



The Finnish Perspective:

*European*

**DEFENCE**

—A Way Forward for EU and NATO Defence Cooperation



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## 1. INTRODUCTION

The threats of the post-Cold War era—ethnic conflicts, terrorist attacks, energy security issues, regional conflicts, to name just a few—have changed our security environment permanently and forced us to face new types of challenges. The problems we see today in Europe and in the transatlantic region are various, and since they are cross-border in nature, so should the counter-measures be. Due to constantly growing interdependence between states, it is a requirement that these challenges be tackled in a collaborative manner.

European integration has provided our continent with stability and security. The conflict in the region of the former Yugoslavia in the 1990s, however, revealed to Europeans that they were not ready to take care of their own backyard. The failure to prevent a war on their own continent has sped up the process to develop the European Union's own capability in common security and defence policy, mainly in crisis management. As a result, the EU is one of the most significant promoters of peace and security in the world today. The development of its security and defence policy and defence initiatives has complemented its ever-growing determination to integrate as a union on a political level. The EU wants to be seen as a single player in international relations. But this is often undermined by the preference of some Member States to emphasise their own national interests, and the inability to create a common position within the EU. These propositions have, however, created possibilities for more integrated defence thinking and a will to defend each other.

At the same time, the North Atlantic Alliance, or NATO, has gone through an immense transformation. Its role has shifted from defending only Western states against an armed Soviet attack into a global security provider faced with a broad spectrum of security situations. But regardless of this remarkable change, at its core lies the original idea of collective defence.

Both the EU and NATO have evolved and grown closer to each other. They have also gone through similar enlargement processes in the last few years. They now consist of mainly the same members and this process seems to become increasingly prominent. As their memberships and, increasingly, their tasks align, it is relevant to ask what must be done to avoid overlapping and how to create more benefits from synergy. This is where deepening mutual cooperation enters the picture.

The purpose of this paper is to describe recent developments in the rapidly changing security environment of Europe, and the steps the EU and NATO have taken to tackle these threats. In addition, it will also show that the nature of both these organisations offers possibilities and generates requirements for further cooperation and integration. It also addresses some open questions regarding the future of European defence. For instance, can this defence develop within the framework of the EU while NATO is still the security guarantor for Europe, and is this even desirable? It is recognised that constructing two overlapping military structures is in no one's interest. In addition, there are still EU countries that strongly believe in non-alignment. What will happen if the security guarantee included in the Treaty of Lisbon enters into force within the EU while some Member States still prefer to remain non-aligned? Would a closer connection to NATO not be a necessity for these countries as the EU develops its role as an institution with substantial defence credentials, closely aligned to NATO? What will the future security profile of these countries be? Finally, what form will the cooperation between the EU and NATO take, and what will be the future roles for these two organisations as they aspire towards greater global influence?

I would like to thank everyone who gave me their valuable advice and much-appreciated support with this study paper.

Summer 2008 in Brussels

*Henna Hopia*

## 2. THREAT ASSESSMENTS

### 2.1. Security threats for the EU and NATO

On the whole, security developments in the Euro–Atlantic region have generally been positive. The end of the Cold War, European integration, NATO transformation and the successive enlargements of both organisations have been instrumental in realising the vision of a united and peaceful Europe. But there are still clouds in the sky, and both the EU and NATO have to operate in an environment of continuing change.

In its European Security Strategy of 2003, the EU concentrates on a wide range of security threats. The strategy first recognises global challenges like poverty and malnutrition. The key threats are terrorism and the proliferation of weapons of mass destruction (WMD) and, naturally, a combination of these two dangers. Regional conflicts and failed states, even when far away, are regarded as threats.<sup>1)</sup> These areas of turbulence may also foster bases for terrorism and spreading unrest. With these phenomena, organised crime and trafficking, which have their own underground connections to extremist and terrorist groups often occur.

In its 1999 Strategic Concept, NATO identifies a wide variety of military and non-military risks. The complex new challenges to Euro–Atlantic peace and stability include oppression, ethnic conflict, economic distress, the abuse of human rights, and the collapse of political order and regional crises across the globe. These can lead to armed conflicts that may spread and affect the security of other states. NATO also notes the existence of powerful nuclear forces outside its area as a factor that has to be taken into account. The proliferation of nuclear, biological and chemical weapons of mass destruction is a strong concern as they pose a military threat to the Allies' populations, territory and defence forces. Non-state actors have shown that they have the ability and will to create and use these weapons.<sup>2)</sup>

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1) A Secure Europe in a Better World—European Security Strategy' (Brussels: European Union, 2003), ch. 1, <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

2) 'The Alliance's Strategic Concept' (NATO Press Release, 1999), Introduction §3; Part II §20–22, <http://www.nato.int/docu/pr/1999/p99-065e.htm>.

## 2.2. New faces of war

The opening of borders, globalisation and the spread of information due to the rapid evolution of communication technologies have on the one hand meant an increase of opportunities and prosperity for people all around the world, but on the other hand, these factors have also created a new kind of playground for international crime, terrorism and various extremists to advance their activities, networks and communications. This challenge confronts all of our open, and thus vulnerable, Western societies—and ranges from the use of the media as a message board for terrorism to attacks on our computer systems by means of cyberwarfare. Western societies, including their military commands, are increasingly reliant on information systems. An assault on these networks is a serious threat.

Large-scale aggression against any EU or NATO Member State was regarded as an improbable event at the time the strategies were written.<sup>3)</sup> Massive war in Europe is unlikely, but other kinds of military threats are possible. The concept of conventional warfare has changed, since at the present time, civilians are usually not casualties by chance but the very target of the attackers. Whether it is a question of ethnic cleansing in an internal state conflict or a terrorist attack targeting innocent people going about their daily lives, these attacks are aimed deliberately at civilians instead of the military. The threats thus penetrate directly into our societies. The internal and external aspects of security are nowadays indissolubly linked because the security threats are, for the most part, no longer produced by foreign states but rather by groups or organisations that reside in and attack our societies. That makes the matter both external and internal and therefore requires cooperation between authorities dealing with both foreign security policies and domestic security. Currently, the ways of conventional diplomacy are also limited because the counterparty is increasingly something other than another sovereign state or alliance.

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3) 'Large-scale aggression against any Member State is now improbable', quoted from 'A Secure Europe in a Better World', ch.1, p. 3; '... the threat of general war in Europe has virtually disappeared', quoted from NATO Transformed (Brussels: North Atlantic Treaty Organisation, 2004), p. 4, <http://www.nato.int/docu/nato-trans/nato-trans-eng.pdf>.

### 2.3. Geopolitics, energy and climate

Even with the rise of new threats, geography must not be forgotten<sup>4)</sup> and state-based threats are not a thing of the past. For example, resurgent nationalism in Russia compels some reassessments. Russia has already threatened to point nuclear missiles at EU Member States and has used military force in its neighbourhood.<sup>5)</sup> The recent escalation of the Georgian situation into a state of war demonstrates that the threat potential of such events should not be underestimated.<sup>6)</sup> Russia still wants to control the foreign policies and economies of its neighbours. It dislikes the fact that more and more ex-Soviet states are now willing to join the EU and NATO. Europe should solve the so-called frozen conflicts in Eastern Europe and focus on the countries between Russia and the EU, like Ukraine.<sup>7)</sup> When great powers such as Russia have a specific interest in a regional conflict, there is always a dangerous possibility of the conflict escalating to a crisis between the super-powers.

Geopolitics is ever present in modern security threats, maybe now more than ever. This is primarily due to the importance of energy in global politics today. As the competition for natural resources becomes fiercer, energy will play a greater role in power politics. The battle for oil, natural gas and minerals will get tougher. Many of the areas where the resources lie (the Middle East, Central Asia, Caucasus, Russia) are already more or less in turmoil or unstable. Political and military crises could also arise, for instance, in the region of the Barents Sea and the polar areas, due to potentially vast energy resources and the lack of clearly defined boundaries for the exclusive zones of concerned parties. And Europe's increasing dependence on imported

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4) 'Even in an era of globalisation, geography is still important', quoted from 'A Secure Europe in a Better World', ch. 1, p 7.

5) Daniel Keohane and Tomas Valasek, *Willing and Able? EU Defence in 2020* (London: Centre for European Reform, 2008), p. 5, [http://www.cer.org.uk/pdf/e\\_2020\\_844.pdf](http://www.cer.org.uk/pdf/e_2020_844.pdf).

6) 'Russia will not allow anyone kill Russians and get away with it ... Anyone who will try to do so will face a crushing response.' Russian President Dmitry Medvedev, 18 October 2008, on the Georgia-Russia crisis, <http://www.interfax.com/3/420214/news.aspx>.

