

# Through the Glass Ceiling: The EU as a Developing Security Regime for Europe?

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Original paper  
UDC 327:327.56(4-67EU)  
Received in December 2000

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*This article examines the way in which the EU has moved beyond its traditional, cold war role, and has extended its role in the sphere of security policies. Enlargement to the east and south is one of the most effective ways in which the EU can extend its influence, and through which it can help to create a zone of security, peace and prosperity in Europe. However, the focus of this article is not upon enlargement itself, but the growth of the EU's role as a provider of security beyond its existing frontiers. The characteristics of international institutions are best understood through three levels of analysis: the international system, the individual states, and institutions themselves. The fall of the iron curtain has created a changed international environment, and the opportunity for European international institutions to extend their membership, to alter and enhance their roles, and to influence the politics of their members. The EU has sought to project economic security through trade, and to exercise a political and diplomatic role beyond its borders. During the cold war, the allies on both sides of the Atlantic relied upon national defence and NATO to protect their territories. With the end of the cold war, both NATO and the EU were inevitably forced to re-examine their roles and raison d'être. Within the EC, the process of adaptation was different, as member states first wanted to consolidate their existing policy programme, including EMU.*

**Keywords:** EU, international security, economic security, international system.

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## 1. Introduction

To say that international institutions matter, is a truism for Europeans. The characteristics of international institutions are best understood through three levels of analysis. First, the international system shapes and frames the structure and membership of international institutions – during the cold war, membership of Western international institutions was virtually impossible. Second, individual states, acting in their perceived national interests, or believing that better outcomes can be realised for themselves, create and then change international institu-

tions. Individual states are also shaped by their membership of institutions, as priorities, loyalties, and even domestic politics are altered when they join and participate in the working of these institutions. Third, institutions themselves can adapt, and play an unpredictable role in international political life, by reinforcing their norms and rules, by creating an international presence, and through their international secretariats. In the case of the European Union (EU), both the Commission and the European Court of Justice play key based roles to ensure compliance with the Treaties, and to assert their own presence.

Since the end of the cold war, all these powerful forces have been at work in Europe. The fall of the iron curtain has created a changed international

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environment, and the opportunity for European international institutions to extend their membership, to alter and enhance their roles, and to influence the politics of their members. States have been very willing to act through institutions. Institutions have been competing between themselves for influence. This article will examine the way in which the EU has moved beyond its traditional, cold war role, and has extended its role in the sphere of security policies. Enlargement to the east and south is one of the most effective ways in which the EU can extend its influence, and through which it can help to create a zone of security, peace and prosperity in Europe. However, the focus of this article is not upon enlargement itself, but the growth of the EU's role as a provider of security beyond its existing frontiers.

As we shall see, the EU has sought to project economic security through trade, and to exercise a political and diplomatic role beyond its borders. However, since the famous Anglo-French summit of December 1998 that was held in St Malo, France, the EU has been working towards a military dimension. This process will be quickly outlined. Its consequences, first for the EU as a security provider, and also for its relations with other international institutions will then be assessed, although the exact configuration of the changes that St Malo implies will take time to become clear. Militarising the EU ends one of the last policy taboos of a 'civilian-power' EU and breaks through the 'glass ceiling' of its self-denying ordinance against the adoption of the instruments of military force, a 'glass ceiling' which has existed since its inception. This article suggests that the last two years represent the rather messy birth of a post-cold war pan European defence and security regime. Institutional, and inter-institutional arguments have characterised these years. But if the EU's security agenda is to be driven by policy concerns, and not institutional constraints; and if the full toolbox of European policy instruments is to be effectively applied, the arrangements reached so far will not truly be adequate for the task.

## 2. What is the change?

To begin with a little history. Since its creation in 1957, one defining characteristic of the EEC has been that it is a purely civilian power. It has developed in this way in part because of a scarring attempt to build a West European military force within the NATO framework that foundered in 1954, de-

spite four years of agonising diplomacy. It then seemed clear that defence would remain well outside the remit of the EEC, although external trade matters were dealt with within the Treaty base. Indeed, it was not until the early 1970s that a mechanism to coordinate foreign policy positions was created. This was strictly informal, outside the Treaty base, and had no brief for defence issues, even when, in the Single European Act of 1987, this informal procedure was given a small secretariat.

