THE DEVELOPMENT OF ESDP AND ITS IMPLICATIONS FOR THE TRANSATLANTIC PARTNERSHIP

Istituto affari internazionali (IAI)
Centro militare di studi strategici (CeMiSS)
Roma, 11-12/IV/2003

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2. "The European defense plans: filling the transatlantic gap"/ Daniel Keohane (9 p.)
3. "EU-NATO cooperation: institutional arrangements and the problem of complementarity between the respective Rapid Reaction Forces"/ Daniele Riggio (15 p.)
4. "Getting to 'Yes' on missile defense: the emerging transatlantic consensus"/ Jeffrey P. Bialos and Stuart H. Koehl (19 p.)
5. "Transatlantic cooperation outside Europe: war in Iraq and other matter"/ Harlan Ullman (9 p.)

Istituto Affari Internazionali

IAI Conference

The Development of ESDP and Its Implications for the Transatlantic Partnership

organized by
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Centro Militare Studi Strategici (CeMiSS)

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Compagnia di San Paolo
US Embassy in Rome

CASD, Palazzo Salviati
P.za della Rovere 83
Rome, Italy

Rome, April 11/12, 2003

PROGRAMME

Friday 11th April

Welcome Address Carlo Finizio, CeMiSS, Rome

Introduction to the Seminar Ettore Greco, IAI, Rome
Giovanni Gasparini, IAI, Rome

First session The Institutional Reform of ESDP and the Post-Prague NATO
Chairman: Carlo Finizio, CeMiSS, Rome
Paper giver: Alyson Bailes, SIPRI, Stockholm
Discussants: James Appathurai, NATO, Brussels
Esther Brimmer, SAIS, Washington DC
Antonio Missiroli, EU-ISS, Paris

Second Session The European Defense Plans: Filling the Transatlantic Gaps
Chairman: Stefano Silvestri, IAI, Rome
Paper giver: Daniel Keohane, CER, London
Discussants: Rafael Bardaji, Real Instituto Elcano, Madrid
Adrian P. Kendry, NATO, Brussels
Gustav Lindström, EU-ISS, Paris
Barry R. Posen, MIT, Cambridge ma (USA)

Saturday 12th April

Third Session EU-NATO Co-operation: Institutional Arrangements and the Problem of Complementarity Between the Respective Rapid Reaction Forces
Chairman: Vincenzo Camporini, Italian Ministry of Defense, Rome
Paper giver: Daniele Riggio, NATO, Brussels
Discussants: Andrea Grazioso, CeMiSS, Rome
Stephen Larrabee, RAND, Washington DC

Fourth Session Anti-Missile Defense: US Plans and European Attitudes
Chairman: Maurizio Cremasco, IAI, Rome
Paper giver: Jeffrey Bialos, SAIS, Washington DC
Discussants: R.A. Bitzinger, Atlantic Council of the United States, Vienna (USA)
Giovanni Gasparini, IAI, Rome
Andrew James, PREST, Manchester

Fifth Session Towards a New Division of Labor in the Balkans
Chairman: Ettore Greco, IAI, Rome
Introduction: Paul McCarthy, National Endowment for Democracy, Washington DC
Discussants: Paolo Quercia, CeMiSS, Rome
Radoslava Stefanova, American University of Rome

Sixth Session Transatlantic Co-operation outside Europe: The Iraqi Test Case

Chairman: Roberto Toscano, Italian Ministry of Foreign Affairs, Rome
Paper giver: Harlan K. Ullman, CSIS, Washington DC
Discussants: John C. Hulsman, Heritage Foundation, Washington DC
Duygu Bazoglu Sezer, Bilkent University, Ankara

Conclusion

Chairman: Carlo Finizio, Director, CeMiSS, Rome

Stefano Silvestri, President, IAI, Rome
Alessandro Minuto Rizzo, Deputy Secretary General, NATO, Brussels
Luigi Ramponi, Chairman of the Defense Committee, Camera dei Deputati (House of Deputies), Rome

(b)

IAI Conference

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List of Participants

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Maurizio CREMASCO	IAI, Rome
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Andrea GRAZIOSO	CeMiSS, Rome
Ettore GRECO	IAI, Rome
John C.HULSMAN	The Heritage Foundation, Washington DC
Daniel KEOHANE	Centre for European Reform, London
Adrian P. KENDRY	NATO, Brussels
Andrew JAMES	PREST, University of Manchester, Manchester
Stephen LARRABEE	RAND, Washington DC
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List of participants (invitation)

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Christopher SHIELDS	American University, Rome
Radek SIKORSKI	American Enterprise Institute, Washington DC
Roberto STORACI	Italian Ministry of Foreign Affairs, Rome
William WOODS	NATO, Napoli
Flavia ZANON	IAI, Rome

Istituto Affari Internazionali

CONFERENCE ON

THE DEVELOPMENT OF ESDP AND ITS IMPLICATIONS FOR THE TRANSATLANTIC PARTNERSHIP

CASD, Rome, 11-12 April 2003

PAPER BY

Alyson Bailes

THE INSTITUTIONAL REFORM OF ESDP AND THE POST-PRAGUE NATO

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[Draft copy not to be quoted]

By Alyson. J.K. Bailes

Director, Stockholm International Peace Research Institute

I am honoured and grateful to be invited to address one of my favourite subjects:[1] but also nervous about doing so, for two reasons. First, the constitutional and institutional issues which I have been asked to focus on are among the most sensitive and complex aspects of Europe's long search for a common defence identity. Discussing the extension of these issues to NATO and their impact on the Alliance is an even more sensitive and complex endeavour, at a time when NATO itself is also evolving fast and—in some observers' view—facing its greatest ever existential challenge. I have chosen to grapple with this complexity by adopting a broad definition of 'institutional' which includes questions of goals and finalité, values and norms, choice and control of means as well as institutional roles and structures. In this way I hope I can, at least, provide a framework or 'peg' for the deeper discussion of various practical aspects of CESDP which is to follow. My second concern is that, as I know from my own years as a practitioner in the field of European defence, the issues which an academic observer perceives are not necessarily those which decision-makers care about, nor the ones which prove most useful for understanding and predicting the actual course of events. Since I believe such false emphases are most likely to occur when the issue is looked at too narrowly and in terms of a purely internal logic, I will do my best to stay in touch with reality by looking at CESDP in a broader historical and international context.

A Little History

The problem starts with the expression 'European defence' itself, which as used—at least—in the period since the Second World War has contained one major contradiction and several ambiguities. If it means the defence of European territory against military threat, this has only been possible since 1945 with US support and with the help of nuclear deterrence against a nuclear-armed Russia, and these things have been provided exclusively through NATO. Some British writers in particular have therefore insisted that European defence is part of what NATO does, and that the formula of building a European Security and Defence Identity (ESDI) within NATO is the only correct one. Most Europeans would more naturally interpret European defence as something that Europeans do on their own: but if so, what exactly does the world 'European' in this context mean? It clearly refers to something more specific than just 'any defence activity done by Europeans', because no-one has tried to claim (so far) that British and French colonial defence obligations or the self-defence of Irish and Swedish territory belong within the concept. It clearly has to mean a collective activity rather than a collection of national ones, not least because NATO has moved Europe on decisively from the former great-power system based on zero-sum national rivalry. But is the emphasis on 'European' as distinct from American or trans-Atlantic? Or on the fact that this is something done by Europeans in and for Europe? Or on the fact that it belongs to the larger historic enterprise of European integration? And in that case, is it done or should it be done with the classic, supranational methods of integration? I insist on these semantic points because, as will be shown

[1] I wish to offer thanks to Dr. Anne Deighton of Wolfson College, Oxford and Antonio Missiroli of the EU Institute of Security Studies, Paris, whose work has inspired and supported me in this task. (More specific references will be made later.) I have also profited from Richard Latter's report on a Wilton Park conference on 'Europe Future Security and Defence' held in November 2002 (available at ...Net reference).

later, they still lie at the heart of many of the philosophical and practical problems troubling us with regard to CESDP[2] today.

One logical and serious attempt was made in the post-war years to create a European Defence Community (EDC) which would be exclusively European, establish common defence obligations within Europe, and use the full methods of integration including notably a common European army. But the EDC collapsed by 1954 because of the French National Assembly's rejection of its supranational elements, and also because the UK was never willing to join.[3] After that, defence was left in practice to NATO and European integration was pursued as a peaceful, civilian enterprise *par excellence.* The original European Communities had, of course, a very fundamental security function in that they were designed to make any further wars between France and Germany and their neighbours impossible; but they did this by a radical new method involving substitution and sublimation of old enmities into an interdependent economic and political union, with no direct mention of (for instance) arms control or other military realities. European mutual guarantees and arms control commitments were enshrined instead in the Modified Brussels Treaty creating the Western European Union (WEU) in 1954: and the weakness and inactivity of WEU for most of the next 40 years was to provide a symbol also of the bankruptcy of European defence as a concept.

Some other practical implications of this state of affairs—which constituted a *status quo* shaping the experiences of a whole generation from the 1950's to the 1980's—are worth underlining. Because France declined to join the integrated military structure of NATO, its forces never shared the experience of creating and maintaining a common defence with other Europeans in peacetime. Nor did the Spanish for several decades, nor the various European neutrals. Also throughout this period, a whole group of Europeans East of the inner-German border were debarred from any variant of European defence because they were under Communist rule and mainly within the Warsaw Pact. The expression which did embrace the challenge and concerns of these countries was 'European security'; and European security, again, was something which NATO sought after through the détente component in its policies, later supplemented by the creation of the pan-European CSCE/OSCE.[4] The fact that the European Communities were not seen as (or expected to be) a prime mover in this field reflected the fact that Soviet strength and super-power relations were just as central to the issues of European security as they were to defence: plus, of course, the fact that the EC's own ambitions to play any role in foreign policy (including security questions) developed relatively slowly. Interestingly, however, the emphasis placed on economic and human relations within the CSCE created one of the first arenas for EC Political Cooperation—later the Common Foreign and Security Policy of the European Union—to grow from the 70's onwards, and to start identifying some of the interests which the integrated Europeans as distinct from the Americans shared.

The gradual break-down of this *status quo* can be dated back at least as far as the mid-1980's, a period which saw not just the final phase of détente but also a deepening of US/European disputes over security challenges and issues arising outside the European order.[5] These pressures stimulated the institutionalisation of CFSP—which by now included some specifically security-related elements such as European positions on arms control; the use of WEU as a private defence debating society for Europeans; and intra-European military cooperation initiatives like the Franco-German Eurocorps. Within NATO, for its part, pressure was renewed for a stronger and more coordinated European contribution often called the 'European pillar'. The progress of détente made it possible

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[2] The European Union's Common European Security and Defence Policy, officially launched at the Helsinki European Council of December 1999.

[3] [Anne Deighton book]

[4] Conference on Security and Cooperation in Europe, later Organization for Security and Cooperation in Europe.

[5] Reference to fuller treatment in AB 'Defence Analysis' article.

for some significant economic and cultural influences to spread directly from West to East European territories, not just between the two parts of Germany but also (for example) between the Nordics and Baltics, or Austria, Hungary and Czechoslovakia—arguably laying the first foundations for eventual Enlargement, as well as for German Reunification.[6] After the fall of the Berlin Wall, of course, all these dynamics were intensified: leading first to the closer integration of work in NATO and WEU and WEU and EU respectively, and finally (in 1999) to the elimination of WEU as middleman and the EU's direct assumption of responsibility for organizing collective and independent European contributions to military crisis management (the 'CESDP' formula).

The crucial new part of the picture, which arguably both made the final breakthrough to CESDP possible and ensured the continuing ambivalence of EU/NATO relations, was the almost exclusive focus of practical defence attention during this decade on crisis management operations carried out in the name of the international community—especially in the Balkans. This provided for the first time a military task on which 'old' and 'new' Europeans and even Russians could work together,[7] and towards which all 15 EU members could feasibly develop a common policy even while 4 of them[8] remained unwilling to exchange defence guarantees. Since it was, however, simultaneously the chosen field for NATO's efforts at self-reinvention and for the EU's efforts at self-securitization, it automatically created issues of institutional competition, overlap, or burden-sharing for which the initial CESDP formula provided only a fragile solution.

The Franco-British St. Malo Declaration of December 1998 clearly bore the stamp of the Kosovo crisis during which it was drafted, in its insistence on the need for Europeans to acquire not just better physical capacities for military intervention but also the option of using them under their own leadership, in their own way. Yet if this represented a crucial historical break (especially for Britain) with the ESDI tradition, the determination of Britain (and other Allies) to leave NATO its own room for growth in crisis management was reflected in the provision that the EU would operate under its own flag only 'where NATO as a whole was not engaged' [ADD REFERENCE(S) – including Annex IV to Presidency conclusions, Helsinki European Council.] Again, the Balkan wars had shown that NATO possessed uniquely 'hard' capacities for the tougher kind of crisis management including peace enforcement: and since EU leaders could not agree either on limiting their ambitions to softer operations or on duplicating NATO's assets, the only option left for CESDP was to replicate the arrangements WEU had made for borrowing the relevant assets from the Alliance when necessary.[9] At political level there was, however, an evident contradiction between CESDP's genesis in the realization that European and US security interests and styles were not always congruent, and the decision to make many of CESDP's potential tools for the job dependent on the willingness of the US (and six non-EU Europeans)[10] in NATO to release them.

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[6] It is ironic in retrospect that Yugoslavia and to a lesser extent Romania, because of their distance from the Soviet Union, were seen as the corresponding West-East bridge in the South-East.

[7] The crisis management focus allowed Central and East European countries to work operationally with NATO through Partnership for Peace, even well before enlargement; brought 10 of them into substantial contact with WEU from the mid-1990's as 'Associate Partners'; and ultimately allowed Russia to see CESDP more as an opportunity than a threat. The decade's defining trends of enlargement, operationalization of NATO, and emergent European defence were thus never directly in conflict with each other—though there were complications, to be discussed further below.

[8] Austria, Finland, Ireland and Sweden had all joined the EU as non-Allied nations while fully accepting the current CFSP acquis.

[9] [Reference to Berlin formula]

[10] Norway, Iceland, and Turkey, and from 1998 the Czech Republic, Hungary and Poland. Turkey in particular resented that it had less decision-making status under CESDP than in WEU, an this was the ultimate cause of two years' delay in realizing the full prescription for NATO/EU synergy laid down at NATO's Washington Summit and the Helsinki European Council.

Latest Changes in the Environment

In 2000-2002 CESDP set up and began to test its new organizational structures within the European Union, and used these to prepare an EU police operation in Bosnia beginning from 1 January 2003. Greek-Turkish difficulties arising essentially from Turkey's diminished political control over CESDP (compared with ESDI) caused, however, a delay in the activation of NATO planning support for European missions which in turn delayed the launch of any military action under an EU flag. The lifting of this blockage at end-2002 (in connection with EU decisions regarding Turkey's own timetable for accession) has opened the way for the EU, in Spring 2003, to take over the former NATO peace-keeping deployment in Macedonia and to raise the possibility of similarly 'inheriting' the SFOR operation in Bosnia.

The creation of conditions in which CESDP can for the first time function as intended at Helsinki has, however, coincided this year with a number of new trends and shifts in the security environment, the cumulative effect of which may be to call the Helsinki formula itself in question or—at the least—to expose it to some significantly new interpretations.

The main changes are:

- the impact of the terrorist outrages of 11 September 2001 and the subsequent US preoccupation with Iraq, making the US now less interested in crisis management within Europe and more interested in even 'harder' types of military strikes outside it;
- the consequent pressure put on NATO to adapt itself for possible non-European and terrorist-related operations, reflected in the decisions at the Prague Summit of December 2002 to set up a new élite Reaction Force (NRF);[11]
- the parallel US interest in handing over residual crisis management tasks in the Balkans to the EU as fast as possible, and also in spurring further improvement in EU internal security measures;[12]
- the concurrent impact of US/European disagreements over the time-frame and legal and institutional framework for handling the threat of Saddam Hussein's Iraq, leading to well-publicized rifts between the US, UK and Spain on the one side and France, Germany and Belgium on the other both in NATO and the EU, and stimulating much questioning of NATO's chances of survival and of the credibility of CFSP;
- the parallel widening of both NATO and EU membership through decisions to enlarge these institutions to 26 and 25 members respectively in 2004: which has always been seen as a possible force for dilution (of both capability and political identity) in both cases but is now widely perceived also as a potential factor of division among Europeans (since the new members largely share UK-type pro-Atlantic views).

All these new challenges arise at a time when the EU, precisely in order to offset the possible braking effect of enlargement, has launched an ambitious reflection on its own future in the form of the European Convention.[13] The Convention has looked at CESDP, its weaknesses, and possible remedies essentially from the point of view of the EU's own evolution and coherence: but even so, has generated a number of ideas for consideration which would both go beyond, and alter the

[11] (Reference and URL for Prague Declaration)

[12] US pressure for the EU to speak with a single voice on counter-terrorism-related issues, thus easing trans-Atlantic cooperation in these matters, has materially reinforced the EU's own motives for enhancing Justice and Home Affairs (JHA) cooperation, and provides an interesting echo of US attempts to solidify the 'European pillar' in the 1980's-90's.

[13] (Laeken decision)

balance of, the Helsinki formula.[14] It has provided an additional spur for the largest EU powers to return to the CEDSP agenda and to stake their own claims on its development, in a way that might not otherwise have been their highest priority just now: *vide* the joint proposals made to the Convention by the German and French Foreign Ministers on 22 November 2002, and the Anglo-French Summit Declaration at Le Touquet on 4 February 2003.[15]

Against this new and still evolving background, I will now discuss the 'institutional' aspects of and prospects for CESDP under four headings: the nature and "finalité"of the policy itself; the question of operational scope and targets (issues of principle over where to operate, how and with whom); the question of who owns and controls the policy; and the nature and ownership of its resources. I will end by discussing separately a number of scenarios for CESDP's interconnection with and impact upon the Atlantic Alliance.

Is This a European Defence Policy?

Fundamental questions of definition have been consciously and deliberately reopened in the Convention debate. The general tendency of new proposals has been to push CESDP closer to a 'real' defence going beyond ad hoc cooperation in crisis management: either as part of a general 'deepening' (or anti-dilution) strategy for the Union; or in reaction to today's more clearly perceived existential threats to Europe, including terrorism; or to provide a stronger match for NATO (and insurance against the collapse of an increasingly shaky Alliance). Conscious of the complications posed by four non-Allied States, soon to be six with the entry of Malta and Cyprus, none of the more serious official proposals has called for a full defence alliance at 15 or 25. The alternative approaches gathering most support have been the development of a 'solidarity' principle, which could be invoked to summon collective assistance in response to a terrorist attack but which could also be interpreted as a style of non-competitive and non-obstructive decision-making: and the extension to defence matters of 'enhanced cooperation' or some other flexibility mechanism, allowing perhaps even the assumption of full defence commitments by a spearhead group within the Union. In its Franco-German incarnation this last idea carries a deliberate echo of EMU and an implication that the pioneer group would consist of countries from the heart of 'old Europe', leaving aside the less engaged neutrals but perhaps also the over-Atlanticist Central Europeans and Britain.

The main objections to ideas of a hard-core group based inter alia on real defence guarantees are just the same as they were in the run-up to the Helsinki European Council, and it is not easy to believe that the concept will win through in 2004 any more easily than it did in 1999. The idea of a protocol to this effect attached to the EU Treaty structure would have to be approved by all 15, possibly 25 member states: but the non-Allied members are clearly not prepared at this point in history either to be forced into exchanging guarantees before they are ready, or to see themselves relegated to the status of second-class security partners. Although Austria has sometimes toyed with the idea of an EU guarantee which could be shared without NATO membership, it makes no more sense than it ever did to pretend that European borders and homelands can be militarily protected without American back-up—or at the very least, without help of nuclear weapons.[16] If it is argued

[14] Report of the Barnier working group at the Convention, delivered 10/12/02: http://www.european-convention.eu.int/docs/wd8/6013.pdf

[15] Franco-German contribution at http.//register.consilium.eu.int/pdf/en/o2/cvoo/00422 en2.pdf; 'Declaration on Strengthening European Cooperation in Security and Defence' issued at the Franco-British Summit meeting, Le Touquet, 4 February 2003: http://www.elysee.fr/actus/dep/2003/province/02.frgb-touquet/angdefsecu.htm. For a good analysis (though pre-Le Touquet) see 'European Security Review' No. 15 of December 2002 published by ISIS Brussels at http://www.isis-europe.org.