7) Tomas Valasek, 'What Does the War in Georgia Mean for EU Foreign Policy?' Briefing Note (London: Centre for European Reform, August 2008), [http://www.cer.org.uk/pdf/briefing\\_georgia\\_15aug08\\_tv.pdf](http://www.cer.org.uk/pdf/briefing_georgia_15aug08_tv.pdf).

energy can turn into a serious security threat. Even before posing an outright threat, controlling the supply of energy represents a powerful negotiation tool, as Russia has already shown in Ukraine, Moldova, Georgia, Belarus, Armenia and also the Baltic States.<sup>8)</sup> Energy plays a role in the ongoing conflict in Georgia as well—Georgia hosts a pipeline, which has helped Europe diversify its energy sources away from Russia, thus increasing the energy security of EU Member States.<sup>9)</sup>

Climate change will, of course, have an impact on energy politics. But it also has other consequences—it will probably play a more important role in the following decades than predicted thus far. Climate change can, for instance, force mass migration due to floods near deltas and shores or desertification inland. Oil and gas may not be the only natural resources that people will fight over: in due course drinking and irrigation water and food, the very basic needs of life, might also become reasons for waging wars. Even now, water plays a significant part in the conflict in the Middle East.

The EU Security Strategy and the NATO Strategic Concept provide a good basis for the actions of the two organisations in the field of security today, but they need to be supplemented with constant updates. (As we speak the EU Security Strategy is in fact being updated.) For instance, some years ago climate change was not yet seen as a major security threat that would also have consequences on defence policies. Now its potential implications are better understood, even in the military sphere. And events in the Caucasus region today might have permanent effects on how we view the world tomorrow.

On a larger scale, security threat assessments do not vary much among the Western states. The estimations are quite similar on both sides of the Atlantic—in the EU and NATO and also generally within their Member States, with national subtleties of course. This offers a good platform for finding common solutions.

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8) See for instance Steven Woehrel, 'Russian Energy Policy Toward Neighboring Countries', CRS Report for Congress (Congressional Research Service, March 2008), <http://www.fas.org/sgp/crs/row/RL34261.pdf>.

9) Valasek, 'What Does the War in Georgia Mean for EU Foreign Policy?'

## 2.4. Policies and instruments

A look at the current security environment should start at the global level. Crises and conflicts on the other side of the world can affect Western countries on a local, national, supranational or global scale; most likely, all of the above. Nowadays, we have to consider nearly everything taking place in the world. To put it bluntly, because everything can affect us, we have to do our best to try to mitigate all potential threats.

Concerning the new threats, the first line of defence will often be abroad. The new threats are dynamic and they need to be addressed before they become entrenched and more dangerous. Terrorism, failed states and organised crime have to be tackled immediately, pre-emptively when possible. Conflict management and threat prevention cannot start too early.<sup>10)</sup>

Defining the character of new threats is problematic—they are not purely military in nature, but they still have military elements to them. Thus, EU and NATO policies require a mixture of instruments. The EU is particularly well equipped to respond to such multifaceted situations. Pre-emptive measures against terrorism include, for example, intelligence, the police, the judiciary, the military, and other tools. A military presence is often needed to restore peace in a failed state or regional conflict. However, civilian crisis management, political, economic and judicial assistance in nation building are also needed.<sup>11)</sup> Military crisis management is, in most cases, a prerequisite for civilian crisis management. In several conflict areas there would be no civilian crisis management without troops and sufficient ammunition.

The EU has a whole variety of instruments to promote security in areas near its borders and even farther away. Crisis management is only one part and must consist of both military and civilian components. Recently, the importance of the interaction between these two has become better understood. In addition, the EU has diplomatic and economic means of dealing with third countries. Trade is a useful tool in consolidating peace and stability. The EU also provides sig-

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10) 'A Secure Europe in a Better World', ch. II, p. 7..

11) *Ibid.*, ch. 2

nificant development aid conditional on the development of the rule of law, respect for human rights and democracy in the target country. Finally, in neighbouring areas, the EU Stabilisation and Association Process and potential membership in the EU are strong means of enhancing peaceful development.

For its part, NATO has defined as its mission to safeguard the freedom and security of its members and to deter and defend against any threat of aggression against them, to stabilise the Euro-Atlantic security environment and to reinforce the transatlantic link. NATO wants to maintain the political will and the military means required to carry out the entire range of its missions, to engage actively in crisis management and to promote wide-ranging partnerships, cooperation and dialogue with other countries in the Euro-Atlantic region. An important notion is that NATO also wishes to ensure a balance between the Allies so that the Europeans assume a greater responsibility than they now have.<sup>12)</sup>

In the end, the only way to keep up with the pace of changing threats in the world is to change oneself as well. The transformation and enlargement processes of the key European security organisations offer the tools and instruments for countering emerging and existing security threats.

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12) 'The Alliance's Strategic Concept', Part 1.

## 3. NATO TRANSFORMATION

### 3.1. Collective defence

The core idea of defence alliances—the right to defend oneself and those under attack—is universally accepted, even by the Charter of the United Nations.<sup>13)</sup> NATO started out in 1949 on the basis of the Washington Treaty (See Appendix A: The North Atlantic Treaty) and a collective defence against possible Soviet attack. After the Cold War, with the demise of the original foe, NATO had two options: either to fade away as an expendable organisation or to evolve. It chose the latter and has gone through a massive transformation since. The Alliance has found a renewed role in responding to global crises and providing an arena for transatlantic and global security discourse, although the change has not been without problems.

With wider security threats, new instruments are required. Collective defence is not, however, a relic of the past. The new security challenges call for both military and civilian capabilities. Defence clauses like Article 5 of the North Atlantic Treaty are still needed,<sup>14)</sup> but these have to be understood in a broader sense than before. NATO states

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13) Charter of the United Nations, ch. 7, Article 51: 'Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.' <http://www.un.org/aboutun/charter/index.html>.

14) The North Atlantic Treaty (1949), Article 5: 'The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.' <http://www.nato.int/docu/basicxt/treaty.htm>.

15) 'The Alliance does not consider itself to be any country's adversary', quoted from 'The Alliance's Strategic Concept', Part I.

that it does not consider itself to be any country's adversary,<sup>15)</sup> but the new threats still include military aspects, even though they might not originate from other countries as much as before. The need to guarantee the security and territorial integrity of the Allies is still valid. Article 5 has actually been invoked only once. This took place after the end of the Cold War and in response to new threat—the September 2001 terrorist attacks against the United States. If the idea of mutual defence and collective obligations were not valid anymore, why would the EU, known for broader threat assessments and soft power instruments, plan mutual defence obligations of its own?

NATO has considerably broadened its focus, even though the basis for the Alliance is still in the fifth article. The Alliance has been able to transform itself with reference to the same basic documents, by simply interpreting them in the spirit of the time. NATO's essential and enduring purpose is still 'to safeguard the freedom and security of all its members by political and military means'. It describes as its values democracy, human rights and the rule of law. The main aim is to secure a lasting peace in Europe, but as indicated, this might also be jeopardised by a conflict outside its geographic area. Hence, maintaining peace and stability beyond the Euro—Atlantic sphere through dialogue and crisis management are the key tasks NATO now holds.<sup>16)</sup>

### **3.2. New capabilities**

In Washington in 1999, the North Atlantic Alliance set itself a goal for the twenty-first century: it decided to become larger, more capable and flexible, and commit itself to collective defence and the ability to undertake new missions. The Alliance declared that it would contribute to conflict prevention, crisis-management and crisis-response operations. The Defence Capabilities Initiative (DCI) was also launched to improve defence capabilities in key areas.<sup>17)</sup>

In order to take on new missions, NATO has improved its capabilities. At the Prague Summit in 2002, the creation of a NATO Response Force (NRF) and the Prague Capabilities Commitment were intro-

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16) Ibid.

17) NATO Transformed, p. 9.

18) Ibid., p. 4.

duced.<sup>18)</sup> The NRF consists of 21,000 troops with modern fighter logistics, communications, and intelligence; it should be able to deploy to a crisis area within five days and sustain itself for 30 days.<sup>19)</sup> Several concepts and initiatives for defence were endorsed in Prague against terrorism, nuclear, biological and chemical weapons, and missile and cyber threats.<sup>20)</sup>

After its reform, the military command structure now consists of two strategic commands: operational (Allied Command Operations [ACO], near Mons, Belgium) and functional (Allied Command Transformation [ACT], in Norfolk, Virginia, the US). The reform was to meet the demands of the new missions with smaller and more rapid troops. The number of commands was also heavily reduced and their responsibilities redefined.<sup>21)</sup>

The reform also includes the Combined Joint Task Force (CJTF) concept and the building of the European Security and Defence Identity (ESDI) within the Alliance.<sup>22)</sup> ESDI was designed to support the EU in its efforts to develop its role in the area of security, and help transform the transatlantic relationship to one that is more balanced on both sides of the Atlantic by allowing European allies to make a larger contribution to NATO missions and activities. This was meant to help the Europeans improve their crisis management capability without duplicating the military capabilities already existing within NATO.<sup>23)</sup>

NATO has no standing army, but it can mobilise the forces of its member countries that have made commitments to the Alliance for it to carry out the tasks and operations which have been agreed upon. In each NATO operation, the national troops are submitted to NATO's military command. NATO has only a few permanent military forces, but its integrated multinational structure has enabled the national military forces to become interoperable, since they are similarly

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19) *Ibid.*, p. 10.

20) *Ibid.*, p. 11.

21) *Ibid.*, p. 10.

22) The Alliance's Strategic Concept, Part II, §13.