During the cold war, the allies on both sides of the Atlantic relied upon national defence, and NATO to protect their territories. This was understood and favoured by the Europeans, and indeed it created a comfortable situation that actually suited Europeans and their Atlantic partners very well, despite occasional spats. Since the end of the cold war, the ratchet of European defence has been tightening, as the changes in the Maastricht and Amsterdam treaties have shown. The reasons behind the events of the last two years are complicated, do not admit of a mono-casual explanation, and do not fit neatly into any explanatory theoretical model, but reflect the three levels of analysis referred to above. They result from the consequences of the shifting international system since 1989; the slow and agonising disintegration of the old Yugoslav Republic; the cumulative effects of the long term, but tentative efforts to empower the EC/EU and the process of role redefinition of international institutions; and the decision by the two key hard-power actors, Britain and France, to shift their policies in this area.

Before 1989, most European members of NATO were also members of Western European Union (WEU), but this institution had no effective military competencies, and its membership was not conterminous with the EU. With the end of the cold war, both NATO and the EU were inevitably forced to re-examine their roles and *raison d'être*. WEU was irredeemably squeezed as a competitive energy between the EU and NATO developed. NATO defined its new strategic concept; proposed an outreach policy to east-central Europe through the North Atlantic Cooperation Council and the Partnership for Peace programme; discussed the establishment of Combined Joint Task Forces (CJTFs), in which coalitions of the willing could perform non-territorial defence tasks without involving the whole NATO machinery; and finally enlarged to Poland, Hungary and the Czech Republic in early 1999.

Within the EC, the process of adaptation was different, as member states first wanted to consolidate their existing policy programme, including EMU. The framers of the Maastricht, and then the Amsterdam treaties were also concerned to strengthen and to give European foreign policy a clearer remit, which was achieved by creating in the Maastricht Treaty the Common Foreign and Security Policy (CFSP) as an intergovernmental pillar. The Maastricht Treaty also allowed for requests to be made by the EU's European Council to the WEU for military action. In the Amsterdam treaty, this provision was fleshed out by reference to the Petersberg Tasks. These important tasks: humanitarian and rescue tasks, peace-keeping, and tasks of combat forces in crisis management including peace-making, were framed by WEU in 1992, and have proved to be a benchmark for what military security work the Europeans might wish to undertake. The potential, eventually, for European defence was included in the treaties, and the Amsterdam Treaty referred 'to the possibility of the integration of the WEU into the Union, should the European Council so decide', although it also confirmed existing obligations to the common defence secured within NATO. A question of a direct EU military capability was not addressed.

Then, in the autumn and winter of 1998, the Europeans made firmer declarations on this issue. On 8 December 1998, at a bilateral summit in Saint-Malo, British Prime Minister Tony Blair and French President Jacques Chirac, dropped a diplomatic bombshell. The Saint-Malo declaration said that:

"The European Union needs to be in a position to play its full role on the international stage. This means making a reality of the Treaty of Amsterdam which will provide the essential basis for action by the Union ... To this end, the Union must have the capacity for autonomous action, backed by credible, military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises ... acting in conformity with our respective obligations to NATO."

The declaration emphasised the leadership of the two EU powers with the greatest military capabilities, but it also created a diplomatic storm, and it has been privately admitted that the ground was not well enough prepared with the Americans before St Malo. US Secretary of State Madeleine Albright wrote publicly in the *Financial Times* of the dangers to NATO of the declaration, sending a broadside across the bows of the British and the French, re-

mindings them of the dangers of the duplication of resources, of discrimination against those powers that were not in the EU, and of decoupling – that is, unpicking the carefully crafted NATO Alliance. Further, the joint declaration did not really represent a joint policy, and the French remained suspicious that the British were trying to bring them back into the NATO fold, while some Britons feared that the progress of the St Malo initiative might unintentionally weaken NATO, and deliver unintended consequences in relation to the EU.