[16] In the mid-1990's there was some debate over whether British and French nuclear weapons could/should be dedicated explicitly to the defence of other European countries, along the lines of but separately from the relevant NATO

that a separate European guarantee, nevertheless, has political and symbolic value, such a commitment already exists among the 10 full members of WEU and it would be more economical to consider acknowledging this somehow in the EU Treaty. In any case, the consequence of putting the emphasis on guarantees would not necessarily suit the political logic of the federalists: it would highlight the fact that all 8 Central European entrants will be fully-fledged Allies at the time of joining the Union, and it would give the hard-core EU group more in common with Norway than Sweden, more in common with Romania than Austria.[17]

The strongest objection to the drive for 'real defence' in an EU context is actually far clearer today than it was at the time of Helsinki. It is that this constitutes yesterday's agenda, because physical attack by other states on European homelands is now virtually unthinkable, and the circumstances of possible terrorist attacks do not easily fit the traditional form of defence guarantees nor the traditional military responses prepared for giving effect to them.[18] The lack of follow-up to NATO's invocation of its Article 5 in September 2001 illustrated that point brutally enough. An EU state suffering terrorist attack or some other major physical disaster, such as a natural or man-made accident, certainly would need help from EU partners but more probably in the form of rescue, medical and police services, emergency food and energy supplies, help in tracking down and extraditing the people responsible, and so forth. Contingency plans (and exercises) for mutual assistance to deal with floods, animal and human disease outbreaks, energy shortages, and sabotage of key infrastructures would be far more to the point than plans for mutual military reinforcement—which NATO itself is tacitly de-emphasizing now. All this makes the new concept of solidarity look more interesting and appropriate, because it could cover actions in all these other dimensions of human security and beyond: its breadth would correspond to the multi-dimensional nature of the Union itself.[19] As so defined it would suit non-Allied Europeans just as well as NATO members, and it would be institutionally more 'European' because its activation would involve actions by the European Commission (and resources controlled by them) as well as in the inter-governmental sphere. It is tempting to see a possible new balance between the formalization of this solidarity principle for deserving members of the Union, and a clearer definition of how EU countries who betray the values of the Union could be penalized (in the last resort, by exclusion): the existential prize, but also the price, for being a full member of the Union would thus be more transparent.

Another balance might become possible between the universal principle of solidarity and the idea of flexibility in execution. At its simplest, solidarity could imply that only some nations take part in a given CESDP operation but the others give it their political support or, at least, refrain from criticism. However, the way CESDP was set up already allows for this, with its possibilities for 'EU minus' and 'EU plus' coalitions and the novel institution of a contributors' committee.[20] In the case

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doctrine. At the time the idea was too much for German opinion and the chances of realizing it have sunk further since the 1996 Enlargement.

[17] It is intriguing to wonder whether the eight Central Europeans will apply, and be permitted, to become full members of WEU even in its semi-defunct state. Since [1994] this option has been offered to all States belonging to the EU and NATO simultaneously. Bulgaria and Romania who are joining NATO but not (yet) the EU could become Associate Members of WEU and Cyprus and Malta could become Observers.

[18] Defence guarantees within an alliance do have another very important purpose, i.e. to rule out intra-allied attacks and minimise competition and rivalry as well as duplication between national defence efforts. In the EU it can be argued that the relevance of guarantees for this purpose is also reduced because of the war-excluding effects of the Union itself, as designed by Monnet and Schuman.

[19] The Anglo-French proposal at Le Touquet (footnote 15) clearly envisages such a comprehensive application of the solidarity principle: EU members would pledge 'solidarity and mutual assistance' in face of 'risks of all kinds, particularly from terrorism' and—if they followed the example set already by Britain and France in this declaration—would 'mobilize at available assets' for the purpose.

[20] The contributors' committee for a given operation would include representatives of any non-EU countries contributing troops (eg non-EU NATO countries, Russia, Ukraine, Canada) and would have some special relationship, yet to be fully defined, with the military chain of command.

of actual operations, a degree of flexibility which allowed non-contributors to offer something less than political support—e.g. by 'constructive abstention'—would cause problems at several levels. It would reduce the political significance and credibility of the 'EU flag' attached to such a deployment; might raise questions over whether the UN or OSCE could properly give a mandate to the EU as a collective legal entity; and (depending on the nature of non-participants' reservations) could cause problems when decisions were needed to use other Union instruments, under control of the 15, in support of the same goals as the deployment. Again, the paradoxical effect could be to make militarily supportive non-EU countries like Norway. Turkey or Canada look somehow more "European" than the abstainers within the Union.

More promising areas for the application of flexibility are those where variable geometry already characterizes EU members' defence cooperation: i.e. the creation of standing multinational forces ('Euro-forces'); the harmonization of military requirements, training, and peacetime deployments; joint equipment development and procurement; and in future (as foreseen in the Helsinki Headline Goal and the development of EU capabilities policy during 2000-2002) the joint development and ownership of key enabling assets such as air- and sea-lift. The latest proposals from France, Germany and the UK all envisage some kind of new agency to promote these last two goals,[21] and the Barrier committee suggested that countries interested in creating joint forces and observing higher standards of harmonization could form something like a 'defence Euro-zone'—possibly formalized by subscription to a new protocol of the Union Treaty. Leaving aside the technical merits of such approaches for promoting improved capabilities, the main 'constitutional' difficulty posed by such ideas is the way that they would tend to formalize intra-EU divisions. At present, some EU members would clearly like to be allowed to join exclusive (non-EU-linked) arms development groupings like OCCAR and the Letter of Intent, and they are not likely to agree to these being 'Europeanized' as part of an expressly Treaty-linked structure unless their rules for accession and management are relaxed. Yet the large countries' mantra so far has been that widening in such cases would mean dilution—jeopardizing, in particular, the prospects of creating European projects capable of competing (technologically and/or commercially) with the US. In the case of actual military capabilities and standards the problem is rather the other way round: the natural leaders of a 'defence Euro-zone' would be Britain and France who have already taken the necessary tough decisions for force improvement, and the risk would be that by exercising their right not to sign up to such a protocol, the smaller and weaker performers would also escape the pressure to rise towards a true common standard at 15.[22] Some good could still be done if Germany, the largest 'under-performer', felt politically obliged to join all the available defence core-groups—and if their rules were strictly enough drawn to bite upon actual German performance. But overall, this set of considerations brings out an important potential contradiction between *strength* and *breadth, universality* and *quality* in the emerging European defence community. NATO, facing a parallel quandary, effectively opted at Prague for an increasing future differentiation among its members' military standards and goals.[23] But it did so after 50 years in which at least 15 of its present 19 members had shared the experience of total (in principle!) military integration, and in which all 19 remained bound by absolute guarantees. Can the EU, still at the first stage of building a common defence identity and culture, afford to design the rules from the outset in a way that

[21] The Le Touquet text calls for an 'inter-governmental defence capabilities development and acquisition agency'; the Barrier group's formulation is a 'European Armaments and Strategic Research Agency'. All such proposals assume that existing armaments cooperation groups like the 4-country OCCAR and 6-country Letter of Intent would be absorbed in the new framework, perhaps together with part or all of the WEU-linked Western European Armaments Group (WEAG).

[22] These problems did not arise with the original (monetary) Euro-zone because the countries choosing to stay outside had above-average strong and advanced economies which remained closely integrated with their Euroland neighbours.

[23] The NRF of only 20,000 men cannot represent all Allies and is likely to be dominated by 4-5 larger ones with 'niche' contributions from weaker brethren. The Prague Capabilities Commitment applies only to standards for deployable forces.

condemns some members to part-exclusion and recognized inadequacy? How 'European' can such a policy be?

Where and for What Should Europeans Fight?

In practice, any sense of common fate and common loyalty will be generated among EU members not by sitting on committees or even by designing weapons together, but by sharing risks and successes in the field of action. This recognition has led EU members to seize at the chance offered by shifting US priorities, and by the lifting of the Greek-Turkish blockage, to plan the near-term take-over of not one but two NATO operations in the Balkans (Amber Fox in Macedonia and SFOR in Bosnia-Hercegovina). Viewed in historical perspective this choice carries the right symbolism in one respect, and is somewhat contradictory in another. It represents a further step in the Union's assumption of responsibility for European *security* in both the older and newer sense: conveying the ultimate hope of integrating the Balkan States to complete the East-West reunification powerfully promoted by the 2004 Enlargement, and signalling the Europeans' ability to cope with at least some of the challenges of crisis management in their own backyard.[24] The contradictory aspect is that the Union is inheriting military concepts and structures designed by others (including the US), which bring with them inter alia the established presence of several non-EU contributors, and which can only be executed at least in the near term with heavy dependence on help and advice from NATO. These operations thus cannot show the typical and distinctive face of a European *defence* executed by and with the 15 nations, nor will they test the full sequence of European defence policy-making *ab initio*. In the interests of doing *something* quickly it was perhaps logical for the EU to take such a short-cut, but the issues thus by-passed should not and cannot be dodged indefinitely.

The Iraq episode has shown with brutal clarity that the members of the EU, as of now, neither share a common threat perception regarding what goes on beyond Europe's borders, nor a common vision of when military force may provide a solution and on what preconditions. Even a country whose misdeeds are as plain as Iraq's appears to be seen variously as an existential threat by some, a trade partner and geo-strategic necessity by others, and somebody else's business by many more. These differences are actually not unnatural in view of the objective gaps of experience and philosophy between large and small, continental and maritime, Allied and non-Allied, former imperialist and formerly colonized nations. Yet, outside as inside Europe, EU military instruments can only be successfully used in pursuit of a common security and defence *policy* animated by common perceptions and priorities as well as common values. Painful as it may be, this policy is going to have to be openly debated and built up somehow in the coming years: and it is infinitely more desirable that its formulation should be built upon the definition and reconciliation of the Europeans' own interests than that it should be driven by an external and inevitably distorting force—the compulsion either to please and impress the Americans, or to disassociate and differentiate oneself from them.

The issues to be tackled are in principle quite clear and are likely to be highlighted also in the process of drafting an EU defence 'White Paper' [dates?]:[25]

- geographical scope of CESDP: global for France, the UK,[26] the Central Europeans and possibly the Nordics; more problematic for nations like Germany, Austria and Spain. In practice, operations within Europe's periphery apart from the Balkans are liable to face

[24] The Le Touquet declaration commends the decision to operate in the Balkans 'where Europe speaks with a single voice, where it already plays a crucial political and financial role, and where its interests and values are clearly at stake'.
[25] [Reference to whatever EUISS is doing]
[26] 'The potential scope of ESDP should match the world-wide ambition of the European Union's Common Foreign and Security Policy'—Le Touquet declaration (note 15).

much more ticklish obstacles (think of North Africa, or the Caucasus!) than some potential cases in Africa or more remote parts of the developing world;
- appropriateness and 'comparative advantage' of using the EU-led option: when should EU nations place themselves e.g. under a UN command instead?
- mandates: is an explicit UN or OSCE mandate a *sine qua non* (not, presumably, for rescue of citizens or invited-in deployments)? Is there any room for the application of 'humanitarian intervention' ideas, or for 'extended self-defence' against terrorist attacks, subversion and sabotage?
- limits of intensity: could the EU go as far as 'peace enforcement' and/or counter-terrorist strikes *politically,* leaving aside the question of whether it could do so without NATO assets?[27]
- 'style' of intervention: this will presumably be more 'European' than in NATO or US-led coalition operations, but in exactly what way—what rules of engagement, what doctrine of proportionality, what respect for the environment, what arms control principles, what public relations policy?

Across the board, one general dilemma is plain: if the common denominator of EU intervention policy is placed too near the 'tough' end of the scale a significant group of members may not be able to support it, even politically, and the EU's 'clean, soft' image (and thereby some of its comparative advantages—notably, acceptability to the local parties) could be at risk. If it stays too near the 'nice' end of the scale, not only may it be objectively inadequate to cover the interests of the (enlarged) Union in a dangerous and perhaps increasingly destabilized world, but there is a risk that the larger and more militarily active EU members more times than not will be driven to act outside the collective framework (like Britain in Sierra Leone or France in Côte d'Ivoire).

One proposal of the Barnier working group which looks rather sensible in this light is to extend the range of the Petersberg tasks,[28] as it were, downwards: re-classifying as part of CESDP a number of things that the EU is already capable of doing or could be imagined as doing with very little political difficulty. These include conflict prevention and post-conflict stabilization (= the Balkans missions), but also and more imaginatively the collective deployment of military experts to carry out disarmament tasks, joint programmes of military 'outreach' to non-member countries and regions, and a military response to a third country's request for help against terrorism. Leaving aside the question of whether such actions could not be justified already within the Petersberg formula,[29] their attraction is that they recognize the multiplicity of ways in which an effective defence community can interact with the outside world: crisis operations do not have to be the be-all-and-end-all of the EU's military identity, any more than they have been during the last fifty years for NATO. Moreover, defence outreach (especially where it includes democratization) and arms control missions are activities to which even the smaller and more cautious EU members could contribute whole heartedly: the Central Europeans might even have special expertise in them thanks to their own recent conversion. "Learning by teaching" is a formula that can hold good for institutions as well as people. It would be a pity, therefore, if such ideas were to fall foul of objections about them duplicating NATO and/or setting the barrier of EU ambition too low. Using the next couple of years to explore such additional dimensions of activity—as well as developing

[27] In considering these last two questions in an EU context, the limitations in specific (especially non-Allied) member states' constitutions may loom large. Such states have stretched their constitutions pretty far when acting in support of NATO-led operations: but can they be equally elastic when fully and equally sharing the political ownership of an intervention?

[28] The range of CESDP tasks defined in the Treaty of Amsterdam [correct article] are known as the 'Petersberg tasks' because they were earlier formulated by WEU at a meeting at Petersberg, near Bonn, in June 1992.

[29] The last category of the Petersberg tasks is "tasks of combat forces in crisis management, including peacemaking" which is broad enough to cover many things, whereas military assurance and disarmament support could arguably be carried out even under the Union's pre-CESDP competence.

further the existing CESDP options for police and specialized civilian interventions—could help ensure that the EU develops some fields of operational doctrine and experience that are truly its own,[30] even while its military eggs are in a basket inherited from NATO. They could not hurt and might even help the chances of the EU's finding consensus on the more active and risky elements of a global intervention policy in the medium term.

Who Owns, Who Controls, Who Pays?

The creation of CESDP was the first action taken by the Union after the Treaty of Amsterdam which went in the direction of *complicating* and further *de-centralizing* its institutional structure. The final results of the Convention and forthcoming Inter-Governmental Conference will give us some hint whether this was an isolated deviation, or the first signal that old-style 'communautarization' had come up against its historic limits with the decision to expand Europe's union into the military—as well as monetary—sphere. The point is not that the EU is not yet sufficiently mature or united to 'communautarize' defence, but rather that *no-one* (outside the limits of an empire with unitary sovereignty) has ever yet managed to do so. NATO is so inter-governmental that even its mutual defence commitments cannot be activated without a specific decision based on every member's national consent. It is inherently unlikely that the EU should jump ahead of a 50-year-old alliance in that respect while it still lacks a united foreign policy and, equally pertinent, a single defence budget. Thus, while it was natural that the Commission should use the opportunity of the Convention to argue for more supranational control of CESDP, it is equally unsurprising that the Barnier report and big-power proposals all assume the continuation of special CESDP mechanisms within Pillar Two of the Union. And while foreign policy, security and defence were identified by virtually all Convention contributors as the area where the EU faces its greatest credibility gap, the only credible proposals put forward to tackle this were those of sundry large member states suggesting a longer-term 'President' and a 'Foreign Minister' (in national, nor supranational style!) for the Union.

Need this be considered a problem? Imagine if by some magic the EU had a standing multinational force for crisis intervention which could act on the order of a single person within the institutions (say, the Commission President): it would still most likely have to negotiate a mandate from the UN or OSCE, the loan of assets from NATO, and local legal arrangements with the authorities in the theatre of operation—for all of which, diplomatic help from the Union's members is currently indispensable. Besides, the pre-constituted force would almost certainly be wrong for the given real-life task, and some bits would have to be dropped and other, perhaps non-EU, national contributions brought in. Ironically enough, it is precisely the unpredictable, context-dependent and *ad hoc* nature of crisis management operations that makes them so tough to collectivise:[31] territorial defence would actually be somewhat easier to organize á la CAP (and this, of course, is what the original EDC was about).

It is possible, therefore, that the EU's current inter-governmental approach to CESDP is the least bad option to pursue at least for the medium-term future. The real challenges of doing things this way are four-fold: unity of command and speed of action; multi-functional coordination; political leadership and ownership; and democratic control.

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[30] The same 'culture-forming' arguments can be made for the old idea of a European military academy, revived by France, Germany and Barnier.

[31] This helps explain why, despite long campaigning by some member states, the UN itself has never had a permanent crisis intervention force. Another important point is that since crisis operations take place when the contributors are not mobilized for war, there is no compulsion for a given nation to contribute them but rather an issue of priorities: a country with global reach like the US, UK or France may well be unable or unwilling to contribute for a particular action because of concurrent and more important engagements elsewhere.

Unity of command and coordination are facets of the same issue:

- a military operation needs to be able to react rapidly to changing circumstances, making a high degree of delegation to the commander (within a clearly-crafted mandate) desirable; the lack of long-term politico-military expertise in responsible EU organs points in the same direction;
- however, EU members can be expected to feel a particular concern to keep the Union's first few operations under close political control to make sure that the style is right and unpleasant surprises are avoided; when using NATO commanders and headquarters the EU's political control will need to be even more clearly demonstrated;
- since the EU is unlikely to provide the flag of choice for any *purely* military action (other than evacuations), its interventions will typically require coordination of several other collective inputs eg diplomatic mediation, humanitarian aid, other political and economic actions (sanctions? embargoes? blockades?), actions making use of the EU's internal security instruments, and perhaps the physical deployment of other civilian experts. Quite possibly, the military input will be subordinate and secondary in importance to some of these others;
- from this wider range of instruments, at least some will belong to the Community sphere where both the actions and finance are under Commission control.

Or course, many of the recent real-life crises have required (because of their complexity) a similar range of inputs, but up to now these have required coordination between 3 or more separate institutions (NATO, EU, UN, OSCE...). In an EU-run operation, coordination of the same functions would become an intra-institutional matter, and none the easier for that. In the European Convention's general constitutional debate some people have proposed a permanent merger between the posts of the CFSP High Representative (i.e. Javier Solana) and the Commissioner for External Relations (Chris Patten) in an attempt to preempt such problems; but this would do major violence to the existing Treaty structure and would anyway not solve the problem of inputs needed from other parts of the EU (internal security, development aid...). More modestly, the Barnier report suggests that during operations the High Representative be given temporary coordinating authority, working with the Political and Security Committee (which itself would carry delegated authority from the Council of Ministers), and communicating with a (civilian) Special Representative who would pull things together in the field of operation. This seems logical enough but may be seen by some as sidelining the Military Committee, by others as stealing competence from the Commission (= retrograde in general institutional terms), and by pragmatists as liable to overload Solana's currently very limited staff. The problem should not, however, be dodged because the alternative of confusing, conflicting and tardy instructions during an operation would be more damaging than anything to the EU's credibility and would also make it harder to work smoothly with other (mandating or partner) institutions involved. One approach that might help would be to intensify efforts to draw the various CESDP organs, committees and staffs closer together in "peacetime", both with each other and with those controlling the other relevant EU instruments for crisis management and security building. Contingency plans and exercises are obvious devices for this, but another would be to brainstorm and cooperate on drawing up multi-functional security strategies both for specific regions of the world and on generic/functional issues. Some of this has been attempted already, e.g. in the EU Common Strategy on Russia. But there are still elements of EU policy that have not been 'joined up' with the development of CESDP as they should be, notably arms control and non-proliferation, and the general view of observers is that the transition from strategic concepts to real-life discipline and collaboration in the use of *resources* is something the Union has yet to master.