23) NATO Transformed, p. 8.

equipped and have trained and operated together in accordance with common standards.<sup>24)</sup>

The transformation has not been a trouble-free journey. NATO is dependent on its members to carry out its mission, making the commitment of the Allies a key issue in accomplishing the tasks. For instance, the European Allies and Canada have arguably not adapted their military capabilities to new security challenges swiftly enough. The United States also keeps contributing a disproportionate share of the costs of Alliance security, and NATO is still dependent on US air-lift capabilities and satellite communications.<sup>25)</sup> The European Allies should contribute more to the missions but of course, that is not as straightforward as it seems, since the EU effectuates similar activities that also require resources and funding.

### **3.3. Global security provider**

NATO is committed to conflict prevention and crisis response and has also taken on global responsibilities with its out-of-area-operations, such as preventing genocide or the outbreak of civil wars. At present, NATO is doing many of the same tasks as the United Nations (UN) and the EU in strengthening security in the world. The change of the Alliance offers many possibilities for closer cooperation with these other coalitions. NATO is needed due to its unique ability to deploy combat-capable brigade-size forces at short notice. The NRF can be used in high-intensity peacekeeping and crisis response operations.

Nowadays, NATO rarely acts on its own — instead it often has worldwide support for its campaigns. It has, for instance, conducted numerous operations mandated by the UN, as in the Balkans and in Afghanistan. Hence, and due to NATO's decision to also conduct military operations outside Europe, it is possible that the existing NATO–UN cooperation will only strengthen in the years to come. NATO's involvement as a peacekeeper under the UN mandate raises trust and awareness of NATO as a just and fair global actor. The operations outside the Euro–Atlantic region should make evident that NATO is

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24) *Ibid.*, p. 15.

25) NATO Transformed, p. 6.

working for international peace and stability instead of promoting US or Western interests, as it sometimes is accused of. That is one of the reasons why the connection with the global legitimacy of the UN is highly important.

But NATO also needs assistance from the UN, the EU, the Organization for Security and Co-operation in Europe (OSCE) and non-governmental organisations, especially in addressing the large amount of non-military tasks that contemporary crisis management operations involve.<sup>26)</sup> That is why mutual cooperation between all these organisations is essential. Even though NATO is mainly seen as a military operator, its capabilities in carrying out civil crisis missions are developing rapidly. In 1999, the Euro-Atlantic Disaster Response Co-ordination Centre (EADRCC) was established, based on a proposal from Russia. The Centre has been active, for instance, in relieving humanitarian crises such as the case of refugees in Kosovo, and floods and other natural disasters in South-East Europe and Turkey.<sup>27)</sup> Outside Europe, NATO was involved in disaster relief missions after Hurricane Katrina in the United States and the earthquake in Pakistan in 2005. In other words, NATO can use its capabilities in non-military tasks like disaster response operations, and its role as a provider of humanitarian aid is growing. Humanitarian missions are expected to assume an even greater role in NATO's actions in the future.

### **3.4. Security partnerships**

NATO has successfully adapted to enhance its ability to contribute to Euro-Atlantic peace and stability.

The new NATO tasks include building security partnerships with democracies across Europe, the Caucasus and in Central Asia. The forum for consultation between NATO and its partner countries is the Euro-Atlantic Partnership Council (EAPC), which was formerly known as the North Atlantic Cooperation Council (NACC). Moreover,

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26) See for instance Peter Viggo Jakobsen, 'Should NATO support UN peacekeeping operations?' NATO Review (Summer 2005, <http://www.nato.int/docu/review/2005/issue2/english/debate.html>).

27) NATO Transformed, p. 35.

28) *Ibid.*, p. 16.

in 1994 the Partnership for Peace (PfP) programme was introduced.<sup>28)</sup> PfP is a programme of practical, bilateral cooperation between individual countries and NATO. There are now 24 countries in the PfP programme, including Russia and four of the six EU countries that are not members of the Alliance (Finland, Sweden, Ireland and Austria). PfP offers a valuable way to participate in crisis response operations and also modernise national defence forces to NATO standards.

The NATO–Russia relationship is inherently important due to Russia’s previous role at the helm of the Soviet bloc that was pitted against NATO during the Cold War. With the Rome Declaration in 2002, the consensus-based NATO–Russia Council (NRC), was introduced. This is a forum for consultation and cooperation and also for joint decision and action. The issues dealt with by the NRC include the fight against terrorism, crisis management, non-proliferation and arms control.<sup>29)</sup> Russia has also been an active contributor to NATO’s crisis management operations, for instance in Operation Active Endeavour and in the Balkans. The future of NATO–Russia cooperation remains to be seen.

Moreover, NATO cooperates with a range of countries that are not part of the PfP structures. The so-called Contact Countries are Australia, Japan, South Korea and New Zealand. Since NATO has increased its political role and begun a more intensive cooperation and dialogue with other states all over the world, it can be seen as an umbrella organisation for worldwide security discourse and regarded as a genuine global actor.

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29) *Ibid.*, p. 23.

## 4. EU EVOLUTION

### 4.1. The European Security and Defence Policy

Equally important as the transformation of NATO are the changes that have been taking place within the EU. This is the key issue in trying to understand why these two organisations can and must work more closely.

The very basis of the EU rests on the idea of security; through economic and political integration, war in Europe becomes impossible. The defence dimension has been a core part of the thinking behind the EU since its inception. The Western European Union (WEU), established in 1954, was founded with the Treaty of Brussels in 1948 by five Western European nations. The idea of a mutual defence clause was in fact stated for the first time in that treaty. The concept of supranational military control was present in the European Defence Community (EDC) initiative in the 1950s. This was never ratified due to French refusal. In the 1970s the European Political Cooperation (EPC) was launched, which eventually became the starting point for the Common Foreign and Security Policy (CFSP).

The CFSP was founded with the Maastricht Treaty in 1993. Throughout the 1990s, development in the foreign and security policy field was rapid. The responsibilities of the WEU, such as the Petersberg tasks,<sup>30</sup> have been transferred to the EU with the Treaty of Amsterdam (even though the WEU obligations are still stated in the Treaty of Brussels). In the Franco-British Summit at St Malo in 1998, it was agreed that the EU should have the capacity for independent action backed up by credible military forces in order to respond to international crises. This marked the start of the European Security and Defence Policy (ESDP). In the Helsinki European Council in 1999, the EU set the 'Headline Goal' demanding the ability to deploy and sustain for at least one year a rapid reaction force of up to 60,000 troops by the year 2003.

The Political and Security Committee (PSC), the European Union Military Committee (EUMC), the European Union Military Staff (EUMS) and also the important European Defence Agency (EDA)

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30) 'Humanitarian and rescue tasks; peacekeeping tasks; tasks of combat forces in crisis management, including peacemaking', from the Western European Union Petersberg Declaration (Bonn: Western European Council of Ministers, 1992), p.6, <http://www.weu.int/documents/920619peten.pdf>.

were founded to help build the defence dimension of the Union.

Now the EU has developed its own operational instruments and has conducted almost 20 civilian and military operations, from the Balkans to deep into Africa. The EU Battlegroup concept was introduced in the first autonomous European crisis management operation the Democratic Republic of Congo in 2003.

#### **4.2. Reforms of the Treaty of Lisbon to the CFSP**

The Treaty of Lisbon provides possibilities for the EU to become a stronger, more efficient and unified actor in common foreign and security policy (See Appendix B: The Treaty of Lisbon, section 2: Provisions on the common security and defence policy). The treaty will develop the ESDP, harmonise crisis management policies and bring military and civilian crisis management dimensions closer together.<sup>31)</sup> The Treaty of Lisbon bestows a legal personality on the Union, giving it legitimacy to sign international agreements. The new responsibilities attached to the post of High Representative include leading the Council of Foreign Affairs and the new European External Action Service, in addition to serving as the Vice-President of the European Commission. The High Representative will apprise the European Parliament on issues of foreign and security policy, as the European Parliament's powers in relation to the CFSP will increase. Under present arrangements, the Commission already has competence to initiate policy in this sector along with Member States, even though the foreign and security policy sector has traditionally been decided upon by the participant governments. Because this supranational arrangement has displayed very little ability in foreign and security matters, the Union is typically seen as more of an economic union than a security group. But this is about to change.

The Treaty of Lisbon states that structured military cooperation can

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31) Teija Tiilikainen, *The Mutual Assistance Obligation in the European Union's Treaty of Lisbon* (Publications of the Ministry for Foreign Affairs of Finland, 2008), p.7, <http://form-in.finland.fi/public/download.aspx?ID=31019&GUID={CBE72111-E266-4B99-AE82-155E57BBD337}>.

32) 'Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework.' Treaty of Lisbon, 28(6), p. 37, [http://bookshop.europa.eu/eubookshop/FileCache/PUBPDF/FXA-C07306ENC/FXAC07306ENC\\_002.pdf](http://bookshop.europa.eu/eubookshop/FileCache/PUBPDF/FXA-C07306ENC/FXAC07306ENC_002.pdf).

be carried further by willing Member States with the approval of all other members.<sup>32)</sup> The question of common defence has also been addressed in the new treaty. Ever since the Maastricht Treaty, the EU has had a legal basis for moving towards a common defence. In the Treaty of Lisbon, it is even more clearly stated that the EU can proceed towards a common defence should the European Council decide so.<sup>33)</sup> The possibility has therefore been laid out, but there are no concrete plans or provisions to move towards common territorial defence under the authority of the EU. Indeed, as 21 of the 27 EU Member States are under the collective protection provided by NATO membership, there seems no urgent need for this. For now, the EU does not possess the necessary capabilities for this kind of function. The EU, for instance, lacks the command structures that NATO already has. Furthermore, nobody really wants to create overlapping structures.