Less than four months later, the air strikes over Kosovo began. American planes carried out more than 80% of the air raids, although the Europeans had over 6,000 aircraft. When it came to putting together the peacekeeping force, Europe struggled to provide 40,000 troops, even though this figure was roughly one fiftieth of its armed force. The European partners in the alliance were found to be unable to play a role commensurate with that of the United States. As the then British Defence Minister George Robertson put it: "you had sweat and strain all your resources to get a deployable 2 per cent of the totality. That will not be tolerable in the future ... we clearly need more of those paper troops to be deployable, flexible, survivable, sustainable." This was the more alarming, given that, since the Strategic Concept of 1991, NATO had recognised that the nature of conflict envisaged during the cold war was now out of date, but that it was only with great difficulty that NATO could actually deploy the range of forces and hardware that it did in what was clearly a post-cold war type of operation. The NATO European partners who were members of the EU were tested and found wanting. Indeed, NATO very nearly failed to conduct a successful, post-cold war security operation.

During the air strikes, two important meetings were held, both of which gave shape to a potentially important change in EU-NATO relations, as they confirmed the possibility of the EU developing an autonomous military capacity, as expressed at St Malo. The first of these was the NATO Washington Summit, held in April 1999, and the second was the Cologne EU Summit, held even as the air strikes ended, in June 1999. No European standing army was proposed, but rather a Military Security Pool (MSP), numbering around 60,000, which could be raised and deployed for Petersberg, non-Article 5, tasks was agreed to. Such a force would act on the instructions of the EU's supreme body, the European

Council, and these tasks would be performed with the agreement of NATO, and if necessary, with the use of NATO assets. At the same time, The Defence Capabilities Initiative (launched in Washington), proposed adaptations to conform to the New Strategic Concept, looking particularly at command and control, information systems, interoperability and standardisation, deployability, and the military capability of European allies. On the back of the Defence Capabilities Initiative, it was thus possible to repackage the earlier St Malo European initiative in the context of capabilities rather than a European defence identity. At Cologne, it was also agreed that the WEU should indeed be folded into the EU, and a new decision-making structure was now proposed which would include the involvement of ministers of defence within the Union to take forward the Anglo-French project proposed at Saint-Malo. Washington and Cologne thus built upon earlier proposals, but were also sharpened and no doubt speeded up because the Kosovo air strikes had shown a need to re-examine both military structure and military capability.

The Kosovo conflict acted as the spur, but was not the cause of the re-balancing of European-American relations in the military sector. By the time that the air strikes had ended, the EU had therefore taken the quantum leap to give itself the potential to embrace a military role, albeit only to deal with Petersberg tasks. The sanctity of the Union's civilian role had ended. In this it had secured a NATO blessing, albeit a rather reluctant one.

### 3. The Common European Security and Defence Policy (CESDP)

1. Western European Union (WEU) will be brought to an end as a functioning international organisation, either totally, or in part. WEU will not be completely dismantled, because of the complexities of what to do about Article V, because of pressure from its Assembly, and because of the difficulties of re-writing sections of the Amsterdam Treaty that this would involve. The Treaty of Nice therefore deals with the EU's new role, rather than the future shelf life of WEU.

2. The Council of the European Union will be able to take decisions on the whole range of politi-

cal, economic and military instruments at its disposal when responding to crisis situations. As the Union is developing a common policy on security and defence with 'a capacity for autonomous action backed up by credible military capabilities and appropriate decision-making bodies,' regular (or ad hoc) meetings of the General Affairs Council, as appropriate, including, for the first time, Defence Ministers are established. A Political and Security Committee (PSC/ COPS; a continuation of the former Political Committee) composed of national representatives at senior/ ambassadorial level operates under the authority of the European Council, but without any prejudice to Community competence. It will direct any military operations. An Military Committee (MC) has now been created, composed of the Chiefs of Defence, which would give military advice, and make recommendations to the PSC, and the Chair of this committee would be entitled to attend Council meetings if necessary. Military Staff (MS) from the EU member states would provide expertise, support, situation assessment and strategic planning for Petersberg tasks.

3. It has been agreed that countries which are not members of the EU but which might wish to participate should be involved in decision-making both upstream, and down stream. This includes both states which are members of NATO, and those which are not. The Russian response to the military initiative has been quite warm. However, the core decision on using military force is to be made by the Council alone. The decision-making associated with this exercise is to be taken in conformity with the EU's own procedures, both ensuring consistency and coherence (Article 3 of the EU treaty), and allowing for equality of treatment for all states.

