

Chaillot Papers

February 2003

n° **57**

From Laeken to Copenhagen

European defence:
core documents

Volume III
compiled by Jean-Yves Haine



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Volume III
compiled by Jean-Yves Haine

Institute for Security Studies
European Union
Paris

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Institute for Security Studies

European Union

Paris

Director: Nicole Gnesotto

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For ESDP, 2002 was a year of paradoxes: following the 11 September attacks, during the work of the Convention and before enlargement, European Security and Defence Policy was subject to contradictory pressures and the reappearance of divergences between member states, all of this in a climate of extremely tense transatlantic relations that in general paralysed any European initiative. And then in the first weeks of December, on the eve of the European Council in Copenhagen, most of the obstacles in the way of implementation of ESDP, concerning relations between the Union and NATO, the position of Turkey vis-à-vis Europe and the prospect of real EU operations in the Balkans, notably Macedonia and Bosnia, were to disappear.

Contrary to all expectations, therefore, 2002 will be seen as a year of real progress in the development of European defence. The ending of the logjam on 'Berlin-plus' finally made possible progress on operational aspects at the same time as a renewed St-Malo spirit reopened prospects for Franco-British military cooperation that had been largely absent throughout the year. Progress on the Convention restarted the traditional Franco-German political 'motor', especially in the Convention's discussions on development of European defence policy. Lastly, even if certain details still have to be worked out, the admission of ten new countries should not present too many difficulties for the Union's conduct of military operations, specific arrangements having been decided at Copenhagen on the special cases of Cyprus and Malta.

And yet. Despite this undeniable progress, there is a lingering air of unreality about the idea of the Union as an international actor. 2002 as a whole bore the imprint of America's temptation to unilateralism, the prospects of war in Iraq and increasingly structural disagreements between Europe and America on a number of crises and international issues. Yet none of these questions - in particular relations with the United States and the Iraq issue - has been aired in European circles: not in debates on defence nor even within the CFSP organs, especially the external affairs councils, with a few rare exceptions. It is as if developments in CFSP and ESDP during 2002 happened in a universe completely divorced from member states' urgent concerns and the challenges of the real world.

In the same way, discussions within the Convention reflect this gap. Granted, a constitutional exercise is different from one on crisis management, and the drafting of a treaty intended to last for over a decade must necessarily disregard current events to some extent. Nevertheless, there is little likelihood that a foreign, security and defence policy 'at 25' will develop in a stable international system in the same way that it would in

conditions of turbulence. And if the aim is to be for the future Union to play an effective role in the world, it cannot totally disregard, in its functioning, developments in this world.

If, therefore, in 2002 it became possible to remove the institutional obstacles that for two years had stood in the way of the practical implementation of ESDP, in 2003 the challenge will be how to remove the political shackles that still prevent the Union from having international influence. There is a world beyond NATO and the Balkans, one that demands that ESDP, indeed the Union's foreign policy as a whole, be adapted to the very real challenges that will determine the security and prosperity of its 500 million citizens.

*Nicole Gnesotto
Paris, January 2003*

The year 2002 was characterised by the stabilisation of Afghanistan, the prospect of war in Iraq, the suicidal, deadly impasse in the Israeli-Palestinian conflict and North Korea's declared nuclear proliferation. There was thus a significant deterioration in the international environment. In these conditions of growing uncertainty, in both the short and long term, the Union, which now extends to the borders of the Russian and Arab-Muslim worlds, appears as a haven of stability and peace. The peaceful reunification of the European continent that the enlargement of both the Union and the Atlantic Alliance represents will stand out as one of the positive events of 2002. Yet this pacification of Europe has taken place in a world that is still suffering the consequences of the terrorist attacks of 11 September 2001. To start with, the United States has developed a conception of its security that is both more sovereign and more comprehensive. The new National Security Strategy includes pre-emptive war among its ways of fighting terrorism and seems to favour coalitions of convenience rather than institutionalised alliances. There is no doubt that this attitude has raised questions in Europe and led to transatlantic difficulties. But this unilateralist fever early in the year gave way to more realistic, pragmatic attitudes with President Bush's speech to the UN on 12 September 2002 and the subsequent adoption of UN Security Council Resolution 1441.

In the field of European security and defence, normalisation and transformation, both of which were watchwords at Copenhagen, marked the year that has recently ended. After three years of difficult negotiation, normalisation has come to EU-NATO relations. The 'Berlin-plus' agreement allows the Union to make use of the Alliance's planning and logistics facilities for operations where NATO is not itself engaged. This crucial accord opens the way for EU operations in the Balkans. The conditions now obtain for the Union to play a greater role on the international scene. The Union, which has been present in Bosnia since 1 January 2003, will take over the mission in Macedonia, probably in the spring, and has announced its wish to replace SFOR in Bosnia. ESDP will now have to prove itself on other important international issues: Iraq, the Middle East, proliferation of weapons of mass destruction, the terrorist threat, etc.

The Union's transformation, with the forthcoming enlargement, will considerably modify the significance and scope of European security. Its new frontiers open up previously distant horizons, and at the same time the dividing line between internal and external security has become blurred. Its strengthened legitimacy unquestionably gives it added weight on the international scene but its greater heterogeneity could impede decision-making. Translating this new reality

into a European grouping with effective influence will call for considerable modification. And that is precisely what the Convention aims to do. When it comes to external and defence policy the challenges will be especially difficult, as they concern national sovereignty. The missions of European armed forces, the use of force, weapons procurement programmes and mutual guarantees are all subjects already being discussed in the Convention, which is to submit its draft Constitution in June 2003.

This body of texts, like the two previous volumes (*Chaillot Papers* 47 and 51), includes core documents on European security and defence, in this case covering the year 2002. It is divided into three parts. The first comprises documents on the development and implementation of ESDP. It should be noted here that, as European defence becomes a reality, the more documents issued by military authorities or defence ministries are classified, and therefore the unclassified texts reproduced here are not as numerous as might have been desirable. The second part contains a selection of texts and documents on CFSP and ESDP related to the Convention. Although transient, they none the less shed light on the progress of a debate that will continue throughout 2003. The third section includes texts concerning the fight against terrorism.

Texts have been selected from among the following categories:

- ▶ EU and NATO declarations following summits and ministerial councils dealing with the development of ESDP;
- ▶ documents issued from bilateral meetings setting out new initiatives on ESDP;
- ▶ important speeches and articles of particular significance for ESDP.

A brief introductory comment has been added to some documents in order to highlight their origin, importance and objective. The Institute wishes to thank those governments that have helped in the provision of texts, and the General Secretariat of the Council for its valuable help.

I. ESDP

Speech by Mr Federico Trillo¹

Madrid, 10 January 2002

PRESENTATION OF THE EU SPANISH PRESIDENCY'S OBJECTIVES FOR ESDP

Speech by the Spanish Minister for Defence

Introduction to the ESDP Objectives

Now allow me to talk about the substance of the ESDP objectives of our Presidency. And also allow me to refer again to my quote from President Aznar, stressing the word "effectiveness" used in it.

In the ambit of the ESDP, More Europe is understood by us as the need to materialise in concrete realities this greater commitment to progress towards consolidation of the ESDP. It is a greater commitment that will have to be reflected in a greater effort, in order to back the political declaration at Laeken on the operational capability of the ESDP. The Spanish Presidency will undertake this work voluntarily and effectively, which is the usual practice in our ministries.

Effectiveness will oblige us to make efficient use of the resources placed at our disposal, both from domestic sources and from abroad. From the national perspective, I have been able to note that effectiveness has been a constant feature in all the previous consultations with my colleagues, in the same way as the wish to also introduce this effectiveness abroad – in this case, in the sphere of the ESDP.

The new terrorist threat relative to the Second Pillar

Although it is true that the terrorist threat is not included in the Petersberg missions, it is also true that the Treaty on the Union itself includes among the objectives of the CFSP the defence of the interests and security of the Union in all its forms. For the time being, the Spanish Presidency will promote such measures as the placing of intelligence in common, and protection against potential nuclear, chemical and biological threats.

¹ Taken from the EU Spanish Presidency Website.

For the purposes of presentation, I have grouped the different matters included in the Presidency's mandate into three sections: an operational section, an institutional section and, finally, another section for public opinion. Each one of them has its own peculiarities, but all of them are directed towards the consolidation of the ESDP as a whole.

Operational Objectives

In this group I have included the objectives and actions that are directly beneficial to the Union's own capabilities, from capabilities to the procedures for using them. This constitutes one of the areas of priority action, as the only way to underpin the Union's credibility.

The first action to be taken is the European Capabilities Action Plan.

The Spanish Presidency has taken the necessary measures for implementing the European Capabilities Action Plan, by starting with a study of solutions for the deficiencies detected. We shall adopt a joint approach, by opening up the whole range of deficiencies to the countries interested in going into this in greater depth and tackling the solution to each one of them. This whole process will be governed by the principles that inspired the Action Plan, especially that of voluntary action, not exempt from the necessary peer pressure, and co-ordination with the NATO Defence Capabilities Initiative (DCI).

In this context, the motto "More Europe" must be understood as a synonym of greater effort, in the form of greater interoperability, specialisation and effectiveness – i.e. a better contribution, or in short, more capability.

The goal for our Presidency is to submit an initial progress report, with the stamp of the Ministers of Defence. The progress report will contain, among other things, a definition of the operational requirements and an analysis of possible solutions to the deficiencies, and will be submitted for approval at the ministerial meetings in May. It will also be included in the Presidency ESDP Report at the Seville European Council.

Closely related to the Action Plan, we have the Capabilities Development Mechanism.

Closely related to the previous action, and using an overall approach, the Spanish Presidency will continue, and in so far as possible, will strive to finalise the definition of the military capabilities development mechanism specified at Nice.

In view of the proximity of the 2003 deadline, our common objective should be to complete this work of definition during the present six-month term, and to refine its implementation during the following one, in order to achieve its application in 2003 – during which the effectiveness of the General Objective should be attained.

The Spanish Presidency is aware of the great difficulty of this task. But like the other members, it is also aware of the need to meet this challenge, given that otherwise the Union will run the certain risk of incoherence between its wishes and the reality. We cannot allow that message to be sent abroad, since the credibility of the ESDP and the Union itself is at stake.

The development of the General Objective Rapid Reaction Elements is another of the areas of important action.

This initiative by the Spanish Presidency does not attempt to set up rapid reaction forces, but consists in essence of the development of concepts and procedures that will allow for the deployment of the rapid-reaction elements foreseen at Helsinki, while specifying use of the elements most readily available in the Helsinki Catalogue.

This is a complex issue, which will even require work on it to be continued under the coming presidencies, since there are several different aspects to be considered: decision-taking procedures, the designation of command and control elements, the speedy generation of command elements and forces, etc.

Some of these issues are already subject to mandate for the different Council working bodies, others are being drawn up, while still others, on the contrary, must be started from scratch. With regard to all of them, the Presidency will play a role of promotion and adjustment in order to lay the foundations that will enable the Union to deploy these elements.

On concluding this matter of capabilities, there is the important issue of the national and multinational General Headquarters.

The command and control capabilities constitute one of the cornerstones of any operation, and therefore they must be developed in harmony with the forces capabilities of the General Objective.

The Spanish Presidency will return to the Helsinki decisions for the establishment of collective objectives for command and control capabilities, and will promote the work for making use of the command and control capabilities offered, existent and future – both national and multinational. In view of the abundance of European initiatives in this field, we must encourage their effective use.

Among other work, the drawing up of the lead/framework nation concept should be mentioned, together with the GHQs' standardised operating procedures (SOPs), or the

issue of the marking of the national GHQs (multinationalised or multinationisable) and the improvement of their operability, projectability and C2 features. It will also be important to bear in mind the matter of the Alliance's European Command Arrangements.

I shall conclude this operational section with the Crisis-Management Procedures, the Financing of Operations and the CME-02 exercise.

Grouped under the same heading for the purposes of presentation, they constitute one of the ESDP's most important spheres of action, given that at the same time that the military capabilities for crisis management (or what we could generically call "hardware") are developed, it is essential to also develop the procedures for liaison between the decision structures (the "software").

During the coming six months we shall concentrate on continuing the work of reviewing the crisis-management procedures, with the ultimate objective of proceeding to try them out in the CME-02 exercise (the Union's first crisis-management exercise), which will take place during the final stretch of the Spanish Presidency.

The section on the financing of military operations is another of the important matters – not only on account of the amount of the costs of a military operation, but also because of the importance of settling the financial issue in the decision-taking process as soon as possible. Otherwise, it will constitute an additional variable which will increase the complexity of the decision-taking process.

Moreover, the Presidency will promote the work towards the development of the civil crisis-management capabilities, especially with regard to the development of the Police Action Plan, of the rule of law, of civil administration, of civil protection and of the necessary co-ordination of the civilian and military aspects of crisis management.

Institutional Objectives

In this group, we have included the objectives and actions of an institutional nature that relate the ESDP to other institutions.

The first objective attempts to formalise the meetings of Defence Ministers.

With the backing of the members, the Spanish Presidency wishes to obtain a formula that will allow for the formalisation of the meetings of the Ministers of Defence. The previous debate during the Belgian Presidency highlighted the different sensitivities regarding this matter.

A formula for procedural methods for a Council of Ministers of Defence will be proposed, taking advantage of the formation of the General Affairs Council – that is, a

General Affairs Council with a format for Defence Ministers. The aim is to reach an exact balance between full respect for the institutions and permission to the Ministers of Defence to carry out their work on developing the ESDP.

Irrespective of the foregoing, the General Affairs Councils will continue to be held, enhanced by the presence of the Ministers of Defence, and the practice carried over from previous presidencies of holding informal meetings of Defence Ministers will continue.

The second objective of an institutional nature is about Armaments Co-operation.

The Spanish Presidency is aware of the difficulties in progressing towards a European armaments policy. But we are also aware that without greater integration of the different national policies in this sphere, it will not be possible to formulate a true European security and defence policy within the second pillar.

In fulfilling the Laeken mandate, the Spanish Presidency's action will be based on a decalogue of principles that will allow for the emergence of a consensus concerning future action. The point of departure of this decalogue is the premise that the European weapons industry must be at the service of the ESDP, governed by the principles of voluntary compliance, transparency and co-ordination with other organisations. Among the specific measures planned, we could mention the Guidelines, which are not binding on the arms industry, as well as solutions consisting of the optional setting up of one or several specific European armaments agencies for management and/or procurement, or the search for new formulas for extra-budgetary financing and accountants for meeting our needs for development and the attainment of the General Objective.

The case of the A400M transport plane is a good example to follow in this area, not only because it will fill a gap in the requirements of the General Objective, but also because it will be a programme managed by a collective organisation, the OCCAR.