#### **4.3. The mutual defence clause**

The most significant new element regarding security policy in the Treaty of Lisbon, is probably the mutual defence clause. It is similar to NATO's Article 5 in that they both refer to collective self defence and are based on Article 51 of the UN Charter. The EU defence clause states that should a Member State be a victim of a military attack, other Member States are to defend it.<sup>34)</sup> The clause is the same as initially written into the Constitutional Treaty, which was never adopted due to its rejection in the French and Dutch referenda in 2005.

The obligation stated in the clause is very different in structure from any other EU obligation, since it does not give any competence to the Union but to the Member States. Therefore, should such an attack take place, the EU member countries, instead of the EU bodies, would ne-

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33) 'The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.' Treaty of Lisbon, 28a(2), p. 36.

34) 'If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States. Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.' Treaty of Lisbon, 28(7), p. 37.

gotiate the nature of necessary actions.<sup>35)</sup> However, it can be assumed that if the situation would deteriorate to that extent, the EU bodies—the Council, Commission and Parliament—would have probably already reacted to the crisis at hand.

The mutual solidarity clause had already been adopted at the EU level by the European Council.<sup>36)</sup> It was drafted after the September 2001 terrorist attacks in New York and Washington, and was included in the draft of the Constitutional Treaty. The clause was adopted as a political commitment by the European Council after the March 2004 attacks in Madrid. The solidarity clause is not part of the ESDP but rather of Justice and Home Affairs (JHA, the third pillar of the EU structure), since it is directed against threats like terrorism and natural or man-made disasters. All the same, it is a vital tool in the area of security. Together, these two clauses, combined with the tools of ESDP and crisis management, provide a good basis for the security aspirations of the EU.

The core of the ESDP until now has basically been outside the Un-

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35) Tiilikainen, *The Mutual Assistance Obligation in the European Union's Treaty of Lisbon*, p. 14.

36) '1. The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to:

- (a) - prevent the terrorist threat in the territory of the Member States;
  - protect democratic institutions and the civilian population from any terrorist attack;
  - assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack;

(b) assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster.

2. Should a Member State be the object of a terrorist attack or the victim of a natural or man-made disaster, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.

3. The arrangements for the implementation by the Union of the solidarity clause shall be defined by a decision adopted by the Council acting on a joint proposal by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy. The Council shall act in accordance with Article 15b(1) of the Treaty on European Union where this decision has defence implications. The European Parliament shall be informed. For the purposes of this paragraph and without prejudice to Article 207, the Council shall be assisted by the Political and Security Committee with the support of the structures developed in the context of the common security and defence policy and by the Committee referred to in Article 61 D; the two committees shall, if necessary, submit joint opinions. 4. The European Council shall regularly assess the threats facing the Union in order to enable the Union and its Member States to take effective action.' Treaty of Lisbon, 188 R, p. 102.

ion's borders, dealing with crisis management and actions against terrorism. Now with both the solidarity clause and the introduction of the mutual defence clause included in the Treaty of Lisbon, the focus of the ESDP will broaden. It will be legally bound to concern itself with matters within the Union and its sovereign territory.

All kinds of questions have risen concerning the mutual defence clause. For instance, it remains open whether an internal conflict in a Member State gives the right to invoke to the defence clause. Would terrorist attacks (which are already under the solidarity clause) or attacks on data systems or energy transportation networks be considered something that would also trigger the defence clause? And what form should the assistance take? These would probably be decided on an ad hoc basis and also depend on whether NATO is involved or not. Only experience will show how this will work.

As a new element, the EU mutual defence clause brings with it an interesting twist. Seeing that the clause obligates EU Member States to take action when another member is attacked, it naturally means all the EU Member States, including those in the Alliance. Therefore, even EU Member States that are not in NATO would have to protect countries that are both in NATO and the EU. Certainly, should a NATO country face a military attack, the NATO systems would probably be implemented. But NATO's Article 5 has been used only once and it requires unanimity. There might therefore be a case when it would not take effect. If so, the EU states would have to help the NATO country.

This is just one example of how the EU and NATO systems should not be seen as rivals. The EU mutual defence clause does not diminish the need for the EU to work closely with NATO; quite the opposite. The clause commits both NATO countries and so-called non-aligned countries. Due to the EU's lesser military capabilities, it would probably still have to rely on NATO's integrated command structure and other military capabilities. The EU mutual defence clause is a political and legal obligation for EU Member States, but in reality the Union would probably have to turn to NATO for assistance.

#### **4.4. Future of the Treaty of Lisbon?**

The Treaty of Lisbon must be ratified by all Member States in order to take effect. After the Irish referendum of 12 June 2008, the treaty's future is unclear. Most EU leaders and heads of government want to go ahead with national ratifications and see what Ireland will do.<sup>37)</sup> The renege-

tiation of the treaty is an unattractive choice because it would risk reopening the whole package. The options also include burying the Treaty of Lisbon while attempting to save some of its key provisions, such as improvement of cooperation in matters of justice and foreign policy. Further, there is always the possibility of coupling the adjustment of voting weights in the Council of Ministers to future enlargements. Or EU governments could go ahead with the treaty and hope that Ireland would come around later; maybe after a second referendum and certain reassurances that the treaty would not affect, for instance, their tax policies.<sup>38)</sup> The revote has already been suggested by some in the EU but has been rejected, at least for the time being, by the Irish.<sup>39)</sup>

If Ireland does not accept the treaty in some way, it of course cannot come into force as it is. Then furthering the foreign, security and defence policy must be done in another way. The renewal of EU institutions is vital for the EU and the essence of the treaty will probably be introduced in one form or another. For instance, the post of the EU foreign representative is seen as an important step forward in the external representation of the Union. The EU could probably progress at a variable pace, leaving some reluctant members behind. This is what has taken place, for example, with the common currency. Today very few criticise this reality and the euro is no weaker a currency, even though it is only legal tender in half of the Member States. Furthermore, in the future, sectoral progress might be possible. 'Sectoral' treaties could deal with certain policy issues such as foreign, energy or migration policy. Then each Member State could decide where it wants to be involved. A sectoral treaty would probably be easier for politicians to explain to the voters.<sup>40)</sup>

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37) For instance, European Commission President Jose Manuel Barroso (<http://euobserver.com/9/26324>) and German Chancellor Angela Merkel and French President Nicolas Sarkozy ([http://www.germany.info/relaunch/info/press/releases/pr\\_06\\_13\\_08\\_1.html](http://www.germany.info/relaunch/info/press/releases/pr_06_13_08_1.html)) have asked for the ratification process to continue.

38) Charles Grant, 'Dealing with No: Ireland's Rejection of the European Union's Plan for Reform Leaves Its Members with Unpalatable Options' (London: Centre for European Reform; published in Time Magazine, 30 June – 7 July 2008).

39) See for example: <http://www.breakingnews.ie/ireland/mhgbsnidmhey/>, <http://www.guardian.co.uk/world/2008/jun/19/lisbon.ireland> and <http://euobserver.com/843/26549>.

40) Charles Grant, 'Three Scenarios for the Treaty of Lisbon', Centre for European Reform Bulletin 61 (August/September 2008).

## 5. THE EU-NATO RELATIONSHIP

### 5.1. Transatlantic cooperation

The purpose of EU-NATO security cooperation is to increase options for dealing with conflicts and to strengthen European military capabilities so that future EU-led operations could be envisaged to deal with crises even when NATO as a whole is not engaged. A key point of this cooperation is also to avoid duplication of the capabilities between these organisations.<sup>41)</sup> The nature of the EU and NATO is to strive towards preventing threats and building peace. Their mere existence and increasing strength will reduce instability in the world. Yet the two organisations need to work together more on the strategic level and on long-term issues. Their intensifying cooperation would make the objectives of both more feasible.

The United States has not earlier been keen on the idea of Europeans strengthening their own defence capabilities in the framework of the EU. Luckily now, since the Americans have realised that defence cooperation in the EU is not a threat to cooperation in the context of NATO, the US is looking more favourably on the idea. In fact, they are now encouraging the Europeans to take more responsibility for security in their own neighbourhood. Americans have throughout the 20th century played a critical role in European integration and security, particularly through NATO, and it is important that although US security interests increasingly lie outside of Europe these days, the US and Europe would enjoy a strong transatlantic link now and in the future. It is essential that both the US and the EU feel committed to each other. Transatlantic cooperation is a key instrument in combating common threats. NATO, as a pre-existing organisation involved in both territories and the field of security, is an ideal forum for these discussions.

The Balkan conflicts in the 1990s revealed that Europe could not act without the assistance of the US and NATO. Thus later in the decade, the EU and NATO launched initiatives to strengthen defence capabilities and established a strategic partnership.<sup>42)</sup> From the end of the Cold War until the new millennium cooperation had been structured be-

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41) NATO Transformed, p. 8.