The ostensible system of institutional responsibility does not necessarily, in the EU, reveal who *is* in control or who *feels* in control of a given operation. There is another set of issues not strictly institutional which should be touched on here, namely the concern of smaller EU members that a cabal of larger states will dominate or 'hi-jack' the EU's external action, perhaps especially in the military field where there are such glaring discrepancies in national strength. It could indeed be fatal for the EU's image if large states were able to 'wrap their actions in the EU flag' without true consensus and representativity—especially since this might most often occur in a post-colonial context—and this is another reason why in my view ideas of flexibility on operational decision-making should not be pushed too far. In real life, it might actually profit big states to get the whole EU at 25 engaged, not just because of the political strength of such a common front (or value of non-military inputs), but because the smaller countries should be able to provide both "niche" operational skills and a "clean hands" image rather useful when acting in historically sensitive regions. However, the truth is inescapable that big states—who pull the strings of *all* international organs—always have a choice of framework for action, and they will not be encouraged to choose the EU if small countries try to shackle them with too many constitutional limitations and parades of equality in decision-making. A delicate balance of respect and empathy is needed to make this work out properly: the big states recognizing that the objectivity and honed consciences of the small ones have something to add to the quality and legitimacy of EU action, while the small ones must realize that the quantity and credibility of ESDP activity will be negligible without both commitment and unity of the larger powers.[32]

The issue of democratic control of CESDP cannot in my view be separated from financial control. In the constitutions of most EU states, decisions to contribute to a specific military action do not require the positive approval of parliament, nor does their financing require a specific vote. At most, representative institutions can set parameters like the total number of troops that can be abroad at any time,[33] or the need for them to be volunteers, and the size of the government's contingency fund. It is clearly unrealistic—without very much greater progress towards a federal contribution for the Union—to expect the European Parliament (EP) even to attain the equivalent of these powers. Here again, the problems are ironically intensified by limiting the scope of CESDP to crisis management actions: at present the only common defence budget for which the EU would have a legal basis would be an *operational* budget, and bringing such a fund within the Community budget system would imply a degree of European Parliament grip on operational affairs which would be politically unthinkable—as well as contradicting other national and international practice.[34] This is why the debate is worth watching over whether the EU should set up common funds for *other* CESDP-related purposes, such as military R+D, or the acquisition of joint (e.g. transport) assets, or even the subsidizing of interoperability improvements in weaker States.[35] Such developments would be likely to bring an element of Parliamentary control 'by the back door', i.e. in the matériel field —unless extraordinary measures were taken to set up funds outside the normal budget system, thus further departing from and complicating the Treaty of Rome structures.[36] Given the difficulty of this tangle of issues, it may be best in the near-term to pursue democracy in the CESDP context through measures of *transparency* rather than control—including:

- regular reports and debating opportunities in the EP (should EU commanders appear there?);

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[32] In simple political terms it is clear that the ESDP makes concrete progress when France and Britain can find common ground, and risks slipping backwards when they cannot.

[33] Nordic countries typically have legislative ceilings on the total number of peacekeepers they can deploy.

[34] NATO's Parliamentary Assembly has no budgetary powers, nor did the WEU Assembly.

[35] [Missiroli JCMS article]. Another very topical proposal, i.e. to relax EMU disciplines for countries struggling with operational costs and/or the costs of defence reform, would not involve Parliamentary control since EMU in general is immune from this.

[36] Even the Barnier group's modest and sensible suggestion of a joint 'start-up fund' for operations would create this dilemma.

- maximising or, more ambitiously, harmonizing the roles of national parliaments, and providing more mechanisms for their representatives to meet together (with each other and the EP) to debate CESDP issues, hopefully including national performance against ECAP criteria;
- adoption of a state-of-the-art, enlightened and (to be degree possible) liberal media policy for EU-led operations.[37]
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CESDP and NATO post-Prague and post-Iraq

The scenarios for EU-NATO relations in 2003 and beyond need to be reassessed against a fast-changing and turbulent political background. With no space for longer analysis, I will start from a rather baldly expressed thesis: the US/Europe splits in early 2003 pose greater dangers for NATO than the intra-European splits do for CFSP/CESDP. The practical argument for this is that the EU in general, and even CFSP/CESDP specifically, have a much wider operational agenda than NATO and that EU members' consensus across most of this agenda (think e.g. of policy in the Balkans, or towards Russia, or the ICC) is independent of and unshaken by their differences over Iraq. The philosophical argument is that the Europeans' shared historical and civilisational experiences and the unique interdependence created by their fifty years of integration (nearly thirty years even in Britain's case!) have created a security culture which, even if still largely unspoken or unconscious, has strong common values and centripetal qualities: while the US as a single, potentially hegemonic superpower with little experience of and a positive antipathy to interpenetrative integration is becoming increasingly alien in security *values* and *style,* even while some Europeans feel compelled to share some of its *actions*. Looked at this way, it becomes clear that the values, style and culture of the 'new Europeans' in Central Europe are also—taken across the board—much closer to EU than US ones, and have become more so during the period of pre-accession adaptation, and are bound to become even more so when full membership takes its full effect.

There are, undeniably, some special features in the relationship of most Central Europeans to CESDP: they do not always *understand* it very well (partly because it has not been well enough explained to them and partly because they have not worked long enough with the Americans to understand the elements of 'old European' frustration and rebellion at its roots); and they may consider it less 'serious' because for them—at least at the moment—the issue of territorial integrity is still a real one and the value of defence guarantees not trivial. To balance this however, they are ready interveners and generally free from geographical hang-ups and receptive to messages about defence (including defence industrial) reform, so long as it can be limited to the élite sectors of their forces. What remains is the fact that they will not support a development of CESDP which openly attacks, competes with, or seeks to supplant NATO, and their arrival will tip the scales perhaps irrevocably against the corresponding Euro-defence options. This is bound to disappoint some people: but it is arguable that those options died already at St. Malo, or even longer ago when the UK and Spain both ended up inside the EU, reinforcing the traditional Atlanticism of the Netherlands and of half the German psyche.

NATO's own struggles to retrieve unity and relevance after may, in any case, reduce the objective scope for inter-institutional competition—as well as easing that element in EU rivalry that has been fed by an inferiority complex. To hold the US's interest and loyalty NATO seems likely to focus on developing military options which are plainly too "hard" for the EU to think of competing with at

[37] Transparency through the release of CESDP *documents* is not listed here because it is genuinely difficult: the CESDP in its early years has to be hyper-strict on security both to show its seriousness and make possible free information exchange with NATO. Keeping this issue in mind, however, may make it possible to identify at least some activities and papers which can be designed from the outset as unclassified—such as work delegated to, or brainstormings with, academic advisers and NGOs.

present. US motives for positively welcoming an EU take-over, not just of NATO's Balkan operations but also of an increasing responsibility for stabilizing East and South-East Europe and consolidating relations with Russia have already been alluded to. The US itself recognizes the EU as a more broadly competent and potentially innovative partner than NATO in the internal security dimension. It is becoming clearer that the dependence involved in the EU's drawing upon NATO services and assets for its first military operations does not all go one way. So long as NATO is failing to function as a forum for resolving US/European philosophical differences at the higher level, its best hope seems to be to offer a 'tool-box' of resources for specific tasks where consensus can be found, and the tool-box needs eager and appreciative workmen to demonstrate its utility. Even during the last two years of stalemate, awareness of the EU's intentions and likely demands has turned out to be a surprisingly potent influence on NATO's own modernization: the Prague Capabilities Commitment and certain design features of the NRF owe a clear debt to CESDP models.[38]

There is, therefore, a post-Iraq scenario for CESDP and NATO which takes its tone from complementarity. At political level, most European leaders will be motivated later this year to rebuild bridges and find 'therapeutic' joint activities in the security and defence field with each other *and* with the US.[39] In the post-Prague environment there are possibilities to develop the content of both relationships in a non-conflicting way, and also with the positive involvement of both the Central Europeans and Russia. In political terms, the chances of pulling off such a feat will be better if CESDP itself is developed (at least for the moment) in a non-divisive way which does not pre-judge or force out any state before it has opted out for itself. They will also be better if the Central Europeans' loyalty both to the EU and to NATO can be seen as an advantage rather than a demerit.

In the longer term, it has been argued that the growing overlap of NATO and EU membership, coupled with the tendency for European security to be seen as 'finished business', will not leave room for two such organs to co-exist.[40] The most logical extension of this view would be to see the EU-based defence community as the eventual regional successor to NATO, and as the US's regional exit strategy. This would most easily happen if at some intervening point all EU members had joined NATO, so that they would emerge with a complete system of mutual guarantees and be able to inherit such elements of the integrated military structure (and infrastructure) as they could maintain by themselves. It is very hard to imagine, however, that the two sides of the Atlantic (and Russia) would not need to go on working together on global security and global governance subjects, so this scenario assumes that some other robust and institutional link—the US/EU dialogue strengthened beyond recognition, or something else—would have grown up to take over NATO's political functions. The alternative of a competitive bipolar balance of the US and Europe (or Europe-plus-Russia) is less credible unless there was an abrupt collapse of American power, which in many practical ways could undermine Europe's strength as well. Here and now, anyone wishing to gauge the odds on these longer-term alternatives would do well to watch two particular aspects of behaviour and of trends in short-term decision-making. First, will CESDP become "Europeanised" faster than the EU's outlook on the world is "securitized"? If so, Europe's chances of rivalling the US and perhaps even of shouldering its own regional security burden are reduced. Secondly, as EU/NATO interactions multiply and deepen will the EU caucus become a more prominent feature of NATO decision-making, or the importation of dividing-lines and disputes

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[38] [Refer to AB's Internationale Politik article.]

[39] There is a 'dream scenario' of NATO proving its out-of-area relevance by taking a steadily more overt role in Afghanistan, while the EU gets a chance to show its skill in both nation-and region-building after the hostilities in Iraq.

[40] 'A close membership overlap must, surely, over time, be to the loss of one or other of these organizations, unless they become functionally different from each other,—Anne Deighton,' "The European Security and Defence Policy", Journal of Common Market Studies 2002, Vol. 40 no. 4 pp. 719-41.

from NATO become more of a habit in CESDP? The former would help set the scene for the CESDP-as-NATO's-successor scenario, while the latter would risk dragging down the 'Europe of defence' in the turbulent wake of NATO's own decline.

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THE DEVELOPMENT OF ESDP AND ITS IMPLICATIONS FOR THE TRANSATLANTIC PARTNERSHIP

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THE EUROPEAN DEFENSE PLANS: FILLING THE TRANSATLANTIC GAPS

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The European Defense Plans: Filling the Transatlantic Gaps

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It has become a cliché to observe that Europe's armies need many new military capabilities. EU countries spend roughly 40 per cent what the US spends on defence, but only deliver between 5 and 10 per cent in real military capabilities. To illustrate: some European troops needed US planes to take them to Macedonia in 2001, because most European armies don't have adequate transport capabilities.

The conflict in Iraq has exposed Europe's lack of military muscle even more than was the case in Kosovo and Afghanistan. The transatlantic equipment gap is widening, and Europeans are finding it increasingly difficult to fight with the Americans. Moreover if the US is occupied with other crises elsewhere around the globe, Europeans cannot always expect the Americans to save the day. This is part of the rationale behind the EU's defence policy – namely that the Europeans will be able to conduct autonomous military operations. But without new equipment European soldiers might not even be able to get to the battlefield. As one American newspaper headline described it: "the Americans take the plane, while the Europeans take the train".

But there are grounds for cautious optimism. The EU can and should make progress on the European security and defence policy (ESDP), thereby filling some transatlantic gaps in capabilties and burdensharing. Following the unblocking of 'Berlin Plus' at the December Copenhagen summit, the EU and NATO have worked out the procedures that will govern their future relationship. Of course, due to divisions over Iraq, there is a risk that the crisis in NATO and the broader rifts in transatlantic relations may damage ESDP. It is incumbent on EU leaders to insulate ESDP from the surrounding acrimony, and indeed to push it forward towards new ambitions.

And while the Iraq crisis has brought out the worst in Europe, dividing 'old' and 'new', it has also re-invigorated the debate about EU defence and the future of NATO. This at a time when the Convention on the future of Europe was already producing numerous new ideas on how to develop ESDP. The declaration on defence signed by Tony Blair and Jacques Chirac at their Le Touquet summit in February 2003 built on the work of the European Convention's working group on defence

(chaired by Commissioner Michel Barnier). The Le Touquet declaration was far-reaching – but, because the Iraqi crisis stole the headlines, largely ignored by the press. Britain and France have now set down a series of radical but sensible objectives for the future of European defence, which the other EU member-states should rally round (of which more later). This British-French agreement amounts to a virtual 'St. Malo II', and the strong emphasis on capabilities is crucial.[1] One reason why ESDP lacks credibility, especially in the US, is that it has appeared to be more about institutions than capabilities.

Capabilties, capabilities, capabilties

NATO members agreed a programme – a list of 58 priorities – in 1999, called the Defence Capabilities Initiative (DCI), to focus European procurement efforts on particular needs. By 2002, the DCI had proved to be a failure as less than half of the programmes were funded. At the Prague summit of November 2002 NATO governments agreed on a new, smaller, and more precise procurement programme – the Prague Capabilities Commitment (PCC). The PCC – a list of 8 requirements – focuses on critical areas such as secure communications, precision-guided weapons, air and sea transport, and air-to-air refuelling.[2] Being fewer and more precise than the earlier DCI, the Prague commitments stand a greater chance of implementation.

EU governments signed up to a number of military capability goals at the Helsinki summit of 1999. However, those efforts produced only meagre results. To improve its performance, since the beginning of 2002, the EU has its own procurement programme – the European Capabilities Action Plan (ECAP) – which, like the NATO Prague programme, aims to focus European efforts on acquiring particular crucial assets. More significantly, almost all of the EU's equipment goals compliment NATO's.

It is not yet clear what concrete capability improvements the ECAP has brought about, but two important ideas were introduced through the ECAP process which were later adopted by NATO members at the 2002 Prague summit. The first idea is the concept of a "framework nation" to take the lead on procuring a particular common asset – the Netherlands, for example, is leading a collective effort to acquire precision-guided munitions, and Spain is doing the same for air-to-air refuelling planes. The second ECAP innovation is that governments must come up with interim arrangements to fill their capability gaps, if their products are scheduled to arrive years down the line. The A-400M transport plane will not arrive until at least 2007,

[1] Franco-British summit declaration on strengthening European cooperation in security and defence, Le Touquet, February 4th 2003.
Available from http://www.diplomatie.gouv.fr/actu/bulletin.gb.asp?liste=20030205.gb.html#Chapitre1
[2] NATO, Prague Summit Declaration, November 21 2002.

and in the meantime Germany is leasing transport planes from Ukraine – the German Ministry of Defence used Ukrainian planes to take its troops to Afghanistan in 2002.[3]

Perhaps more notably, so far the EU, like NATO, has not yet managed to convince member-states to significantly increase the amount of money spent on defence. And defence expenditure will have to increase if Europeans are to acquire all the equipment needed. Despite the global campaign against terrorism, and increasing awareness of the dangers associated with the proliferation of weapons of mass destruction, the present political climate and other pressures on public purses do not augur well for defence spending hikes. However, Britain and Italy have managed to increase their defence spending slightly this year, while France has increased its procurement expenditure.[4] Germany's defence budget has fallen this year although the German Chancellor, Gerhard Schroeder, recently indicated that if Germany were serious about ESDP the German defence budget would have to rise.[5]

Static budgets are only part of the problem. Europeans also waste much existing financial and military resources, and need to think imaginatively about using their assets more efficiently.[6] One improvement would be for countries to share more assets, and there are signs of some progress in this area. [7]

At the Franco-British summit in February 2003, the two governments agreed to improve inter-operability among their aircraft carriers, and in particular harmonise activity cycles and training, so that one carrier is permanently available to support EU missions. One Member of the European Parliament (MEP) – and former head of UN forces in Bosnia – Phillipe Morillon, proposes going much further than the Franco-British aircraft carrier agreement. Morillon suggests that the EU should set itself "the medium-term objective of providing support, with a European or even a Euro-Mediterranean fleet, for the US Sixth Fleet in the Mediterranean, until possibly taking over from it if the Americans so requested."[8]

Aircraft offer the best opportunities for saving money through pooling because of their high purchase and maintenance costs and the fact that many nations buy the same type. For example, the Benelux Air Task Force combines fighter aircraft from three countries that can be deployed as a single squadron. Such cost-cutting measures also help ensure different armies can work together – a crucial requirement for a successful military coalition.

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[3] Sometimes lease assets are not available – in December 2002 Ukrainian transport planes were not available for military missions because they were already booked to deliver Christmas presents.
[4] *International Institute for Strategic Studies*, "The Military Balance 2002-2003".
[5] Interview with Gerhard Schroeder, *Die Zeit*, "Die Krise, Die Europa eint", March 27, 2003.
[6] For an overview of how EU governments should spend their defence money better, see Antonio Missiroli, "Ploughshares into Swords? Euros for European Defence", *European Foreign Affairs Review*, Vol. 8, 2003.
[7] For more on the benefits of pooling capabilities see Kori Schake, "Constructive duplication: Reducing EU reliance on US military assets", *Centre for European Reform*, January 2002.
[8] European Parliament, "Draft Report on the new European security and defence architecture", February 5th 2003. Available from: http://www.europarl.eu.int/meetdocs/committees/afet/20030324/471701en.pdf

Given that Europe badly needs more airlift, the EU should create a pool of transport aircraft, on a similar basis to the NATO Awacs fleet. It could start off with the 136 Hercules C-130 transport aircraft owned by 10 EU countries. The fleet would be available to EU members, to the EU collectively or to NATO. However, in order to achieve significant cost savings, the fleet would have to operate from one main base, with squadrons dispersed to serve national needs. A single planning, servicing and logistics organisation would support the force. Five smaller EU countries own 430 F-16 fighter aircraft between them. Germany, Italy and the UK operate 570 Tornadoes. This year those three countries plus Spain will start to deploy Eurofighters. In all these cases, pooling the support operations could yield considerable savings.[9]

There are signs of progress elsewhere: Some countries are pursuing painful military reforms, such as scrapping conscription. France and Spain have already moved from conscription armies to an all-professional military, while Italy is proceeding apace with similar measures. These reforms may free up more money for new equipment. Germany has not yet managed to drop conscription completely, but a series of reforms to the *Bundeswehr* are increasing the number of 'crisis reaction forces' that are available for operations outside Germany (currently about 50,000).

Smaller countries are also restructuring their armed forces – Sweden is reducing from 29 to eight the number of brigades focused on territorial defence, while increasing the forces available for international deployment. Other small countries are encouraged to develop "niche capabilities" in areas where they already have a comparative advantage. For example, the Czech Republic would continue to invest in its renowned anti-nuclear-biological-chemical units ahead of other types of military assets. Moreover, EU governments have already met all their civilian capability headline goals. The EU can provide 5,000 policemen for international missions – 1,400 of whom can be deployed within 30 days.

Aside from the much-documented transatlantic gap, there is also a capabilities gulf between EU member-states – a gulf that will widen with the accession of 10 new members in 2004. To overcome this gap, the French and the German governments have proposed that an *avant-garde* group of states with higher-level capabilities and a willingness to carry out the most demanding tasks – and a desire to co-operate – should "develop new forms of cooperation, particularly by harmonizing the planning of military needs, pooling capabilities and resources, and sharing out tasks".[10]

The final report of the European Convention working group on defence built on the Franco-German proposal, by calling for a "defence Euro-zone", based on the presumption that participating countries would have certain pre-identified

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[9] Tim Garden and Charles Grant, "Europe could pack a bigger punch by sharing", *Financial Times*, December 17 2002.

[10] Joint Franco-German proposals for the European Convention in the field of the European security and defence policy, Prague, November 21 2002.
Available from http://www.diplomatie.gouv.fr/actual/declarations/bulletins/20021127.gb.html

interoperable forces and integrated command-and-control capabilities.[11] The French and the British governments further refined the "defence Euro-zone" proposal at the 2003 Le Touquet summit, calling on the EU to "set new objectives, both quantitative (including relevant measures of defence expenditure) and qualitative (preparedness, military effectiveness, deployability, interoperability and sustainability of forces)". An *avant-garde* for capabilities would be a major step forward towards improving European military effectiveness, and would greatly help fill transatlantic gaps.

Research, Development & Procurement

EU governments need to think more about collective research, development and procurement (RD&P). Funding levels for European RD&P are insufficient for existing needs and unlikely to increase significantly in the foreseeable future. The US spent $40 billion on research and development in 2001, whereas France, Germany and the UK – the main European purchasers and producers of arms – spent a total of approximately $7 billion. Moreover, the US spent $60 billion on procuring new equipment in 2001, while France, Germany and the UK combined spent just $16 billion.[12] Yet the cost of new military technologies is soaring. It is clear that European governments need to extract more value out of each euro they spend on RD&P.