All this merely highlights the importance of the role of the National Armaments Directors (NADs). The Spanish Presidency will hold an informal meeting of NADs on April 29th, in order to discuss these issues.

Finally, the activities within the framework of the Relations with NATO, with the candidates and non-EU European allies, and other possible members

This is another of the important spheres of ESDP development, since the Union is yet another actor on the complex international stage and it must temper its action within the global context.

Ladies and Gentlemen, I should first of all like to touch on EU/NATO Relations.

Considered by everyone as a key factor in the development of the ESDP, the Spanish Presidency will spare no effort in the successful conclusion of the negotiations and contacts with the Alliance now under way with the Alliance. It would be a very positive achievement to be able to extend to the institutional field the good relations established between both organisations in the practical field (the Balkans).

Following the expectations of an agreement aroused at the end of the Belgian Presidency, the Spanish Presidency is in wait of decisions that will allow for a speedy untying of the knot in the permanent institutional relations between both organisations.

Another important matter is that relative to the consultation and participation of the 15 and the 6.

The Laeken mandate entrusts the full implementation of the agreements on consultation and participation of the candidates and the non-EU allies to us.

At this time of possible rapprochement, and in view of the expectations concerning a solution to the important issue of EU/NATO relations, the Union must undertake the definition of the details of this consultation and participation. The Spanish Presidency will propose that a number of practical aspects be addressed, such as the Committee of Contributors and the participation of these countries in the new ESDP fields that are opening up every six-month term.

With regard to our relations with other possible members, the latest events show us that Russia is playing an extremely important role at this time of crisis. It is one of the Presidency's objectives to deepen and consolidate the relations between the European Union and Russia, as well as with Ukraine and Canada.

Likewise, the Presidency will continue to promote the tasks of co-operation with the UN, the OSCE and other organisations.

Public-Opinion Objectives

The final group of objectives and activities covers a number of actions of different kinds which all, however, have a common denominator: the pursuit of the backing of public opinion.

I have taken up the idea of the Belgian Presidency because I think it is essential to keep the public informed. In order to obtain the people's support, it is necessary to inform them and make them participants in our achievements and, likewise, in our failures. Only in this way will we gain their trust and support.

The first initiative refers to International Humanitarian Law.

The intention is to reaffirm the validity and application of international humanitarian law in the sphere of Union operations by means of this initiative (bearing in mind the sensitivity of European citizens); and to interest them in matters of security and defence. We intend to convene a seminar in which concrete subjects related to the ESDP will be addressed, such as the application of international humanitarian law in European Union operations, and their dissemination in civil society.

The second initiative relates to the ESDP's Mediterranean dimension.

My country is especially sensitive about the Mediterranean and considers that the Barcelona Process, which is the only forum that brings together all the countries involved, continues to retain its full validity as a framework for co-operation and dialogue in the Mediterranean basin.

Given that the WEU's Mediterranean dialogue has come to an end, Spain will foster a pragmatic approach to this dimension, with measures of co-operation that can serve as precursors to a future Mediterranean policy in this sphere.

I consider that the Institute for Security Studies has been called upon to play an important role, given that its capabilities confer on it great potential for organising co-operation activities with these countries, from the arranging of seminars to the setting up of joint fora and workshops with other institutes of the Mediterranean countries.

As an immediate objective, the co-operational and non-geographical nature of the ESDP and the General Objective must be made known and explained, by availing ourselves of the Meetings of Senior Officials and the Euro-Mediterranean Conference in order to do so. Above all, we must ensure that public opinion in the countries of the southern Mediterranean does not perceive the latter as a European instrument in the service of undeclared interests.

Finally, two initiatives handed on by the Belgian Presidency, the first of which is relative to the Book on European Defence.

As a result of one of the initiatives by the Belgian Presidency, the Institute for Security Studies will start work on compiling a book on European defence, which will be descriptive in nature and whose readership is intended to be the parliamentary assemblies and the general public. The Presidency will promote this work, including the offering of guidance to the Political Committee about its working methods. The Spanish Presidency is considering holding a joint seminar with the Institute for Security Studies.

And the second is the ESDP's parliamentary dimension.

The Spanish Presidency shares the opinion on the importance of keeping the parliaments informed, but accepts the fact that for the time being only the national parliaments are competent to exercise parliamentary control over matters of defence policy. We intend to hold a meeting during this six-month term in order to address defence issues, and I want to mention the issues of armaments in particular. For my part, like my colleague Minister Flahaut, I shall visit the parliaments in order to keep them informed about ESDP developments.

Speech by Paul D. Wolfowitz

Munich, 2 February 2002

At the traditional *Wehrkunde* meeting in Munich, US Deputy Secretary of Defence Paul Wolfowitz made an important speech on the Bush administration's policy vis-à-vis the Alliance following the 11 September attacks. In a reference to the Atlantic Council's invocation of Article 5 of the North Atlantic Treaty, he commented to the effect that the mission must determine the coalition and not vice versa. While reaffirming its wish to enlarge the Alliance to take in the countries of Central and Eastern Europe, at the same time the United States is putting forward a conditional and subsidiary concept of transatlantic solidarity in the war against terrorism.

SPEECH BY THE US DEPUTY SECRETARY OF DEFENCE

38th Conference on European Security Policy

Introduction

Ten years ago, at the end of the Cold War, many people—on both sides of the Atlantic—said that we didn't need NATO any more. Some said that the threat had gone away. Others said that America's involvement in European security was no longer needed. Yet ten years later, NATO continues to be the key to security and stability in Europe, most notably in the Balkans, where, as President Bush said in Warsaw last June, "we went in . . . together, and we will come out together." And now, for the first time in its history, NATO has invoked Article 5, not because of an attack on Europe, but because the United States itself has been attacked by terrorists operating from abroad.

Following the attacks of September 11th, those who might have consigned NATO to oblivion can no longer question the value of this alliance of nations dedicated to freedom. The ensuing war on terror has underscored that our transatlantic ties are not obsolete. They are essential. From this podium last year, Secretary Rumsfeld said that even though "the landscape changes . . . the mandate [of NATO] remains the same: it is to preserve peace and security and to promote freedom and democratic ideals." September 11th was a stark reminder that mortal threats to national security did not end with the Cold War or with the passing of the last century. New challenges to national security can be expected to surprise us again. But, the response of NATO to September 11th demonstrated that this alliance of democracies can deal with uncertainty and uncharted territory. This alliance has proven itself a flexible instrument, adapting even as the challenges change dramatically. As we have waged this war on terror, we have been harvesting the fruits of more than 50 years of joint planning, training and operations in the NATO framework. Today, NATO as an Alliance and NATO members individually are playing

important roles in the war on terror. For the first time in the Alliance's history, AWACS from NATO are helping to monitor U.S. airspace to prevent further terrorist attacks. Currently, seven NATO AWACS, flying out of Tinker Air Force Base, are patrolling the skies of the United States, relieving a significant burden on the U.S. AWACS fleet, which is strained by operations in two theaters. In Afghanistan itself, individual NATO countries, along with many others from around the world, are contributing to the war effort and to the post-Taliban reconstruction effort.

In Afghanistan alone, our coalition partners are contributing 3,500 troops to Operation Enduring Freedom and to the International Security Assistance Force in Kabul, nearly half of the 8,000 non-Afghan forces in the country today. In fact, because we have been deliberately trying to keep our footprint in that country small, we have had far more offers of help than we have been able to use so far—but the campaign is far from over. Twenty-seven coalition partners now work together at the United States Central Command Headquarters in Tampa, and sixteen nations serve side by side in the theater. Most are NATO allies but others, notably Jordan and Australia, also have significant forces. Another 66 nations have contributed various forms of support throughout the campaign. And we could not possibly have achieved what we have so far without the support and assistance of a number of countries in the region, most importantly, Pakistan. Today, I want to focus on four questions that are important in addressing the security challenges that we face today:

- What have we learned from the events of September 11th?
- What can we learn from the conduct of the war on terrorism so far?
- How can we expand the alliance against terrorism, particularly within the Muslim world?
- And how can we build a stronger security foundation for the 21st Century? What Have We Learned From the Events of September 11th?

For too many years, the international community treated terrorism as an ugly fact of international life, one with tragic and occasionally terrible consequences, but something we had to live with—and something we could manage to live with. Often terrorism was treated simply as a problem of law enforcement. The goal was to catch terrorists, try them, and punish them, hoping that doing so would deter others—although it didn't. People spoke frequently of retaliation—but rarely acted. And when they did act, it was more often against the lower-level perpetrators of terrorist acts than against those who were ultimately responsible. It would be an overstatement to say that terrorism came to be regarded as nasty but “acceptable”, but we were far from a policy of zero tolerance for terrorism. September 11th changed all of that. On that day we learned, at enormous cost, that the problem goes beyond crime and punishment. The attacks of that day not only demonstrate the failure of previous approaches, they also underscore the dangers we will face if we continue living with terrorism. What happened on September 11th, terrible though it was, is but a pale shadow of what will happen if terrorists use weapons of massive destruction. As President Bush made clear, “Every nation now knows that we

cannot accept—and we will not accept—states that harbor, finance, train, or equip the agents of terror. Those nations that violate this principle will be regarded as hostile regimes. They have been warned, they are being watched, and they will be held to account.”

Our approach has to aim at prevention and not merely punishment. We are at war. As Secretary Rumsfeld said recently, self-defense “requires prevention and sometimes pre-emption”. It is not possible to defend against “every threat, in every place, at every conceivable time”. The only defense against terrorism is to “take the war to the enemy”; the best defense is a good offense. The terrorists’ great advantage is their ability to hide, not merely in the mountains of Afghanistan, but in the towns and cities of Europe and the United States. We need to hunt them down relentlessly, but we also need to deny them the sanctuaries in which they can safely plan and organize and to deprive them of the financial and material resources they need to operate—as Secretary Rumsfeld has said, “to drain the swamp” in which they live. To meet this goal, President Bush has mounted a far-reaching campaign, a campaign that is not just military, but one that integrates all the elements of national power. As the President said in his address to the nation following the attack, “We will direct every resource at our command—every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war—to the disruption and to the defeat of the global terror network.”

No one who has seen the images of September 11th can doubt that our response must be wide-ranging; nor should anyone doubt the far greater destruction terrorists could wreak with weapons of greater power. As President Bush has noted, what has been found in the caves of Afghanistan indicates the scope of what we could face: diagrams of American nuclear power plants and water facilities, maps of our cities and descriptions of landmarks, not just in America but around the world, along with detailed instructions for making chemical weapons.

Those who plotted in the caves share a kinship with states who seek to export terror. They pose a clear and direct threat to international security that could prove far more cataclysmic than what we have experienced already. After September 11th, we have a visceral understanding of what terrorists can do with commercial aircraft, in a way that seemed remote and hypothetical before. We cannot afford to wait until we have a visceral understanding of what terrorists can do with weapons of mass destruction, before we act to prevent it. Facing that danger, countries must make a choice. Those that stand for peace, security and the rule of law—the great majority of countries in the world—stand united with us in this struggle between good and evil. Those countries that choose to tolerate terrorism and refuse to take action—or worse, those that continue to support it—will face consequences. As President Bush said last Tuesday, “Make no mistake about it: if they do not act, America will.” Nations cannot afford to act like those neutral nations 60 years ago, of whom Winston Churchill so acidly observed: “Each one hopes that if he feeds the crocodile enough, the crocodile will eat him last.”

What can we learn from the conduct of the war on terrorism so far? President Bush and Secretary Rumsfeld have repeatedly emphasized that the war on terrorism will be a long struggle. Although much has been accomplished already in Afghanistan and in attacking terrorist cells worldwide, even in Afghanistan there is still much work to be done. Yet, there are already important lessons to be learned from what has been accomplished so far, with implications not only for the war on terrorism, but for the transformation of our military. From the beginning of the campaign against terrorism, Secretary Rumsfeld has emphasized the importance of setting the key goals and the key concepts of the operation correctly. Recently, he made a list of those that have been critical to the campaign so far. It's a long list, but let me share with you today a few of the most significant ones.

One of the most important concepts concerns the nature of coalitions in this campaign and the idea that “the mission must determine the coalition, the coalition must not determine the mission.” Otherwise, as the Secretary says, the mission will be reduced to “the lowest common denominator.” As a corollary, there will not be a single coalition, but rather different coalitions for different missions, “flexible” coalitions, as the Secretary calls them. This means that the coalition will not “unravel” if some country stops doing something or fails to join in some missions. As Rumsfeld expressed it, “Since no single coalition has ‘raveled’, it is unlikely to unravel.” In fact, our policy in this war has been to accept help from countries on whatever basis is most comfortable to them. Some will join us publicly; others will choose quiet and discrete forms of cooperation. We recognize that it is best for each country to characterize how they are helping, instead of doing it for them. Ultimately, this maximizes their cooperation and our effectiveness.

Perhaps our most important coalition partners were the Afghans themselves. Because of the historic Afghan hostility to foreign invaders, we strived from the beginning to keep our footprint small and emphasized that we were not in Afghanistan to stay. Instead, we leveraged the desire of the Afghan people to be liberated from the Taliban and to be rid of the foreign terrorists who brought so much destruction to their country. After the liberation of Mazar-el-Sharif, the Afghan people greeted the arrival of their liberators with joy. That was a sentiment that soon echoed throughout Afghanistan. And from the very first day, we emphasized humanitarian operations as part of our military effort. Another key concept was not to rule out anything, including the use of ground forces. From the beginning, we understood this would not be an antiseptic, “cruise missile war.” We were willing to put “boots on the ground” where and when appropriate.

Indeed, military success in this campaign was only truly achieved when we inserted Special Forces on the ground, dramatically improving the effectiveness of the air campaign. Jointness in peacetime allowed us to achieve jointness in wartime. We saw soldiers armed with rifles, maneuvering on horseback, using advanced communications to direct strikes by 50-year-old bombers. When reporters asked Secretary Rumsfeld about the reintroduction of the horse cavalry in modern war, he said: “It's all part of my transformation plan.”

How can we expand the alliance against terrorism, particularly within the Muslim world?

The fight against terrorism is not just a fight of the Western countries, but of all who aspire to peace and freedom throughout the world, and most emphatically in the Muslim world itself. From my own experience in Indonesia, a country with the largest Muslim population of any in the world, I know that the vast majority of the world's Muslims have no use for the extreme doctrines espoused by such groups as Al Qaida and the Taliban. To the contrary, they abhor terrorism and the way that the terrorists have not only high-jacked airplanes but also attempted to highjack one of the world's great religions.

To win the war against terrorism we have to reach out to the hundreds of millions of moderate and tolerant people in the Muslim world, including the Arab world. They are on the front line of the struggle against terrorism. We not only have an obligation to help them. By helping them to stand up against the terrorists without fear, we help ourselves. Equally important, we help to lay the foundations for a better world after the battle against terrorism has been won.