4. The Amsterdam treaty created a new official position: that of the High Representative of the CFSP, who was to give the CFSP a stronger administrative and international profile - 'the chief spin doctor of the EU's foreign policy', complete with early warning planning staff. The High Representative is the Secretary-General of the Foreign Affairs Council, and he is assisted by a policy planning and early warning unit, intended to give greater coherence to CFSP and the capacity to respond quickly to crises. The new High Representative is Javier Solana, formerly the Secretary General of NATO. In November 1999, he was also given the job of Secretary-General of WEU. This represents only one manifesta-

tion of double-hatting between national, NATO and WEU personnel.

5. A common European Headline Goal, or MSP, has been adopted for readily deployable military capabilities, and collective capability goals in the fields of command and control, intelligence and strategic transport to be formulated through voluntarily co-ordinated national and multinational efforts for the Petersberg tasks agenda. The EU will have the power to send troops to confront security situations as set out in the Petersberg Tasks. An inventory of tools available has been drawn up, based on a WEU audit. The tasks would be carried through under the auspices of a lead agency like NATO or the UN, or 'where appropriate, in autonomous EU actions'. By 2003, co-operating together voluntarily, the EU would be able to deploy rapidly and then to sustain forces capable of the full range of Petersberg tasks in operations up, to corps level (15 brigades, or 50000-60000 persons). The forces should be militarily self-sustaining with the necessary command control and intelligence capabilities, logistics, other combat support services and, as appropriate, air and naval elements. These should be deployable within 60 days, and also have smaller units ready for even quicker deployment. Forces should be able to remain in the field for at least a year (requiring preparation for closer to 200,000 troops). The need for co-ordinated monitoring and early warning mechanisms; greater openness of existing joint national headquarters; greater reinforcement of existing multinational rapid reaction facilities (ARRF, Eurocorps included); a European air transport command and strategic sea life capacity has also been noted. The November Capabilities Conference decided upon the allocation of forces that will be made available. It is centred around those to be provided by EU states, but others have also made a commitment to the project.

These changes have been introduced with the support of NATO, and in parallel to NATO's own re-structuring. Within the NATO framework, the Washington Summit launched the Defence Capabilities Initiative (DCI). It proposed adaptations to conform to the New Strategic Concept. Thus EU member states are developing their capability (including headquarters) for Petersberg operations. The main areas to be addressed are deployability, sustainability, interoperability, flexibility and mobility. National command structures and existing command struc-

tures within the existing multinational forces (informally developed, and including, for example the Eurocorps) will be used. This exercise should be jointly and co-operatively carried forward, involving national commitment, NATO and PfP/WEU associates, and the EU, while being 'mutually reinforcing' to NATO's own DCI. The intention is that NATO resources will be used as and when appropriate, although, at this stage, the exact formulation and composition of these changes is not made explicit. The need for more progress in European procurement and the harmonisation of military requirements had been flagged at St Malo and was re-iterated.

6. These changes are being made by the EU in the context of the development of non-military forms of security, including cooperation with Non-Governmental Organisations. A proposal to create a 5000 strong policing unit has now been approved.

Several points need to be emphasised here. First is that the Military Security Pool is not a European Army, or really even a rapid reaction force, but is a pool of military resources which can be gathered together in the configurations required for non-territorial defence activities, from those countries – in or out of the EU, and from both sides of the Atlantic and presumably beyond – that wish to participate. Second – the system is inter-governmental in nature, and there is no proposal on the table as yet that this should be changed. A third point has been emphasised over and over again: this is not devised to challenge NATO in terms of responsibilities (Article 5, or CJTFs), hardware (that of the US – NATO has very little dedicated hardware), or membership (US, Canada, Turkey, Iceland, Norway, Poland, Czech Republic, Hungary), but is rather an attempt to allow EU states to respond militarily to non-territorial defence based security challenges – as identified by the Petersberg tasks. The North Atlantic Council meeting of 15 December 1999 referred to NATO's European Pillar, and the development of 'modalities for EU/NATO relations'... We note that this process will avoid unnecessary duplication and does not imply the creation of a European army'. Fourth, the policy question – how will we know when to use it?, or is security indivisible and global? – has been less well addressed than the institutional questions – and this relates both to the geographical area, and to the policy-making context. The addition of a military dimension to the EU is much more than simply adding another policy area to its competence. A

Rubicon in the development of the EU is being crossed, though these changes may yet have to be addressed in the context of another IGC and subsequent Treaty revisions.