Many political obstacles have held back armaments co-operation in Europe. Institutions such as NATO and the WEU have so far failed to overcome them. The EU, therefore, should become directly involved in armaments co-operation, as part of its broader defence policy.[13] Only the EU can make member-state governments stick to their commitments. At Le Touquet, Tony Blair and Jacques Chirac signed up to the creation of a new "defence capabilities development and acquisition agency", tasked with encouraging the member-states to boost their military capabilities. This would build on the work of existing institutions such as OCCAR and agreements like the 'Letter of Intent', which are trying to bring about more the efficient management of multinational armaments programmes, although only some EU members participate. The new agency would work on harmonising military requirements, co-ordinating defence R&D, and encouraging the convergence of national procurement procedures.

EU leaders should back the Franco-British capabilities agency, but there remains the question of political leadership. A technocratic head of the capabilities agency is unlikely to command the respect of EU defence ministers. National governments require both foreign ministers and defence ministers. Similarly, the EU member-states should appoint a defence deputy – 'Mr. ESDP' – to the High Representative for

[11] European Convention, "Final Report of Working Group VIII – Defence", December 16 2002. Available from http://register.consilium.eu.int/pdf/en/02/cv00/00461en2.pdf
[12] *International Institute for Strategic Studies*, "Strategic Survey 2001/2002".
[13] Daniel Keohane, "The EU and armaments co-operation", *Centre for European Reform*, December 2002.

EU foreign policy (presently Javier Solana), to press the member-states to meet their promised contributions towards the EU's equipment goals. Every year he or she should publish a progress report on the EU's military assets, and then name and shame those governments that fail to fulfil their commitments.

Mr. ESDP should also devote some time to improving European armaments co-operation. He could start by encouraging national governments to co-ordinate their spending on military research and development. He should work closely with NATO to encourage European governments to harmonise their requirements for military equipment, and in some cases to develop specialised roles. Also, Mr. ESDP could help stimulate competition amongst defence suppliers by promoting a Europe-wide defence market.[14]

While European governments have been slow to pool their military resources, industry has been moving ahead, and a European defence industry is taking shape. A recent process of mergers and acquisitions has led to new cross-border defence companies emerging. These firms include EADS, a Franco-German-Spanish aerospace company, and MBDA, a four-country missile manufacturer combining British, French, German and Italian interests. However, the concept of a 'European' defence industry will be meaningless if the European market remains fragmented into many national pieces. With limited defence budgets, European governments can no longer contemplate using scarce defence euros to sustain uneconomic sectors of their national defence industries, and they should redouble their liberalisation efforts.

The EU should adopt the provisions of the Letter of Intent agreement – signed in 1998 by the six major arms-producing countries – to harmonise some defence market regulations for the whole Union. The Council of Ministers, which already manages the EU's defence policy, would then be responsible for implementing the provisions agreed in the Letter of Intent. The industrial security clause – Article 296 – in the EU Treaties prevents the European Commission from having a significant role in the European defence market. The enterprise Commissioner, Erkki Liikanen, recently urged politicians to integrate their defence markets.[15] To minimise the risk of inter-governmental gridlock in the Council of Ministers, EU governments could give the Commission a mandate to regulate a common defence market for less sensitive defence products – many new defence systems use commercial products – which could be put on a more open market.

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[14] For more on possible roles for an EU defence deputy, see Daniel Keohane, 'Time for Mr. ESDP?', in "New designs for Europe", *Centre for European Reform*, October 2002.

[15] European Commission, "Towards an EU defence equipment policy", March 11th, 2003. Available from http://www.europa.eu.int/comm/enterprise/defence/defence_docs/com_2003_113_en.pdf

Non-Europeans sometimes worry that any moves towards improving European armaments co-operation will create a "Fortress Europe" – and that non-European defence suppliers would then be excluded from competing for contracts. Such a development would not be in the general interest of European industry or taxpayers. It would harm prospects for the increasingly close relations between European and US armaments firms. Those relations are essential, so that European companies can increase their access to the huge US market and to secure their future in the face of flat European defence budgets. Nor would a 'Fortress Europe' be good for those European countries that are not major arms producers: they want a healthy level of competition for defence goods, including competition from outside the EU, to help keep down prices.

If handled properly, efforts to improve co-operation within Europe and across the Atlantic should be complementary rather than mutually exclusive. For example, improved armaments co-operation would be likely to improve the Europeans' military capabilities, which would benefit NATO as much as the EU. And a more integrated European market that remained open to American companies would help to encourage further transatlantic industrial consolidation.

Transatlantic tasksharing

2003 is a big year for the EU's security and defence policy (ESDP). Regardless of their divisions over Iraq, the Europeans have forged common – and fairly effective – policies in the Balkans, which have helped stabilise that region. EU policemen are already deployed in Bosnia, and the EU sent soldiers to Macedonia on March 31st – the EU's first military mission. Plans are afoot for the EU to take over NATO's military role in Bosnia during 2004 as well. Thus, the EU's much-derided defence policy has finally moved from the drawing board into action.

In the longer term, much of what happens to ESDP depends on NATO. The Americans will not use NATO for a serious conflict unless it offers them better military capabilities. Without beefed-up military assets NATO will be consigned to the role of post-conflict peacekeeping, such as helping to run a post-Saddam Iraq. Not only would this confirm that NATO is now a global actor instead of a regional one, but its primary task would be cleaning up after the Americans. And Europeans would probably provide most of the money and the troops. NATO as "cleaning lady" may not prove acceptable to Europeans in the long term, and they may decide to develop the EU's role as a military actor instead.[16]

[16] For a comparison of two different futures for NATO see Stanley Sloan and Peter van Ham, "What future for NATO?", *Centre for European Reform*, October 2002.

To overcome this division of labour, the Americans have pushed the Europeans to ensure that NATO offers something useful to them, especially by way of intervention forces – resources the Europeans are sorely lacking. President Bush has called on the Europeans to beef up their military prowess by creating a NATO response force of 20,000 elite troops. The idea behind this force is to make NATO's military organisation more useful for dealing with today's security environment.[17] But some, in particular the French, feared that a NATO response force would undermine the EU's own similar force of 60,000 soldiers.

However, many of the same troops can be used both for the NATO or EU reaction forces. Moreover, the more ambitious NATO force should help raise the military bar for the European rapid reaction force (ERRF). At the Le Touquet summit, the British and French governments agreed that the EU should be able to deploy air, sea, and land forces within 5-10 days – a huge improvement on the present arrangements for the ERRF, which is supposed to be ready within 60 days. The British and the French also agreed that this smaller, more rapid EU force should "strengthen the European contribution to the establishment of a NATO Response Force and ensure compatibility between the two".

European leaders also recognise the need to re-assess the suitability of the EU's military doctrine and institutions for the challenges it faces. The so-called Petersberg tasks set the parameters for EU military missions, which range from humanitarian relief to ending regional conflicts. But in years to come the EU should develop the organisation and capabilities to combat threats like terrorism and the spread of weapons of mass destruction (WMD), which are not covered by the Petersberg tasks. At the Seville summit in June 2002, EU member-states agreed to start compiling a common threat assessment of terrorist networks and WMD proliferation.

The Convention working group on defence has recommended that the EU adopt a "solidarity" clause, guaranteeing mutual assistance in case of a terrorist attack on EU territory, but not in the case of an attack by an external state.[18] Although seemingly innocuous in political terms, a "solidarity" clause is highly ambitious in practical terms because terrorist attacks are more likely than a Russian invasion. To fulfil such a commitment, at a minimum the EU would need to be able to co-ordinate soldiers, policemen and emergency response services across borders – some EU states have already started pooling their coastguard resources – and create a high-level intelligence body.[19] NATO is not well suited to carry out such counter-terrorism

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[17] Hans Binnendijk and Richard Kugler, "Transforming European Forces", *Survival*, Autumn 2002.

[18] The French and the Germans, amongst others, would like to insert a common defence clause – a commitment by member-states to defend each other in case of an external attack, similar to NATO's article V – into the EU treaties. However, an EU common defence clause is opposed by both the EU neutrals (Austria, Finland, Ireland, Sweden) – who do not want to join military alliances – and atlanticist countries like the Netherlands, the UK and some applicant states who argue that NATO provides adequate defence guarantees.

[19] See Adam Townsend, "Guarding Europe", *Centre for European Reform*, April 2003.

tasks, and concrete moves by the EU would do much to fill transatlantic gaps in the fight against global terrorist networks.[20]

Conclusion

A more global role for NATO suggests that the EU would be left to focus on conflicts (and terrorist networks) in places where NATO would not go, such as Africa[21], the post-EU enlargement "borderlands", and the Caucasus. The EU has already distinguished itself from NATO through its more "holistic approach" to security, combining military, civilian, diplomatic and economic policy tools.[22] In military terms, the combination of different transatlantic budgetary priorities, geographical focuses and contingency planning, may lead the Europeans to start thinking about their own "way of warfare".[23] The challenge ahead for the Europeans and the Americans, therefore, is to marry the ongoing development of ESDP with the re-invention of NATO as a global security actor.

NATO and the EU are not in competition with each other. In the years to come they will sink or swim together. Almost any conceivable EU military mission will need to draw upon NATO assets such as the expertise of its military planners. And if the Europeans succeeded in boosting their military capabilities, American respect for NATO would grow; and the EU would benefit too since it would rely on the same military assets. If they fail both NATO and the EU will suffer as a result.

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[20] For a comparison of European and American approaches to counter-terrorism see Jonathan Stevenson, "How Europe and America defend themselves", *Foreign Affairs*, March/April 2003.

[21] The statement from the Le Touquet Anglo-French summit of February 4th 2003 specifically mentions the aim that EU member-states co-operate more closely in Sub-Saharan Africa.

[22] For an analysis of the value the EU can bring to the global security table see Hans-Christian Hagman, "European Crisis Management and Defence: The Search for Capabilties", Adelphi Paper No.353, *International Institute for Strategic Studies*, January 2003.

[23] Lawrence Freedman, "A future for European defence", *Financial Times*, April 22 2002.

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Istituto Affari Internazionali

CONFERENCE ON

THE DEVELOPMENT OF ESDP AND ITS IMPLICATIONS FOR THE TRANSATLANTIC PARTNERSHIP

CASD, Rome, 11-12 April 2003

PAPER BY

Daniele Riggio

EU NATO COOPERATION: INSTITUTIONAL ARRANGEMENTS ~~AND THE POST-PRAGUE NATO~~

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Background paper on
"EU-NATO Cooperation: Institutional Arrangements and the Problem of Complementarity between the respective Rapid Reaction Forces"

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Seminar on the Development of the ESDP and Its Implications
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Introduction

The present paper attempts to highlight the major challenges and prospects for NATO and the EU in adapting their military postures and fostering mutual complementarity between the NATO's Response Force and the EU's Rapid Reaction Force.

A clear understanding must be reached about the extent of NATO and EU's engagement in the specific facets of a crisis-management contingency. The clarification of this question lies *a priori* on the development of a *consensus,* still lacking among European states, on what interpretation to give to the "Petersberg Tasks," as defined in the EU Treaty.

Due to the ongoing need to harmonize specific strategic prerogatives present among European states, the potential for a comprehensive and mutually reinforcing collaboration, particularly in the planning realm, has been effectively explored only in recent times. A conducive *momentum,* nonetheless, can be built upon the recent finalization of the *Berlin Plus* arrangements.

The capability-gap continues to represent a major challenge to the development of a sound transatlantic strategic partnership in meeting new threats. The NATO's Prague Capabilities Commitment (PCC) and the EU's Capabilities Action Plan testify the level of political engagement undertaken within both NATO and the EU in order to address this issue. It must be stressed, however, as a general observation, that capabilities for the XXI century security requirements are yet to be fully developed and their operational impact cannot be expected to be reached in the immediate future. This is due mostly to the great European technological gap grown *vis a vis* the United States on specific strategic areas, as well as to the difficulties faced in adapting consolidated strategic

mindsets to the increasing structural changes registered in the Euro-Atlantic security landscape. Moreover, EU's military assessments ascertain the present inability for the EU to carry out crisis-management operations in very hostile environments alone.

As NATO continues to present a comparative advantage, mostly in view of an integrated command structure which fosters military interoperability among multinational forces, possibilities exist and new ones should be explored in order to enhance strategic and tactical cooperation between NATO and the EU.

The paper, articulated in four sessions, aims at the following objectives:

- to highlight the structural and conceptual changes of the Euro-Atlantic security landscape and their implications for the military posture of Euro-Atlantic institutions;
- to explain the rationale and nature of the NATO's Response Force (NRF) and EU's Rapid Reaction Force (ERRF);
- to analyze the challenges and constraints for NRF/ERRF cooperation; and

to underscore the rationale and prospects for mutual complementarity between the two instruments.

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1. Euro-Atlantic structures' adaptation to the new security requirements

The changes in the Euro-Atlantic security landscape[1], particularly since September 11 2001, have driven home the need to undertake substantial adaptations to the armed forces. As it has been adamantly stated, "forces must nowadays be prepared to go to the crisis, rather than waiting for the crisis to come to us. They must have modern technology. And the three services must be able to work together effectively, without the artificial divisions of the past."[2]

Even before 9-11, in recognition of the urgent need for transformation, NATO and the European Union have been re-evaluating, adapting, and in some cases creating *ex novo,* the mindsets, structures, and capabilities necessary to cope with new security requirements. Particularly relevant within this process is the setting-up of multinational and joint forces which are rapidly deployable, and capable of carrying out various tasks with respect to crises-contingencies of low and high intensity.

2. The NATO Response Force (NRF)[3]

The NATO Response Force was launched during the NATO Summit in Prague. The rationale for the force is based on the following guidelines. The NRF should be technologically advanced, flexible, readily deployable under short notice, as, when, and where requested by the North Atlantic Council. The force should be interoperable, and sustainable for at least 30 days or longer when re-supplied. It should also act as a catalyst for ensuring that the benefits of military transformation are distributed throughout the Alliance so as to forestall burgeoning capability gaps between NATO members.[4] The

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[1] Lord Robertson, NATO's Secretary General. Speech on: 'The Role of the Military in Combating Terrorism'. Available on www.nato.int.

[2] Ibid. Additionally, Dr. Christopher Donnelly, Special Adviser to NATO SG on Central and Eastern European Affairs and a leading author on defence reform issues, argues that whilst security is now a broader concept, it still contains major military elements. Security threats will require a different military response than in the past. No longer can the threat to the defender be dealt with simply by passive defence or protective measures. Armies today may have to be deployed in support of domestic police operations. In addition, armed forces will have to deal with threats in the very countries in which they are generated. Forces today must expect to be projected abroad, sustained there, and engaged in a full spectrum of contingencies.

[3] As the NATO Response Force Concept is under discussion, the following remarks are based on public sources, including speeches of the Secretary General and of the Supreme Allied Commander in Europe, as well as on background briefings provided by staff of NATO's Defence Planning and Operations Department.

[4] Ibid.

force should reach an initial training capability not later than October 2004, and be fully operational by October 2006.[5]

As far as its tasks are concerned, a non exhaustive list of possible deployment-scenarios includes the following:

- flag-force deterring aggression;
- stand-alone force able to carry out a range of crisis response operations; and an
- initial entry force paving the way for a larger force.[6]

The structure of the NRF is envisaged as that of a multinational joint force. The military command will rest with the Strategic Commander for Operations and will flow from him to the Joint Force Commander (JFC), who is exercising responsibilities from a JFC HQ. The NRF will be composed of troops drawn from several pools of forces with rotating status - operating under a rotational Combined Joint Task Force (CJTF) HQ.[7] The land component should include up to two brigades and is expected to contain an appropriate package of heavy, light, and airborne forces - with the required combat support and combat service support elements.[8] The air component will provide the capability necessary to carry out up to 200 sorties per day and conduct several air tasks, including *inter alia*, air defence, offensive counter-air, air reconnaissance, close air support, air interdiction, combat search and rescue, target acquisition, airborne early warning, tactical airlift, air to air refuelling, and strategic airlift to deploy, sustain, and re-deploy the NRF. Finally, the maritime component should include a force equivalent to that of a NATO Task Force, of which the four standing naval forces could be considered as the core elements.[9] It should be able to conduct several maritime tasks, such as naval escort, anti-submarine warfare, naval mine counter-measure warfare, naval air-strike missions, and the strategic sea lift to deploy, sustain, and re-deploy the NRF.[10]

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[5] Ibid.

[6] Ibid.

[7] Should the latter be deployed into the area of operations, the Joint Force Command HQ will operate in accordance with the CJTF HQ concept and the Joint Force Command HQ itself will be defined as CJTF HQ. The Strategic Commander for Operations will be reponsible, *inter alia*, for proposing NRF standards, certification procedures, and exercise programs, and for conducting periodic force generation conferences. The Strategic Commander for Transformation will be responsible for developing, in cooperation with the Strategic Commander for Operations, the development of doctrine and capabilities requirements for the NRF. The Joint Force Commander will exercise the command over the NRF at the operational level, following a delegation of authority by the Strategic Commander for Operations. He will also be responsible for training the NRF, when delegated by the Strategic Commander for Operations. As far as component commanders are concerned, these will exercise command over their respective component forces. The deployable air component command will be drawn from the ACCs of the NATO Command Structure. The deployable land component command will be drawn principally from High Readiness Land Forces Headquarters. The deployable naval component command will be drawn principally from High Readiness Naval Forces Headquarters.

[8] These elements should include, *inter alia*, aviation, artillery, engineer, special forces, logistics and maintenance, communication, air defence, CBRN defence, transportation, psychological operations capabilities, CIMIC, military police, medical, and public affairs.

[9] This NATO Task Force should include a carrier battle group with associated surface and subsurface combatant units, amphibious forces, naval MCM units, and auxiliary support vessels.

[10] See 'Janes Defence Weekly', November 27, 2002 *(www.janes.com)* quoting a NATO military source. "NATO's military transformation entails also the designation of six high-readiness headquarters for rapid-

A concept of rotation is envisaged, so as to guarantee military effectiveness, ensure equitable burden-sharing among the members of the Alliance, and promote the dissemination of capabilities. National contributions are expected to rotate according to different phases of availability of sub-pools of forces - including training and certification and on-call status, followed by stand-down and re-training.

A balance should be struck between the need for multinational representation and combat effectiveness. The former could be guaranteed through various national contributions (at the battalion level or below). The latter could be ensured, at least for certain types of operations, through the provision of combat units at a brigade-level from a single country.[11]

3. The EU's Rapid Reaction Force[12]

At the 1999 EU Helsinki summit, EU member states launched the 2003 Headline Goal, calling for the creation of a European Rapid Reaction Force (ERRF), as the first step towards operationalising the European Defence and Security Policy. The informing policy principle is that the EU would take action "where NATO as a whole is not engaged."[13] Ultimately, the ERRF should enable the European Union "to play its full role on the international stage." [14] According to the Headline Goal, the ERRF should fulfil the following requirements. It should be capable to carry out the full range of the 'Petersberg tasks' as set out in Art. 17 of the EU Treaty, including humanitarian and rescue tasks; peace-keeping tasks; and tasks of combat forces in crisis management including peace-

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reaction land forces tasked with undertaking major operations lasting many months. The NRF, in contrast, is designed to be a first boots on the ground that could deploy in as little as five days and sustain itself for only a month or two before the arrival of additional military forces. In the broad outline developed so far, the operative number of 20,000 personnel was used but could be altered, depending on the future thinking. One possible breakdown of the 20,000-member force could include a brigade of roughly 5,000 combat troops, backed by additional support personnel. For the naval element, it is possible but not very likely that an aircraft carried battle group might be involved but this has the potential of pushing the numbers too high, since one US carrier alone carries about 5,000 people. For the air element, the operative figure is a capability of 200 sorties per day, but it isn't known yet if that would mean 200 sorties of combat aircraft or also include support platforms."

[11] Ibid, supra note 3.

[12] As the EUHG concept is still under development, the remarks in this section are based on both public sources and background briefings by the staff of the European Union Military Staff.

[13] 'Presidency Report on the European Security and Defence Policy', Presidency Conclusion, European Council, Nice, 7-9 December 2000. See also Hans-Christian Hagman, 'European Crisis Management and Defence: The Search for Capabilities', *Adelphi Paper 353*, The International Institute for Strategic Studies, Oxford University Press, 2002, p.118. According to Hagman, the word "where" in the formula "where NATO as a whole is not engaged" can mean both a geographical limitation – the Euroatlantic area – and a reference to time. The latter is more generally accepted.