Our goal should be more than just defeating the terrorists and eliminating the terrorist networks. As President Bush said in his State of the Union message, "we have a great opportunity during this time of war to lead the world toward the values that will bring lasting peace . . . Let the skeptics look to Islam's own rich history, with its centuries of learning, and tolerance and progress. We have no intention of imposing our culture. America will take the side of brave men and women who advocate these values around the world, including the Islamic world, because we have a greater objective than eliminating threats and containing resentment. We seek a just and peaceful world beyond the war on terror."

No leader has taken greater risks in the struggle against terrorism than President Musharraf of Pakistan and no country has more at stake in the fight. This past week, in his address to the American people, President Bush commended President Musharraf's strong leadership. Pakistan's success will be a success for all of us in the fight against terrorism and Pakistan deserves support from us all.

Right here in NATO we have an ally, Turkey, that is a model for the Muslim world's aspirations for democratic progress and prosperity. Turkey, too, deserves our support. Those who would criticize Turkey for its problems confuse what is problematic with what is fundamental, focus too much on where Turkey is today and ignore where it is going.

What is fundamental is Turkey's democratic character. It changes its leaders at the ballot box, and stood with us during the long struggle of the Cold War. A Turkey that overcomes its present problems and continues the progress that country made over the course of the last century can become an example for the Muslim world—an example of the possibility of reconciling religious belief with modern secular democratic institutions.

Indonesia is another important example of a nation seeking to build a democratic government based on a culture of tolerance. But it does so in the face of severe economic obstacles. If we are serious about opposing terrorism we should also be serious about helping that country, with the largest population in the Muslim world, in its quest for a stable democracy. And, we need more examples of success in the Arab world itself. Where countries are struggling to make progress, as Jordan and Morocco are doing, they need our support. (It is no accident that Jordan today is making one of the largest contributions to the coalition in Afghanistan, or that King Abdullah has condemned terrorism in clear and heart-felt language.) Our support should extend beyond governments to those “brave men and women” President Bush spoke of. As Prince Talal bin Abdulaziz, one of the sons of the founder of the Saudi monarchy, said recently, speaking of his own country and the Arab world: “We need movement because the world is changing and the world around us is changing. Kuwait has elections, Qatar has communal elections, there’s change in Bahrain, Oman, Yemen. The system has to progress and evolve . . .”

How can we build a stronger security foundation in Europe for the 21st Century?

As difficult as it is to think about other challenges in the middle of this great effort, it is important to think beyond the war on terrorism if we wish to build a solid foundation for peace and security in this century. Strengthening and enlarging NATO and building a new relationship with Russia are key to building that foundation in Europe.

In Warsaw last June, President Bush emphasized the importance of “NATO membership for all of Europe’s democracies that seek it and are ready to share the responsibility that NATO brings.” That is as important today as it was before September 11th.

Contradicting the gloomy predictions that were heard at the time, the first round of NATO enlargement did not build a new wall down the middle of Europe. It has built new structures, but these are bridges, not walls. It has provided incentives for countries to reform their political systems, strengthen their relationships with their neighbors, and bring their military forces under civilian control.

As we plan for the Prague summit, we should heed President Bush’s call that we should “not calculate how little we can get away with, but how much we can do to advance the cause of freedom.” All those countries that aspire to be members of NATO need to work seriously to meet the standards of membership, and the standards for membership should be kept high. But experience has shown that NATO enlargement has strengthened security and promoted stability throughout Europe. All countries have benefited from this process, including Russia. Further enlargement will also result in improving relations among NATO members and between members and non-members.

Today we have an historic opportunity to build a new relationship with Russia. Recently, the United States and Russia have engaged in a new dialogue that we hope will

fashion a new strategic relationship—one that puts Cold War animosities behind us, and that also contributes a new role of Russia in Europe.

We have made a conscious decision to move beyond a relationship with Russia centered on preserving the mutual threat of massive nuclear destruction to a relationship that is based instead on common security interests: a relationship that is normal among states that no longer regard themselves as deadly rivals. One expression of that is our common interest in fighting global terrorism. In moving toward a normal, healthy relationship, we have been able to set aside the fears of the past and plan for radical reductions in the legacy nuclear forces of the Cold War.

NATO as an alliance has a crucial role to play in integrating Russia into the framework of European security. As President Bush also said in Warsaw, “The Europe we are building must also be open to Russia . . . we look for the day when Russia is fully reformed, fully democratic and closely bound to the rest of Europe.” In the Joint Statement issued after their November meeting in Crawford, President Bush and President Putin affirmed their determination to “work, together with NATO and other NATO members, to improve, strengthen, and enhance the relationship between NATO and Russia.”

NATO has seized this opportunity by resolving to find ways for the Alliance and Russia to work together “at 20”. It is important that we get started with practical, concrete forms of cooperation that build on NATO’s and Russia’s mutual security interests. It is also essential, as NATO and Russia work together where we can, that NATO retain its independent ability to decide and act on important security issues.

As NATO enlarges, and builds a new relationship with Russia, we must not forget that NATO is fundamentally a military alliance. And NATO’s credibility and ability to prevent war depends critically on its military strength.

To ensure NATO can deal with surprise and uncertainty in the decades ahead, NATO must improve its structures and capabilities. A key objective for the Prague summit should be to launch a military transformation agenda.

A key component of that agenda should be to develop NATO’s capacities in counterterrorism. Fighting terrorism, which has been so clearly linked to weapons of mass destruction, is part of NATO’s basic job description: Collective Defense.

The Prague summit also provides an appropriate time to launch a reform of the Alliance command structure to make it leaner, more streamlined, more cost efficient, and, above all, more flexible.

These initiatives should be buttressed by an even more fundamental reform, one that would have profound implications for how the Alliance has done business over the last fifty years. During the Cold War, NATO sized and shaped its forces against specific geographic threats. The only Article 5 attack in NATO’s history came from an unexpected source, in an unexpected form. What this tells us is that our old assumptions, our old plans, and our old capabilities are out-of-date. Article 5 threats can come from anywhere, in many forms.

Rather than trying to guess which enemy the Alliance will confront years from now, or where wars may occur, we should focus on what capabilities adversaries could use against us, on shoring up our own vulnerabilities, and on exploiting new capabilities to extend our own military advantages. This is the essence of a capabilities-based approach to defense planning.

We are in a new era, facing new risks, and we must have new capabilities. This should be our main objective as we approach the Prague summit.

Conclusion

At the heart of the NATO's success and its ability to continue to play such a crucial role in greatly changed circumstances is not only its military strength but the values that are at its core. What Ronald Reagan called "man's instinctive desire for freedom and self-determination" has brought about extraordinary and wonderful change over the last twenty years—the end of the Cold War and of the tragic division of Europe, the demise of totalitarian and authoritarian regimes, on both sides of the Cold War divide. Today, the desire for freedom is a powerful force in the war on terrorism. The democracies of the world govern by the rule of law and the consent of the governed. The Taliban, like other tyrants, ruled by terror. It is not an accident that every state that sponsors terrorism also terrorizes its own people. But that is a fundamental weakness of those regimes and a fundamental advantage for us in the fight against terrorism. People who are terrorized by their rulers can become our best allies pressuring those rulers to get out of the business of supporting terrorism. The desire for freedom and self-government is also what has held this Alliance together for more than half a century. As President Reagan said on the 40th anniversary of the D-Day Invasion: "We are bound today by what bound us [then]—the same loyalties, traditions, beliefs. We were with you then; we are with you now. Your hopes are our hopes; and your destiny is our destiny."

That spirit is still alive and strong twenty years later. Just two weeks after September 11th, a German Navy destroyer, the Lütjens, asked for permission to come alongside the USS Winston Churchill. When Lütjens drew close enough, the U.S. sailors were moved to see an American flag flying at half-mast. As the Lütjens drew even closer, her entire crew could be seen manning the rails in their dress uniforms, displaying a sign that said, "We Stand By You." One young American Naval officer, calling it "the most powerful thing I have seen in my entire life," reported back home: "... there was not a dry eye on the bridge as they stayed alongside us for a few minutes and we cut our salutes. The German Navy did an incredible thing for this crew . . . To see the unity that is being demonstrated throughout Europe and the world makes us all feel proud to be out here doing our job."

As an alliance, we have never been stronger. We have never been more united. We have never been more resolved to move forward together. Let us make this journey with the promise of one ally's sailors to another: "we stand by you".

Thank you very much.

General Affairs Council

Brussels, 18-19 February 2002

COUNCIL CONCLUSIONS

(...)

International Police Task Force (IPTF) follow-on

1. Recalling its conclusions of 28 January 2002, the Council announced the EU's readiness to ensure, by the 1st of January 2003, the follow-on to the United Nations International Police Task Force (IPTF) in Bosnia and Herzegovina (BiH). In order to ensure a successful follow-up to the UN IPTF, the EU's aim would be a broad approach with activities addressing the whole range of Rule of Law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. The EU Police Mission (EUPM), supported by the European Community's institution building programmes, would contribute to the overall peace implementation in Bosnia and Herzegovina as well as to the achievements of the EU overall's policy in the region, notably the Stabilisation and Association Process.
2. In line with the general objectives of Annex 11 of the Dayton Agreement, the mission would establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, should achieve its goals by the end of 2005.
3. Recalling that the EU sees the future of BiH lying in integration into the European structures, the Council expressed its willingness to appoint as the EU Special Representative in BiH (EUSR) the next High Representative in BiH. He would maintain an overview of the whole range of activities in the field of the Rule of Law, and in that context provide advice to the Secretary General/High Representative (SG/HR) and the Commission as necessary. The PSC would exercise the political control of and provide strategic direction to the mission.
4. The Council stressed the importance of a seamless transition between the UNIPTF and the EUPM, and, in this respect, underlined the central role of the Police Commissioner to be designated.
5. The Council invited the Presidency, assisted by the SG/HR, to inform the international community of the EU's readiness to establish the EUPM, and to continue to co-ordinate with the UN and to consult with relevant organisations, in particular NATO and the OSCE.

6. Appropriate contacts with the Government of Bosnia-Herzegovina and the relevant authorities will be established.

7. The financing of the EUPM is set out in Annex IV.

8. Acknowledging the valuable contributions other States have made to UNIPTF, the Council agreed to invite, in the first instance, the non-EU European NATO members and other States which are candidates for accession to the EU, as well as other non-EU OSCE Member States currently contributing to IPTF, to make offers of contributions, in due course, for the EUPM. In order to ensure necessary consultation, the Council invited the PSC to hold meetings, as soon as possible, with these potential contributors, in accordance with the procedures set out in the relevant annex.

9. The mission statement, the chain of command, the co-ordination and financing arrangements, as well as the modalities for third States contributions to the EUPM are described in the annexes attached to these conclusions.

10. The Council invited its competent bodies to continue work on the EUPM and to prepare the necessary legal instruments in view of its meeting of 11 March 2002.

ANNEX I

EUPM in BiH: Mission Statement

The following outlines the Mission Statement for the EU Police Mission (EUPM) that will follow-on UN IPTF as a part of the EU overall support to the Rule of Law sector in BiH.

I. Political/Strategic level

1. The proposed mission statement for a possible police operation would include:

2. The EU Police mission (EUPM), supported by the European Commission's institution building programmes, should, as part of a broader rule of law approach, aim, in line with the general objectives of Annex 11 of the Dayton Agreement, to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. To do so, this three-year EUPM should be entrusted with the necessary authority and concentrate on the following goals:

- to preserve, through continuity with the achievements of the IPTF mission, the existing levels of institutional and personal proficiency;
- to enhance, through monitoring, mentoring and inspecting, police managerial and operational capacities; to this end, to focus on delegation of power and quality-oriented management principles as well as improving operational planning capacity based on analysis;

- to strengthen professionalism at high level within the ministries as well as at senior police officers levels through advisory and inspection functions;
 - and to monitor the exercise of appropriate political control over the police.
3. The mission will not include executive powers or the deployment of an armed component.

II. Objectives at operational level

4. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, and working as an integral part of the broader rule of law approach, should achieve the goals set out above by the end of 2005, by ensuring that the BiH police services will:

- Act in a professional manner and in accordance with relevant legislation and regulations;
- Be free of political interference, and led by an apolitical, qualified and accountable personnel;
- Possess the integrity, knowledge and means to perform their duties in a transparent and objective manner;
- At ministries and senior police officers level adopt a professional culture based on a fair, transparent and accountable internal management system including the exercise of internal controls and disciplinary procedures of the highest standard;
- Ensure management practices be carried out through fair and impartial personnel policies for recruitment, training, specialisation, promotion, and discipline;
- Be based on a transparent structure that takes into consideration the multiple ethnic composition of the society and that can deal satisfactorily with gender related issues;
- Effectively manage personnel and resources within an affordable and appropriate institutional framework;
- Standardize data recording and analysis systems to facilitate information sharing for operational planning and investigations, with a view to promoting a BiH-wide crime statistics system;
- Develop police co-operation among all BiH police forces, including at inter-entity, inter-canton levels (building up of structures for coordination, exchange of information and confidence building);
- Undertake criminal investigations of corruption cases regardless of political implications;
- Be capable of investigating and countering the full range of criminal activities, including organized crime and terrorism with a State level capability forming an effective part of the administration of justice, cooperating closely with the prosecution and operating within a reformed criminal justice system;
- Develop, in close cooperation with SFOR, specialized information sharing in support of the state level capability and other appropriate authorities;

- Possess capacity to respond to public disorder in accordance with modern police standards and without political or ethnic bias;
- Enter into constructive co-operation with police services of neighbouring States (SAP States) and EU Member States.

III. Methodology

5. It should be noted that the effectiveness of a EUPM pursuing a management approach will directly depend on the expertise of the personnel and ability to retain continuity and institutional memory. For this purpose, it is strongly recommended that qualified personnel is identified and each seconded for a minimum of one year.

6. In order to achieve the above-mentioned objectives by the end of 2005, the EUPM should:

- Co-locate the international police alongside Commanders at the various Entities, Public Security Centres (PSCs), Cantons, Brcko district, State Intelligence Protection Agency (SIPA) and State Border Service (SBS) at medium and senior levels of the BiH Police;
- Be able to remove from offices non compliant officers, through a recommendation by the EU police Commissioner to the High Representative;
- Coordinate with the Office of the High Representative in the furtherance of the International Community overall objectives in the field of the rule of the law, as well as with other Organizations within the International Community, as appropriate;
- Liaise with SFOR on public security issues including for ensuring SFOR support in extremis.

ANNEX II

EUPM in BIH: Chain of Command

The structure of the EU Police Mission, as part of the broader EU Rule of law follow-up in Bosnia and Herzegovina, would have to include a unified EU chain of command, as a crisis management operation.