#### 4. Is European security indivisible?

There is currently a fragmentation of the Union's external profile which reflects historical developments, rather than a clear overall sense of what constitutes external, let alone security policy. Today, Pillar I of the EU deals *inter alia* with external trade and economic provisions and enlargement, and is overseen by four Commissioners, Chris Patten, for External Relations, with the Commissioners for Trade (Pascal Lamy), for Development and Humanitarian Aid, (Poul Nielsen), and Enlargement (Günter Verheugen), as joint key actors. In Pillar I activity, the Commission plays a leading role, proposing policies and ensuring their implementation; while approval for most policies is conducted through a complicated system of qualified majority voting. Pillar III, Justice and Home Affairs, deals with matters relating to security within the EU, operating on a largely inter-governmental and informal basis. Pillar II activity - the CFSP - operates through joint actions and common positions, and, since the Amsterdam Treaty, common strategies. After Maastricht, the European Council could ask WEU to implement actions that require military force, under the terms of the Petersberg Tasks. The EU Foreign Affairs Council - composed of member states' foreign ministers - is responsible for securing the implementation of common policies, and can further recommend new common strategies to the European Council. When the European Council unanimously approves a common strategy, then qualified majority voting by the Foreign Affairs Council can be used to implement it. So, procedurally, it is possible to proceed by a qualified majority vote, with measures approved by the European Council, with the dual safeguards of so-called constructive abstention, and the possibility of referring a decision back to the European Council if a state resorts to a veto on an action. The Commission is not excluded from the CFSP framework, and has a role through its international representative functions, its right to initiate policy suggestions, and through its participation in the implementation of actions. CFSP work is currently funded through

the Community budget. So the notion of inter-governmentalism in Pillar II is only a partially accurate nomenclature, as on the one hand, with European Council prior consent, qualified majority is then allowed, and, on the other, the Commission (which represents the interests of the EU, not its individual member states) is not excluded from the process altogether as a player. Clearly, the consent of the European Council preserves the rights of states not to be drawn into policy actions with which they might profoundly disagree. But at the same time, the Commission has a treaty obligation to ensure coherence across policies. This partial inter-governmentalism remains an important point, and reflects considerably greater status for the Commission in external relations than existed twenty years ago. We must consider whether inter-governmental axioms will be sustained, or whether militarising the EU will mean greater pressure to produce more policy coherence and a greater role for the Commission - a classic spill-over effect.

It will be difficult to draw lines in the sand between Commission activity, and state activity within Pillar Two. There are both policy and institutional reasons for this. First is the nature of what is meant by security, and how this fits in with the Petersberg tasks, given that the EU is defining itself as a security, as well as an economic organisation. Security is an elusive term. It is clear, even from the Petersberg definition, that security is not just about violence and the application of military instruments. It covers environmental, criminality, humanitarian and human rights issues, as well as those of the illegitimate use of violence. In terms of EU policy making, it is clear that many of the instruments that can be used to try and secure security are those which already belong to the Commission, including economic instruments, humanitarian aid, sanctions, and enlargement.

It is also not possible to separate internal and external security. All that goes on relating to external policy has a double function. A unified external policy has to co-exist with the difficult task of establishing and sustaining the solidarity of the member states in the EU (as well as each state's own national domestic consensus): thus there is always a double agenda - the projection of security, and the parallel consolidation of both the consent and the security of the participants as players within the system. To project security, the Union must itself be secure.

Some of the debates about the projection of security power were rehearsed by Tony Blair during the Kosovo air strikes, in his Chicago speech of April 1999.

It is obvious that, if security threats are multi-dimensional, then many different instruments to deal with them need to be easily available. Many of the instruments that can be used to try and secure security are those which already belong to the Commission in Pillar I. As explained, the Commission has a fairly robust role as an institution when we consider the EU's external policy overall, even discounting the extreme statements that have been by Commission President Prodi. Since its conception, the Community has been acquiring greater competences. Whilst much of the early writing on 'spill-over' was discredited by events, particularly during the 1970s, the Commission received a boost to its capacity to act with the Single European Act. Now, within Pillar II the Commission has the right, but not the sole right, to propose initiatives, and to sit in at Council meetings on CFSP, and to ensure implementation. It is arguable that the EU, led by the Commission, may yet reduce what Christopher Hill has called the 'capabilities-expectation' gap in the security sphere, without openly challenging the sacredness of the inter-governmental Council decision to use military force when operating through Pillar II.