[14] 'Declaration of the European Council on Strengthening the Common European Policy on Security and Defence', Press Release No. 122/99, Brussels, 3 June 1999. According to Vedby Rasmussen, "European governments have established the rapid reaction force in the expectation that the wars of the former Yugoslavia are the shape of the strategic challenges to come. European governments find that they failed their obligation to intervene in these wars, and thereby secure the integration and cooperative character of Europe." In Mikkel Vedby Rasmussen, 'Turbulent Neighbourhoods: How to Deploy the EU's Rapid Reaction Force', *Contemporary Security*, Vol. 23, Number 2, August 2002, p.48.

making.[15] Secondly, the ERRF should be able to conduct operations up to corps-level, (up to 15 brigades or 50,000-60,000 personnel). Thirdly, it should be deployable at full strength within 60 days and even more quickly with smaller rapid-response elements. Fourthly, it should be able to maintain a presence in the theatre of operations for at least one year. Finally, the ERRF should be able to operate at the request of other international organizations, including the OSCE and the United Nations.[16]

With regard to the structure of the force, EU member states have pledged 100,000 troops; 480 aircraft; and more than 100 ships, as defined in the Helsinki Force Catalogue (HFC) and its adaptation during the 2001 EU Capability Improvement Conference.[17] Analysts and EU officials have concluded that the capabilities provided constitute elements of "a major fighting force – including adequate numbers of HQs, combat brigades, combat aircraft, and manpower - albeit a rather traditional one." [18] In purely quantitative terms, European states have assigned more forces to the Headline Goal than to NATO. Greece and Belgium, for instance, have offered a whole brigade to the HFC and only one battalion to NATO. The Netherlands have provided one brigade to the EU and two battalions to NATO. The ships attributed by Belgium and the Netherlands to the EU Headline Goal's force requirements are more than those put at the disposal of the Atlantic Alliance. The number of combat aircraft offered by Germany, the UK, and Turkey to the EU is twice as high as the amount slated for NATO.[19]

4. Challenges for NRF-ERRF relations

A clear need has emerged to clarify the link between the two institutions by bolstering transparency, consultation, and coordination, with the aim of tailoring appropriate tools to specific crisis-contingencies.[20] In this respect, some analysts suggest that "a tacit

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[15] "EU's crisis-management operations are supposed to address the following six main challenges: saving human lives; maintaining basic public order; preventing further escalation; facilitating a return to a peaceful, stable, and self-sustainable situation; managing adverse effects on EU countries; and cooperation." See 'The Development of a Common European Security and Defence Policy by the European Union', *Report mandated by the Ressortforschung (DPIII)*; Geneva Centre for Security Policy: Geneva, Sept. 15 2001, p. 1.

[16] *EU Treaty,* Article 17.2. See also Alfred van Staden et al., 'Towards a European Strategic Concept', *The Hague: Netherlands Institute of International Relations*, 2000, p 21 ff. See also 'The EU Rapid Reaction Force: Europe Takes on a New Security Challenge' August 2001, Basic Paper No. 37, p.2. Available at www.basicint.org.

[17] Massimo Annati. 'Shaping the requirements for the European Rapid Reaction Force', *NATO Nations and Partners for Peace*, Vol. 47, No. 1/2002.

[18] Hans-Christian Hagman, Ibid, supra note 13, pp. 22-23. See also *EU Military Structures: Military Capabilities Commitment Declaration*, www.ue.eu.int/pesc/military/en/CCC.htm.

[19] Hans-Christian Hagman, Ibid.

[20] According to Stephen F. Larrabee, this question must be addressed in due course, so as to prevent "a danger that the two institutions will get bogged down in bureaucratic disputes over jurisdiction while a crisis escalates out of control." In Stephan F Larrabee. 'The European Security and Defense Identity (ESDI) and American interests.' *Rand Publications, 2000.* Monterrey, CA, p. 2. Several EU declarations stress the need to ensure that "NATO-EU relations promote effective consultation, cooperation and transparency in determining the appropriate military response to crises and to guarantee effective crisis management. To facilitate this aim a permanent and effective relationship between the two organizations

understanding would be created whereby the EU (with the help of the ERRF) would intervene in the prevention of a conflict, or in the case of civilian rehabilitation after a conflict. NATO would be responsible for dissuading, containing, and dealing with the conflict phase." [21] The result would be the creation of different, yet complementary and mutually re-enforcing roles as they pertain to various aspects of a conflict. Ultimately, NATO would benefit by evolving into a more flexible institution dealing with peace-enforcement, whereas European states would have increased leverage over multinational formations and operations.[22]

Several challenges remain nevertheless to be addressed. Firstly, European states and EU officials share different views on the specific functions that the ERRF should perform. Secondly, some nations fear that the lack of a military integrated structure within the EU could further entrench the EU's dependency on NATO – thereby compromising its autonomy. Thirdly, Europe's ability to deal with new operational requirements and capacity to foster interoperability among forces is questionable given the persistence of major capabilities short-falls. Finally, the need to activate a rapid response to a crisis is challenged by parallel exigencies such as varying domestic legislative benchmarks and combining different strategic cultures among states.

i. The interpretation of the 'Petersberg Tasks'

Whereas most of the tasks included in the lower level of the Petersberg spectrum are considered neither politically controversial nor militarily challenging, differing views continue to be registered on contingencies pertaining to the high-end of the spectrum.[23]

For France, the EU should be able to carry out major operations with combat components similar to the format which has characterized *Operation Desert Storm* and *Operation*

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must be established, which will include consultation and cooperation on issues of security, defence and crisis management of common interest." See Isabelle Ioannides, 'The European Rapid Reaction Force: Implications for Democratic Accountability', Bonn International Centre for Conversion, Sept. 2002, p. 26. See also Sharon Riggle, 'EU Officially Adopts Military Tasks: A Summary of the Nice Conclusions', Centre for European Security and Disarmament – Briefing Paper, 18 December 2000. Available at http://www.cesd.org/eu/nicebrief.htm.

[21] Guido Lenzi. 'Les relations entre l'Otan, l'UEO et l'Union europeene aujourd'hui.' *La revue internationale et strategique,* No. 32, hiver 1998-1999, p. 82.

[22] Giovanna Bono. 'European Security and Defence Policy: Theoretical Approaches, The Nice Summit and hot issues.' *University of Bradford, Bradford: Research, Training, and Network: Bridging the Accountability Gap in the European Security and Defence Policy/ESDP Democracy*; February 2002. Available at http://www.esdpdemocracy.net/7_publications.htm.

[23] Addressing this interpretative issue appears *a fortiori* more relevant in light of the wide array of contingencies for which a credible EU military capability has been envisaged, including failed states, non-combatant evacuations, peace support and humanitarian operations, and regional conflicts within or outside the borders of the European continent. In Julian Lindley-French, 'Boosting Europe's Military Muscle – the Build-up and Future Role of EU rapid Reaction Force', Lecture in the Cicero Foundation Great Debate Seminar, Paris, 9-10 March 2000. Available on http://www.cicerofoundation.org/p4lindleyfrench.html. See also, Isabelle Ioannides, Ibid. supra note 20, p. 12, who highlights a general interpretative trend. According to this, France has repeatedly advocated the creation of a "Defence Europe", while the remaining EU states have opted for putting more emphasis on such tasks as crisis management and traditional peace-keeping.

Allied Force.[24] Britain, on the other hand, has repeatedly pointed out that while some elements may be required for high-intensity crisis-management operations, war-fighting scenarios would fall outside the scope of the Petersberg declaration. The latter position has been challenged by other more recent considerations, such as those calling for the creation of an EU military posture enabling Europeans to intervene wherever the need emerges.[25] Other countries, such as Sweden and Finland, would condition the actual deployment of the ERRF to a specific mandate by the UN Security Council. In any event, they would likely be reluctant to support coercive operations.[26] Furthermore, although most EU states have pointed out that self-defence should not be included among the tasks of the ERRF, however the position of some EU states, such as Greece, [27] and opinions shared among the drafters of the European Constitution suggest that the ERRF could also embark upon collective defence endeavours. No political consensus, in any case, seems to have developed within the EU in this specific realm.

Conceptual discrepancies have emerged among EU officials too. Some have declared that that the ERRF would not develop into an alternative to NATO, but would help to clarify "the role of EU military capabilities." Others have underscored that it represents an important cornerstone toward the creation of an EU army.[28]

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[24] Alain Richard. French Ministry of Defense. 'European Defense and Transatlantic Link'. Georgetown University, 23 Feb. 2000. France appears increasingly eager to ensure ultimately EU's engagement in crisis of high intensity, albeit for the time being these contingencies, as per French admissions, would fall within operational frameworks under the auspices of NATO. Paris seems also interested to promote a crisis management visibility for the EU even beyond the European scope. In several interviews and public appearances, the former French Defence Minister Richard has pointed out: "The events in East Timor have demonstrated that we should be able to rapidly deploy our military capabilities of a humanitarian character to impose the respect of UN Resolutions, even if these crises are far away."

[25] "Achieving the Helsinki Headline Goals." *Center for Defence Studies*, King's London College. Discussion Paper, November 2001, p. 9. From the British point of view, "the Petersberg Tasks were [...] deliberately framed in such a vague way that they are all things to all people. What they are not is collective self-defense, clearly. What they are not is bombing Serbia, and what they are not is hunting for al Qaeda in the hills of Afghanistan. But many people say that the Petersberg tasks are peace-making." In Eleventh Report: "The European Policy on Security and Defense," Volume 1: Report, HL 71 (I) ISBN 0 10 442032 4, House of Lords, Select Committee on the European Union, 7 February 2002. The current Secretary of State for Defence, Geoff Hoon, on his turn has been quoted as highlighting the following considerations. "The world is a much less predictable place and we are likely to have to use our armed forces in a number of theatres that we would not have anticipated before." The EU must develop a full military force able to project power around the world." Nonetheless, there is also a recognition of possibile risks for ascertaining EU's potentials in the absence of concrete delimitations of the ERRF operations. "The lack of geographical limits has implications for training, deployment, force protection and sustainability, implying that troops might be required to fight in all climates, and that lines of supply and communication need to be capable of servicing them far beyond Europe. The size of the EU force of 60,000 troops – a corps sized unit – implies at least some limits on what the EU can do at any one time." In Eleventh Report: "The European Policy on Security and Defense," Volume 1: Report, HL 71 (I) ISBN 0 10 442032 4, House of Lords, Select Committee on the European Union, 7 February 2002.

[26] Massimo Annati, Ibid. supra note 17, p. 141.

[27] Isabelle Ioannides, Ibid. supra note 20, p. 13.

[28] Chris Patten, EU Commissioner for External Relations, has been quoted as saying: "The recent history of Bosnia and the recent history of Kosovo underline the importance of Europe doing more for itself. Now, we are trying to do it, and frankly it is daft – and malicious – to suggest that this is the creation of a European Army or an attempt to kick the Americans out of Europe. Nothing could be further from the truth. In Chris Patten, 'Debate on CFSP and ESDP European Parliament Brussels', 29 November 2000. Romano Prodi,

ii. Planning capacities and the issue of the EU's autonomy

The use of planning capacities is one of the most sensitive aspects of NATO-EU relations - particularly in view of the absence of a stated operational planning function in the Headline Goal, and ongoing concerns over EU political and operational visibility. According to France, an autonomous planning capacity should be developed within the EU, in order to prevent NATO from exercising a *de-facto* veto over a possible EU-lead crisis management endeavour. Former French Foreign Minister Vedrine, in particular, stressed that "although complementary to NATO, the ERRF would be autonomous and some operations would be planned without NATO involvement." [29] Contrary to this view, British military sources have adamantly insisted that "the key thing that is autonomous is the ability for the EU to take political decisions. The only independent input is a small military staff, about the same size the Western European Union had, which can frame the questions that will be sent to the NATO planning staff for preparing options for them to consider." [30] Most EU member states, in any event, support the idea that planning tasks should continue to be carried out by NATO.[31]

iii. The Euro-Atlantic capability-gap

The ongoing transatlantic capability-gap poses a formidable challenge both to interoperability and to fair and sustainable burden-sharing.[32] The NATO's Prague Capabilities Commitment and the EU's European Capabilities Action Plan have brought about a new momentum. States are acquiring and/or developing key capabilities where there are major shortfalls, including precision-guided munitions, WMD protection,

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President of the EU's Commission, has on his turn declared: "When I was talking about the European Army I was not joking. If you don't want to call it a European Army, don't call it a European Army. You can call it 'Margaret', you can call it 'Mary-Ann', you can find any name, but it is a joint effort for peace-keeping missions – the first time you have a joint, not bilateral, effort at a European level." In Interview with Romano Prodi, President of the European Commission. *The Independent* (London), 4 February 2000.

[29] Captain Gordon Wilson. 'The European Rapid Reaction Force: A Transatlantic Issue?', *Proceedings, US Naval Institute*, March 2002, Vol. 128/3/1,189, Annapolis, MD, p. 75. Several French military sources, however, have elaborated on this very point by emphasizing that only when all institutions for the European defence are in place will EU member states in a better position to ascertain whether they are able to intervene without NATO assets. In Interview with General Jean-Pierre Kelche of the CEMA, in *Armees d'aujourd'hui,* April 2000.

[30] Mark Oakes. 'European Security and Defence Policy: Nice and Beyond,' *London: House of Commons Library:International Affairs and Defence Section*. Research Paper 01/50.

[31] Isabelle Ioannides, Ibid. supra note 20, p. 27.

[32] James Appathurai, 'Closing the Capabilities-Gap', *NATO Review*, Autumn 2002. James Appathurai highlights two main structural and financial foundations of the present phenomenon. The current structure of the European defence proves that defence itself remains primarily a national prerogative, which leads to a present state of affairs characterized by the existence of "15 armies, 14 air forces, and 13 navies, each with their own command structures Hq., logisitcal organizations, and training infrastructures." Financial considerations are mostly related to a major drop of equipment procurements since the late nineties. Nowadays, with the possible exception of UK, Sweden, and France, most of the western European countries allocate less than 20% of their defence budgets on research and development.

strategic transport, and air-to-air refuelling. There are, however, still some major challenges that must be addressed.

Europe is lagging behind the US in providing the same high priority to key, but unglamorous capabilities such as airlift and communications. Some analysts have emphasised that "the proportion of logistics and support units made available to the full range of NATO missions has not, and probably will not, increase significantly."[33] Secondly, programs for the improvement of specific capabilities, such as strategic air-lift and reconnaissance satellites, will have little operational impact for several years to come. As a consequence, the Europeans' ability to undertake the most demanding tasks of the Petersberg declaration will remain in jeopardy – primarily in a scenario of EU autonomous engagement. Thirdly, in view of the fact that US capabilities are on the whole one generation ahead from a technical and doctrinal point of view, interoperability needs are often inadequately met.[34] Furthermore, as military forces are going to become more streamlined, yet state representation within the units will increase - inter-operability will become more challenging. Finally, as defence procurement remains outside a systematic and collective regulatory scope, policy cohesiveness and coordination among European states on capabilities-upgrading remains seriously compromised.

iv. Legal and political considerations

The ability of the EU to respond is seriously undermined due to the EU's current decision-making process. The emphasis placed on the upholding of high moral standards and values, as highlighted in the Annex IV of the Presidency Report to the Helsinki European Council, could also hinder operational requirements.

On the basis of this, the following legal and political considerations should be highlighted for consideration. First, according to the spirit of the EU Headline Goal, a military action must be "just", namely "it must be morally justified, and must be a last resort." Some states are even likely to condition its approval to the existence of a UN mandate. This requirement may hamper the exigencies of surprise. Second, a strong emphasis is expected to be put on the notion of proportional use of force. However, proportionality requires certain capabilities which are not as yet fully developed - such as detailed intelligence and precision-guided munitions. The search for proportionality could also lead to prolonged debates among EU members. Finally, no action would be envisaged unless there is a reasonable chance of operational success. Until Europe develops far more robust capabilities, this consideration may severely restrict the range of operations taken on by the EU.[35]

NATO will also face significant constraints. Although the Alliance has proven to have the ability to react rapidly when requested, the deployment of forces abroad requires

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[33] Hans-Christian Hagman, Ibid. supra note 13, p. 64.
[34] Ibid., p. 66.
[35] Ibid., p. 71.

parliamentary ratification in most NATO countries - a process which can be slow or unpredictable.[36]

5. Rationale for NRF-ERRF cooperation

The rationale for NATO-EU cooperation is based on the following considerations. The most striking argument is based on the recognition that each nation in NATO and the EU has only one defence budget and one set of forces from which to draw on in the fulfilment of commitments to both institutions. The second rests on the common goal of the need for cost effectiveness realised by preventing overlap or unnecessary competition. The third is based on the assumption that NATO will remain an essential partner for the European Union - particularly since most countries now hold memberships in both institutions, following the 2002 decisions on NATO and EU enlargement. Moreover, NATO continues to represent the only framework through which a direct US involvement in the European domain is guaranteed. Also, the Atlantic Alliance remains an essential security forum and a realm for determining interoperability and common military standards. Finally, NATO provides immediate access for European states to US force transformation.[37]

Based on these arguments, it is clear that the NRF and ERRF should complement, rather than compete with each other. Specifically, the Prague Capabilities Commitment (PCC) of NATO and the EU's European Capabilities Action Plan (ECAP) are mutually re-enforcing initiatives. The PCC focuses on four strategic areas: NBC protection; command, control, and communications superiority; interoperability of combat forces and combat service support; and their rapid deployability and sustainability. Within the ECAP, panels have been established to address similar issues including: battle-field helicopters; NBC protection; carrier-based naval air-power; air-to-air refuelling; combat search and rescue; precision-guided munitions and cruise missiles; suppression of enemy air-defence, battlefield reconnaissance and unmanned air vehicles; theatre-level surveillance and air reconnaissance; deployable communications; deployable ballistic missile defence; and strategic airlift.[38] Secondly, most of the required capabilities can be used in both EU-led or NATO-led operations.[39] Thirdly, NRF units can be attached to ERRF units for Petersberg missions necessitating additional combat power for high intensity conflict scenarios.[40]

6. Prospects for NRF-ERRF cooperation

A strategically sound complementarity between the NRF and the ERRF lies on a clear identification of their respective roles. It is also based on the recognition of specific areas

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[36] Ibid., p. 71-72.
[37] Ibid. p. 59.
[38] Edward Foster, 'Sharing the reins: NATO/EU Capabilities,' *Jane's Defence Weekly*, January 08 2003.
[39] Ibid.
[40] Hans Binnendijk and Richard Kugler, 'Transforming European Forces', *Survival,* The International Institute for Strategic Studies, Vol. 44, Number 3, Autumn 2002, p. 128.

of cooperation, upon which to maximize the distinctive added values of the two rapid reaction forces.

i. Operational scenarios

Analysts have differentiated between the NRF - designed to undertake high-intensity operations, including those outside European boundaries, and the ERRF which is tailored primarily to fulfil less robust tasks, such as traditional peace-support operations and response to civil emergencies.[41]

Whereas the military concept of the NRF is still under development, the EU military staff has already provided an assessment of the ERRF's operational capabilities on the basis of several envisaged scenarios. For example, the *Assistance to Civilians* scenario does not pose a major challenge for European nations, as it envisages a predominantly permissive environment.[42] Similarly, the *Conflict Prevention/Preventive Deployment* scenario falls well within the capabilities of the EU, as it does not involve situations of high-intensity conflict.[43] Major constraints would on the other hand hinder the EU's effectiveness in the *Separation of Parties by Force* scenario, given Europe's poor capacity in terms of "additional combat-ready divisions, carrier battle groups and maritime and air expeditionary forces deployable at short notice, either for escalation or for large-scale evacuations." Based on this, the ERRF would not be able to effectively carry out the highest-end of the Petersberg spectrum. In this respect it is likely that that "EU states will remain dependent on the US for operational support."[44] The ERRF's operational shortcomings could be nonetheless overcome through a tighter affiliation with the NRF - particularly in the realm of high-intensity conflicts. Through alternate assignments between the respective rapid reaction forces, both NATO and the EU could benefit from the disposal of expeditionary units.[45]

ii. Developing joint-capabilities

Shortfalls in European capabilities are not a result of a dearth in defence spending *per se* (173.5 bn Euros in the 2001).[46] Rather, they exist due to inefficient spending, duplication

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[41] Luke Hill. 'Prague Summit: NATO Response Force', *Jane's Defence Weekly* – November 27, 2002.
[42] Hans-Christian Hagman, Ibid. supra note 13, p. 67 and p. 47. This scenario (resembling an *Operation Alba*- like contingency) deals with refugees-flows, humanitarian aid, and the evacuation of EU nationals in a context 10,000 kms from Brussels. The environment for this envisaged scenario would be largely permissive, though enforcement measures could be required. Tasks to be performed would include area security and ensuring freedom of movement, information operations, humanitarian assistance, and providing support for international agencies and evacuation operations.
[43] Hans-Christian Hagman, Ibid. p. 68 and p. 48. This scenario (resembling *Operations IFOR/SFOR*-like contingencies) calls for an expeditious and firm enforcement of a peace settlement. The environment would be predominantly permissive. Police and civilian support would complement the corps-sized military element.
[44] Ibid., pp. 68-69.
[45] Hans Binnendijk and Richard Kugler, Ibid. supra note 40, p. 128.
[46] Hans-Christian Hagman Ibid. supra note 13, p. 90.

among the current fifteen EU countries, and inappropriate expenditures on out-dated Cold War capabilities. The Prague Capabilities Commitment addresses this challenge.