Without prejudice to the relevant provisions of the Dayton Agreement and its annexes:

- The Special Representative of the EU would report to the Council through the SG/HR,
- The PSC would provide the political control and strategic direction,
- The Police Commissioner would lead the mission and assume its day-to-day management,
- The Police Commissioner would report to the SG/HR through the Special representative,

- I The SG/HR would give guidance to the Police Commissioner through the Special representative.

ANNEX III

EUPM in BIH: Co-ordination Arrangements

1. The Council expressed its willingness to appoint the High Representative in Bosnia and Herzegovina as the European Union Special Representative in Bosnia and Herzegovina (EUSR). In doing so, the EU would convey a clear message that Bosnia and Herzegovina's future lies in integration into European structures, building on the Stabilization and Association process. He would maintain an overview of the whole range of activities in the field of the Rule of Law and in that context provide advice to the SG/HR and the Commission as necessary. The role of the EUSR would not in any way prejudge the mandate of the High Representative in Bosnia and Herzegovina, including his coordinating role with regard to the activities of all civilian organisations and agencies as set out in the Dayton Peace Agreement and subsequent Peace Implementation Council decisions. As part of his wider responsibilities, the EUSR would have authority to give direction, as necessary, to the police commissioner while reporting to the Council through the SG/HR. The PSC would exercise political control of and provide strategic direction to the EU Police mission. The PSC would be informed on a regular basis on all aspects of the mission, including through briefings by the EUSR and the Police Commissioner as necessary.

2. In order to ensure a successful follow-up to the UN IPTF in Bosnia and Herzegovina, the EU's aim must be a broad approach with activities addressing the whole range of Rule of Law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. To this end, coordination arrangements are required in both Sarajevo and Brussels.

3. An informal Joint Coordination Group would be set up in Sarajevo. It would include representatives of the EU Police Mission and of the Commission's Delegation in Sarajevo dealing with the CARDS programme. This group would meet regularly and exchange information on the planning and implementation of complementary projects, and bring anything requiring their attention to the notice of the Presidency, the SG/HR and the Commission in Brussels, and help define EU positions to be presented within the OHR Task Force on the Rule of Law.

4. Co-ordination in Brussels between the Council Secretariat and the Commission with involvement of the Presidency would continue to take place within an informal Task Force. In terms of presentation of progress reports to the Council and its bodies, the normal rules of representation and co-ordination would apply.

5. In accordance with the CARDS Council Regulation (EC) n° 2666/2000 of 5 December 2000, the Commission would consult the High Representative in Bosnia and

Herzegovina on the implementation of Community assistance. The Commission would also ensure effective co-ordination of the Community's and Member States' assistance efforts and encourage co-ordination and co-operation with the IFI's, UN and other donors.

6. Neither the above arrangement, nor the possible double-hatting of the new High Representative in Sarajevo as an EUSR, would affect the continued responsibility, as set out in the Treaty, and emphasized in recent reports by the Court of Auditors, of the Commission for CARDS/First Pillar activities, which would not be subject to the chain of command of an ESDP-operation.

ANNEX IV

EUPM in BIH: Financial Aspects

1. The costs of the operation are estimated at:

- 14 million euro start-up costs (including equipment) for 2002

- up to 38 million euro yearly running costs for 2003-2005, divided as follows - up to:

- 17 million for per diem depending on the daily rate set and 1 million for travel costs

- 11 million operational running costs, 4 million for local staff, 5 million for international civilian staff

- salaries of seconded police officers and other possible secondees will be covered directly by sending states, including non EU-contributors.

2. The start-up costs at 14 million euro can be financed within the CFSP-budget 2002, taking into account the 10 million already foreseen and the possibility of redeployment between existing priorities within the CFSP budget 2002.

3. Regarding the yearly running of the operation, the Council agreed that the 17 million euro for per diems and the 1 million euro for travel costs will be financed on a costs lie where they fall basis. The remainder of 20 million euro should be financed through the CFSP-budget. With the present level of funding within the CFSP budget, 10 million euro annually could be assigned for the yearly running costs for the period 2003-2005. Therefore an increase in the CFSP-budget for the years 2003-2005 would be needed to cover the foreseen 10 million euro gap. The Commission stated that it will re-examine its budget proposals for 2003 in this light. The Presidency will consult the European Parliament on this matter. During the whole budget procedure for 2003 the financing of the EUPM will be one of the Council's priorities.

4. Should the financing of the CFSP-budget not be sufficient, the Council would decide, in accordance with the provisions of the Treaty, how to cover any remaining gap, which would consist of common costs.

5. The financial arrangements will respect the operational requirements of EUPM, including compatibility of equipment and interoperability of its teams.

6. Establishing the financial arrangements for EUPM the Council notes the financial

limits of the CFSP budget.

7. It is understood that the proposed financing arrangement will constitute no precedent for future ESDP operations.

ANNEX V

EUPM in BIH: Modalities for Contributions of Third States

I. General Considerations

1. Taking into account the valuable contributions other States have made to IPTF, as well as the conclusions of the Nice and Göteborg European Councils, the Council decided that non EU States would be invited to contribute to an EU Police Mission in Bosnia-Herzegovina.

2. The Council decided that, in first instance, non-EU European NATO members and other candidate countries for accession to the EU as well as other non-EU OSCE Member States currently contributing to the IPTF would be invited to make offers of contributions.

3. The decision-making autonomy of the EU and the single institutional framework of the Union will be fully respected.

4. A significant majority of the police officers should be provided by EU member States. This also applies to other international staff. An early decision on the number/percentage of police officers to be provided by EU member States will be taken and third States briefed in order to guide their possible contributions.

II. Consultations

5. Contacts with the agreed range of third countries would immediately be established in order to inform them and to have a clear picture of their interest and potential contributions.

6. For the non-EU NATO members and other countries which are candidates for accession to the EU, Annex II of Göteborg provides that the EU+15 format could serve “for consultation, in view of possible contributions to a mission, in the period leading up to a decision of the Council to launch a police operation”.

7. Some third States not part of the 15 already make valuable contributions to the IPTF mission. Annex II of Göteborg provides that “in order to facilitate co-operation in this field with a broad range of potential partners, i.a. Russia, Ukraine, other European States with which the Union maintains political dialogue, and other interested States such as Canada, police could be included in the dialogue, co-operation and consultation on ESDP issues with the countries concerned within the framework of existing arrangements”.

8. Building upon arrangements established in Göteborg, consultations would be conducted by PSC with the identified potential contributors. Informal contacts of Presidency/Secretariat with these States, individually or collectively, will take place as necessary, in particular to ensure follow-up of meetings (information, precision on their potential contribution to personnel and financing, ...).

9. Potential contributors would be provided with information on the approximate share of the mission staff open to contributions from third States as well as the required profile of this staff. For this purpose, EU member States should, as a matter of highest priority, decide on the size and character of the contributions they are ready to make to the Police Mission. This would require as a first step that the profiles of the staff required be established urgently by the Head of the planning team. When there are firm indications on what contributions EU member States would make to the mission, the Head of the planning team would identify the number and type of personnel expected from third States, and inform them accordingly. At this stage of the process there might be a need for intensification of contacts in the appropriate format, in particular at expert level, with third States.

10. The contributions offered by third States would be assessed on the basis of requirements set by the EU for this specific mission. Contributions offered by third States would have to fit those criteria. Subsequently, the EU would decide to accept the offers considered appropriate.

11. Future contributors from third States would be invited, as appropriate, to briefings at expert level (in Brussels or on the ground, depending on the actual location of the planning team) in order to inform them of how the preparation is proceeding and to allow them to adequately prepare their respective national contributions to the EU Police Mission. As needed, the Head of the planning team would participate in those meetings.

III. Operational Phase

12. According to annex II of Göteborg, "Third States, which are making significant contributions to the EU mission, will have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation".

13. Micro-management of the EU Police Mission from Brussels should be avoided. In view of this, involvement in day-to-day management of the operation of third States which make significant contributions should take place on the ground, including within the police mission HQ, and taking into account, inter alia, relevant lessons learned from EUMM.

14. When the need arises, experts meetings could be held in Brussels. During the course of the operation the PSC may conduct consultations with representatives of third States which make contributions to the mission.

15. The decision by the EU to end the operation will be made following consultation with the contributing States.

(...)



PARTICIPATION OF MINISTERS OF DEFENCE AT GENERAL AFFAIRS COUNCIL

Regarding the participation of Ministers of Defence at the General Affairs Council in May, the Council noted the Presidency's intention to enable Defence Ministers to discuss certain agenda items, limited to issues covering military capabilities. Discussion on these issues will be chaired by the Minister of Defence of the Presidency.

(...)

Police Mission in BiH

Brussels, 11 March 2002

Following the meeting of the General Affairs Council in Brussels on 18 and 19 February 2002, the European Union decided to take over the International Police Task Force's mission in Bosnia from the UN. This Council Joint Action, made under Articles 14 and 17 of the TEU, concerns civil aspects and police activities in the peace process. This mission will therefore be the first external application of the European Security and Defence Policy. As planned, it began on 1 January 2003.

COUNCIL JOINT ACTION

on the European Union Police Mission (EUPM)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 14 thereof,
Whereas:

- (1) On 18 February 2002, the Council announced the readiness of the European Union to ensure, by 1 January 2003, the follow-on to the United Nations International Police Task Force (IPTF) in Bosnia and Herzegovina (BiH).
- (2) In line with the general objectives of Annex 11 of the Dayton/Paris Agreement, the European Union Police Mission (EUPM) should establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, should achieve its goals by the end of 2005.
- (3) In its conclusions of 18 February 2002 the Council also decided that in order to ensure a successful follow-up to the UN IPTF, the Union's aim should be a broad approach with activities addressing the whole range of Rule of Law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. The EUPM, supported by the Community's institution building programmes under the CARDS Regulation, should contribute to the overall peace implementation in Bosnia and Herzegovina as well as to the achievements of the Union's overall policy in the region, notably the Stabilisation and Association Process.
- (4) The Union should continue to coordinate with the UN and to consult with relevant organisations, in particular NATO and the OSCE.

(5) Following the Peace Implementation Council Steering Board acceptance on 28 February 2002 of the Union offer concerning EUPM, the UN Security Council Resolution 1396 (2002) on 5 March 2002 welcoming the Union's readiness to ensure the follow-on to the IPTF.

(6) On 4 March 2002, the authorities of Bosnia and Herzegovina invited the Union to assume responsibility for the follow-on to the United Nations police mission. An agreement will need to be concluded to this end between the authorities of Bosnia and Herzegovina and the Union.

(7) In order to prepare the EUPM a Planning Team should be established.

(8) On 18 February 2002, the Council expressed its willingness to appoint the next High Representative in BiH as the EU Special Representative in BiH (EUSR).

(9) The Political and Security Committee should exercise political control of and provide strategic direction to the EUPM and should be informed on a regular basis on all aspects of the mission, including through briefings by the EUSR and the Head of Mission/Police Commissioner as necessary.

(10) Acknowledging the valuable contributions other States have made to IPTF, non-EU States are invited to contribute to an EUPM in BiH. In the first instance non-EU European NATO members and other States which are candidates for accession to the Union as well as other non-EU OSCE Member States, currently providing staff to IPTF are invited to contribute to the EUPM.

(11) On 18 February 2002, the Council agreed the financing of the EUPM as set out in Annex IV of its Conclusions.

(12) Article 14(1) of the Treaty on European Union calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action. The indication of amounts to be financed by the Community budget illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year,

HAS ADOPTED THIS JOINT ACTION:

ARTICLE 1 – MISSION

1. The European Union hereby establishes a European Union Police Mission (EUPM) in order to ensure the follow-on to the United Nations International Police Task Force (IPTF) in Bosnia and Herzegovina (BiH) as from 1 January 2003. Before that date and in order to prepare the EUPM a Planning Team shall be established not later than 1 April 2002 and shall be operational until 31 December 2002.

2. The EUPM shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in the Annex hereto.

ARTICLE 2 – PLANNING

1. The Planning Team shall comprise a Police Head of Mission/Head of the Planning Team and the necessary staff to deal with functions ensuing from the needs of the mission.
2. The General Secretariat of the Council shall draw up the Concept of Operations (CONOPS) with the assistance of the Police Head of Mission/Head of the Planning Team. The Planning Team shall subsequently draw up the Operation Plan (OPLAN) and develop all technical instruments necessary to execute the EUPM. The Council shall approve the CONOPS and the OPLAN.
3. The Planning Team shall work in close cooperation with the IPTF.
4. As from 1 January 2003, the Police Head of Mission/Head of the Planning Team will become Head of Mission/Police Commissioner as set out in Article 4.

ARTICLE 3 – STRUCTURES

The EUPM shall in principle be structured as follows:

- a. main headquarters in Sarajevo, composed of the Head of the Mission/Police Commissioner and staff as defined in the OPLAN. Part of this staff shall consist of a variable number of Liaison Officers to work with other international organisations on the ground. Such officers shall be deployed by the Head of the EUPM as necessary;
- b. an initial total of 24 monitoring units co-located within the various Bosnia and Herzegovina Police structures at medium-high level, including within Entities, Public Security Centres, Cantons, State Intelligence Protection Agency, State Border Services and within the Brcko district.

ARTICLE 4 - HEAD OF MISSION/POLICE COMMISSIONER

1. The Council, upon a proposal by the Secretary-General, High Representative for the Common Foreign and Security Policy (SG/HR), shall appoint a Head of Mission/Police Commissioner. The Head of Mission/Police Commissioner shall exercise operational command over the EUPM and assume the day-to-day management of the EUPM operations.

2. The Head of Mission/Police Commissioner shall be recruited on a contractual basis.
3. All police officers remain under full command of the appropriate national authority. National authorities will transfer Operational Command (OPCOM) to the Head of the EUPM.
4. The Head of Mission/Police Commissioner shall be responsible for disciplinary control over the personnel. For seconded personnel, disciplinary action shall be exercised by the national or Union authority concerned.

ARTICLE 5 – STAFF

1. The numbers and competence of the EUPM staff shall be consistent with the objectives and structure set out in Article 3 and in the mission statement set out at Annex.
2. Police officers shall be seconded by Member States. The minimum period of secondment should be one year. Each Member State shall bear the costs related to the police officers seconded by it, including salaries, allowances and travel expenses to and from BiH.
3. International civilian staff and local staff shall be recruited on a contractual basis by the EUPM as required.
4. Member States or Community institutions may also second international civilian staff if required for a minimum period of one year. Each Member State or Community institution shall bear the costs related to any of the staff seconded by it, including salaries, allowances and travel expenses to and from BiH.