Significantly, Commissioner Chris Patten has also recently argued on these lines, pointing out that the EU has been reinforcing the non-military instruments of crisis management in areas from the building of democratic institutions, to promoting the rule of law and the good functioning of justice, police and border control, to control of illicit trafficking and arms control. He has 'an expansive view of the scope of the Commission to contribute ideas and proposals, whether or not it has the exclusive right of initiative, with the aim of ensuring a single and coherent EU position on the major international issues of the day', including those which might include Petersberg tasks. He has set up a central planning staff for external relations under his authority (a Commission Crisis Centre) to ensure effective co-operation with Solana's policy planning and early warning unit, and an official from the Commission is seconded to Solana's unit to 'ensure good links'. To support a European operational capacity, he signals the Commission's potential to progress with a European armaments policy: 'we could look at ways

of creating a single armament policy in the EU. This could require Community action on opening up defence procurement, competition rules, research programmes, import duties and export controls', within the context of more effective defence spending on upgraded armed forces. The Commission, 'with its own restructuring, has shown that it, too, is determined to step up a gear – or two, or three.' Non-military headline goals, to match the military ones are being developed, which would allow the EU to mobilise its own resources for EU, UN or OSCE actions in areas such as policing, mine-clearance and mediation.

It is clear that the CESDP will not quickly become like any other Union policy arena – its Pillar II framework, the need for unanimity in the European Council guarantees, the preferences of member states in this most state-like role of exercising military power, and the apparently declining salience of the Commission guarantees that. But the responses required for security issues are often unclear and controversial, and the timing of these responses is even more difficult to gauge. The moment at which non-military forms of intervention may need to be supported, or supplanted by military forms is not easy to judge, (this is also true for a moment when 'security' becomes 'defence'). The Commission remains the only permanent bureaucracy to monitor and act across all external policy, whether in Pillar I or Pillar II. There can be no doubt that the fungibility of the boundaries between the Pillars will be increasingly challenged, as the indivisibility of external actions in the realm of security become more apparent. Thus, the increasing participation of the Commission in the military-security dimension is institutionally logical to ensure as effective decision-making as possible, although this remains politically unacceptable. The Pillar system is not set in concrete.

## 5. The EU and other security institutions in Europe

It has been argued that the EU 'is called on – and wants – to be the framework around which all of Europe reorganises itself for a peaceful and prosperous future', that it is 'the only game in town', for Europeans. What can we learn from the EU's relationship with other European international institu-

tions? Is it a predator, despite the overlapping membership between international institutions?

## 6. WEU

The decision that has been taken to wind down WEU may at first sight be considered one that has been a long time coming, and is long overdue. WEU, which was created in 1954 from the Brussels Treaty, and whose membership was only open to certain NATO members, had been the sole purely European defence organisation, and, although swamped by NATO since its foundation, has performed a number of useful tasks, and has a stronger defence guarantee than NATO itself. Since Maastricht, WEU has been a pivot between the EU and NATO, providing, in theory, services for the EU, while remaining a body to which only European NATO members could aspire to full membership. At Amsterdam, its survival was secured, although the possibility of an institutional change was also flagged. Nevertheless, it had until then been on a gradual downward path, never having been endowed with a clear role, its capacity to take on new members severely constrained, and losing functions to the Council of Europe in the 1960s. The failure of WEU to provide a structure of response to the crisis in ex-Yugoslavia has often been cited as the reason – at least for the British – for shutting it down, although, as a clearly intergovernmental organisation with no military assets it is not clear how else it could have been expected to respond to post-cold war challenges.