42) Ibid., p. 6.

tween NATO and the WEU. Since then, the EU has adopted the responsibilities of the WEU, and the cooperation between the EU and NATO has evolved rapidly. In 2003, NATO and the EU agreed to cooperate in crisis management, including the ‘Berlin Plus’ arrangement, which meant that EU-led operations would acquire the use of NATO assets and capabilities. This arrangement gave substance to the strategic partnership and opened the way for coordinated action. There was also an agreement on permanent liaison arrangements that would facilitate greater cooperation and consultation at the operational level. The EU has been provided a cell at NATO’s Supreme Headquarters Allied Powers Europe (SHAPE) and NATO is represented at the EU Military Staff. In the same year, the first Joint NATO–EU Capabilities Group meeting also took place and initiatives were taken so that the Alliance defence capabilities would be coherent with the EU’s European Capability Action Plan and the pursuit of its Headline Goal.<sup>43)</sup>

## 5.2. Challenges

Both the EU and NATO have developed increasingly ambitious requirements for their expeditionary forces in their summits and declarations. But do they have the necessary capacities to realise the stated aims? The gap between strategy documents and the reality of military capabilities seems to grow wider. This is especially true with the EU—the means of the EU are still inadequate. There has to be action to strengthen the operational, military and civilian capabilities that the Member States provide to the EU.

The challenges in the EU include insufficient funding in the sector of CFSP—for instance, the EU is not well prepared for a rapid distribution of resources in emergency situations. In addition, the ESDP is also short on capabilities and leadership.<sup>44)</sup> As an example, the Chad operation had to be delayed due to a lack of functioning helicopters. Europe’s credibility will deteriorate if the necessary reforms are not carried out.<sup>45)</sup> Since the European Union will not have the same ca-

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43) *Ibid.*, p. 8.

44) Giovanni Grevi, ed., ‘The Future of the ESDP’ (Paris: EU Institute for Security Studies, 2006), <http://www.iss.europa.eu/uploads/media/rep06-02.pdf>.

45) Keohane and Valasek, *Willing and Able? EU Defence in 2020*, p. 28.

capacity as NATO in the foreseeable future, better cooperation would help establish a division of labour and reduce the level of duplication between the two organisations.

According to the new Treaty of Lisbon, the Member States of the EU should progressively improve their military capabilities.<sup>46)</sup> The Member States of both organisations still need to continue transforming their armies into more flexible and mobile forces. The European countries have been especially slow in modernising their armies. Both the EU and NATO are prodding their Member States towards military reform with collective reform targets and the monitoring of progress.<sup>47)</sup>

The cost of state-of-the-art weaponry and equipment for specially trained mobile forces is increasing by approximately 7% per year. Expectations for taking part in crisis management operations are growing and more active participation demands more funding. Western leaders are still not keen on increasing defence budgets, especially when other costs are rising as well as an ageing population, for one thing, in Western societies will put increasing strain on public finances. If a state wishes to keep its national defence forces in sufficient shape to perform their tasks and maintain a credible defence capability, while at the same time taking part in crisis management operations, the choices are fairly limited.

Currently, Europe is not effective in its weapons procurement, since the Member States do not coordinate their actions. Many countries order essentially the same weapons from too many different suppliers.<sup>48)</sup> A single defence market would be a practical step forward and could save governments a lot of money. The European Defence Agency has already introduced a code of conduct to open up the European defence market although adherence to the code, so far, is voluntary. The European Commission has also proposed new legislation to integrate the less sensitive aspects of common defence markets.<sup>49)</sup>

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46) Treaty of Lisbon, 28(3).

47) Keohane and Valasek, *Willing and Able? EU Defence in 2020*, p. 27.

48) *Ibid.*, p. 29.

49) *Ibid.*, pp. 36–37.

Still, the cooperation between NATO and the EU is inadequate. Dialogue is insufficient and the systems compete for resources and capabilities, even though overlapping is recognised as something that should be avoided. A pragmatic approach, concentrating on the fundamentals such as operations, joint training and exercise, would probably help ensure better results for further cooperation.<sup>50)</sup>

It is vital to ensure that in the future, the EU and NATO do not compete for use of the same equipment or resources provided by member countries. A common political will and dedication are the first steps towards success. Unfortunately, political will can also play a strong role in the other direction. The continuing dispute between Turkey (which is a NATO ally but not an EU member) and Cyprus (an EU Member State but not in NATO) limits EU–NATO cooperation.<sup>51)</sup> Political debates have been ongoing between some Allies who are also members of the EU on how to develop EU–NATO cooperation; whether it should be more ‘Atlantic’ or ‘European’. But now, an understanding that these aspects are not mutually exclusive, but complementary, seems to be growing in Europe, and this is a very good sign.

### **5.3. How to go forward?**

The military structures of the EU have and will develop further through crisis management operations and the ESDP. Already, the EU can use functional national headquarters for its operations. But it still lacks the readiness and command structure that NATO has to offer. In other words, the EU needs NATO to perform its defensive tasks. The EU would probably have a lot more to offer NATO. The Berlin Plus arrangement should work both ways.

The use of capabilities like the EU Battlegroups and NATO Response Force should be planned together on the same scale to avoid overlapping and waste of resources. Many countries already use the same specialised troops from both organisations and, being on call at different hours, they can be deployed when needed just under a different emblem, depending on the operation. The use of the EU Bat-

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50) Grevi, ed. ‘The Future of the ESDP’.

51) Keohane and Valasek, *Willing and Able? EU Defence in 2020*, p. 20.

tlegroups has already shown that multinational troops can work together in the field.

With all EU Member States combined, the Union is the second largest military power in the world. But still it appears insufficient. To be able to meet future security challenges, European countries really must become more integrated in the security sector in order to use their resources efficiently. Anything other than greater NATO and EU cooperation would also be a waste of resources and plainly unwise.<sup>52)</sup> It is possible that NATO and EU crisis management components could be used in the same crisis at different stages if, for instance, the EU would concentrate on social reconstruction and NATO would focus on stabilisation processes and offer support and protection.<sup>53)</sup> As the operations become more demanding and multidimensional, and in order to deal with several potential crises at the same time, a division of labour is crucial.

In the years to come, capability for EU–NATO joint military action will develop and both organisations will learn to ‘borrow’ capacity from each other when needed. Demands for general cost-effectiveness and the overwhelming need to direct national resources towards maintaining social and health services will promote cooperation between Member States and diminish potential conflicts of interest.<sup>54)</sup>

It should be possible for Europe to choose between the Response Forces and Battlegroups to conduct its operations.<sup>55)</sup> The harmonisation of NATO and EU standards, including those of Europe and the US, must be carried out so that operations are planned and the troops can train and work together. Similar offices in different organisations, like the European Defence Agency and NATO’s Allied Command

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52) See for instance Michèle A. Flournoy, Julianne Smith et al., *European Defense Integration: Bridging the Gap Between Strategy and Capabilities* (Washington, D.C., Center for Strategic and International Studies, 2005), [http://www.csis.org/media/csis/pubs/0510\\_eurodefensereport.pdf](http://www.csis.org/media/csis/pubs/0510_eurodefensereport.pdf).

53) Juha-Antero Puistola and Juha Pyykönen, ‘NATO’, in *Predictions Regarding International Actors Up to the Year 2030*, ed. Pekka Sivonen and Henrikki Heikka (Helsinki: Finland Ministry of Defence, 2007), p. 100, [http://www.defmin.fi/files/1184/predictions2030\\_eng.pdf](http://www.defmin.fi/files/1184/predictions2030_eng.pdf).

54) Pekka Sivonen and Juha Pyykönen, ‘The European Union’, in *Predictions Regarding International Actors Up to the Year 2030*, p. 109.

55) Keohane and Valasek, *Willing and Able? EU Defence in 2020*, p. 31.

Transformation, should be more interlinked in their actions. The remaining problem is the lack of intelligence sharing. Unfortunately, as long as not all of the EU members are part of the Alliance, this will present a continuing problem since non-members will not have access to all information at hand. The working relationship between these two organisations has improved over the years but some of the old problems still remain: mistrust, unhealthy competition and barriers to information sharing.

There is also a possibility for some Member States to specialise in some niche capabilities within a larger framework. This would be especially advantageous for smaller countries with limited resources. The integration among European armed forces should be more purposeful, so that individual countries could specialise in their own niche field of expertise and national systems would complement each other. Some equipment, for instance, related to transport or communication, could be common to all European states. Europe might also need to invest in new types of military equipment, such as information and communications technology (ICT), space-based satellites systems and missile defence.<sup>56)</sup>

It is estimated that the average defence investments of each EU Member State will not decline any further in the coming decades due to the necessary broad-based approach to security and the fact that military forces in most countries will also have to tackle threats like man-made or natural disasters.<sup>57)</sup> EU Member States should reorganise and improve their resources, develop a comprehensive crisis management approach (that has military, civilian, defence and development aspects) and also put more efforts into the prevention of crises.<sup>58)</sup> European countries should improve their defence tools together and create common material pools.

Europe also has to prepare itself for the fact that peacekeeping operations in some places (such as Afghanistan, Lebanon and Somalia) can suddenly resemble fighting in a genuine war.<sup>59)</sup> Future operations

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56) *Ibid.*, p. 34.

57) Sivonen and Pyykönen, 'The European Union', p. 105.

58) Keohane and Valasek, *Willing and Able? EU Defence in 2020*, p. 42.