ARTICLE 6 – POSITION OF THE SPECIAL REPRESENTATIVE IN THE UNIFIED CHAIN OF COMMAND

The position in the unified chain of command of the European Union Special Representative (EUSR), appointed by a separate Council Joint Action, is set out in Article 7.

ARTICLE 7 – CHAIN OF COMMAND

The structure of the EUPM as part of the broader Union Rule of Law follow-up in BiH shall have a unified chain of command, as a crisis management operation. Without prejudice to the relevant provisions of the Dayton/Paris Agreement and its annexes:

- the EUSR shall report to the Council through the SG/HR,
- the Political and Security Committee shall provide the political control and strategic direction,
- the Head of Mission/Police Commissioner shall lead the EUPM and assume its day-to-day management,
- the Head of Mission/Police Commissioner shall report to the SG/HR through the EUSR,
- the SG/HR shall give guidance to the Head of Mission/Police Commissioner through the EUSR.

ARTICLE 8 - PARTICIPATION OF THIRD STATES

1. Without prejudice to the decision-making autonomy of the Union and the single institutional framework of the Union, non-EU European NATO members and other States which are candidates for accession to the European Union as well as other non-EU OSCE Member States, currently providing staff to IPTF, are invited to contribute to the EUPM on the basis that they bear the cost of sending the police officers and/or the international civilian staff seconded by them, including salaries, allowances and travel expenses to and from BiH, and contribute to the running costs of the EUPM as appropriate.
2. Third States making significant contributions to the EUPM shall have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation.
3. Detailed arrangements regarding the participation of Third States shall be subject to agreements pursuant to Article 24 of the Treaty on European Union.

ARTICLE 9 - FINANCIAL ARRANGEMENTS

1. The costs for the implementation of this Joint Action shall be:
 - a) EUR 14 million for start-up costs (including equipment and the Planning Team) for 2002, to be financed out of the Community budget;
 - b) up to EUR 38 million for yearly running costs for the years 2003 to 2005, divided as follows:
 - 1) up to EUR 17 million for per diem depending on the daily rate set and EUR 1 million for travel costs, which pursuant to Article 5(2) shall be charged on a costs "lie where they fall" basis;
 - 2) the remainder of EUR 20 million (EUR 11 million for operational running costs, EUR 4 million for local staff, EUR 5 million for international civilian staff) to be financed in common out of the Community budget.

The final budget for the years 2003 to 2005 shall be decided by the Council on an annual basis.

2. In the event that financing of the costs referred to in paragraph 1(b)(ii) on the basis of the Community budget is not sufficient, the Council shall decide, in accordance with the provisions of the Treaty on European Union, how to cover any remaining gap, which shall consist of common costs.

3. As regards expenditure financed out of the Community budget, the following shall apply:

- a) expenditure shall be managed in accordance with the Community rules and procedures applicable to the budget. Procurement shall be undertaken in accordance with appropriate procedures necessary to execute the EUPM, notably with regard to time constraints and to allow nationals of third States to tender for contracts;
- b) the Head of the Planning Team/Police Commissioner shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

4. The financial arrangements shall respect the operational requirements of EUPM, including compatibility of equipment and interoperability of its teams.

ARTICLE 10 - COMMUNITY ACTION

1. The Council notes the intention of the Commission to direct its action towards achieving the objectives of this Joint Action, where appropriate, by relevant Community measures.

2. The Council also notes that coordination arrangements in Brussels and Sarajevo are required.

ARTICLE 11 - STATUS OF STAFF OF EUPM

1. The status of EUPM staff in BiH, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of the EUPM shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty on European Union.

2. The State or Community institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The State or Community institution in question shall be responsible for bringing any action against the secondee.

ARTICLE 12 - ENTRY INTO FORCE AND DURATION

This Joint Action shall enter into force on the date of its adoption.
It shall apply until 31 December 2005.

ARTICLE 13 - PUBLICATION

This Joint Action shall be published in the Official Journal.
Done at Brussels, 11 March 2002.
For the Council
The President
J. Piqué i Camps

ANNEX

Mission statement for EUPM

The following outlines the Mission Statement for the EUPM that will follow-on UN IPTF as a part of the Union overall support to the Rule of Law sector in BiH.

I. Political/Strategic level

1. The mission statement of the EUPM includes:

2. The EUPM, supported by the Commission's institution building programmes, should, as part of a broader rule of law approach, aim, in line with the general objectives of Annex 11 of the Dayton Agreement, to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. To do so, this three-year EUPM should be entrusted with the necessary authority and concentrate on the following goals:

- to preserve, through continuity with the achievements of the IPTF mission, the existing levels of institutional and personal proficiency;
- to enhance, through monitoring, mentoring and inspecting, police managerial and operational capacities; to this end, to focus on delegation of power and quality-oriented management principles as well as improving operational planning capacity based on analysis;
- to strengthen professionalism at high level within the ministries as well as at senior police officers levels through advisory and inspection functions;
- and to monitor the exercise of appropriate political control over the police.

3. The mission will not include executive powers or the deployment of an armed component.

II. Objectives at operational level

4. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, and working as an integral part of the broader rule of law approach, should achieve the goals set out above by the end of 2005, by ensuring that the BiH police services will:

- act in a professional manner and in accordance with relevant legislation and regulations;
- be free of political interference, and led by an apolitical, qualified and accountable personnel;
- possess the integrity, knowledge and means to perform their duties in a transparent and objective manner;
- at ministries and senior police officers level adopt a professional culture based on a fair, transparent and accountable internal management system including the exercise of internal controls and disciplinary procedures of the highest standard;
- ensure management practices be carried out through fair and impartial personnel policies for recruitment, training, specialisation, promotion, and discipline;
- be based on a transparent structure that takes into consideration the multiple ethnic composition of the society and that can deal satisfactorily with gender related issues;
- effectively manage personnel and resources within an affordable and appropriate institutional framework;
- standardise data recording and analysis systems to facilitate information sharing for operational planning and investigations, with a view to promoting a BiH-wide crime statistics system;
- develop police cooperation among all BiH police forces, including at inter-entity, inter-canton levels (building up of structures for coordination, exchange of information and confidence building);
- undertake criminal investigations of corruption cases regardless of political implications;
- be capable of investigating and countering the full range of criminal activities, including organised crime and terrorism with a State level capability forming an effective part of the administration of justice, cooperating closely with the prosecution and operating within a reformed criminal justice system;
- develop, in close cooperation with the multinational Stabilisation Force (SFOR), specialised information sharing in support of the state level capability and other appropriate authorities;
- possess capacity to respond to public disorder in accordance with modern police standards and without political or ethnic bias;
- enter into constructive cooperation with police services of neighbouring States (SAP States) and EU Member States.

III. Methodology

5. It should be noted that the effectiveness of a EUPM pursuing a management approach will directly depend on the expertise of the personnel and ability to retain continuity and institutional memory. For this purpose, it is strongly recommended that qualified personnel is identified and each seconded for a minimum of one year.

6. In order to achieve the abovementioned objectives by the end of 2005, the EUPM should:

- co-locate the international police alongside Commanders at the various Entities, Public Security Centres (PSCs), Cantons, Brcko district, State Intelligence Protection Agency (SIPA) and State Border Service (SBS) at medium and senior levels of the BiH Police;
- be able to remove from offices non compliant officers, through a recommendation by the EU police Commissioner to the High Representative;
- coordinate with the Office of the High Representative in the furtherance of the International Community overall objectives in the field of the rule of the law, as well as with other organisations within the international community, as appropriate;
- liaise with SFOR on public security issues including for ensuring SFOR support in extremis.

European Council

Barcelona, 15-16 March 2002

In the first decision of its kind, the European Council announced in Barcelona that it was willing to take over NATO's operation in the Former Yugoslav Republic of Macedonia. The troops involved in Operation Amber Fox are for the most part (around 700) from EU member countries, only ten being American. However, some governments were only prepared for the Union as such to take over if prior agreement on 'Berlin-plus' had been reached.

PRESIDENCY CONCLUSIONS

(...)

PART II

(...)

Former Yugoslav Republic of Macedonia

61. The European Council recalls the central role of the European Union in the process of stabilisation, reconciliation and reconstruction in the Former Yugoslav Republic of Macedonia. In this context, the European Council expresses the European Union's availability to take responsibility, following elections in FYROM and at the request of its Government, for an operation to follow that currently undertaken by NATO in FYROM, on the understanding that the permanent arrangements on EU-NATO cooperation ("Berlin plus") would be in place by then. To this end, the European Council requests the relevant political and military bodies of the Council to develop as of now, in consultation with NATO, the options to enable the European Union to take the appropriate decisions.

62. The European Council stresses the importance of achieving permanent arrangements between the European Union and NATO at the earliest possible date. To this end it also asks the Presidency together with the High Representative to make appropriate high-level contacts to ensure a positive outcome.

(...)

Informal meeting of EU defence ministers

Saragossa, 22-23 March 2002

SUMMARY OF INTERVENTIONS BY JAVIER SOLANA, EU HIGH REPRESENTATIVE FOR THE CFSP

Capabilities

- The European Capability Action Plan (ECAP) launched last November is proving to be an excellent instrument for the tasks of filling the gaps in European military capabilities. I am encouraged by the commitments made so far by member states. They have allowed the activation of an increasing number of panels of experts (16 so far) to analyze remaining deficiencies and to identify all the feasible national or multinational solutions. We must make sure that all the capability shortfalls are addressed. Member States need to reflect and to agree on the appropriate methods to reach that goal.
- I must also commend the initiative of the Presidency to give a particular focus on the rapid reaction element of our headline goal.
- We must also make sure that the ECAP ultimately delivers real capabilities. Regular reporting and review have to be put in place, in order to measure progress made and give added impetus in the areas where it is insufficient or absent. Ministers of Defence have a central role to play in that respect, in framing common goals and ensuring their implementation by their respective national governments.
- If we want to reach our capability objectives we need to address seriously the issue of resources for defence. European defence spending has steadily declined throughout the 1990s, to an average of less than 2 per cent of gross domestic product. Even constant defence spending levels actually mean a reduction in capability over time. Moreover, as the number of operations increase, larger budget shares are devoted to operational costs at the expense of investment and research and development. Our ambitions in terms of building a European security and defence policy and constantly improving our capabilities must be matched by adequate efforts in the area of defence spending.
- We also need to spend our resources more efficiently. For an aggregate that represents roughly half of the US budget, the Europeans are far from producing half of the capability. The ECAP offers the opportunity to improve this situation, if backed up by sufficient resources. Improving capabilities is not exclusively a question of procurement. Investing in areas such as training, doctrines, procedures and interoperability is very important as well.
- Increased solidarity and a stronger sense of common interests among member states reduce the scope for purely national military intervention and push towards more

integration between their armed forces. Therefore it should not be hard to move more decisively towards greater task sharing among our military, development of multinational capabilities, pooling of resources or assets, joint operation and maintenance. Areas such as strategic mobility or communication and information systems (CIS) are prime candidates for progress in that approach.

Armaments

- Requirements for improving European military capabilities have been properly identified. We are now in the phase where member states must take decisions about the technical solutions needed in order to remedy the shortfalls. It is appropriate to start thinking about the way forward on the question of a European armament policy.
- We have to prevent theoretical debates to stand in the way of the rapid progress needed to meet our capability objectives in time. The headline goal process is based on the principles of voluntary contributions and of a bottom-up approach. It seems natural to continue to apply a method that has been successful for the definition of requirements in the next phase of the process: ECAP should continue to rely on this pragmatic and result oriented approach.
- The lessons learned from this process should help member states to shape the framework of a sensible common armament policy in due course. The priority should go to the harmonisation of requirements.
- Close co-operation schemes among some member states such as OCCAR (Organisation conjointe de coopération en matière d'armement) should be strengthened and the experience gained could serve as a model for future cooperation among all member states.
- We also have to fulfil the commitments made at the June 1999 European Council of Cologne to encourage the development of a competitive and dynamic industrial and technology base in Europe. An appropriate framework for a constructive dialogue with industry should be to be put in place.

Terrorism

- The balance of the action undertaken by the European Union after the September 11th events is on the whole very positive. The combination of initiatives across the different areas of EU activity demonstrates the added value of the EU. Our cooperation with the US, in the economic and the justice/home affairs areas is intense and valued by our American partners.

- As far as Common Foreign and Security Policy is concerned, the terrorist dimension now features prominently in the political dialogue with all our partners. Concrete initiatives to co-operate more effectively with them in the fight against terror are being implemented. Monitoring of developments in the field of international terrorism has become a priority.
- In the crucial area of intelligence, the recent establishment of an intelligence analysis cell within the council secretariat is a concrete step towards a more effective co-ordination among member states in that respect.
- As far as the military response to terrorism is concerned, the main priority is the development of adequate capabilities. The headline goal process provides for the essential military capabilities that we would need, should the EU decide to confront terrorist threats abroad. There is in my view no need to fundamentally change our priorities in that context.

EU-NATO co-operation

- Good co-operation with NATO in the Balkans should continue. We need to confirm the strategic partnership.
- I hope the pending issues towards permanent arrangements between the EU and NATO (“Berlin plus”) can be resolved rapidly. As agreed in Barcelona, I will make the appropriate high-level contacts, together with the Presidency, to ensure a positive outcome.

Balkans

- In Barcelona, Heads of State and government have expressed the EU’s availability to take responsibility for an operation to follow that currently undertaken by NATO in the Former Yugoslav Republic of Macedonia, on the understanding that Berlin plus would be in place.
- Work to implement the Barcelona conclusions has now started in the relevant Council bodies, with a view to enabling the EU to take the appropriate decisions. I am sure that today’s discussion of defence ministers will give the right impetus to this endeavour, thus bringing us closer to making operability – as declared at Laeken – a reality.

Eurobarometer 57

May 2002

The latest Standard Eurobarometer (Wave 57, which questioned 15,987 individuals in face-to-face interviews between 29 March and 1 May 2002) is the first to have been conducted after the launch of the euro.

- ▶ The results confirm that the single currency has been well received in the member states in the Eurozone.
- ▶ They also show that a clear majority of citizens support their country's membership of the European Union, are in favour of a common foreign and security policy and declare themselves to be in favour of enlargement.
- ▶ Finally, they reveal that public opinion is favourable towards the idea of a Constitution for the European Union.

(...)