The asset stripping, or cannibalising exercise that has gone on over the past eighteen months is curious. It is not clear what outcome is actually intended, nor what future its important and ambitious Article V will have. Until the Feira Council in 2000, little attention had been paid to the outreach work that WEU has done. Its Assembly will, in the longer term, probably be shut down, while the satellite centre and the Institute of Security Studies will be transferred into the EU. Amongst the most important of its legacies will be the Petersberg Tasks. It can be seen as representing much of what is still very uncertain about the direction of recent events: it had become the forum for the long-standing, and unresolved dialogue between France and Britain about

relations between European states and NATO/ the US. It performed quiet security and confidence-building functions through its post-cold war associate partnership scheme, and acted as an institutional buffer between the EU and NATO in the defence/security 'shadow boxing' that has characterised much of the cold and post-cold war periods. The prospect of the end of WEU as a functioning international institution means the direct institutional interface between the EU and NATO has now to be addressed. Until now, this has been protected by the civilian status of the EU, and the presence, however weak, of WEU as a shock absorber, whose value may only be appreciated when it disappears, if and when it does.

## 7. Council of Europe and OSCE

Neither can it be assumed that the future relationship of the EU with the Council of Europe will remain static. The current discussion on the Human Rights Convention and the EU's Charter of Human Rights agreed at the Nice Summit has, for the moment, been considered in the light of whether the EU can/ should accede as an institution to the Convention. However, the EU's Copenhagen Criteria for applicants, and the insertion of the Convention into the national legal regimes of most EU member states must in time give rise to speculation about the longer-term future of the Council of Europe as a separate institution. The same cannot be said of the OSCE at this stage, although, in ex-Yugoslavia, its weaknesses have been made very apparent.

## 8. NATO

In the introduction, I argued that we might be witnessing the messy birth of a post-cold war pan-European defence and security regime with organisations based around NATO and the EU, but at the moment, the relationship with NATO is complex and turbulent. Tensions have run high over the last eighteen months both in Brussels and in national capitals, and the overlap between the organisations, and that between leading states within the organisations is complex. This will no doubt be more fraught when

the Bush administration takes office in the US. The relationship between NATO and the EU has had a substantial ingredient of competitiveness since the end of the cold war, despite declarations of cooperation, their mutual interests, and their similar value structures.

The role specialisation of the cold war has disappeared: both now aspire to military security functions (CJTFs and MSP), and a collective/ cooperative security agenda; both are engaged in enlargement programmes. The St Malo declaration was, initially badly received by the six non-EU NATO members, with responses ranging from Madeleine Albright's broadside in the *Financial Times*, to Turkey's threats and difficult stance post-Nice, and Canada's lament that it was the Seventh member of the Six non-EU NATO members. Public and private discussions have ranged beyond the Petersberg tasks to the general direction of EU-NATO relations, US relations with European powers, procurement questions, and the general health of the Atlantic Alliance.

The pressures for administrative reform are far greater for the EU than they are for NATO, for the civilian culture and relative openness of EU decision-making contrast with NATO. Solana's appointment as Secretary-General of WEU as well as M. PESC has been intended to assist the change, and WEU officials have been closely involved with the EU, weaving a path between military representatives, with their own culture, and the EU and Pillar II officials. (It is not clear how well informed national ministries of defence are about the EU). Double hatting is widely practised on the new military committees, and there are complaints that the EU is importing the secrecy of decision-making associated with NATO, while there are also complaints that the culture of the EU, and its lack of administrative security, makes the sharing of confidential information hard. Decision-making in NATO itself will also have to change, if the interface between the two is to be effective. To date, the policy questions, and the relationship with national foreign policy making and the CFSP is still undeveloped, and the administrative reforms are taking place in something of a vacuum. Indeed, as General Sir Rupert Smith recently remarked, NATO will have to derive its actions from CFSP – as it, alone, has no 'strategy'.

At the level of capabilities and the parallel processes of the DCI and the creation of the MSP, problems also exist, not least because of the pressures that reforms have put upon national ministries of defence. However, the MSP must now be woven in as part of the part of NATO restructuring. There remains a very serious question about role specialisation between EU countries, and between NATO and the EU. This is why the satellite debate is so significant. A gendarmerie model for EU is perhaps inevitable at least in the short run, with the more technical and expensive contribution coming from the US. This would mean that peacemaking, as opposed to policing, civilian control and humanitarian rescue type operations would reside in the foreseeable future with NATO/ CJTFs.