59) *Ibid.*, p. 3.

might include tougher and more dangerous assignments, and the EU and Member States should be ready for these—both in terms of resources and attitude. The EU and its governments should be prepared to discuss the full range of potential military responses. And if the EU wants to increase international security, the use of force must be contemplated.<sup>60)</sup>

#### 5.4. The French Presidency

France, the President-in-Office of the Council of the European Union from 1 July to 31 December 2008, has identified security and reinforcement of Europe's role on the international stage as its main objectives, in addition to other issues such as growth and employment. France has emphasised the importance of revitalising European defence, strengthening military and crisis management capabilities, and developing EU instruments. France wants to update the European Security Strategy and revive joint analysis of threats. The ESDP should be developed with credible resources in order to enhance the role of the European Union as a global actor in crisis management and create the political conditions necessary for a renewed impetus in developing military capabilities in Europe.<sup>61)</sup>

France wants to develop EU–NATO cooperation within the frameworks of the strategic partnership for crisis management and in the field of defence.<sup>62)</sup> In the recently published French White Paper on defence and national security, the message is the same. The White Paper emphasises that the EU and NATO are complementary and that there is no competition in the field of defence and security. The organisations offer their own strengths: NATO is based on collective defence, unites North America and Europe and is practical when there is a risk of major aggression, while the EU can mobilise a vast range of crisis management tools. France wishes NATO to continue with its transformation and continue to adapt to international strategic changes.<sup>63)</sup>

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60) *Ibid.*, pp. 15–16.

61) 'Europe Taking Action to Meet Today's Challenges', French Presidency of the Council of the European Union, Work Programme 1 July–31 December 2008, pp. 23–24, [http://www.ue2008.fr/webdav/site/PFUE/shared/ProgrammePFUE/Programme\\_EN.pdf](http://www.ue2008.fr/webdav/site/PFUE/shared/ProgrammePFUE/Programme_EN.pdf).

62) *Ibid.*, p. 24.

Also, France is now willing to rejoin NATO's military command and once again act as a fully participating member after more than 40 years of non-involvement.<sup>64)</sup> This would indicate that the country is serious about its desire. As France emphasises the importance of developing EU defence capacities and EU-NATO cooperation, and is itself willing to fully participate in both, this could finally be the beginning of the end of the unproductive friction between Europe's two main security organisations.

## 5.5. Enlargements

One of the main changes taking place within the EU and NATO is enlargements of the last decades. This has permanently changed the very essence of the organisations. The greatest change has come after the end of the Cold War, when the new democracies of Central and Eastern Europe were introduced into the Alliance and the EU.

Over the course of time, NATO has taken in new members on five separate occasions: in 1952, 1955, 1982, 1999 and 2004. After the Cold War, the number of NATO members has grown from 16 to 26. In 1999, the Czech Republic, Hungary and Poland joined the Alliance, and in 2004 it was the turn of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia to enter.

In the EU, progress has been similar. Since the Cold War the number of Member States has increased from 12 to 27. Several former Eastern bloc countries accessed the Union in 2004 (Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovakia and Slovenia, in addition to Malta and Cyprus) and in 2007 (Romania and Bulgaria).

When asking its candidates to reform their political and military systems, NATO is playing a role in the transformation of these societies beyond the military realm.<sup>65)</sup> Both NATO and the EU have found enlargement to be a good instrument for spreading stability and peace, and they are both preparing for the next rounds of enlargement for candidate countries that meet the criteria. The enlargements of both organisations speak to a change for the better in the security policy

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63) *Ibid.*, pp. 15–16.

64) See <http://edition.cnn.com/2008/WORLD/europe/06/17/france.nato/index.html>.

65) Keohane and Valasek, *Willing and Able? EU Defence in 2020*, p. 19.

map of Europe. The security order provided by NATO and the EU has expanded, peacefully and voluntarily, and without drawing new dividing lines. These historic enlargements have reunified Europe after decades of division.

Still, there are some concerns. Russia has had difficulties accepting the enlargement of NATO to its borders—for instance, in the case of Georgia's impending adhesion to NATO—even though sovereign states have the right to pursue their own course. Also there are tensions inside the organisations as to how far enlargements should go. This has especially been the case with the enlargement debates within the EU.

Nevertheless, it is interesting how developments in both organisations have been very much alike. Today the list of their members is almost identical (naturally with the exception that NATO also has non-European members). Today, 21 out of a total of 26 NATO countries are also EU Member States, and 21 of the 27 EU members are also in the Alliance.

The enlargements have already changed these organisations greatly and this development will continue in the future, since both organisations have plans to enlarge further. The EU may have 30 or more members by 2020, including Turkey and states in the Western Balkans. NATO could even include members from outside the Atlantic area, such as Australia or Japan.<sup>66)</sup>

## 5.6. Memberships

The chart above shows the current members of the EU and NATO.<sup>67)</sup> The majority of European states are members of both organisations. Naturally, the non-European countries, Canada and the United States (see NATO Allies, group 3), will not be joining the EU. NATO ally Turkey is negotiating with the EU, and probably NATO candidate Albania will be an EU member as well (NATO Allies, group 2). The only Nordic countries outside the EU are Iceland and Norway, which could be regarded as natural members of the EU should they ever choose to apply for membership (NATO Allies, group 1).

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66) *Ibid.*, p. 17.

67) The chart and the grouping of the NATO Allies and the EU Member States are by the author.



Active cooperation in the field of security is already possible for non-EU members; both Norway and Iceland are active in the ESDP. As well, there are plans for deepening cooperation among certain countries, regardless of their memberships. The foreign ministers of three Nordic countries— Norway, Sweden and Finland—have agreed to develop their foreign and defence policy cooperation.<sup>68)</sup> This cooperation will be beneficial to both the EU and the Alliance, whether or not these countries join both organisations in the near future.

For the EU Member States that are not members in NATO, the situation becomes more complicated. The countries outside the Alliance traditionally cherish their non-alignment even though they are active in the NATO PfP programme and crisis response operations. Now that the defence element is increasingly present in the EU as well, these countries have to make some pivotal decisions concerning their defence options.

### 5.7. Question of non-alignment

In addressing the topic of cooperation between the two organisations, one has to deal with their differences. Regarding organisations that

68) See <http://formin.finland.fi/Public/default.aspx?contentid=101722&nodeid=15148&contentlan=2&culture=en-US>.

agree on serious commitments like mutual defence, membership in the union or alliance is a priority. There are still six EU Member States that are not in the NATO Alliance: Ireland, Austria, Sweden, Finland, Cyprus and Malta. I will deal here primarily with the first four countries.

These neutral or militarily non-aligned countries cannot really be grouped together because there are major differences in their approaches. Each country has its own traditions and ways to debate political doctrines on security. But there are similarities as well; in these countries public opinion is in favour of continuing non-alignment. They share a positive attitude towards the development of the ESDP while emphasising equality among Member States. (In 2004, two more non-aligned countries, Cyprus and Malta, joined the EU. Their respective situations are even more different than the ones mentioned above).<sup>69)</sup>

In the case of Ireland, its non-membership in military alliances is not based on statute, but rather reflects a policy choice adopted by successive Irish governments.<sup>70)</sup> Ireland has been actively participating in UN peacekeeping and EU crisis management missions. However, Ireland still has difficulties accepting defence development within the EU and seems to be unenthusiastic towards NATO. This is probably one of the reasons the Irish turned down the Treaty of Lisbon in a referendum in June 2008, apparently amid considerable misunderstanding and ignorance of the issues at stake. There have been numerous referenda in Ireland on the EU, and neutrality has played an important role in each of them.<sup>71)</sup> The reasons for the Irish approach to neutrality are more tied to domestic rather than international politics. Irish politicians have often used neutrality more as a rhetorical device than a reflection of military strategy—the word ‘neutrality’ can be a powerful rallying cry appealing to national identity.<sup>72)</sup>

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69) Hanna Ojanen, ed., *Neutrality and Non-Alignment in Europe Today* (Helsinki: The Finnish Institute of International Affairs, Report 6, 2003), [http://www.upi-fiaa.fi/document.php?DOC\\_ID=236#UPI\\_Raportti\\_17\\_fi\\_web.pdf](http://www.upi-fiaa.fi/document.php?DOC_ID=236#UPI_Raportti_17_fi_web.pdf).

70) Keith McBean, ‘Ireland’, in *Neutrality and Non-Alignment in Europe Today*, ed. Hanna Ojanen.

71) Ojanen, *Neutrality and Non-Alignment in Europe Today*

Austria passed the Neutrality Act in 1955 as a means of maintaining political independence and territorial inviolability, stating that it is a neutral country. However, Austria is quite engaged in the UN, EU and NATO peace support operations. Whenever a new security initiative has been introduced, Austrian law has simply been adapted. According to its official position, Austria could unilaterally modify or abolish its 'permanent' neutrality. The continuous 'adaptation' does not really make its neutrality credible anymore.<sup>73)</sup> Austria has stated that it wants to keep open the option of joining NATO.<sup>74)</sup>

For Sweden, the neutrality policy has worked for a very long time, and it has been able to stay outside superpower politics. But the policy of military non-alignment has not hindered its active participation in EU or NATO operations. Actually, the only security cooperation that Sweden seems to exclude is binding agreements on mutual security guarantees.<sup>75)</sup> In its official documents, Sweden has not made statements about NATO membership but the country's defence minister recently said that 'a Swedish membership in NATO is natural for a neutral country in the long term.'<sup>76)</sup>

Finland has not had the same historical and legal support for its neutrality as Austria and Sweden. Finnish foreign and security policy has been more strongly dictated by the international environment compared to other non-aligned countries. This is due to its strategic location between the West and the East. Finland would now like to

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72) Patrick Keatinge, 'Comments on the Irish Positions,' in *Neutrality and Non-Alignment in Europe Today*, ed. Hanna Ojanen.

