies (DDR).[213]

The Irish Presidency expanded CCM activities to include human rights, political affairs, gender equality, border control and mediation. In November 2005 a Civilian Capabilities Conference was convened by EU Foreign Ministers resulting in the development of a Civilian Capability Improvement Plan for the Union. The EU Council also identified additional areas for building capability performance such as border policing, sexual and violent crime and human trafficking in order to meet the challenges of a transient security environment.[214]

[211] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 100 - 101
[212] ibid
[213] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 101
[214] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 102

In August 2007 the EU Council established a new CCM structure in Brussels known as the Civilian Planning and Conduct Capability (CPCC) with overall responsibility for the planning and conduct of civilian operations. It was responsible for the drafting of a new 'Civilian Headline Goal 2010' initiative subsequently adopted for implementation by the EU Council in 2008. While the development of CCM was initially slow, it nevertheless gained significant momentum in the period 2002 - 2004 under the Greek, Italian, Irish and Dutch Presidencies.[215]

The inclusion of CCM under the ESDP umbrella signaled a radical change in the direction from the EU's reliance on hard military power towards a more holistic, comprehensive approach involving soft 'civilian' power to secure its security environment. The next step in European political integration involved the composition of a new EU treaty to effect institutional adjustments to the EU's foreign, security and defence policy.[216]

[215] Alexander Moens, 'European Defence and NATO', (n 89) P. 262 - 266
[216] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 105

Chapter 8 - The Finale

8.1 Lisbon Treaty

The Treaty of Lisbon aimed at reviewing the EU's framework in view of EU accession in 2004. The EU Council agreed the provisions of the Treaty at Lisbon in December 2007. The Treaty modifies the legal framework of the EU namely the Maastricht Treaty and Treaty of Rome and implements institutional adjustments in the area of EU foreign and security policy. Lisbon aimed to "complete the process started by the Treaty of Amsterdam and continued by Treaty of Nice enhancing the efficiency, effectiveness and impact of the EU.[217]

The Lisbon Treaty renamed the 'European Security and Defence Policy (ESDP) as the 'Common Security and Defence Policy' (CSDP). The Lisbon Treaty contained sixty-two amendments to previous Treaties of which twenty-five related to CFSP/CSDP.[218] The CFSP / CSDP provisions contained within the Treaty can be subdivided into three key components: "legal personality, institutional innovation and new procedures". Article 46A of the Treaty gave the EU legal personality thus acquiring capacity in international law. The Maastricht Treaty provided a building block to this development empowering the Union to implement CFSP. This area of the Treaty was strongly opposed by Britain during the intergovernmental debates but accepted at the insistence of the French, Germans and Italians.[219]

The Lisbon Treaty redesigned the post of High Representative for CFSA merging the role with Vice President of the Commission for External Affairs. This aimed at consolidating the functions and operations of the CFSA, CSDP and External Relations Commissioner into one political entity. Article 18 of the Treaty outlines the nature and duties of this newly created role while Article 27 outlines the central role of the latter in developing common foreign, security and defence policy in the international sphere. Article 27 provides the occupier of this role the administrative and diplomatic assistance of the European External Action Service – effectively the EU's diplomatic corp.

[217] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 50
[218] Treaty of Lisbon, 2009
[219] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 51 - 63

Lisbon stated the EEAS would be an autonomous body working under the direction of the 'HR/VP' in close coordination with the Commission. The EEAS acted to unify the EU's diplomatic corps of 3500 personnel in the furtherance of CSFP / CSDP. The EEAS assumed responsibility for 139 EU Delegations and associated functions as asserted by the Treaty. Another significant institutional development included in Lisbon relating to the appointment of a permanent President of the EU Council as outlined in Article 9B (6) of the Treaty and aimed at ending the rotating EU Presidencies.[220] The rotating Presidency unfortunately was often biased towards the views of the incumbent member states reflecting their agenda priorities but also had the effect of displaying inconsistent leadership on the international stage.

The role of the President of the Council was designed to assist the Council in the formulation of policy initiatives and implementation of Council decisions, the President being the representative of the EU interacting at heads of government level. The creation of the permanent President of the Council in addition to the emergence of a super enhanced role of 'HR/VP' was institutionally innovation in nature with the effect of transforming the external representation style of the Union. The Treaty contained an important feature in Article 28b as it extended the Petersburg's tasks to include 'joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peacekeeping tasks, tasks of combat forces undertaken for crisis management, including post conflict stabilisation'.[221] The new shift in emphasis for CSDP transformed its re-configuration to include military and political-civilian components for execution in EU missions.