FIRST RESULTS

3. Support for common foreign and security policy (CFSP) and for enlargement

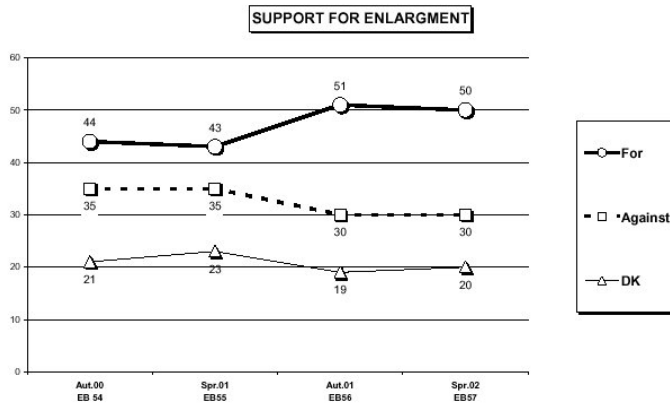
There is a high level of approval for the principle of a common foreign and security policy

The support for CFSP has remained remarkably stable over the years. In Spring 2002, 64% of respondents (-2 since Autumn 2001) supported the principle of a common foreign policy while 20% (-1) were against it. In almost all Member states, there was a clear majority in favour, except in the UK, where opinion was divided [Table 5].

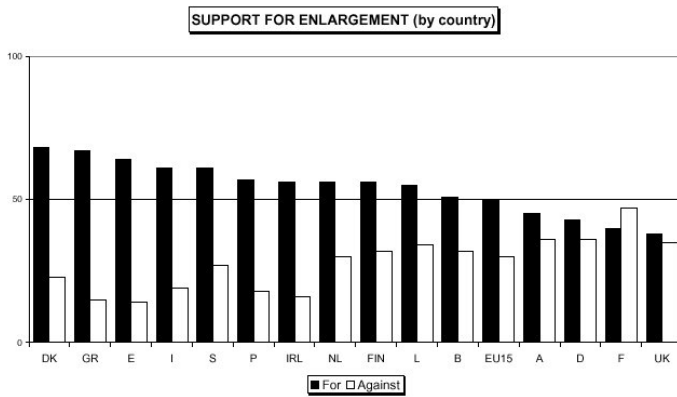
A common security and defence policy also received very strong support: 71% of EU citizens declare themselves in favour (-2) compared to 16% (-1) against. The highest levels of support are seen in Italy, Germany, Spain and in the Benelux countries. Conversely, Ireland and the UK show relatively low levels of support for this idea [Table 6].

50% of EU citizen are in favour of enlargement of the EU, 30% are against.

Finally, support for enlargement, which increased substantially (by 8 points) in Autumn 2001, remains stable at 50% (-1).



The proportion of the population who are in favour of the principle of enlargement has now passed the 50% mark in eleven out of fifteen Member States. The exceptions are Austria, Germany, France and the UK [Table 7].



5. Support for a common foreign policy

Question:

What is your opinion on each of the following statements? Please tell me for each proposal, whether you are for it or against it.

ONE COMMON FOREIGN POLICY AMONG THE MEMBER STATES OF THE EUROPEAN UNION, TOWARDS OTHER COUNTRIES

1st column: EB 57 (Spring 2002) – 2nd column: % change from EB 56 (Autumn 2001)

	B		DK		<i>West</i>		D		<i>East</i>		GR		E		F		IRL	
For	68	-4	62	0	76	+2	75	+1	73	+2	70	-11	68	-1	60	-2	58	+2
Against	17	+1	30	-2	14	-2	14	-2	14	-5	16	+4	14	-1	28	0	20	-1
Don't know	15	+3	8	+2	11	+1	11	+1	13	+3	14	+6	18	+2	11	0	22	-1
TOTAL	100		100		101		100		100		100		100		99		100	
	I		L		NL		A		P		FIN		S		UK		EU15	
For	76	-4	78	-3	71	-5	69	+3	58	-4	54	+2	51	-5	38	-2	64	-2
Against	9	-1	11	+1	16	+4	19	-2	16	0	32	-4	37	+2	37	+2	20	-1
Don't know	15	+4	11	+2	13	+1	13	0	26	+5	14	+2	12	+3	25	0	16	+2
TOTAL	100		100		100		101		100		100		100		100		100	

6. Support for a common defence and security policy

Question:

What is your opinion on each of the following statements? Please tell me for each proposal, whether you are for it or against it.

A COMMON DEFENCE AND SECURITY POLICY AMONG THE EUROPEAN UNION MEMBER STATES

1st column: EB 57 (Spring 2002) – 2nd column: % change from EB 56 (Autumn 2001)

	B		DK		<i>West</i>		D		<i>East</i>		GR		E		F		IRL	
For	75	- 6	65	0	78	+ 1	79	+ 1	79	+ 4	72	- 9	76	+ 1	71	- 4	50	0
Against	12	+ 1	30	+ 1	12	- 1	11	- 3	11	- 6	14	+ 2	9	- 3	20	+ 3	29	- 1
Don't know	12	+ 4	6	0	10	+ 2	10	+ 2	10	+ 1	14	+ 6	15	+ 2	8	0	20	0
TOTAL	99		101		100		100		100		100		100		99		99	
	I		L		NL		A		P		FIN		S		UK		EU15	
For	82	- 3	87	- 2	79	0	61	+ 4	67	- 3	54	+ 6	53	- 1	49	- 4	71	- 2
Against	7	- 1	5	0	13	+ 2	24	- 8	13	+ 2	37	- 7	38	- 1	29	+ 2	16	- 1
Don't know	11	+ 4	8	+ 2	8	- 2	15	+ 4	20	+ 1	9	0	9	+ 1	22	+ 2	13	+ 2
TOTAL	100		100		100		101		100		100		100		100		100	

7. Support for the enlargement

Question:

What is your opinion on each of the following statements? Please tell me for each proposal, whether you are for it or against it.

THE ENLARGEMENT OF THE EUROPEAN UNION TO INCLUDE NEW COUNTRIES

1st column: EB 57 (Spring 2002) – 2nd column: % change from EB 56 (Autumn 2001)

	B		DK		<i>West</i>		D		<i>East</i>		GR		E		F		IRL	
For	51	+2	68	-1	42	-5	43	-4	48	+1	67	-7	64	+3	40	+1	56	-4
Against	32	-7	23	-1	37	+2	36	+1	30	-4	15	+1	14	-4	47	+1	16	-1
Don't know	17	+5	10	+3	22	+3	22	+3	22	+3	17	+5	22	+1	13	-2	29	+5
TOTAL	100		101		101		101		100		99		100		100		101	
	I		L		NL		A		P		FIN		S		UK		EU15	
For	61	0	55	+2	56	-2	45	-1	57	0	56	+2	61	-8	38	-3	50	-1
Against	19	0	34	-3	30	+3	36	-2	18	-4	32	0	27	+6	35	+2	30	0
Don't know	20	-1	11	0	14	-1	20	+4	25	+3	12	-1	11	+1	28	+3	20	+1
TOTAL	100		100		100		101		100		100		99		101		100	

General Affairs Council

Brussels, 13 May 2002

(...)

EUROPEAN SECURITY AND DEFENCE POLICY

Military capabilities – Council Conclusions

1. The Council welcomed the participation of the Ministers of Defence, meeting, as agreed at its meeting of 18 February, for the first time, under the chairmanship of the Minister of Defence of the Presidency, to discuss certain agenda items covering military capabilities. The Council examined all relevant aspects of the development of EU military capabilities as set out at Laeken: the Capability Development Mechanism; progress within the framework of the European Capability Action Plan; Rapid Response Elements of the Helsinki Headline Goal; Command and Control arrangements for Operational Headquarters; and co-operation in the field of Armaments.

2. Welcoming the progress towards establishing the Capability Development Mechanism (CDM), the Council decided to undertake every effort in order to further monitor and evaluate progress and address shortfalls in the development of EU military capabilities and to develop the principles and framework for coherent and mutually reinforcing capabilities requirements with NATO within the CDM.

3. In accordance with the Laeken mandate, the Council was informed of progress in the building of European military capabilities and in remedying the remaining shortfalls with a view to the completion of the Headline Goal. It welcomed the PSC progress report, on the basis of the opinion of the EUMC, on the implementation of the European Capability Action Plan (ECAP). It welcomed the co-operation between Member States in the framework of this Plan. The Council noted with satisfaction that many of the shortfalls remediable by the ECAP, including most of the significant ones, are already under scrutiny by active panels. However, as expected at this early stage, significant shortfalls will remain until results have been produced, while others still need to be addressed.

4. The Council expected continuing progress in strengthening military capabilities through the implementation of the ECAP. It requested a further progress report to be submitted during the Danish Presidency.

5. The Council examined the PSC progress report, on the basis of the opinion of the EUMC, on the development of the procedures and concepts required for the deployment of the rapid response elements of the Headline Goal, in particular progress in identifying the relevant shortfalls and continuation of work on the operational concepts relevant to operations requiring a rapid response. The Council confirmed the need further to develop concepts and procedures in accordance with the Presidency Workplan on Rapid Response.

6. In this context, the Council welcomed the progress on Command and Control arrangements for national and multinational Headquarters. It requested the competent Council bodies to continue work in the various areas related to the improvement of operability of Headquarters.

7. In line with the Mandate to the Spanish Presidency agreed in the European Council at Laeken, the Council discussed how to enhance co-operation in the Armament field in support of the ESDP, as Member States consider appropriate. In this regard, it welcomed the initiative of the Presidency to hold an informal meeting of the EU National Armaments Directors in Madrid, on 29 April 2002 and took note of the valuable exchange of views that took place on this occasion. The Council agreed on the need for further work on these issues taking into account the orientations by the Presidency set out in a separate document attached to these conclusions. The Council invited the PSC to report on the work carried out in this field within the framework of ECAP.



Orientations by the Presidency on the re-inforcement of co-operation in the field of armaments:

Co-operation on armaments issues should be seen as a part of the EU's efforts to meet capability shortfalls under the European Capability Action Plan (ECAP). As such, any co-operation would respect the principles of ECAP, in particular voluntary compliance, transparency and avoidance of duplication.

The collective experience of the national armaments directors (NADs) is highly valuable and should be drawn upon in a practical way to advance progress under ECAP. As a first step, NADs should be kept fully briefed on progress of those ECAP working groups where a procurement solution looks likely.

NADs should offer advice, including participation where appropriate, to the ECAP working groups on how best to achieve a procurement solution. To do this effectively, NADs should continue to share views on a range of innovative approaches to procurement, for example leasing or involvement of private finance in partnership with public funds.

Defence industry in Europe plays an important role in achieving procurement solutions to ECAP shortfalls. The industry should continue to be briefed on the objectives and progress of ECAP.

In order to facilitate the improvement of the technological base of defence in Europe, it is necessary to encourage a suitable level of research and technology investments and cooperation which will narrow the gaps with other countries.

(...)

EU-NATO ministerial meeting

Reykjavik, 14-15 May 2002

Institutional cooperation between the Atlantic Alliance and the European Union had always come up against the problem of 'Berlin-plus'. Use of the Alliance's capabilities and infrastructure was a priority for certain governments but remained subject to Turkey's agreement. British pressure to resolve this issue, despite a promising start, failed to break the deadlock.

JOINT PRESS STATEMENT BY THE NATO SECRETARY GENERAL AND THE EU PRESIDENCY

The Foreign Ministers of the North Atlantic Treaty Organization and of the European Union met in Reykjavik today to discuss issues of common concern related to European security. They reaffirmed their commitment to achieve a close and transparent NATO-EU relationship.

Reviewing the situation in the Western Balkans, Ministers expressed their satisfaction with the efficient cooperation achieved, based on prevention, stabilisation and complementarity. In the former Yugoslav Republic of Macedonia,¹ after having avoided a serious crisis last year, NATO and EU are working closely together on the consolidation of the peace process in the perspective of the upcoming elections next September. Ministers noted the conclusions of the European Council in Barcelona stating the EU's availability to take responsibility, under the appropriate conditions and at the request of its government, for an operation in the former Yugoslav Republic of Macedonia¹ to follow that currently undertaken by NATO. Concerning Bosnia and Herzegovina, NATO welcomed the future deployment of the EU Police Mission and SFOR is ready to provide full support to this mission. This practical cooperation should provide impetus to the institutionalisation of the NATO-EU relationship.

Regarding the arrangements for NATO support to EU-led operations, Ministers noted progress made on several issues but that further work remained to be done, in accordance with the decisions taken at the 1999 NATO Washington Summit and subsequent Ministerial meetings, and at the European Council in Nice in 2000. They reiterated their determination to consolidate this progress and to finalise all the various aspects of the NATO-EU relationship.

Ministers reaffirmed that cooperation between NATO and the European Union was important to the fight against terrorism, and hoped useful consultations on several questions in this regard between NATO and the EU would continue. All Ministers of NATO and the EU rededicated themselves to continuing efforts to combat terrorism, collectively and nationally.

¹ Turkey recognizes the Republic of Macedonia with its constitutional name.

Speech by Javier Solana

Washington DC, 20 May 2002

SPEECH BY THE EU HIGH REPRESENTATIVE FOR THE CFSP

German Marshall Fund Peter Weitz awards dinner

It is an honour and a pleasure to be with you tonight at this prestigious dinner. I thank the German Marshall Fund for this kind invitation and their unflagging commitment to the transatlantic dialogue.

Last December, I had the honour of participating at the official launching of the Transatlantic Centre in Brussels, under the leadership of Bill Drozdiak. I have no doubt that, this Centre, belonging to the German Marshall Fund, will establish itself as a valuable instrument in the development of the much needed healthy relations between Europe and the United States.

This evening, we are here to celebrate the best in contemporary journalism. Let me add my warmest congratulations to this year's Peter Weitz prizewinners: Peter Finn of the Washington Post and Rana Foroohar of Newsweek.

Today's dinner takes place against the background of a heated debate about the future of transatlantic relations. In America there is growing impatience with European allies accused of constant carping on the sidelines. In Europe, complaints abound about insensitivity in Washington and US unilateralism. Some recent articles read like obituaries for a once thriving partnership. It therefore seems naive to express optimism about the future of our relations, and yet I do so. When the dust settles, the facts will once again emerge, and those facts are simple: Europe and the US are natural partners, linked by common values and interests.

Over the past decades, the transatlantic link within NATO has brought stability and peace to our continent. In a few days, in Rome, we shall celebrate the dawn of a new relationship with Russia. The Cold War is definitely over. This is a victory for democracy and freedom, those very core values that bind together Americans and Europeans. We are of course not alone in defending those values. But nowhere else will either partner find an equally substantial defender of values that coincide so closely with its own. Our economic interdependence is unique: the figures of our mutual trade or of mutual investments are staggering. Total EU/US trade exceeds 500 billion dollars in both ways and accounts for more than 6 million jobs in the US and in Europe. Each partner has investments totalling around 500 billion dollars in the other.

A partnership with such a track record is and will remain a crucial factor for stability in the world. This is not to say that everything is perfect in our relationship; divergent perceptions cloud the vision and need addressing. The first concerns threats, the second, burdensharing, and the third, methods of dealing with the world's problems.