Enlargement has exposed graphically the uneasy sharing of terrain of the EU and NATO. As the cold war ended, it seemed as if the Europe's day had come, and that NATO would weaken, if not wither. Both institutions set up association schemes – Associate Membership and NACC (now EAPC) and PfP. Given its less dense institutional structure and its stronger leadership structure, NATO enlarged first, reflecting the historical pattern of other, non-neutral enlargements. The mess that remains may convey security through the expectation of membership of one organisation or the other, or both. However, it is likely that enlargement will not remain on the European agenda for a very long time, and will play into the security debate in ways that range from decision-making, possibly through to applicants being recipients of intervention under Petersberg task security.

## 9. Euro-Atlantic relations

This inter-institutional debate has been conducted in parallel with one about Euro-Atlantic relations, and particularly the role of the US in sustaining and promoting security both in Europe (in its widest sense), and beyond. We can identify two contradictory trends. The first - transatlantic drift - is essentially based upon the premise that the international structural underpinning of the cold war will, over time, be eroded, in part by this initiative. Instead of a more mature relationship between the US

and its European partners, the Europeans will instead see the parallel work done to re-invent NATO as institutional floundering. The US will therefore slip into indifference to European security issues, and concentrate its energies upon its autonomous role, and, indeed, to NMD. This view is reflected in the current preoccupation with a shifting attitude in the US towards international institutions generally, perhaps a sense that the US is too big for positive membership of international institutions, fears military overstretch, and is driven by the constraints of domestic and particularly US Congress politics. Transatlantic drift raises the question of whether NATO can only work when there is strong American leadership.

A second perspective is that of increased transatlantic participation: that institutional change may give the US an even stronger presence in Europe, leading perhaps to some kind of convergence between EU and NATO membership – a Transatlantic defence and security community. NATO parliamentarians have been invited to sit in on EP sessions and certain European players are even toying with the idea of offering a seat to NATO at some of the EU Council meetings concerned with the new security policy. Second, in policy terms, it is almost impossible to think of a Petersberg type task over which the US would not wish to keep a *droit de regard*, especially if US equipment was being lent or leased for such a task. He who pays the piper, calls the tune. Third is anticipation that US economic interests, and in particular those in the armaments sphere, will dominate any exclusively European armaments provision, and thereby flood the market with American products, with an inevitable extension of their leverage. This scenario is both favoured and feared in Europe. Such fear has underpinned much of French thinking on this subject since 1998. Some French analysts have seen the US as becoming an 'hyperpuissance', and of exercising unrestrained power across the international system. However, whether individual states still fear each other more than the US remains to be seen. So, from a European perspective, the working relationship with the US remains redolent with practical and political landmines. One senior interviewee said that, in Washington, half the administration feels that the MSP will destroy NATO: the other half that, without MSP, NATO will die.

## 10. The risks of failure

It is argued above that the St Malo project, if it is to be effective, and taking into consideration the indivisible nature of security issues, could take a central role within the EU's institutions. However, it could yet collapse. As with all integrative enterprises in a changing international environment, political will is the key. St Malo may become impossible to operationalise if states are now unable or unwilling to support words with deeds – or capabilities. The bargain struck has many weaknesses, and is in no sense rock solid. State support, as well as institutional vigour remains essential. In particular, it is unlikely that more cuts in national defence spending would be possible while the MSP pledges were being agreed, yet existing budgets are under pressure. There are currently about 28,000 EU troops in KFOR, and another 12,000 in SFOR, which makes for a sizeable EU contribution to Petersberg type peacekeeping tasks that is already in the field.

The St Malo project could be prone to hijack by those countries which are in both EU and NATO but which disapprove of any decision to use force, or who wish to use agreement as a bargaining chip for other policy outcomes that they seek. Consent by non-EU NATO members might take time, and not be easily achieved. The backing of the US has been muted thus far, and will always have to be worked at, not least because the option of withdrawal of US intelligence support facilities could impede the active promulgation of certain types of Petersberg activities. Given the voluntaristic rather than automatic nature of the Petersberg tasks and the difficulties associated with identifying and prioritising these tasks, securing consensus from the key players in the EU and/or NATO cannot always be assumed. The complications for decision-making in the EU have been highlighted above – and it would be deeply ironic if the EU were to discover that it has closed down the over-complex WEU only to mimic its complexities within the EU. Yet it remains clear that, even if the 2003 deadline is not met the scope of the EU as a security actor has changed, and that its relations, and those of the key EU/NATO member states will not be the same again. ■