Several approaches, including pooling, niche capabilities, and national expertise, have been recommended with respect to the most important capabilities shortcomings, including "support jamming pods, air-to-air refuelling, UAVs, sea-lift, aircraft logistics, military medical services, air and maritime control, and submarine search and rescue."[47] This *modus operandi* could represent an important boost to European armed forces by avoiding duplication, achieving economies of scale, and preventing the over-stretching of national budgets arising from the need to sustain multi-role forces capable of carrying out all the required tasks alone. Furthermore, by creating regional pools of forces - each with their own capabilities – interoperability and multinational operational effectiveness would increase, thereby sharing the political and financial burden among European states.[48]

An important initiative already undertaken in this realm has been the establishment of a EU-NATO Capability Group, operating within the framework of the *Berlin Plus* package. The group will be entrusted with the following tasks: ensuring coherence between commitments and targets set up by both organizations; reviewing the status of capabilities improvement through "progress reports;" and considering qualitative aspects of capabilities improvements, particularly on issues such as deployability, sustainability, inter-operability, and command and control.[49]

iii. Cooperation in the defence and operational planning field

NATO-EU relations could be fostered in defence planning, particularly in view of the 13th December 2002 Declaration on the European Security and Defence Policy. This Declaration covers the four cornerstones of the *Berlin Plus* arrangements (enshrined in par. 10 of the 1999 NATO Washington Summit Declaration), namely:

- assured EU access to NATO operational planning (without recourse to a specific authorization from the North Atlantic Council);
- presumption of availability to the EU of NATO capabilities and common assets (upon a specific authorization from the North Atlantic Council);
- NATO European command options for EU-led operations, including the European role of the Deputy SACEUR; and
- adaptation of the NATO defence planning system to incorporate the availability of forces for EU operations.[50]

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[47] Ibid., pp. 90-91.
[48] Ibid., p. 91. Guiding models exist already, including *EUROCORPS, EUROMARFOR, ARRC*, and the *Northern Brigade.*
[49] Background briefing provided by representatives of NATO's international staff working in the Political Affairs Division.
[50] "NATO Update: NATO-EU cooperation taken at a new level", available on www.nato.int/docu/update/2003.

In view of the finalization of the above mentioned *Berlin Plus* arrangements, consensus has emerged over the specific responsibilities of the Deputy SACEUR in the development of the European Security and Defence Identity within NATO. Firstly, the Deputy SACEUR will be able to act as Strategic Coordinator. In routine periods he will be tasked, *inter alia*, to enhance liaison arrangements between SHAPE and the EU military staff and to boost exchanges of view on training, exercises, force readiness, capability improvements, and the promotion of interoperability (including common military concepts). In times of crises, he will provide advice, either informally, or at the official request of the European Union, and contribute to risk assessment. At a specific EU request, he could also assist in planning support for EU-led operations without the use of NATO's assets and capabilities. Secondly, the Deputy SACEUR will be designated as Operation Commander for EU-led operations using NATO assets and capabilities. He will thus act under the political control and strategic direction of the EU. This format will encourage the closest cooperation between the two organisations in this field, by reducing any rationale for separate, duplicative, and divisive planning structures within the EU.

Together with the access to NATO planning structures and operational assets and capabilities, a new momentum has been brought about by the EU Copenhagen Summit of last December. The association of non-EU NATO members in the EU decision-making process concerning EU-led operations with NATO assets and capabilities is now possible.

Two important caveats must be addressed in order to capitalize on the conducive environment developed in recent months. First, in order for complementary defence planning to succeed, clearly compatible goals should be established so that planning processes are inter-operable and manageable. The provision of the Nice Treaty on the participation of NATO officials in the Headline Goal Task Force for the development of capability-goals represents a step toward the right direction, as this will bolster transparency and close consultation between NATO and the EU. Secondly, cooperation should be boosted at all levels, while opt-outs options and ad-hoc arrangements to overcome obstructions posed by individual states could be included.[51]

7. Conclusions

A mutually re-enforcing strategic partnership between the NRF and the ERRF can be bolstered through genuine political commitment, a clear understanding of the respective roles in view of existing operational capabilities, and the prevention of duplication in all forms.

Firstly, there is a clear need to develop a common understanding among EU states on the meaning and scope of the Petersberg tasks. If differences of interpretation persist, the creation of a truly cohesive European rapid reaction capability will be unattainable, and different national approaches and duplication of forces will remain.

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[51] Hans-Christian Hagman, Ibid. supra note 13, pp.97-99.

Secondly, a division of responsibilities may be envisaged. The ERRF could be considered, at least in the foreseeable future, for deployments in not too hostile scenarios requiring traditional peace-keeping, conflict prevention, and post-war reconstruction endeavours. Whereas the NRF could be considered predominantly as a force designed to deter aggression or as an entry-force in a highly antagonistic environment.

Thirdly, more pragmatism may be required in determining operational tempo if the decision-making process of NATO and the EU is not adequately tuned to meet domestic constraints in member states – such as requirements for parliamentary ratifications for the deployment of troops abroad. Similarly, procedures within both NATO and the EU will need to be streamlined in order to ensure agreements are reached as membership in each organisation grows.

Fourthly, cooperation between the NRF and the ERRF entails a renewed commitment to develop the capabilities necessary to meet the XXI century security requirements. Failing to accomplish this will jeopardize transatlantic inter-operability, and increase the risk of long-term transatlantic estrangement.

Finally, NATO's comparative advantage continues to be of central relevance to the EU. Access to NATO's planning and capabilities, coupled with the possibility for carrying out joint exercises, may enable the ERRF to be engaged across the full spectrum of operational environments.

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CONFERENCE ON

THE DEVELOPMENT OF ESDP AND ITS IMPLICATIONS FOR THE TRANSATLANTIC PARTNERSHIP

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PAPER BY

Jeffrey Bialos

GETTING "YES" ON MISSILE DEFENSE: THE EMERGING TRANSATLANTIC CONSENSUS

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[Draft copy not to be quoted]

Getting to "Yes" on Missile Defense: The Emerging Transatlantic Consensus [1]

Jeffrey P. Bialos & Stuart H. Koehl[2]

Recent events, including the post-September 11 focus on combating terrorism and the war against Iraq, have taken some of the focus off the important issue of missile defense. Few areas of defense policy have been as contentious. The highly charged debate of recent years – in the United States and abroad – has tended to have an all or nothing quality to it and to focus on polemics and ideology rather than practical realities.

Yet, there are some emerging realities in this highly charged area that I want to talk about today – which suggest that all of us – on both sides of the Atlantic – can "get to yes" on this complex subject. Let me sketch these out at the outset and then flesh out the details.

- First, in my view, it is irresponsible and immoral to be entirely opposed to ballistic missile defense. Plainly, as the ongoing events in the Middle East and North Korea highlight, there are legitimate threats and we have realistic – not pie in the sky – means of addressing such threats, including the threat of intercontinental ballistic missiles. Moreover, after years of intense debate and controversy, there is truly a bipartisan consensus in the United States on the need to address this threat. Simply put, despite the recent and understandable focus on other issues, missile defense is and should be here to stay as a mainstay of U.S. defense policy.

- Second, the appropriate question is not whether to have missile defense. Rather, we should focus on the degree of the threat, its relative importance compared the range of other asymmetric and conventional threats we face in the 21st century, and what types of defenses are most appropriate. What priorities do we afford to strategic missile threats versus theatre threats and battlefield threats to our soldiers in the field?

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And how do we allocate resources among these various threats and how important is it to deploy against them now? These are the issues worth debating.

- Third, there appears to be an emerging, if nascent, consensus in Europe that its nations also face real and potentially growing threats – although the nature and degree vary depending on geographic location. Moreover, all European NATO partners face the need to be able to fight high intensity, out of area missions together. Force protection requires at least some semblance of missile defense for these missions as well as for lower intensity Petersburg missions around which the European Headline Goals have been created.

- Thus, the reality is that it is in Europe's interests to want to apply resources to missile defense. And, to be serious about this subject, Europe should want to engage with the United States. The reality is that Europe lacks the resources and technology to meaningfully go it alone in this area. U.S.-European efforts can build on existing cooperative efforts in missile defense and lead to the creation of an truly international architecture for missile defense – with "plug and play" features --that can be a "win-win" proposition. The cooperation will likely be different than in other cooperative projects – different countries will likely make different types of contributions and participate to different extents. But this model is most appropriate for the circumstances. A Europe that fails to meaningfully engage on this issue with the United States and either goes its own way or no way at all is a Europe that will move toward gradual disengagement from the United States in defense policy, armaments and in a broader geopolitical sense.

I. Setting the Stage: A Changed Strategic Environment & Emerging Domestic Consensus

During the late Cold War period, there was no U.S. national consensus on missile defense. One's position was usually an accurate indicator of whether one could be labeled as a "hawk" or a "dove" within the U.S. political environment. The Reagan Administration's Strategic Defense Initiative, and the subsequent and relatively hostile reaction to the program (labeled as "Star Wars" by its detractors), produced a highly politicized environment – whatever the technical merits of the program itself.

Some viewed the Anti-Ballistic Missile ("ABM") Treaty as the cornerstone of an elaborate system of arms control agreements that ensured a modicum of stability

between the United States and the Soviet Union, thereby preventing an unconstrained arms race and fostering enhanced deterrence. Others saw the ABM Treaty and other arms control agreements as instruments that had failed in their avowed purpose of ensuring our security against missile threats, and believed that only active defenses barred by the treaty could render the ballistic missile threat ineffective.

For the most part, Europe remained either indifferent or actively hostile to the conception of ballistic missile defense. Europeans have tended to view the approach as as technically impractical, or prohibitively expensive, or strategically destabilizing --either by provoking a Soviet response, or by potentially de-coupling the United States from its Western European allies. In any case, European support for SDI and its subsequent manifestations was not forthcoming prior to the demise of the Soviet Union. European elites remained hostile to the concept as technically unfeasible, strategically reckless, and unaffordable. On the other side of the coin, despite various Presidential statements about sharing missile defense technology with our allies (and even with the USSR), practical cooperation in the form of meaningful program participation did not materialize, further undermining European support for SDI and subsequent NMD programs, though the experience of Operation Desert Storm piqued interest in more limited theater missile defense programs.

Today, however, missile defense must be assessed within a very different strategic and geopolitical environment. With the fall of the USSR and the emergence of a more democratic Russia that is more fully integrated into the international community, the risk of a major strategic nuclear exchange has receded. Through a series of agreements, the nuclear arsenals of the United States and Russia have been greatly reduced, and will continue to diminish over time. The world is somewhat safer for that.

However, the end of the Cold War unleashed many destabilizing forces that had long been suppressed by the bi-polar superpower confrontation. Old national, ethnic and religious enmities have reemerged and with a vengeance. Even before the terrorist attacks on New York and Washington on 11 September 2001, it was clear that the United States and its coalition partners face a broad range of both conventional and asymmetric threats to security, including the threat of ballistic missiles and weapons of mass destruction.

The United States and the international community responded in a range of ways to these new threats, including international agreements and cooperation, export control regimes, economic sanctions political incentives, and, in some cases, the use of force. Yet, as events unfolded, a new consensus began to emerge in the United States that these measures alone could not ensure the security of the United States, its allies, or its forces deployed abroad.

Slowly but surely, the grounds of the missile defense debate began to change in the United States from the matter of "if" to the matters of "how" and "when". In this regard, it is important to remember that the process that culminated with the Bush Administration's decision last December to withdraw from the ABM Treaty and deploy a National Missile Defense System began with the Clinton Administration's decision to initiate a National Missile Defense program and develop the critical enabling technologies. The reality today is that the consensus for missile defense in the United States stretches over two administrations, covers both political parties, and has broad public support.

II. The Range of 21st Century Security Threats: Viewing Ballistic Missiles in Context

There is little doubt today that the risk of ballistic missile attack on the United States and its allies and forces is one of the major and growing security threats we face in the 21st century. It is important, however, to understand the nature of the threat and view it in the context of the range of other conventional and asymmetric threats to security we face in this new era.

A. The Missile Threat Is Real & Growing

First, as to the nature of the missile threat, it is real and growing. Today, there are at least fifteen countries either in possession of ballistic missiles or working to acquire them; several of those also have active weapons of mass destruction ("WMD") programs. Among the countries of particular concern today are Iran, North Korea, India, Pakistan, Vietnam, Syria, Yemen and China. Until recently, both Afghanistan and Iraq could have been included in that list. Noteworthy is the statement in the Bush Administration's Quadrennial Defense Review issued in 2001 that "in particular, the pace and scale of recent ballistic missile proliferation has exceeded earlier intelligence estimates and suggests these challenges may grow at a faster pace than previously expected."[3]

As the CIA noted in its 2001 public estimate of the missile threat, most U.S. intelligence community agencies project that during the next 15 years the United States most likely will face ICBM threats from North Korea – likely the soonest, and later from Iran—barring significant changes in their political orientations—in addition to the strategic forces of Russia and China.[4] Moreover, as the CIA has noted in its 2001 public estimate of the missile threat, "the trend in ballistic missile development worldwide is toward a maturation process among existing ballistic missile programs rather than toward a large increase in the number of countries

[3]Quadrennial Defense Review (2001), at 6-7.
[4] Director of Central Intelligence, "Foreign Missile Developments and the Ballistic Missile Threat Through 2015", Unclassified Summary of a National Intelligence Estimate, at 5.

possessing ballistic missiles."[5] In other words, as the report confirms, "[e]merging ballistic missile states continue to increase the range, reliability, and accuracy of the missile systems in their inventories—posing ever greater risks to U.S. forces, interests, and allies throughout the world."[6]

The fact that many of these countries with actual or potential missile capabilities also occupy areas of regional instability and conflict is not coincidental. Conflict and instability are the spurs to missile proliferation, and as conflict shifts to other areas, we are likely to see new threats emerge.

In short, while estimates vary of the actual timing of strategic missile threats to the continental United States, the fact is that the broad range of missile threats in theaters and on battlefields are very real and growing.

B. Why Is Missile Proliferation A Leading Security Threat?

The growth and projected growth of missile threat is in part a reflection of the overwhelming U.S. military dominance in the world today. Continued stable U.S. investment in defense capabilities during the 1990s – during a time of an overall worldwide global decline in defense spending, has left the United States as the only superpower. A string of events, from the 1991 Gulf War to the Balkans to Afghanistan and the current Iraqi campaign, has confirmed our preeminence. Moreover, from a military standpoint, there is virtually no sign of a peer competitor on the horizon for years to come.

Thus, in this environment, how can a potential U.S. adversary hope to gain some military advantage or threaten U.S. interests. Simply put, potential adversaries – individually and collectively – lack the resources, industrial capabilities and, for the most part, technical competence to produce major defense platforms that can compete with ours in air, land and sea or that can meaningfully project power and lethal force against the United States and its allies. What country can realistically develop and produce a fighter to compete with the F-22 or Joint Strike Fighter? Moreover, it remains to be seen what nations would have the capability, in terms of trained personnel and infrastructure, to maintain such advanced systems.

Thus, with such conventional, symmetrical responses to the military prowess of the United States and its coalition partners effectively foreclosed to potential adversaries, it is inevitable that an increasing number of countries are seeking "equalizers" through asymmetrical strategies and responses. For some countries, that response takes the form of state sponsored terrorism—either directly or through the control and/or sponsorship of sub-national entities. For others, it takes thee form of

[5] Id. at 5.
[6] Id. at 8-9.

weapons of mass destruction combined with unconventional delivery systems—ballistic and cruise missiles. Some countries have pursued or are pursuing all of these paths.

Hence, these nations – mostly rogue states – have little choice but to husband their resources for realistic and asymmetric "equalizers" – from low tech to high tech. This reality drives potential adversaries to focus on areas like ballistic and cruise missile technology (sometimes combined with chemical and biological warfare capabilities), which are cheaper and within their skill sets. Commercially available technologies such as GPS and inexpensive laser-gyro inertial guidance packages make these weapons capable of precision as well as area attacks, thus placing point targets and deployed forces at risk. As the Bush QDR properly highlights, in a globalized economy with significant diffusion of missile and related technologies, it is far more likely that our potential adversaries can cost-effectively develop more effective ballistic missiles of various ranges and potentially lethal payloads.[7] Precision guided missiles – from the battlefield to the region – and other asymmetric capabilities derived from available commercial technology are likely to be weapons of choice. The technology is available, the price is better, and the consequences significant.

In short, ballistic missiles are the "poor country's" weapons -- the way of the weak confronting the strong. The strategic logic behind this approach is clear. Take, for example, the country deciding whether to acquire a force of multi-role strike aircraft. At a cost of about $50 million per aircraft, a squadron of just twelve aircraft costs $600 million, to which must be added the cost of ordnance, fuel, spare parts, pilot training, and a complex base infrastructure. For all this, the country gets an insignificant force that would be quickly eliminated in the opening moments of any war with the United States and its coalition partners—if they are not destroyed on the ground before having even gotten into the air. On the other hand, the same $600 million investment could get one hundred ballistic missiles on mobile transporter-erector-launchers, or as many as 600 Tomahawk-type cruise missiles with mobile truck launchers (or an even greater number of UAVs). Moreover, these forces will require only a fraction of the manpower, maintenance support, and infrastructure of manned aircraft. They are much more likely to reach long range targets, and, if combined with WMD payloads, they can exert a considerable deterrent capability not just over local rivals, but over the great powers as well. Thus, from the vantage point of potential adversaries, missiles with WMD payloads unfortunately represent a logical approach – especially in the absence of effective missile defenses.

C. The Missile Threat in Context

While recognizing the importance and growth of the missile threat, it is

[7] Id. at 6.

important to put that risk in context. First, we need to consider other potential security threats. Second, we need to differentiate between the types of missile threats we face and their relative significance and immediacy.

First, it is critical to recognize that ballistic missiles are only one of a broad panoply of 21st security threats the United States faces; these include not only include the traditional regional and other threats, but a host of new "asymmetric" threats, some technologically leveraged and others not – from biological and chemical weapons of mass destruction – delivered by missiles and other means -- to cyber terrorism, information warfare and other forms of government sponsored terrorism. Thus, while the risk of missile attacks –a primary Bush Administration focus -- is certainly one of these threats, it is only one. Indeed, as Under Secretary of Defense Jacques Gansler noted in September 1998, "we can expect a diverse and unpredictable threat – both asymmetrical and traditional; often combining more traditional conflict with acts of terrorism." [8]

The full range of threats has been identified in the last several Quadrennial Defense Reviews – the major defense planning document for the Department of Defense – and has resulted in a number of new military requirements and acquisition programs. U.S. senior acquisition executives struggle daily, almost like portfolio managers, to allocate scarce resources between competing priorities and security threats. What September 11 has essentially driven home is that these threats are not simply theories of Pentagon planners, but are, to varying degrees, realistic prospects that need to be addressed for the United States and its coalition partners to be secure.