[220] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 62 - 64
[221] Robert L. Nicholson, 'Regional / National Security in the European Union', (n 89) P. 235

The EU supported the Petersburg's tasks expansion by referring to the threats of international terrorism associated with developments in the Middle East, Central Asia and Africa. The Treaty acknowledged the need for the EU to 'contribute to the fight against terrorism' by including this provision in its text. The Lisbon Treaty regularised the legal status of the European Defence Agency and its organizational objectives while incorporating the EU's 'Headline Goal 2010' initiative into his framework.[222] The Lisbon Treaty introduced significant institutional innovations to strengthen the EU's position as an international action in the area of foreign and security policy. Lisbon asserted the view that Europe needed to intensify cooperation in its CSDP if the EU is to succeed in evolving as a more capable actor on the international stage in pursuit of its CFSP objectives.

8.2 CSDP Developments after Lisbon

The development of the CSDP did not cease after the Lisbon Treaty as Member States embarked upon a new capability venture namely the systematic pooling and sharing of military infrastructure. Member States decided to form 'cluster groups' with multiple partners in order to facilitate advancement in intensive military cooperation. States were only permitted to partner with Member States of the same size and ability. The first cluster group emerged in 2010 when the European Air Transport Command was established by combining the air force assets of France, Germany, the Netherlands, Italy and Belgium.

In late 2010 the French and British Governments decided to combine naval assets thus creating EU naval carrier capacity replicating the naval cluster group formed by Belgium and the Netherlands some years earlier. In 2011 France, Germany, Poland, Spain and Portugal formed a cluster group to achieve force and combat deployment capacity. This was replicated by Denmark, Finland, Iceland, Norway and Sweden who created a maritime air / sea patrol cluster group. In addition, Europe's newest Members Poland, Hungary, Czech Republic and Slovakia created a cluster group based on transport aircraft, force deployment and combat capabilities.[223]

[222] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 62 - 64
[223] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 84 - 89

The CSDP development of cluster groups emanated from the Battle Group structure with the objective of consolidating, innovating, maximising and regionalising EU military capability. This created new opportunities to enhanced military planning capabilities and was demonstrated when Austria, Croatia, the Czech Republic, Hungary, Slovakia and Slovenia formed the Central European Defence Cooperation (CEDC) Initiative in conjunction with a rapidly changing security environment in Eastern Europe. Russian military operations in Georgia and Ukraine have resurrected cold war tensions in the East and have developed to pose a significant risk to EU security.[224]

While the EU has imposed economic sanctions on Russia, these appear to have no effect on Russian Government operations in Eastern Europe. It is anticipated the turmoil in Ukraine will eventually require a military response from the West. Will that military response come from NATO exclusively or will the EU's CSDP be involved?

[224] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 243 - 245

Conclusion

"For decades we had been confronted by various forms of crises on our doorsteps – but without the means to address them. Now we have (them)...""[225]

In the aftermath of the Second World War, Western European States, confronted with the rise of Communism in Europe, were inspired to cooperate with each other in areas of mutual interest including the economy, trade, security and defence. European States were conscious that the new security environment in Europe threatened the notion of their very existence. The Brussels Treaty (1948) and subsequent Western European Union (1954) were defensive alliances established by European States gravitating towards a common defence policy and the pooling of European military capabilities.[226]

The establishment of these defence initiatives, combined with efforts to establish the 'EDC', demonstrated political will within Europe to develop an independent defence alliance. However, the failure to advance this agenda pushed European States towards NATO for the "concrete military protection it needed to navigate the cold war".[227] European Political Cooperation enabled the 'EEC' to formulate common foreign policy objectives during the 1970/ and 1980's. The 'EPC' was subsumed into the TEU in 1992 creating the Common Foreign and Security Policy (CFSP).[228] The CFSP established under the Maastricht Treaty laid the foundation stone for the development of the EU's external action capacity.