For most Americans, 11 September has changed everything. Until then, America could always rely on geography to protect the homeland. The brutal attacks on its own soil have overturned that perception. Europe had been used for centuries to the idea of threats on its soil, until very recently. The fall of the Berlin Wall left the Europeans with a new sense of security, which the terrorist threat has dented but not abolished. Closing the perception gap requires a better mutual understanding of the nature of the threats posed to our open societies by ruthless opponents, ready to use terrorism and possibly WMD. The question then arises how to deal with them.

The US response was swift and forceful. Europeans supported the use of force and still do. But they make two points, which bear repeating. The first is that a military response alone will not solve the problem of terrorism. Europeans have learnt this lesson. The second is that even the strongest country in the world needs partners and allies, not simple followers. A true partnership requires dialogue and mutual respect. But it also requires both sides to be convinced of the benefits. This raises the question of the balance of contributions.

There is a perception that Europe offers too much talk and too little action, while the reverse applies to the US. Let me briefly address the European side of the equation. After 11 September, Europe offered total solidarity, in words and deeds. In Afghanistan, six thousand European troops stand shoulder to shoulder with their American partners. Europe, together with the US, plays a leading role in reconstruction and nation building. The fight against terrorism has led to a flurry of activity in judicial and police co-operation. Within a few weeks, we had adopted a European arrest warrant, a new definition of terrorist acts, new rules on money laundering. We have concluded a major new agreement on police cooperation with the US. We are negotiating an ambitious agreement on extradition and Mutual Legal Assistance.

There is a more general message to our American friends. Europe is on the move. The euro has been successfully introduced. The upcoming enlargement will reunite our continent after centuries of division. A Convention is working on a new continental-wide constitution. The EU continues to develop the tools it needs to become a stronger and more equal partner for the US. Remember the sniggers greeting the announcement of the creation of the euro. The doom-mongers got it wrong. They'll get it wrong again about the creation of a European foreign policy, including a defence component. The latter is still at an early stage, but the trend is unmistakable. We will not equal the US military build-up, but we are determined to give ourselves the means to act decisively when and where needed, in close cooperation with NATO. All this is good news for the US. We are not talking about a zero-sum game; we want more Europe, not less America.

Working together gets results. We do not always get enough credit for what we achieve together. Take the Balkans or even Afghanistan where joint US-EU action gives peace and stability a new chance. In the Balkans, hope returns. Here is a region where the EU progressively takes on a more active role, with the full backing and support of the US. Of the 58,000 peacekeeping troops currently in the Balkans, 38,000 are Europeans. Here too,

the financial burden is being shared, with the EU by far the largest financial donor, having spent 23 billion in the wider South Eastern Europe over the past ten years.

If there is one subject where our dialogue with our US partner is constant, it is the Middle East. This simple fact is often overlooked because our respective public opinions have differing perceptions and because emotions run high. The close multilateral cooperation within the Quartet is exemplary, as pointed out by Colin Powell in a recent interview. We all, US, EU, UN and Russia, agree on the basic parameters of a solution. I am therefore saddened by some comments in the American press about Europe allegedly turning anti-Semitic. No government, no responsible politician in Europe condones anti-Semitic acts. Our policy towards the Middle East is based on the very values of tolerance and justice that lie at the heart of European integration. Like the US, Europe wants Israel to be accepted as a normal country allowed to live in peace, prosperity and security, and we want the same for the Palestinian population in their own democratic state. We are pro-peace, pro-security, pro-justice. We support policies going in that direction; we criticise policies that do not. Illegal occupation does not contribute to peace, and we call for the respect of international law. Terrorism is a crime and we reject it vehemently. We are in this respect united with the US government.

Even the best of friends do not agree on all matters. The sign of a mature and equal relationship is not the absence of conflict but the capacity to deal with it in a responsible manner. On the International Criminal Court, global warming, or steel, we have open disagreements. A common thread is that we Europeans are instinctively multilateralists and want the US to be more committed to multilateral solutions. We live in an increasingly interdependent world. Goods, services, people circulate more than ever. Greenhouse gas emissions do not respect borders. Nor do terrorists or criminals. Conflicts spread from one country to another; financial crises have spillover effects worldwide. Because of our tradition of shared sovereignty, we believe in collective action. This requires hard work and a lot of patience. For us, multilateralism is a tool to master our own destiny and to bring progress to other regions of the world.

That is also why we promote an open and fair trade system. We should heed the words of President Cardoso of Brazil at the EU/Latin America Summit a few days ago: "There is a perception that protectionism is condemned when it is an instrument of development for the poor, but not when it is a weapon of defence for the rich." It would be a pity to see the important agreement reached at Doha unravel because of protectionist moves in precisely those countries which have done most to turn it into a success. More generally, I would like to call for a sustained and massive joint EU/US effort on development and the fight against poverty. Poverty is no excuse for terrorism, but it can and will be exploited by terrorists for their own murky agenda.

Europe and America are natural partners for peace and progress in the world, and it is our duty to preserve and develop that relationship. Ours is a partnership with many missions.

I thank you for your attention and am ready to answer your questions.

Crisis Management Exercise

Brussels, 22 to 28 May 2002

As part of the preparation to put the Helsinki objectives into practice, at the Laeken summit it was decided to hold a first crisis management exercise with the aim of testing the Union's decision making mechanisms and military structures. This exercise – for which the scenario was an ethnic conflict on an island in the Atlantic – involved participation by all capitals, the Council, Commission and High Representative Javier Solana, and support from the EU Satellite Centre, Torrejon. Observers attended from NATO, the OSCE and UN, as well as non-EU European NATO countries and candidates for EU membership.

FIRST EU CRISIS MANAGEMENT EXERCISE (CME 02)

Press information

From 22 to 28 May, the European Union will conduct its first ever crisis management exercise, CME 02, in the framework of the European Security and Defence Policy (ESDP).

The exercise is an important step forward as the ESDP becomes operational. The aim will be to test out and evaluate a range of the EU's crisis management procedures and structures. A key objective will be to test the framework within which the full range of EU civilian and military instruments is to be co-ordinated as well as the interaction among EU institutions and Member States in a crisis management situation.

The exercise CME 02 will be based on a fictitious crisis scenario leading to the consideration of options for a possible EU crisis management operation under Article 17.2 of the Treaty on European Union (humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking). It will concentrate on the crisis management phases preceding a decision to take action.

The exercise CME 02 will be conducted in Brussels and in national capitals. It will involve Member States, the relevant Council bodies, the Secretary-General/High Representative, the Commission and the EU Satellite Centre. Consultations with the non-EU European NATO members and other candidate countries for accession to the EU are foreseen. UN, OSCE and NATO representatives will be invited to observe the conduct of the exercise.

By testing the crisis management structures and a key part of the procedures developed by the EU over the last months, the exercise CME 02 will be a further step in the

development of the ESDP. Following the declaration on operability at the December 2001 Laeken European Council and the decision taken in March 2002 for the EU to establish a police mission in Bosnia-and- Herzegovina as of 1 January 2003, and with the prospect of possible further missions, the exercise will contribute to further enhancing the EU's preparedness in the area of crisis management.

Declaration by Javier Solana, EU High Representative for the CFSP

Javier Solana, Haut Représentant de l'Union européenne pour la politique étrangère et de sécurité commune, s'est félicité du bon déroulement du premier exercice de gestion de crise de l'Union européenne, « Crisis Management Exercise (CME) 02 », qui s'est déroulé du 22 au 28 mai.

Ce premier exercice de l'Union européenne, qui vient de s'achever, a largement atteint ses objectifs. Ceux-ci étaient de tester et d'évaluer une série de procédures et de structures de gestion de crise de l'Union, dans la phase précédant une décision d'agir, ainsi que le cadre dans lequel l'ensemble des instruments civils et militaires dont dispose l'Union sont coordonnés et enfin l'interaction entre les acteurs institutionnels de l'Union et les Etats membres.

L'exercice a démontré que l'Union a acquis un corpus de procédures et de concepts qui lui permettent de faire face aux exigences d'une gestion de crise intégrant les aspects militaires et civils. Il a démontré que ces procédures et ces concepts ne se limitent pas à un travail théorique, mais fonctionnent en pratique. Il a confirmé le bon état de préparation des capacités de gestion de crise de l'Union et que le caractère opérationnel de la politique européenne de sécurité et de défense (PESD) ne cesse de s'améliorer.

L'Union a également démontré qu'elle avait acquis les capacités de planification stratégiques adéquates. Les structures de gestion de crise du Secrétariat ont bien fonctionné et la coordination avec la Commission et les Etats membres, en particulier la Présidence, a été efficace.

Les organes de la PESD ont bien rempli leur mission et les capitales ont contribué de manière substantielle au bon déroulement de leurs travaux. Au-delà des procédures formelles, tous les acteurs ont démontré qu'ils sont conscients de l'exigence de procédures de décision rapides, adaptées à une gestion de crise efficace.

L'exercice a par ailleurs été ouvert à l'observation par plusieurs organisations internationales qui sont des partenaires importants de l'Union, les Nations unies, l'Otan et l'OSCE. Des briefings ont également été organisés à l'intention des principaux pays partenaires.

Maintenant va commencer l'important travail d'évaluation de l'exercice. Celui-ci va en effet permettre de tirer d'importantes leçons pour l'amélioration des procédures de gestion de crise de l'Union. D'ores et déjà, l'exercice donne des assurances importantes sur la capacité de l'Union à assumer des responsabilités croissantes dans la résolution de crises internationales et à jouer le rôle qui lui revient dans les développements sur la scène internationale.

Je tiens à remercier tous les nombreux participants à cet exercice pour leur travail, qui a permis de faire de CME 02 un exercice utile de nature à renforcer la préparation de l'Union dans le domaine de la gestion des crises.

NATO summit

Rome, 28 May 2002

The NATO-Russia Council was officially established at this NATO summit, setting the seal on the rapprochement between the United States and Russia that had become patent since the 11 September attacks and paving the way for a new enlargement of the Alliance. Unlike the former NATO-Russia Permanent Joint Council, the NATO-Russia Council gives Russia an equal voice on matters of joint interest as defined by NATO. Areas of cooperation include in particular anti-missile defence, the fight against terrorism and above all peacekeeping. For the latter, a joint document was signed by the Alliance and Russia on 20 September 2002. Lastly, the Alliance opened a liaison office in Moscow in May 2002.

DECLARATION BY HEADS OF STATE AND GOVERNMENT OF NATO MEMBER STATES AND THE RUSSIAN FEDERATION

NATO-Russia relations: a new quality

At the start of the 21st century we live in a new, closely interrelated world, in which unprecedented new threats and challenges demand increasingly united responses. Consequently, we, the member states of the North Atlantic Treaty Organization and the Russian Federation are today opening a new page in our relations, aimed at enhancing our ability to work together in areas of common interest and to stand together against common threats and risks to our security. As participants of the Founding Act on Mutual Relations, Cooperation and Security, we reaffirm the goals, principles and commitments set forth therein, in particular our determination to build together a lasting and inclusive peace in the Euro-Atlantic area on the principles of democracy and cooperative security and the principle that the security of all states in the Euro-Atlantic community is indivisible. We are convinced that a qualitatively new relationship between NATO and the Russian Federation will constitute an essential contribution in achieving this goal. In this context, we will observe in good faith our obligations under international law, including the UN Charter, provisions and principles contained in the Helsinki Final Act and the OSCE Charter for European Security.

Building on the Founding Act and taking into account the initiative taken by our Foreign Ministers, as reflected in their statement of 7 December 2001, to bring together NATO member states and Russia to identify and pursue opportunities for joint action at

twenty, we hereby establish the NATO-Russia Council. In the framework of the NATO-Russia Council, NATO member states and Russia will work as equal partners in areas of common interest. The NATO-Russia Council will provide a mechanism for consultation, consensus-building, cooperation, joint decision, and joint action for the member states of NATO and Russia on a wide spectrum of security issues in the Euro-Atlantic region.

The NATO-Russia Council will serve as the principal structure and venue for advancing the relationship between NATO and Russia. It will operate on the principle of consensus. It will work on the basis of a continuous political dialogue on security issues among its members with a view to early identification of emerging problems, determination of optimal common approaches and the conduct of joint actions, as appropriate. The members of the NATO-Russia Council, acting in their national capacities and in a manner consistent with their respective collective commitments and obligations, will take joint decisions and will bear equal responsibility, individually and jointly, for their implementation. Each member may raise in the NATO-Russia Council issues related to the implementation of joint decisions.

The NATO-Russia Council will be chaired by the Secretary General of NATO. It will meet at the level of Foreign Ministers and at the level of Defence Ministers twice annually, and at the level of Heads of State and Government as appropriate. Meetings of the Council at Ambassadorial level will be held at least once a month, with the possibility of more frequent meetings as needed, including extraordinary meetings, which will take place at the request of any Member or the NATO Secretary General.

To support and prepare the meetings of the Council a Preparatory Committee is established, at the level of the NATO Political Committee, with Russian representation at the appropriate level. The Preparatory Committee will meet twice monthly, or more often if necessary. The NATO-Russia Council may also establish committees or working groups for individual subjects or areas of cooperation on an ad hoc or permanent basis, as appropriate. Such committees and working groups will draw upon the resources of existing NATO committees.

Under the auspices of the Council, military representatives and Chiefs of Staff will also meet. Meetings of Chiefs of Staff will take place no less than twice a year, meetings at military representatives level at least once a month, with the possibility of more frequent meetings as needed. Meetings of military experts may be convened as appropriate.