There is one important difference between the Clinton and Bush Administration threat posture worth noting. Specifically, while little discussed today, the Bush QDR clearly focuses on China as a potential adversary. It states that "[a]lthough the United States will not face a peer competitor in the near future, the potential exists for regional powers to develop sufficient capabilities to threaten stability in regions critical to U.S. interests. In particular, Asia is gradually emerging as a region susceptible to large-scale military competition."[9] Lest there be any doubt what that means, the QDR then goes on to say that in Asia, "[t]he possibility exists that a military competitor with a formidable resource base will emerge in the region."[10] Plainly, the Bush Administration sees China as a potential threat and will seek to restructure U.S forces with this threat in mind. While perhaps not publicly highlighted, the fact is that the Bush Administration's focus on long-range missile threats and national missile defense undoubtedly reflects concern over an emerging Chinese ballistic missile capability. While not a short-term focus today, in the long

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[8] "Technology and Future Warfare," The Honorable Jacques S. Gansler, Under Secretary of Defense for Acquisition, Technology and Logistics, International Institute for Strategic Studies, 40th Annual Conference, Oxford, United Kingdom (September 3 1998).

[9] Quadrennial Defense Review Report, U.S. Department of Defense (September 30, 2001)., at 4.

[10] Id. at 4.

term the Chinese missile threat may be a driver of U.S. missile defense policies and programs. The fact is that China has and will continue to grow its strategic missile force.

Second, it is important to discriminate between the immediacy and intensity of different types of missile threats. The Bush Administration has been heavily, though not entirely, preoccupied with long-range intercontinental ballistic missile threats to the United States. While such "strategic" missile threats are plausible in the coming years, especially from North Korea, they are not present here and now. Yet, as the current conflict in the Middle East and prospect of conflict in other regional theatres shows, there are real, immediate, and growing threats of missile attacks today at the theatre and battlefield or tactical level against U.S. interests and against U.S. platforms and military personnel in all theatres of operation. This risk, faced by US forces currently in the field, is real and present, and not merely potential. Moreover, looking forward, the broad threat of missile attacks against US platforms is likely to grow in the years ahead. The fact is that the technology to develop tactical and theatre missiles is more widely available today and, not surprisingly, the capability to deploy such shorter range weapons is also far more pronounced. Without the umbrella provided by Patriot PAC-2 and PAC-3 missiles, U.S. forces would not have been able to assemble in Kuwait, let alone charge into Iraq. Indeed, at program reviews at the Pentagon, Army representatives always stand up and ask for more funding for theatre programs to protect soldiers in the field.

Thus, when the United States considers what "capability" we need and when we need it to defend against these threats, it is important to evaluate the immediacy and scope of the threats involved. It makes no sense to over invest today in a capability not needed for years hence.

In drawing these distinctions, I am mindful of the old adage that "where you sit determines where you stand."

Hence, when we consider the allocation of scarce defense resources for missile defense, we must weight the relative importance of other threats and the relative immediacy of various types of missiles threats.

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In sum, in light of the strategic landscape and nature of the threat we face today and in the future, a reflexive opposition to missile defense is no longer a reasonable policy position. Intellectually and morally, it is, in my view, irresponsible to oppose missile defenses in any and all manifestations. Simply put, missile proliferation is a reality that must be addressed. And while diplomacy, economic assistance and other "soft" policy tools can be useful, it is not sufficient to rely on these options alone. In other words, out of an abundance of caution, we should continue efforts to develop a

defensive capability even if we do go forward with negotiations with the North Koreans and other missile capable regimes. Active missile defenses reduce the efficacy of ballistic missiles, and thus work synergistically with diplomacy, arms treaties, sanctions and other diplomatic and economic tools, and thus enhance non-proliferation efforts.

Now, some have asserted that it is not necessary to build missile defenses because adversaries can find other means of delivering WMD, up to and including carrying them to the target in a suitcase or cargo container. However, this is akin to saying one should not put a roof on one's house, because a burglar might come through the front door: it is true, but also irrelevant and illogical. In the absence of effective missile defenses, adversaries will seek to acquire missiles as the most effective and reliable delivery vehicles -- the ones that have the greatest deterrent value and give the most strategic leverage. Therefore, the question then becomes not one of whether to develop and field missile defenses, but of the nature, extent and costs of the defenses to be fielded.

III. U.S. Missile Defense Strategy and Programs

With a budget averaging about $7-8 billion per year, the U.S. Missile Defense Agency (MDA) today manages a single integrated acquisition program for missile defense that includes a layered set of activities and technology projects covering national missile defense, theater missile defense, and cruise missile defense. The overall U.S. approach today is to utilize the full range of technologies and integrated capabilities to develop an overall missile defense architecture in a "block" or spiral development approach – i.e., build a little, deploy a little, upgrade a little, deploy a little more.

The current National Missile Defense program (now called the Mid-Course Defense segment) was initiated by the Clinton Administration in 1996, with the goal of developing the system architecture and enabling technologies to field a system capable of defending all fifty states from a limited attack by intercontinental ballistic missiles or submarine-launched ballistic missiles. This system would not defend against a major strategic attack by Russia, but against small attacks by rogue states. The reality also is that this capability could potentially defend against a Chinese attack unless and until China significantly increases the size of its arsenal. In all events, President Clinton deferred that decision to his successor, and President Bush in 2002 made two important decisions. First, the President decided in June 2002 to withdraw from the ABM Treaty – a sea change in nuclear policy done to legalize the move to NMD deployment and facilitate new technological approaches such as airborne or space-based laser systems, sea-based systems, and enhanced and expanded ground-based systems. Second, freed of the constraints of the ABM Treaty, the President decided to move to deploy the initial NMD capability in 2004.

The initial NMD system that will be deployed by 2004 consists of about 100 Ground-Based Interceptors (GBIs), X-band Engagement Radars (XBRs), Upgraded Early Warning Radars (UEWR), an enhanced Space-Based Infrared Satellite System (SBIRS), and a battle management/ command, control & communications (BM/C3I). Deployed in Alaska, the system in its present configuration could defend the US against an accidental launch from Russia, or small-scale attacks by China or North Korea. It could not deal with a sophisticated, large-scale first strike, such as was planned by the USSR in the Cold War, or (some critics allege) with relatively short-range submarine-launched missile strikes. Nonetheless, the Administration has assessed that the system provides an enhanced degree of security against the most likely threat, as well as a baseline upon which to develop future capabilities. In light of the post-September 11 environment and the Administration's strategic approach against the so-called "Axis of Evil," this program is likely to go forward as planned. The fact is that since 1996, Congress has consistently appropriated more funding for NMD than the President has requested. With a Republican-controlled Congress, this is likely to continue through the early deployment phase at least.

The Bush Administration is also moving forward with several other new "layered" elements of defense against a long range missile attack. These include the Airborne Laser (ABL) program, which will mount a high-powered chemical laser on a Boeing 747 platform to intercept ballistic missiles in the boost, or early, phase of flight. Being mobile, the ABL can be deployed to meet contingency threats, and strictly speaking straddles the line between National and Theater Missile Defense Systems. Also in development is Sea-Based Midcourse (SBM) Defense, now also known as Aegis-Based Missile Defense (Aegis BMD). This represents a merger of several shipboard TMD and NMD programs, all of which are derived from the Navy's Aegis air defense radar and battle management system, linked with the new Standard SM-3 missile and a kinetic kill vehicle. As the name implies, Aegis BMD is designed for midcourse interception of ballistic missiles, in both the theater and the national arenas.

In short, with the array of programs either in deployment or development, the United States is moving towards the development of a "layered" NMD system that can attack incoming missiles at several different points in its trajectory, thereby increasing the overall effectiveness of the system. However, that layered capability will not be available until the end of this decade at the earliest.

In the arena of Theater Missile Defense ("TMD"), MDA is managing several programs together with the U.S. Army and Navy. Several Aegis-based TMD programs (Navy Upper Tier (NUT) and Navy Theater-Wide (NTW) into Aegis BMD) have been merged together[, effectively blurring the distinction between NMD and TMD in shipboard systems. The advantage of shipboard TMD is obvious: one can rapidly deploy a defensive capability that does not require "landing rights" from

host nations; and a ship-based system has inherently more powerful radars and a larger missile capacity than mobile land systems that must fit into C-130 transports.

The premier US Army TMD system remains the Lockheed Martin Theater High Altitude Area Defense System (THAADS). Mounted on trucks, and deployable by C-130 transport, THAAD is intended to provide an upper tier defense against short and medium-range ballistic missiles. It has had a troubled development cycle marked by cost overruns and test failures (mostly due to manufacturing errors rather than design problems). As designed, THAADS was ABM Treaty compliant, mainly through artificial limitations imposed on its radar; it is not clear whether the Army will now pursue upgrades to increase its capabilities beyond the ABM Treaty limits. If it does, however, then THAADS would be capable of intercepting intermediate range ballistic missiles.

The Army has two ongoing lower tier TMD systems: Patriot Advanced Capability III (PAC-3); and the Medium Extended Air Defense Systems (MEADS). PAC-3, now operational in Iraq, and apparently very successful against short-range missiles, was developed in response to the perceived shortcomings of the older PAC-2 Patriot missile used in Operation Desert Storm. Unlike PAC-2, which had a high explosive warhead, PAC-3 is a hit-to-kill missile, or "hittile", that physically collides with the target. It is also much smaller than the PAC-2, allowing 16 (vs. 4) to be carried on each launcher. To support the PAC-3 missile, improvements have also been made to the Patriot Engagement Radar and its battle management system.

The principal shortcomings of Patriot are its size (most of its elements must be pulled on semi-trailers), and its lack of 360-degree engagement coverage. A system intended to defend maneuvering troops must be able to keep up with the troops and engage targets from any direction. The multi-national Medium Extended Air Defense System ("MEADS") program was designed to address those deficiencies. Begun as a U.S. Army program, it was converted into a multinational cooperative development program to meet the needs of Germany and Italy for a TBM capable air defense system; France was an original member of the program, but dropped out to pursue its national SAMP program.

When viewed in context, the overall U.S. approach is both logical and appropriate given the nature of the threats we face. Within this context, however, there are a number of issues to consider:

- First, one can question the ABM withdrawal decision. Was it really necessary now, or could and should we have waited. Was ABM abrogation really needed to move to build the rudiments of the NMD system – the early elements of which, including a radar system in Alaska, might have been viewed as ABM legal. However, there is little sense is debating this decision; for better or worse, it has been made.

Moreover, one can question the decision to move to deployment of the NMD program now – ahead of the usual type of testing done on U.S. acquisition programs. It remains to be seen whether the immediacy of the ballistic missile threat to the United States really justifies this "early to field" approach. However, recent actions in North Korea certainly make it difficult to challenge this judgment. Plainly, it is possible that North Korea will have a small ICBM capability – with nuclear payloads – available in the next few years. One also has the sense that the U.S. thinking was in part shaped by the long-term threat posed by China, the only potential U.S. peer competitor on the horizon, and the need to ensure the security of the United States as a way of extending US deterrence over Taiwan, increasingly a source of tension between the US and China. However, it is difficult to determine how much this factored into the Administration's thinking.

- Second, one can seriously question the allocation of resources between competing needs. The overall dollars spend on national missile defense arguably is too high relative to the range of other threats we face. For example, the Defense Department only proposes to budget $800 million for unmanned aerial vehicles – used for a variety of surveillance and combat purposes across against a range of threats. Second, one can seriously question the funding choices made between the layers of national missile defense and theatre missile defense. Under the 2004 budget, the bulk of MDA's total funding – approximately $5.2 billion out of $7.1 billion is for various aspects of national missile defense – the future theoretical threats – rather than the "here and now" threat of theatre and tactical missiles. Funding for the boost and mid-course defense segment of the programs is several times greater than funding for terminal defense or theatre/tactical programs. More funding could be well utilized by our medium and short range programs to protect our men in the field. Though it should be noted that much of the technology developed to support NMD is scalable and applicable to TMD programs (particularly in the critical areas of sensors and BM/C3I), one can question whether direct funding of these capabilities in TMD programs could have accelerated the rate at which these are being fielded.

IV. <u>The Merits & Prospects of Transatlantic Engagement</u>

The final question for today is the merits and prospects of deepened Transatlantic engagement on missile defense. On this issue, I have two points to make: 1) Europe should, in its own interests, want to take action to address the security risks posed by ballistic missile threats; and 2) Europe should view engagement with the United States as the most sensible and cost-effective strategy for

creating an overall architecture and facilitating its ability to operating with coalition partners (the United States and others) in both high end and low intensity conflicts.

A. The Threat Viewed From Europe

Significantly, Europe must make its own assessment of the nature and degree of threats it faces in light of both its geo-strategic position and its international commitments. My sense is that European views on missile defense are evolving and that missile attacks are no longer viewed as purely an American nightmare. The threat is much more widely recognized as is the need to address it. Operational experience in Kuwait and Iraq is eroding technical skepticism, and there are few now who say that missile defense is a pipe dream -- at least at the theater level. In addition, many of the old arms control shibboleths against missile defense are being overturned. The U.S. withdrawal from the ABM Treaty did not disrupt US-Russian relations nor did it result in a new arms race, either with Russia or China. Indeed, the U.S. deployment decision and the withdrawal from ABM were followed by yet another round of strategic arms reductions. Removal of ABM constraints also opened an opportunity to employ new technologies not envisaged at the time the Treaty was negotiated, which have the potential to increase the effectiveness of missile defenses against more capable threats. Finally, there is recognition on the part of many European governments that if Europe is to field a serious, independent military force capable of more than low-intensity military operations, it cannot be entirely dependent upon the United States to defend that force from ballistic missile attack.

In short, there potentially is an emerging consensus for theater missile defense in Europe which grows stronger daily. National missile defense remains more problematic. Not all countries perceive themselves as threatened, but those that do have begun grappling with the implications of their perceived vulnerability, and there is a nascent political will to do something about it.

From the standpoint of an outside observer, let me offer a few observations designed to contribute to this emerging European consensus:

- European nations face varying threats based largely on physical location. For most European countries, geographic separation from potential adversaries offers protection against all but intercontinental (or intermediate) range missiles. However, but other countries on the periphery of Europe are close enough to be threatened by medium or even short-range missiles. Italy, for example, as well as Greece, Turkey and some of the Balkan states, are either within range of existing ballistic missile threats from North Africa and the Middle East, or will soon be exposed to that threat if some potential adversaries complete the development of medium and intermediate-range ballistic missiles. All of

Europe, of course, is within range of Russian intercontinental ballistic missiles, but most analysts see that threat as receding as Russia democratizes. On the other hand, Russian democracy is a fragile flower, while the decrepit state of Russian strategic weapon systems creates the risk of an accidental launch or a terrorist act using Russian missiles. Hence, it would appear to be in Europe's interest to develop a missile defense architecture that defense its periphery and defends against missile launch mistakes and other long-term, long range missile threats.[11]

- To the extent Europe wishes to field forces under the European Union's auspices (for Petersburg missions) or under the NATO Response force (for high intensity missions), it has a critical need to protect deployed forces in the field. The necessity of a mobile defense system for this purpose has been repeatedly punctuated by explosion of Scud and al-Hussein missiles in the skies over Kuwait and southern Iraq. No force can secure its logistic bases, nor will any host country allow such bases to be established, in the absence of defense against an existing ballistic missile threat, particularly a threat that might include chemical or biological payloads.

- To summarize, Western Europe's greatest short-term need is for an effective, deployable theater missile defense, a capability that presently must be provided by U.S. forces in the form of U.S. Army PAC-3 batteries. But if Europe wishes to have a military command and force structure independent of the United States, it must develop its own indigenous capabilities. Already we see the beginnings of this in the French SAMP/Aster program, in the US-German-Italian MEADS program, and in the acquisition of PAC-3 upgrades to Patriot by several European countries (*e.g.*, the Netherlands). Yet all these systems are short-range, "lower-tier" systems that can only deal with relatively crude, short-range ballistic missiles. While these systems are effective in the near future against the now prevalent threat to deployed forces, longer-range and more sophisticated missiles will be acquired by potential adversaries eventually. This will necessitate the need to acquire theater-wide area defenses such as the US Army's THAAD System or the Navy's Aegis-based Navy Theater-Wide Defense System.

B. Prospects of Broadened Transatlantic Cooperation

[11] In the near term, it seems likely that most of Europe's NMD requirements can be met through the enhancement of upper-tier TMD systems like THAADS: long-range cueing by satellites and early-warning radar systems can significantly increase both the intercept range and defended footprint of such systems, allowing them to provide an area defense of populations centers against all but ICBMs.

The remaining, and perhaps most significant question, for this gathering pertains to the prospects and merits of Transatlantic cooperation on missile defense. What can we usefully do together for mutual benefit and how can we do it?

1. Enhanced Cooperation Will Build On Existing Efforts

First, it is important to recognize that cooperation on missile defense will not take place on a blank slate. Rather, the United States has had ongoing varying types of cooperative efforts with the United Kingdom, Japan, Italy, Germany, and Russia in this field. To date, the cooperative efforts, with several exceptions, been relatively limited in scope and funding, and focused on the basic science and technology level. Moreover, most of the programs have focused on theatre rather than national missile defense. And the track record on these programs has been decidedly mixed, offering some best practices and some lessons learned.

Specifically, most international collaboration to date has involved TMD programs, in which U.S. allies have invested more than $250 million over the last decade. The most significant Transatlantic cooperative program in missile defense is the MEADs program. Plagued by problems of program funding, technology transfer, mixed support from the Army and congressional concerns, MEADS has experienced numerous delays, come close to cancellation several times and is seriously behind schedule. As part of a risk mitigation program, the system will initially be deployed with the PAC-3 missile, making it, in effect, a lighter, more mobile Patriot system. Moreover, the program continues to be at risk and additional problems are likely. In short, this program has not been a model for Transatlantic cooperation although it does provide lessons that are useful for the future. Specifically, it is critical to any cooperative engagement that multi-year funding be obtained up front and that a technology transfer roadmap or plan be agreed to in advance.

Finally, two other TMD programs are being developed in cooperation with Israel: the Chetz, or Arrow Missile Defense System; and the Tactical High Energy Laser (THEL). The former is similar to THAADS, but is a larger, fixed-site system with greater area coverage, intended to defend the densely populated coastal plain of Israel against missiles from Iran, Iraq, and Syria. THEL is a high-energy laser designed to intercept very short range missiles and artillery rockets such as are used by Hezbollah to bombard northern Israel. The Arrow has had a much smoother development path, possibly because it was a bi-lateral program, and because Israel took the lead in the design of many of the critical components. As THAADS encountered problems, Chetz was several times put forward as an alternative solution to the Army requirement, and there has in fact been some "reverse technology transfer" from Chetz into THAADS. THEL has had similar success for similar reasons: close collaboration between the US and Israeli participants and a two-way path of technology transfer.

There also has been U.S. cooperation in shipboard missile defense, particularly with Japan. Faced with a ballistic missile threat from North Korea, the Japanese are seriously considering adopting Aegis BMD using their Kongo-class destroyers with upgraded radar and SM-3 missiles. As Aegis proliferates through European navies, Aegis BMD has the potential to become the foundation for European TMD and even NMD systems.

Finally, there has been a considerable amount of cooperation bilaterally through the Patriot operator community, as the Netherlands, Germany and several other countries move to upgrade their existing systems to PAC-3 standard.

At the Alliance level, the CNAD Missile Defense Ad Hoc Advisory Group has been providing direction on the development of an integrated, multi-layered missile defense system for NATO, with the principal focus on battle management/C3I architecture. In April 1996, the United States began sharing its TMD early warning data in real time with NATO through the Shared Early Warning System located at SHAPE and in various national locations. Studies of further data sharing and architecture enhancement are being conducted under the auspices of the NATO Missile Defense Feasibility Study initiated at the Prague Summit, as well as by the continuing work of the CNAD Ad Hoc Advisory Group.

In the area of NMD, cooperation has been more limited; the most significant cooperation to date has taken place on a bi-lateral level with the United Kingdom and Russia. U.S.-UK cooperation has been ongoing since 1995, and has involved cooperative R & D at the basic research level as well as cooperative relationships industrially.

The U.S.-Russian cooperative, initiated in 1994, includes several cooperative technology programs involving space-based sensors, low-thrust propulsion systems, advanced radar technology, and photo-voltaics. Russia, of course, has had an active missile defense program going back to the Soviet era, and actually has more practical experience with missile defense systems than any other country.