73) Hanspeter Neuhold, 'Comments on the Austrian Positions, in *Neutrality and Non-Alignment in Europe Today*, ed. Hanna Ojanen.

74) Resolution by the Austrian Parliament Security and Defence Doctrine (2001), p. 9: '14. NATO's enlargement process is welcomed as a contribution to the strengthening of security and stability in Europe and is thereby also in Austria's interest. In light of the development within the field of security policy, Austria will continuously assess the value of NATO membership for its security and defence policy and the option of joining NATO will be kept open. Accession to NATO would only take place after prior consent of the Austrian people (referendum).' <http://www.austria.gv.at/DocView.axd?CobId=3604>.

75) Bo Huld, 'Comments on the Swedish Positions,' in *Neutrality and Non-Alignment in Europe Today*, ed. Hanna Ojanen.

76) See <http://www.iht.com/articles/ap/2008/02/16/europe/EU-GEN-Sweden-NATO.php>

be involved as deeply as possible in defence cooperation and crisis response, but only to the extent that the country does not have to deal with the question of NATO membership. The EU is seen as a safer choice, perhaps due to the absence of the dominating presence of the US. In the background, there are still old memories of the Cold War era, when Finland had to consider Soviet opinion in many of its political decisions. (There is even the somewhat pejorative term 'Finlandisation',<sup>77)</sup> although the official policy of the country was neutrality.) NATO's transformation has not become apparent to the wider Finnish population, and politicians are not courageous enough to talk about the change. This is probably one key reason why the Finns still oppose NATO membership.<sup>78)</sup>

In recent years, Finland has advanced somewhat in defining its own defence identity. The Commander of the Finnish Defence Forces stated in his 2003 speech on ongoing discussions about the Constitutional Treaty that EU defence declarations without NATO membership are quite meaningless, because NATO is the security provider for Europe.<sup>79)</sup> The last White Paper on Finnish Security and Defence Policy from 2004 stated that applying for NATO membership will remain a possibility for Finland.<sup>80)</sup> Past governments have identified the state as non-aligned,<sup>81)</sup> but the cabinet in power since spring 2007 says in

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77) <http://encyclopedia.farlex.com/Finlandization>: 'Political term for the tendency of a small state to shape its foreign policy so as to accommodate a much more powerful neighbour, taken from the example of Finland's former foreign policy with respect to the USSR. The term was coined by the Austrian politician Karl Gruber 1953.'

78) In 2007, 69% of Finns were of the opinion that Finland should not seek NATO membership, while 26% were in favour of membership. The Advisory Board for Defence Information ABDI (Bulletins 1/2007), [http://www.defmin.fi/files/1175/MTS\\_tutk\\_07\\_kuvat\\_in\\_english\\_18.12.07.pdf](http://www.defmin.fi/files/1175/MTS_tutk_07_kuvat_in_english_18.12.07.pdf).

79) Translation to English by the author; for original speech in Finnish, see <http://www.mil.fi/puolustusvoimainkomentaja/111.dsp>.

80) 'Finland is developing its cooperation with NATO further by participating actively in partnership for peace (PfP) activities and in EU-NATO cooperation. Finland is continuously monitoring the reforms in NATO, the development of its capability and its international significance. Applying for membership will remain a possibility in Finland's security and defence policy also in the future.' Finnish Security and Defence Policy 2004, p. 6, [http://www.defmin.fi/files/311/2574\\_2160\\_English\\_White\\_paper\\_2004\\_1\\_.pdf](http://www.defmin.fi/files/311/2574_2160_English_White_paper_2004_1_.pdf).

its government programme that the country 'does not belong to any military alliances' but will develop its relations with NATO.<sup>82)</sup> For the first time since the Second World War, the word non-alignment is not mentioned in the government programme. Discussion in Finland has progressed slightly farther on security and defence issues; official studies have also been carried out on this matter.<sup>83)</sup> The next White Paper on Finnish Security and Defence coming out in late 2008 might entail some further developments.

The EU is not a military union (viewed in another way, it is much more than that!), but it is developing characteristics of a union with a military identity. With the mutual defence clause and the intensifying cooperation in security and defence policy, EU Member States are bound and committed to each other in many ways, even militarily. The mutual defence clause creates a new kind of legal obligation for the EU Member States. This means that the term non-alignment is no longer applicable.

At the moment of this writing, the only rejection towards the Treaty of Lisbon has come from Ireland, and the EU countries that have not yet ratified the Treaty of Lisbon are Sweden and the Czech Republic. Sweden will surely ratify it. These other militarily non-aligned countries mentioned above have had no difficulties in accepting the treaty, which also contains a mutual defence clause and associated security

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81) In 2003 the previous government, for instance, stated in its government programme: 'Finland's foreign and security policy is based on military non-alliance and a credible national defence, where general conscription plays an essential part.' <http://www.valtioneuvosto.fi/tiedos-tot/julkinen/vn/hallitus/vanhasen-hallitusohjelma-2003/en.pdf>.

82) See <http://www.valtioneuvosto.fi/hallitus/hallitusohjelma/pdf/en.pdf> p. 11: 'Not belonging to any military alliance, Finland will maintain and develop its national defence and credible defence capability, be fully engaged in the EU's Common Security and Defence Policy and crisis management cooperation, develop its Partnership for Peace (PfP) with NATO and retain the possibility of applying for NATO membership. Finland's defence solution is founded on the defence of the entire country, general conscription and territorial defence.'

83) See for instance Tiilikainen, *The Mutual Assistance Obligation in the European Union's Treaty of Lisbon*; and Antti Sierla, *Effects of Finland's Possible NATO Membership* (Finland: Ministry of Foreign Affairs of Finland, 2007), <http://formin.finland.fi/Public/download.aspx?ID=26339&GUID={A7F3FC13-E910-48E1-8419-412DF33CA0ED}>; 84) Raimo Väyrynen, 'Comments on the Finnish Positions, in *Neutrality and Non-Alignment in Europe Today*, ed. Hanna Ojanen.

guarantees. Even now, before the treaty has been adopted, the solidarity clause exists, obliging all EU Members to act should one member come under attack by terrorism or fall victim to a man-made disaster or natural causes. So perhaps the whole aligned–non-aligned discussion is a relic of the Cold War era, when small states tried to stay out of harm's way by avoiding conflicts and power struggles of the great powers. But the world has irreversibly changed and one cannot continue avoiding threats that are on one's doorstep, at any rate.

Whatever the decision may be, public opinion in all four of these countries is still against NATO membership. The reality is that membership requires the endorsement of the public. Maybe it will take some time for the nations concerned to realise that there are, actually, few reasons for staying outside the Alliance.<sup>84)</sup> In this, politicians have a solemn responsibility to speak frankly.

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84) Raimo Väyrynen, 'Comments on the Finnish Positions, in *Neutrality and Non-Alignment in Europe Today*, ed. Hanna Ojanen.

## 6. CONCLUSIONS

The incidence of conflicts and the demand for crisis management are likely to increase throughout the world. New sources of conflict will emerge and new challenges, including battles over energy and other resources, will arise. Also current challenges such as terrorism and proliferation of weapons of mass destruction will persist. At the same time, the more conventional threats, such as the tendency of major powers to use military means as a way of conducting their foreign policy, have not passed. In fact, these kinds of phenomena might even be more common in the future. The threats are thus diversifying, and even with international cooperation and regional integration of states, the world as a whole is unlikely to become significantly less dangerous in the future.

The changing security threats and growing demands on defence policy will compel EU and NATO members towards closer cooperation, within and between the organisations. In addition to crisis management, the organisations have many more reasons to work together. New threats have changed the way the two organisations see the world today and prepare for challenges; their security objectives are also highly similar. The two organisations largely consist of the same member countries, as 94% of the EU total population is under the protection of NATO's constitution. So it is self-evident that at some point, the cooperation and complementarities will develop into something deeper. With the introduction of the EU mutual defence clause, the EU and NATO become even more alike and closer to each other.

Europeans will have to assume increasing responsibility for their own security and the stability of neighbouring areas, as US interests shift elsewhere. It is still important to keep the Americans committed to Europe and NATO. NATO is a natural forum for deepening the relationship between Europeans and Americans. Instead of a division, there needs to be integration and cooperation in order to provide the best possible results for both Euro—Atlantic and worldwide security. The tasks can be distributed in accordance with respective capabilities and interests when deciding on operations. The EU, for example, will need to focus first and foremost on its neighbouring areas such as Russia, the Middle East and Africa, and leave trouble spots located further away to the US and NATO. It is also natural to use EU and NATO capabilities in the same operations whenever appropriate: the

EU could take care of essential parts of state rebuilding while NATO could ensure overall security for the operation.