The Treaty of Amsterdam provided an opportunity for Member States to collaborate on the possibility of developing a common defence policy in due course, marking the foundation of European security policy. A 'military revolution' developed in EU security policy evolution at St. Malo, which introduced a political and military framework for defence capabilities. This period also marked the birth of ESDP made possible only by the monumental input of Europe's largest military power, Britain, who joined with the Franco-German alliance to develop a European military capability. The impetus for European military capacity was constructed on the premise of conflict

[225] Mr. Javier Solana, High Representative for Foreign Policy and Security Affairs at the European Parliament in 2006.
[226] Finch, G., 'The Nuremberg Trial and International Law', The American Journal of International Law (1947).
[227] Alexandra Moen, 'European defence and NATO', (n. 89) P. 260 - 262
[228] Treaty on European Union, 1992

prevention and crisis management arising from EU frustrations associated with the Balkans crisis.

The creation of a European Rapid Reaction Force and thirteen Battle Groups formations spurred the EU to realising its capability potential. The European Security Strategy identified the key security threats to the EU while establishing targeted crisis management operations similar to Operation 'Artemis' in the Congo and Operation 'Proxima' in Macedonia in 2009. These operations demonstrated how European expertise in the area of crisis management, humanitarian and conflict prevention could be utilised in the interest of the international community.[229]

The EU has embarked upon joint CSDP military and civilian management missions to countries in the Balkans, Eastern Europe, Africa, Asia and Middle East. These new institutional dynamics offered a realistic and substantive mechanism for building autonomous military capability in Europe. The recent consolidation of military assets and regionalisation of EU military structures has had a profound effect of improving EU military capabilities. EU Battle Groups have evolved into cluster groups for the pooling, sharing and specialisation of military expertise, capabilities and capacity. The net effect of intensive military cooperation has resulted in the development of a modern sophisticated military infrastructure under the auspices of the CSDP. [230]

The recent evolution of CSDP Battle Groups has created a new concept of producing 'ad hoc coalitions' utilised by the EU in Libya and other troubled nations states. These military coalitions in Iraq and Afghanistan involved British, German, Spanish, Polish, Romanian and Hungarian military personnel deployed in cluster group formation in conflict mission zones. In Mali, a cluster group of French and Portuguese military personnel provided military and humanitarian assistance to the local population at the invitation of the Mali Government.

[229] Alexandra Moen, 'European defence and NATO', (n. 89) P. 251 - 261
[230] Jolyon Howorth, 'Security and Defence Policy in the European Union', (n 6) P. 135 - 144

The EU's reluctance to assist NATO in managing regime change in Libya seriously undermined the credibility of the CSDP, as a stable functioning Libya was considered vital to the EU's security fabric. While NATO's military objective was achieved with the ousting of Gaddafi, it produced an unsafe dysfunctional State gripped by militia warfare. The Libyan situation demonstrates that the EU is not ready to assume a leading role as an international military actor. Member States such as Italy, Greece and France sought to protect their own national interests and refused to take military action against Gaddafi.

The inaction of Europe's CSDP is disappointing as the crisis in Libya has recently deteriorated with widespread violence producing a mass refugee influx to Europe. This was a prime opportunity for the EU to take a leadership role in conflict prevention and democratic reconstruction tasks. The failure of the CSDP to respond to the Arab Spring of 2011 exposed a defining weakness for the CSDP in respect of its inability to anticipate the implications of international incidents.

Success consists in going from failure to failure with no loss of enthusiasm".[231]

The rapid development of the CSDP in little more than a decade can be described as truly remarkable. The evolutionary path of the CSDP has been paved with political turbulence, but nevertheless, it has always overcome any challenges posed, strengthening Europe's security environment. The EU has become a strong international player with military and civilian interventions consisting of missions in Central and Eastern Europe, Asia, North and Central Africa and the Middle East.

The outlook for Europe's security environment is daunting for Member States. The current political inaction within the CSDP must be overcome if the EU is to continue to make a contribution to international security. There are no straightforward options for the EU in its efforts to counteract Russian aggression, failed States in Africa or turmoil in the Middle East. While these are the current challenges it is imperative to recall that the evolution of European foreign, security and defence policy has been approximately sixty-five years in the making.

[231] British Prime Minister Winston Churchill in a House of Commons Speech, Westminster, London in 1944

It has endured a journey of failure and success in the struggle to forge its political and military role in today's world. Today, Europe is a stronger, safer environment due to the existence and operations of the CSDP. The evolution of European security and defence policy can be described as a work in progress....

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