2. Bush Administration Initiative for Enhanced Cooperation

Building on these efforts, the Bush Administration has sought to engage a range of allies in deepened cooperative engagement on missile defense and sent teams to twelve European capitals to develop support for this effort. In effect, the United States has created a new cooperative model for this effort – different than the Joint Strike Fighter "pay to play" model and other applicable models. The basic concept is that, at the government-to-government level, U.S. coalition partners have the opportunity to make different national contributions to an overall missile defense architecture. Some nations may provide radar, other sensors, and yet others geographic sites for subsystems or interceptors. As Under Secretary of State John

Bolton said in describing this approach, "friends and allies have different motivations in approaching the issue of cooperation – some are interested in the benefits of industrial cooperation and technology transfer; some believe more strongly than others in the missile defense both politically and militarily; others approach this from the perspective of building a close bilateral relationship with the United States."[12] The overarching U.S. goal of this new effort is, as with many cooperative engagements, geo-political in nature – to encourage U.S. allies to "buy in" to the U.S. missile defense policy. However, an additional and important goal is to create a multi-national missile defense architecture, with various coalition partners having "plug and play" elements or roles in the architecture depending on national capabilities and needs.

Similarly, the United States has encouraged industrial cooperation on missile defense. Indeed, Boeing, the prime contractor on the NMD program, was encouraged to, and has in fact, entered into cooperative agreements with Europe's BAE Systems (UK), EADS (France & Germany) and Alenia Spazio (Italy), among others, with a view toward exploring areas of potential technological cooperation. The United States has made it clear that there will be no additional funding for these industrial collaborations. Hence, foreign industrial participation will depend on the willingness of other governments to contribute funding and/or on the ability of foreign firms to contribute needed, and not otherwise available, technology. While the United States has technology leadership in many areas, there may be some "niche" capabilities Europe has to offer, such as broadband wireless communications and network applications, track correlation and resource management algorithms, and advanced sensors (millimeter wave radar, and electro-optics, as well as space-based sensor systems for early warning and for target tracking). In encouraging such industrial collaboration, the United States has shrewdly recognized that buying in foreign firms to the program will facilitate their governments' cooperation as well.

To date, the United States has only had limited success in obtaining buy in by U.S. allies. The United Kingdom recently announced that it has agreed to the U.S. request that it upgrade and make available its BMEWS radar at Flyingdale Moor. Poland asked to join the system by establishing a long-range radar station on its soil and the Czech Republic may follow. The United States has also been in dialogue with Denmark over locating radar sites in Greenland. Thus, the "ball", so to speak, is largely in Europe's court on the nature and degree of cooperation. However, additional engagement is expected. Italy and Spain are reasonably likely to participate – given the nature of the threats they face. The United States is somewhat surprised at not yet receiving a positive reaction from Italy. Yet, given the emerging strength of the U.S.-Italian security relationship, with shared geopolitical views and cooperation across a range of areas, such cooperation is likely and expected. Further

[12] Under Secretary of State John Bolton, "Missile Defense in a New Strategic Environment; Policy, Architecture, and International Industrial Cooperation after the ABM Treaty," Fourth RUSI Missile Defense Conference, London, United Kingdom (Nov. 18, 2002).

areas for cooperation may result from the newly instituted NATO Missile Defense Feasibility Study commissioned at the Prague Summit as part of the Prague Capabilities Commitment.

Moreover, it remains to be seen if serious industrial collaboration will occur. For one thing, the U.S. programs are already well down the road, making it difficult to include foreign firms even with the best of intentions. At best, these firms may have the prospect of being subcontractors on these programs – subject to significant limitations on their roles and technology sharing.

The real question is whether these types of governmental and industrial collaboration make sense on missile defense? Plainly, it does for the United States, which has held out its hand in partnership on this issue. As noted above, the U.S. interests are largely geopolitical. The United States has little need for foreign technology or, for that matter, funding.

Thus, the real question is whether such cooperation makes sense for Europe. At first blush, there is every reason for Europe to "say no" to missile defense. The U.S. took unilateral action to establish its policy in this, as in many other, areas. Moreover, the track record of transatlantic armaments cooperation is mixed at best. The reality is that the United States still has a disconnect between armaments and technology transfer policy. We create programs like the JSF and yet establish technology transfer restrictions that make collaboration difficult. Moreover, stresses in the JSF program – over workshare – also may lead some in Europe to question yet additional U.S. collaboration.

For a number of reasons, however, collaborative engagement on missile defense would appear to be sensible.

First, this is one of the few areas where the United States has sought meaningful security collaboration with its Allies. In an era of significant Transatlantic tensions over a range of issues—from global warming to Iraq – and gradual de-coupling in armaments due to budgetary and capability gaps, missile defense is an area where the United States and its allies can work together cooperatively – to the benefit of the alliance.

One should not underestimate the geopolitical imperatives that could drive future cooperation in missile defense. The Alliance has taken a beating over the war with Iraq, and relations between the US and several key allies, as well as between European countries within the Alliance, are seriously disrupted. As the war winds down, there will be a move to mend fences and restore trust and confidence. Armaments cooperation has proven to be a good way of achieving those objectives: when US and European officials, military officers, and industries work together to implement a common program objective, links are established that can carry over into

other areas of the transatlantic relationship. Cost sharing may provide a pragmatic rationale for cooperation, but the creation of a stronger transatlantic bond at the government, military and industrial levels may pay greater dividends in the long run.

Second, the reality is that Europe lacks the necessary funding and technology to go it alone in this area and address the range of emerging threats. For Europe, the stakes appear to be high. Without cooperation, it is unlikely that Europe will be able to develop more than the most basic of missile defense systems. Given that the United States has invested more than $60 billion over the last 20 years on various missile defense programs, it is clear that Europe collectively would be hard pressed to develop anything remotely similar in capability. Thus, if Europe is to have a significant missile defense capability, whether at the theater or national level, it can only do so through cooperative development with the United States. And, without effective missile defenses, Europe will be unable to deploy military forces in medium- to high-intensity contingencies, unless the United States provides that capability, either by deploying its own forces, or by selling its own systems to Europe. Without national missile defenses, several European countries are likely to be at risk in the near future, which could constrain European strategic options in a number of scenarios.

In short, in the end of the day, U.S.-European engagement on missile defense can potentially, but not inevitably, be a win-win proposition – binding alliance partners together geopolitically, creating a layered, multi-national plug and play architecture, and enhancing our ability to fight wars together. And, countries that fight wars together are more apt to have congruent interests in a range of areas.

Conclusion

In sum, missile defense is here to stay. The threats are real and there is an emerging consensus about creating defenses against it – subject to considerations of competing needs and funding. And, with hard work and good will on both sides of the Atlantic, multi-national cooperation between the United States and its allies offers "win-win" from the standpoint of strengthening the alliance and our mutual security.

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TRANSATLANTIC COOPERATION OUTSIDE EUROPE: WAR IN IRAQ AND OTHER MATTER

by
Harlan Ullman
March 30th, 2003

War in Iraq has begun. At this writing, the United States and its coalition partners have struck deeply at and into Iraq. The purpose of that war was to disarm Saddam Hussein of his weapons of mass destruction and to put in place a regime that will not pose a future threat to the region or to the world at large. The unknowable questions now are how long will the war last; how fierce will be the fight to take Baghdad; will Iraq use weapons of mass destruction; and how much will the war cost in blood, treasure and in physical destruction to the country? And for the purposes of this paper, the most important questions are what are the consequences and long-term effects of this war on NATO, the EU and future transatlantic relations?

That this war was very different may seem a surprise. There was no *casus belli* or smoking gun such as the surprise attack on Pearl Harbor or Iraq's 1990 invasion of Kuwait to provoke war. This was a preemptive and elective war. Deposing Saddam and the Baathist Party from power as opposed to defeating the Iraqi army was the key initial aim. That aim changed with unexpected Iraqi resistance. Defeat and destruction of the Iraqi army became the priority on the road to Baghdad and deposing Saddam. And the detritus of a second war in the Gulf could be the ruination of the United Nations and, indeed, possibly NATO along with U.S.-EU relations.

But, while war in Iraq and the unfolding crisis make for a useful and illuminating case study in alliance politics and cleavages, there are other issues and events that will have powerful consequences and cannot be overlooked in this analysis. Regarding the health of future (or any) cooperation in NATO and by implication the EU, the most significant of these other factors is the future of the NRF—the NATO Response Force.

And a second is the cooperation that has occurred and continues in Afghanistan since the Taliban and al Qaeda terror network were driven (perhaps temporarily, perhaps not) from that country.

As the world intently follows this second war in the Gulf, it is clear that a huge "clash of cultures," to borrow and rework the term popularized by Harvard's Samuel Huntington a few years ago, between the United States and a majority of states and societies around the world is underway. Understanding the reasons for this clash as well as the principal forces that motivated President George W. Bush is an important predicate for dissecting transatlantic cooperation, or its absence, in Iraq and what follows in the aftermath. Indeed, the divergences are profound and, for some time, several may be a "bridge too far" and not reconcilable now and perhaps not for the longer term. What then are the views, assessments and assumptions of the Bush administration and those who do not believe that war was yet justified to disarm Iraq?

Idiosyncratic behavior is a crucial indicator. The White House has raised the examples of Lincoln and Churchill as strong and determined leaders who stood alone against powerful opposing forces at times of great danger and prevailed. The metaphor is clear. Bush, someone who has been profoundly affected by critical events in his life, and his presidency were transformed by the attacks of September 11th. Bush realized that it was his awesome and singular responsibility to do his utmost to protect his nation from future September 11ths believing more attacks were inevitable and almost certainly would involve mass destruction weapons. The anthrax letters that killed a handful of Americans and shut Congress down a few weeks later solidified his fears.

The first step in winning the war on terror was moving against al Qaeda and the Taliban who supported them and provided safe harbor. The day after September 11th, NATO, reacting to U.S. Secretary of State Colin Powell's brilliant initiative, unanimously invoked Article V for the first and only time in the alliance's then fifty-two year history. An attack against one was an attack against all. NATO joined the U.S. in waging the war on terrorism. The remarkable victory in Afghanistan in

routing the Taliban and al Qaeda was very much a coalition effort, certainly in the end game, something this paper will return to shortly.

During the fall of 2001, Iraq drifted or moved into the adminstration's gun sights. For ten years, Saddam had flagrantly violated sixteen UN resolutions to disarm all his WMD capability. In 1998, the U.S. Congress overwhelmingly passed and President Bill Clinton signed the Iraqi Liberation Act. That act called for the removal of Saddam's regime. However, in its wisdom, Congress deferred mention of the use of force to effect a regime change. And even after Iraq expelled the UN weapons inspectors provoking the punitive Desert Fox retaliatory strike in December of 1998, no one then was suggesting war to rid Iraq of Saddam and the Baathist Party. Nor, during the presidential campaign of 2000, was the need for war to depose Saddam part of the debate or the platform of either candidate. September 11th changed that.

With Bush's fixation on preventing future terrorist attacks a powerful motivator, two strands of thought merged. Bush could easily visualize a rapprochement between Baghdad and al Qaeda. Iraqi WMD, if not neutralized, would logically be passed on to terrorist groups or used by Saddam to intimidate and coerce. Hence, the only means to disarm Saddam was to remove him. At the same time, a bold strategic view was shared by several senior members of his team, principally Vice President Dick Cheney, Deputy Secretary of Defense Paul Wolfowitz and a circle of like-minded people in and outside government. Part of this vision was derived from the experiences of the Reagan/Bush 41 administrations in which the "evil empire" was defeated. Surely, the thinking went, if the Soviet Union could be toppled, why couldn't the geostrategic landscape elsewhere be changed to America's great advantage.

This so-called "neo-conservative" argument complemented and reinforced the president's thinking. Iraq became not simply a target but a strategic opportunity. If handled correctly, deposing Saddam and installing a democratic regime in Baghdad would provide a beacon and an outpost in the midst of an unstable, dangerous and highly autocratic region where oil, religion, terror and violence collided. The salutary effects, in this view, would provide protection for Israel and hence the basis for a long-term solution to the Palestinian conflict. Furthermore, rogue and near rogue states to

include Iran and Syria would be chastened. The war on terror would be advanced and even Saudi Arabia might be inclined to hasten the pace of reform.

To an adminstration that very much sees itself as "business-like" and has drawn on many captains of industry to fill its senior ranks, this "one-stop strategic shopping" is extremely attractive. It is efficient and at lowest cost can have highest benefit. If it is successful, it will advance both America's security as well as that of the states in the region. And, Saddam will be deposed and a dangerous threat removed. This line of argument is central to appreciating the clash of cultures.

As Iraq became the administration's target, the initial reaction was to go it alone. In 2002, hardliners in Washington asserted that the president had the authority from existing UN resolutions against Saddam and constitutional powers as commander-in-chief to go to war to force a regime change. Charges of "unilateralism" and "arrogance" were leveled at the White House as war seemed likely. And the president's foreign policy actions prior to September 11th over the Kyoto and International Criminal Court treaties and his 2002 State of the Union speech identifying an "axis of evil," did little to assuage these negative judgments abroad.
As debate over Iraq broadened and further authorization was solicited both from Congress and the UN, the administration shifted its policy from "regime change" to "disarmament." If Saddam did disarm, with reluctance, the adminstration was prepared to forego the push for regime change. To square that circular logic, Powell argued (and still does) that if Saddam did disarm fully, that action constituted a fundamental change in the conduct of the regime and hence a de factor regime change.

Thus, from the U.S. side of the Atlantic, Iraq policy rests on these features. First, disarming Iraq represents a strategic opportunity to change the strategic landscape of the region for the better. Hence, the administration is optimistic about the aftermath of any war.

Second, the rationale for war rested in Saddam's failure to comply with UN resolutions. Saddam remains in "material breech." And he has not, and as the administration believes, never would comply fully with the UN. His actions were

considered a mixture of deceit, deferral and denial. Saddam could not be trusted to disarm. And the role of inspectors was not to find these weapons but to determine whether Iraq had complied with the resolutions.

Finally, the administration believed that Saddam was a "clear and present danger" and the threat imminent. Delaying action for even several months in the administration's mind was unconscionable. Saddam had a dozen years to disarm and has not done so. Delay will only give him more time to deceive and dissemble and make further preparations to defend Iraq against an inevitable attack that has now come.

Only a relatively few governments agreed with Bush and, for the moment, the overwhelming weight of public opinion where it matters is strongly opposed to war without a UN sanction. It is possible that public opinion may favor no war whatsoever. However, that attitude has had no impact on Washington.

To the point, many opponents to war now such as the French, Russians, Chinese and Germans do not share Bush's optimism or assessment that war is a strategic opportunity. On the country, each of those governments fears that war will destabilize the region possibly massively with profound repercussions felt globally.

Opponents to war also did not see compliance as the crucial point. Since inspections seemed to be working, why not stay with them? True, Saddam was difficult and had never fully cooperated. But, he was disarming. The destruction of some of his al Samoud II missiles with the expectation that all will be destroyed created a sense of progress. And while Resolution 1441 can technically be read as demanding full and immediate compliance, as long as progress is being made, there was no reason to harden on that technicality.

Last, most states did not share Bush's sense of urgency in disarming Iraq. Saddam had been winning the propaganda war here. And that Bush's assertions that certain aluminum tubing and bills of lading showed the existence of a nuclear program, the impeachment of that evidence politically damaged America's argument. Iraq has been

contained. Iraq was not an immediate threat to anyone and was surrounded by nearly 300,000 troops. So, the question was why the rush and why not let inspections proceed before starting a war? All of this is now academic and useful only as prologue.

The upshot is that this clash is tectonic. There appears to be no middle ground. Even if the war is won rapidly, inexpensively and decisively and huge stores of WMD are uncovered, the wounds will be deep and fresh. Should this be the outcome, the administration will be tempted to gloat. The opponents will likely argue it made no difference. And unless there are very strong steps taken by all to repair the cracks and fissures, irreversible damage could be done. A few remedies will follow.

There are, however, a few bright spots. Post-war Afghanistan is one. Another is the NRF. The NRF has far greater potential impact for alliance and US-European relationships than any issue before NATO. Indeed, beyond the decision to expand NATO eastwards taken in 1993, the 78-day war against Serbia in 1999 and the decision to transform the alliance's strategy in 1968 from nuclear deterrence to "flexible response," the NRF has the capacity to prove as significant.

The NRF has been a concept long in forming. The basic notion is to field a force that is operationally capable and readily deployable out of NATO guideline areas. The size of the force was never specified to minimize negative political reactions and nervousness at having an operational force ready to go at short notice. Generally, the size was assumed to be large enough to have a credible war-fighting capacity yet smaller than a corps or even a division. Of course, the existence and success of the Standing Naval Force showed that it was possible to have an operational military capability made up from individual NATO states contributing units.

When the United States kicked off Operation Enduring Freedom in the fall of 2002, while NATO had unanimously invoked Article V, the Pentagon, saw the campaign as almost exclusively U.S. only. While British Special Forces were sent to Afghanistan, the fear was that NATO forces did not have the capability to fight alongside the super-technologically equipped Americans. Support in the form of air tankers and other

logistics help was provided by NATO. It was after the war that NATO participated more fully.

At present, twelve states are providing about 25,000 troops to secure Afghanistan and begin the rebuilding. There has been little reporting and less public awareness of the role NATO has played and is playing in Afghanistan.
The NRF is a crucial step in transforming NATO to deal with future challenges. There are other profound consequences. If the alliance is further divided over Iraq, the NRF could provide a mechanism to heal these breaches. However, if the NRF is fully approved, that will invert the structure of NATO for the better.

In forty years defending against the threat of Soviet aggression, the alliance planned to use force only in the NATO Guide Lines Area---NGA--- which was Europe and the approaches. Perhaps the operation in Serbia in 1999 to stop the killing of Kosovar Albanians was a stretch for NATO of the past. Still, that campaign was waged in Europe. No one could have dreamed that, in the first years of the 21st century, Afghanistan would see NATO engagement.

The NRF will require fielding a force almost certainly to be used out of area, outside Europe and the NGA. That force must be ready at all times. And, to be used in a timely fashion, the whole NATO decision-making structure must be inverted. NATO decisions routinely took months or years. Against the Soviet Union, that process was satisfactory. In the future when time is likely to be critical, decision-making must operate in hours and days at most. That will require a transformation as radical as moving to MC 14/3 in 1968.

The looming issue however is Iraq. Opposition to the war in NATO states is heavy. Poland, with three out five Poles against, represents the strongest support. There is no doubt the coalition will win. But how and at what costs will profoundly affect the future. There are three major uncertainties that will have first call on defining that future.

Given stiff Iraqi resistance, the battle of Baghdad could be bloody. Should Iraqi civilians chose to fight, casualties will be heavy and not for the coalition. The experiences in Somalia in 1993 and the battle for Hue during the Tet offensive in Vietnam in 1968 give reason for concern. In Mogadishu, 18 American Rangers and Delta Force were killed in the fight that became both book and movie, "Blackhawk Down." Those soldiers were lightly armed. By most accounts, over 2000 Somalis were killed. When the coalition attacks Baghdad, they will come with tanks, armored vehicles, artillery and complete control of the air. Given the nearly incomprehensible level of firepower, it will not be a fair fight even if there is the noble effort to minimize innocent casualties.

In Hue, it took US Marines three weeks to recapture the city in the north of what was then South Vietnam. Of a population of about 80,000, some 5000 civilian Vietnamese died. Neither example is necessarily germane to the current war. However, both are reminders that Iraqi casualties could be heavy.

Saddam may choose to use chemical and biological weapons in defending his country. My personal view is that he will not. His strategy is to play the victim and fight a defensive battle to garner as much international support as possible. The intent is that a siege of Baghdad would be so bloody that coalition forces would be forced by world opinion to stand down. That of course will not happen.

But should chemical and biological weapons be used, then the case for the war will be decidedly and unambiguously proved. Yet, if there are large Iraqi casualties in the battle for Baghdad, that could balance or offset the political effect of the use of weapons of mass destruction. And the most powerful question is how will the United States manage the peace? The war will be won. But how the peace turns out will determine who won or lost the war.

What then does this mean for NATO? The split with France and Germany opposing the war and threatening a veto in the UN is deep. That Turkey did not allow U.S. forces to stage through its territory has strained that relationship with the United

States. With the tension over Turkish entry into the EU, the seeds for dissension are sprouting.

The United States has the responsibility to deal with these matters and hopefully to exercise magnanimity to preserve the alliance. That the war was preemptive and opposed by much of NATO are facts. That concern over perceived American unilateralism and arrogance exists is also true.

The NRF is one means to deal with these divisions. In advancing the decision to approve the NRF, the U.S. must understand both the profound impact of that move and the valid concerns NATO states have. If that is done, then perhaps NATO will emerge whole and ultimately stronger. We will see.

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