The defence dimension is emerging in the EU, and the cooperation between the EU and NATO will grow. Should the Treaty of Lisbon take effect and the EU introduce the mutual defence clause akin to Article 5 of the North Atlantic Alliance the militarily non-aligned countries will have to reassess their position. Neutrality is not a possibility anymore one cannot remain untouched by threats such as terrorism against civilians, to which nobody is immune. Maybe the questions of neutrality and non-alignment are, in reality, no longer a major issue, since the non-aligned countries have been so actively involved in NATO operations and the ESDP. Electorates still deserve to know what is going on and politicians need to speak in concrete up-to-date terms instead of using old rhetoric. For example, the discussion in Finland on defence and security policy has only recently resembled a debate characteristic of an open, Western country.

The building up of the EU's defence role does not undermine the fact that NATO still remains the security guarantor of Europe and the Euro-Atlantic zone. The future of the Treaty of Lisbon and the defence clause is uncertain, and the EU lacks the proficiencies in planning and leadership that NATO has. So NATO's position is firm. But because the new role of NATO is global and the EU is developing its own defence dimension, it may be possible in the future for the EU to take care of Europe's defence needs, relying on the capabilities of NATO. Should all of the EU Member States also be in NATO one day, it would be possible to fulfil the EU defence clause through NATO structures. It has often been said that the EU will not become the European pillar of NATO, which would be a desirable trend, because of the dominant role of NATO in Europe's defence. But what if NATO were to become the defence pillar of the EU?

The political atmosphere has changed and is now more positive towards cooperation. Current European leaders such as French President Nicolas Sarkozy and German Chancellor Angela Merkel are seen as more 'pro-European' than their predecessors, and they have a will to drive the EU defence integration process forward. The positive thinking reaches all the way to the other side of the Atlantic and it works both ways. The change, for instance, in French attitudes towards NATO and the US has since been matched with a change in US views on EU defence policy. With the disputes caused by the war in

Iraq fading into the background, and both US presidential candidates proclaiming strong support for cooperation with Europe, the future looks brighter in that sense.

But there are still problems within Europe. Even with all the tools of establishing a foreign policy, the EU will have difficulties as long as it cannot formulate a common position on world events. For instance, a firm and united policy towards Russia is needed. Despite treaties and clauses, the EU will stay weak if it stays divided.

The West can be an impressive force for good in the world when acting together. Especially since future world powers will more likely be found in Asia, in the shape of China and India, rather than in Europe and America, Western cooperation is necessary if we do not wish to fall behind global trends. In the end, as always, it is political conviction that will determine whether or not the Euro—Atlantic story will continue to be one of success in the future.

# The North Atlantic Treaty

## Washington D.C. - 4 April 1949

*The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.*

*They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area.*

*They are resolved to unite their efforts for collective defence and for the preservation of peace and security. They therefore agree to this North Atlantic Treaty:*

### **Article 1**

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

### **Article 2**

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

### **Article 3**

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

### **Article 4**

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

### **Article 5**

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the

United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security .

#### **Article 6 (1)**

For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack:

- on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France (2), on the territory of or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;
- on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

#### **Article 7**

This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

#### **Article 8**

Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third State is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

#### **Article 9**

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall be so organised as to be able to meet promptly at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defence committee which shall recommend measures for the implementation of Articles 3 and 5.

#### **Article 10**

The Parties may, by unanimous agreement, invite any other European State in a po-

sition to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.

#### **Article 11**

This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the States which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other States on the date of the deposit of their ratifications. (3)

#### **Article 12**

After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

#### **Article 13**

After the Treaty has been in force for twenty years, any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation.

#### **Article 14**

This Treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies will be transmitted by that Government to the Governments of other signatories.

1. The definition of the territories to which Article 5 applies was revised by Article 2 of the Protocol to the North Atlantic Treaty on the accession of Greece and Turkey signed on 22 October 1951.
2. On January 16, 1963, the North Atlantic Council noted that insofar as the former Algerian Departments of France were concerned, the relevant clauses of this Treaty had become inapplicable as from July 3, 1962.
3. The Treaty came into force on 24 August 1949, after the deposition of the ratifications of all signatory states.

# The Lisbon Treaty

## SECTION 2

### PROVISIONS ON THE COMMON SECURITY AND DEFENCE POLICY

#### **Article 42**

*(ex Article 17 TEU)*

1. The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civilian and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.

2. The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements. The policy of the Union in accordance with this Section shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

3. Member States shall make civilian and military capabilities available to the Union for the implementation of the common security and defence policy, to contribute to the objectives defined by the Council. Those Member States which together establish multinational forces may also make them available to the common security and defence policy. Member States shall undertake progressively to improve their military capabilities. The Agency in the field of defence capabilities development, research, acquisition and armaments (hereinafter referred to as 'the European Defence Agency') shall identify operational requirements, shall promote measures to satisfy those requirements, shall contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, shall participate in defining a European capabilities and armaments policy, and shall assist the Council in evaluating the improvement of military capabilities.

4. Decisions relating to the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council acting unanimously on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy or an initiative from a Member State. The High Representative may propose the use of both national resources and Union instru-

ments, together with the Commission where appropriate.

5. The Council may entrust the execution of a task, within the Union framework, to a group of Member States in order to protect the Union's values and serve its interests. The execution of such a task shall be governed by Article 44.

6. Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework. Such cooperation shall be governed by Article 46. It shall not affect the provisions of Article 43.

7. If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States. Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

#### **Article 43**

1. The tasks referred to in Article 42(1), in the course of which the Union may use civilian and military means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.

2. The Council shall adopt decisions relating to the tasks referred to in paragraph 1, defining their objectives and scope and the general conditions for their implementation. The High Representative of the Union for Foreign Affairs and Security Policy, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.

#### **Article 44**

1. Within the framework of the decisions adopted in accordance with Article 43, the Council may entrust the implementation of a task to a group of Member States which are willing and have the necessary capability for such a task. Those Member States, in association with the High Representative of the Union for Foreign Affairs and Security Policy, shall agree among themselves on the management of the task.

2. Member States participating in the task shall keep the Council regularly informed of its progress on their own initiative or at the request of another Member State. Those States shall inform the Council immediately should the completion of the

task entail major consequences or require amendment of the objective, scope and conditions determined for the task in the decisions referred to in paragraph 1. In such cases, the Council shall adopt the necessary decisions.

#### **Article 45**

1. The European Defence Agency referred to in Article 42(3), subject to the authority of the Council, shall have as its task to:

- (a) contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
- (b) promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
- (c) propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
- (d) support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
- (e) contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure.

2. The European Defence Agency shall be open to all Member States wishing to be part of it. The Council, acting by a qualified majority, shall adopt a decision defining the Agency's statute, seat and operational rules. That decision should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall carry out its tasks in liaison with the Commission where necessary.

#### **Article 46**

1. Those Member States which wish to participate in the permanent structured cooperation referred to in Article 42(6), which fulfil the criteria and have made the commitments on military capabilities set out in the Protocol on permanent structured cooperation, shall notify their intention to the Council and to the High Representative of the Union for Foreign Affairs and Security Policy.

2. Within three months following the notification referred to in paragraph 1 the Council shall adopt a decision establishing permanent structured cooperation and determining the list of participating Member States. The Council shall act by a qualified majority after consulting the High Representative.

3. Any Member State which, at a later stage, wishes to participate in the permanent structured cooperation shall notify its intention to the Council and to the High Representative. The Council shall adopt a decision confirming the participation of the Member State concerned which fulfils the criteria and makes the commitments referred to in Articles 1 and 2 of the Protocol on permanent structured cooperation. The Council shall act by a qualified majority after consulting the High Representative. Only members of the Council representing the participating Member

States shall take part in the vote.

A qualified majority shall be defined in accordance with Article 238(3)(a) of the Treaty on the Functioning of the European Union.

4. If a participating Member State no longer fulfils the criteria or is no longer able to meet the commitments referred to in Articles 1 and 2 of the Protocol on permanent structured cooperation, the Council may adopt a decision suspending the participation of the Member State concerned. The Council shall act by a qualified majority. Only members of the Council representing the participating Member States, with the exception of the Member State in question, shall take part in the vote. A qualified majority shall be defined in accordance with Article 238(3)(a) of the Treaty on the Functioning of the European Union.

5. Any participating Member State which wishes to withdraw from permanent structured cooperation shall notify its intention to the Council, which shall take note that the Member State in question has ceased to participate.

6. The decisions and recommendations of the Council within the framework of permanent structured cooperation, other than those provided for in paragraphs 2 to 5, shall be adopted by unanimity. For the purposes of this paragraph, unanimity shall be constituted by the votes of the representatives of the participating Member States only.

# *european* DEFENCE

NATO and the European Union have developed, enlarged and grown closer to each other. With common security threats, which are global in nature and hold both new and old elements, the tasks of these two organisations have aligned. Now it is important to ask what must be done to avoid overlapping efforts and to create beneficial synergies. The nature of these organisations offers possibilities and generates standards for further cooperation and integration.

The purpose of this paper is to describe developments in the ever changing security environment of Europe, and the steps the EU and NATO have taken to tackle these threats. Could there be more profound defence cooperation between the EU and NATO? And what is the future of non-aligned.

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