The NATO-Russia Council, replacing the NATO-Russia Permanent Joint Council, will focus on all areas of mutual interest identified in Section III of the Founding Act, including the provision to add other areas by mutual agreement. The work programmes for 2002 agreed in December 2001 for the PJC and its subordinate bodies will continue to be implemented under the auspices and rules of the NATO-Russia Council. NATO member states and Russia will continue to intensify their cooperation in areas including the struggle against terrorism, crisis management, non-proliferation, arms control and confidence-building measures, theatre missile defence, search and rescue at sea, military-

to-military cooperation, and civil emergencies. This cooperation may complement cooperation in other fora. As initial steps in this regard, we have today agreed to pursue the following cooperative efforts:

- **Struggle Against Terrorism:** strengthen cooperation through a multi-faceted approach, including joint assessments of the terrorist threat to the Euro-Atlantic area, focused on specific threats, for example, to Russian and NATO forces, to civilian aircraft, or to critical infrastructure; an initial step will be a joint assessment of the terrorist threat to NATO, Russia and Partner peacekeeping forces in the Balkans.
- **Crisis Management:** strengthen cooperation, including through: regular exchanges of views and information on peacekeeping operations, including continuing cooperation and consultations on the situation in the Balkans; promoting interoperability between national peacekeeping contingents, including through joint or coordinated training initiatives; and further development of a generic concept for joint NATO-Russia peacekeeping operations.
- **Non-Proliferation:** broaden and strengthen cooperation against the proliferation of weapons of mass destruction (WMD) and the means of their delivery, and contribute to strengthening existing non-proliferation arrangements through: a structured exchange of views, leading to a joint assessment of global trends in proliferation of nuclear, biological and chemical agents; and exchange of experience with the goal of exploring opportunities for intensified practical cooperation on protection from nuclear, biological and chemical agents.
- **Arms Control and Confidence-Building Measures:** recalling the contributions of arms control and confidence- and security-building measures (CSBMs) to stability in the Euro-Atlantic area and reaffirming adherence to the Treaty on Conventional Armed Forces in Europe (CFE) as a cornerstone of European security, work cooperatively toward ratification by all the States Parties and entry into force of the Agreement on Adaptation of the CFE Treaty, which would permit accession by non-CFE states; continue consultations on the CFE and Open Skies Treaties; and continue the NATO-Russia nuclear experts consultations.
- **Theatre Missile Defence:** enhance consultations on theatre missile defence (TMD), in particular on TMD concepts, terminology, systems and system capabilities, to analyse and evaluate possible levels of interoperability among respective TMD systems, and explore opportunities for intensified practical cooperation, including joint training and exercises.
- **Search and Rescue at Sea:** monitor the implementation of the NATO-Russia Framework Document on Submarine Crew Rescue, and continue to promote cooperation, transparency and confidence between NATO and Russia in the area of search and rescue at sea.
- **Military-to-Military Cooperation and Defence Reform:** pursue enhanced military-to-military cooperation and interoperability through enhanced joint training and exercises and the conduct of joint demonstrations and tests; explore the possibility of

establishing an integrated NATO-Russia military training centre for missions to address the challenges of the 21st century; enhance cooperation on defence reform and its economic aspects, including conversion.

■ **Civil Emergencies:** pursue enhanced mechanisms for future NATO-Russia cooperation in responding to civil emergencies. Initial steps will include the exchange of information on recent disasters and the exchange of WMD consequence management information.

■ **New Threats and Challenges:** In addition to the areas enumerated above, explore possibilities for confronting new challenges and threats to the Euro-Atlantic area in the framework of the activities of the NATO Committee on Challenges to Modern Society (CCMS); initiate cooperation in the field of civil and military airspace controls; and pursue enhanced scientific cooperation.

The members of the NATO-Russia Council will work with a view to identifying further areas of cooperation.

General Affairs Council

Luxembourg, 17 June 2002

(...)

ESDP – FINANCING OF OPERATIONS HAVING MILITARY IMPLICATIONS

The Council approved a general framework for financing operations having military or defence implications, under Article 28 TEU. This framework defines principles in particular for identifying of two types of costs:

- common costs, i.e. costs that cannot be allotted to individual States taking part in a crisis management mission. This covers a number of incremental costs for headquarters for EU-led operations (such as transport costs, administration, locally hired personnel, communications, transportation/travel within the operations area of HQs and barracks and lodging/infrastructure) and for providing support to the forces as a whole (such as infrastructure and additional equipment);
- all other costs, which will be considered as individual costs and will be financed on a “costs lie where they fall” basis.

Moreover, the Council will decide on a case-by-case basis whether transportation of the forces, barracks and lodging for the forces will be funded in common.

A full review of this framework will take place after a first operation is concluded or by June 2004, or earlier if necessary, taking into account the lessons learnt from the conduct of operations and their administration.

(...)

European Council

Seville, 21-22 June 2002

Overshadowed by terrorism and the worsening situation in the Middle East, the Seville summit, whose main outcome was the adoption of measures to combat illegal immigration, marked a new stage in the development of ESDP. With a view to the police mission in Bosnia and Herzegovina, member states adopted the joint declaration on the commitment of capabilities in the area of rule of law, in which they undertook to contribute police forces, judges, prosecutors and legal administrators to build up and apply the rule of law. In particular, the scope of ESDP was broadened to include the fight against terrorism. Indeed, for the first time ESDP, which had often been equated to peacekeeping in the Balkans, was given a vital strategic mission for the coming years. (Annex V of the Presidency Conclusions is reproduced in the section of this paper devoted to terrorism.)

PRESIDENCY CONCLUSIONS

(...)

ESDP

10. The European Council approved the Presidency report on security and defence policy.

11. The European Council, being determined to reinforce the role of the European Union in combating terrorism and recognising the importance of the contribution of the CFSP, including the ESDP, to that end, adopted a Declaration (see Annex V) designed to take greater account of the capabilities required to combat terrorism.

12. Following the Declaration on the operational capability of the ESDP adopted at Laeken, substantial progress has been made with the development of civilian and military capabilities, implementation of the action plan to remedy existing shortfalls and the prospects for cooperation on armaments. The European Council asks the Ministers for Defence, in the General Affairs Council, to continue to guide the course of these discussions on capabilities.

13. The European Union reaffirmed that it was in a position to take charge of crisis management operations, deciding in particular to conduct the police mission in Bosnia and Herzegovina (EUPM), which will ensure the follow-on to the current UN operation as from 1 January 2003.

14. The European Council expressed the willingness of the European Union to take over from NATO in the Former Yugoslav Republic of Macedonia. It instructed the Secretary General/High Representative and the competent bodies of the European Union to make

the necessary contacts with the Former Yugoslav Republic of Macedonia authorities and NATO chiefs and to continue and intensify the planning measures under way in order to be in a position to take over the NATO operation at the end of NATO's current mandate, provided that the permanent arrangements between the European Union and NATO (Berlin +) are then in place.

15. Welcoming the progress achieved so far by the Spanish Presidency regarding the implementation of the Nice provisions on the involvement of the non-European Union European Allies, the European Council tasks the next Presidency, along with the Secretary General/High Representative, to continue this work.

16. In the civilian field, work has continued in the four priority areas (police, the rule of law, civil administration and civil protection), on both the qualitative and the quantitative aspects of capabilities. ESDP structures and decision-making procedures were successfully tested during the first crisis management exercise conducted by the Union.

17. A report covering all these subjects will be submitted to the Copenhagen European Council.

ANNEX III

National Declaration by Ireland

1. Ireland reaffirms its attachment to the aims and principles of Charter of the United Nations, which confers primary responsibility for the maintenance of international peace and security upon the United Nations Security Council.

2. Ireland recalls its commitment to the common foreign and security policy of the European Union as set out in the Treaty on European Union, adopted at Maastricht, amended at Amsterdam and approved on each occasion by the Irish people through referendum.

3. Ireland confirms that its participation in the European Union's common foreign and security policy does not prejudice its traditional policy of military neutrality. The Treaty on European Union makes clear that the Union's security and defence policy shall not prejudice the specific character of the security and defence policy of certain Member States.

4. In line with its traditional policy of military neutrality, Ireland is not bound by any mutual defence commitment. Nor is Ireland party to any plans to develop a European army. Indeed, the Nice European Council recognised that the development of the Union's capacity to conduct humanitarian and crisis management tasks does not involve the establishment of a European army.

5. The Treaty on European Union specifies that any decision by the Union to move to a common defence would have to be taken by unanimous decision of the Member States and adopted in accordance with their respective constitutional requirements. The Government of Ireland have made a firm commitment to the people of Ireland, solem-

nized in this Declaration, that a referendum will be held in Ireland on the adoption of any such decision and on any future treaty which would involve Ireland departing from its traditional policy of military neutrality.

6. Ireland reiterates that the participation of contingents of the Irish Defence Forces in overseas operations, including those carried out under the European security and defence policy, requires (a) the authorisation of the operation by the Security Council or the General Assembly of the United Nations, (b) the agreement of the Irish Government and (c) the approval of Dáil Éireann, in accordance with Irish law.

7. The situation set out in this Declaration would be unaffected by the entry into force of the Treaty of Nice. In the event of Ireland's ratification of the Treaty of Nice, this Declaration will be associated with Ireland's instrument of ratification.

ANNEX IV

Declaration of the European Council

1. The European Council takes cognizance of the National Declaration of Ireland presented at its meeting in Seville on 21-22 June 2002. It notes that Ireland intends to associate its National Declaration with its act of ratification of the Treaty of Nice, should the people of Ireland in a referendum decide to accept the Treaty of Nice.

2. The European Council notes that the Treaty on European Union provides that any decision to move to a common defence shall be adopted in accordance with the respective constitutional requirements of the Member States

3. The European Council recalls that under the terms of the Treaty on European Union the policy of the Union shall not prejudice the specific character of the security and defence policy of certain Member States. Ireland has drawn attention, in this regard, to its traditional policy of military neutrality.

4. The European Council acknowledges that the Treaty on European Union does not impose any binding mutual defence commitments. Nor does the development of the Union's capacity to conduct humanitarian and crisis management tasks involve the establishment of a European army.

5. The European Council confirms that the situation referred to in paragraphs 2, 3 and 4 above would be unchanged by the entry into force of the Treaty of Nice.

6. The European Council recognises that, like all Member States of the Union, Ireland would retain the right, following the entry into force of the Treaty of Nice, to take its own sovereign decision, in accordance with its Constitution and its laws, on whether to commit military personnel to participate in any operation carried out under the European Security and Defence Policy. Ireland, in its National Declaration, has clearly set out its position in this regard.

(...)

PRESIDENCY REPORT ON ESDP

I. Introduction

1. Under the Spanish Presidency the European Union has continued its work on the European Security and Defence Policy. Following the Laeken declaration on the operational capability of ESDP, the development of military and civilian capabilities and of conflict prevention capacities has continued, the Union has taken its first decision to establish an EU crisis management operation and has conducted its first crisis management exercise.

2. In presenting this report, the Presidency has noted that Denmark has drawn attention to Protocol No. 5 on Denmark's position annexed to the Treaty of Amsterdam.

II. Towards the first EU-Led Crisis Management Operations

3. The Union has taken a decision, with the agreement of the Bosnia and Herzegovina authorities, to conduct from 1st January 2003 an EU Police Mission in that country (EUPM) as a follow-on to the current United Nations police operation. This followed the acceptance by the Peace Implementation Council Steering Board on 28 February and the subsequent welcome in UN Security Council Resolution 1396 of the offer made by the Union. It thus constitutes the first decision on the establishment of an EU crisis management operation.

4. The Union also expressed its availability to take responsibility, following elections in FYROM and at the request of its government, for an operation to follow that currently undertaken by NATO in FYROM, on the understanding that the permanent arrangements on EU-NATO cooperation ("Berlin Plus") would be in place by then. The Union has actively engaged in the necessary preparatory work in this regard.

III. The role of ESDP in the fight against Terrorism

5. Recognising the important role that the European and Security and Defence Policy should play as part of CFSP in taking forward the fight against terrorism and in promoting peace and stability, the European Council has adopted a declaration on the contribution of CFSP, including ESDP, in the fight against terrorism.

IV. Building the capabilities of the Union

Military capabilities

6. The implementation of the European Capability Action Plan is under way. This work was officially launched in the ECAP Opening Gathering which took place in Brussels on

11-12 February 2002. Many of the shortfalls in capabilities required to meet the Headline Goal, including most of the significant ones, are already under scrutiny by active ECAP panels reporting to the European Union Military Committee. In this process the Union will seek solutions, including multinational ones, and new forms of co-operation between Member States making optimum use of resources.

The principles on which the ECAP is founded are being applied. The bottom-up and voluntary character of the ECAP has been built into the mechanisms established for ECAP implementation. Co-operation with NATO has been initiated and further improvement is envisaged. Strong commitment on the part of Member States and their co-ordination are necessary and should be further encouraged.

7. Qualitative and quantitative aspects of military capabilities for achieving the Helsinki Headline Goal have been refined. Work in this regard was undertaken with the support of NATO in the framework of the Headline Goal Task Force Plus.

8. Substantial progress has been achieved in the definition of the details of the Capability Development Mechanism, as well in its internal aspects and concerning the interface between the EU and NATO. Every effort should be undertaken in order to further monitor and evaluate progress and address shortfalls in the development of EU military capabilities and to develop the principles and framework for coherent and mutually reinforcing capability requirements with NATO within the CDM.

Co-operation in the field of armaments

9. Following the informal meeting of the EU National Armaments Directors in Madrid on 29 April 2002, the Council discussed how to enhance co-operation in the Armaments field in support of ESDP, as Member States consider appropriate. There was agreement on the need for further work on these issues, as Member States consider appropriate, taking into account the orientations by the Presidency resulting from the above meeting. A seminar on this matter took place in Madrid on 12 June 2002, in the presence of all relevant actors including European Armaments industry representatives. Further reflection concerning procurement and financing of capabilities will also continue within the framework of ECAP, following discussions which have taken place, inter alia, at the informal meeting of the Ministers of Defence in Zaragoza and on the occasion of the Council meeting of 13 May 2002.

Civilian capabilities

10. A Rule of Law Commitment Conference was held in Brussels on 16 May 2002. Commitments made by Member States exceeded the target set in Göteborg of being able to provide by 2003 up to 200 officials for crisis management operations in this field. The declaration adopted by the Rule of Law Commitment Conference was endorsed by the Council on 13 June 2002 (Annex I).

11. In civil protection, a call for contributions in order to meet the concrete targets set in Göteborg was launched.

12. Considerable progress has been made in the implementation of the Police Action Plan, thus enhancing the qualitative aspects of police capabilities.

V. Structures, Procedures and Exercises

Structures

13. As agreed by the Council at its meeting of 18 February 2002, the Ministers of Defence met for the first time on 13 May 2002 in the General Affairs Council under the chairmanship of the Minister of Defence of the Presidency. On this occasion, the Council examined all relevant aspects of the development of EU military capabilities as set out at Laeken. Further such meetings are envisaged.

14. The European Union Satellite Centre and the European Union Institute for Security Studies came into operation on 1st January 2002.

15. The Council Secretariat has made a number of structural and procedural changes including the further development of a Joint Situation Centre to enhance its capacity to analyse and make use of intelligence material and other information made available by Member States and to increase the sharing of intelligence and other information. This is improving support to the Council in the whole field of CFSP.

Procedures

16. A significant review of the crisis management procedures referred to in Nice has been carried out. The review has focused on the interface between military and civilian components of crisis management operations. The Political and Security Committee has taken note of the revised version of the procedures.

17. In the military field, a substantial amount of conceptual and procedural work has been carried out by the European Union Military Committee with the support of the European Union Military Staff in a number of areas with a view to establishing internal procedures. In particular, in accordance with the Helsinki and Laeken mandates, work has continued to develop the procedures and concepts concerning the rapid response elements of the Headline Goal, as well as to ensure the improvement of command and control arrangements for national and multinational Headquarters, to facilitate an efficient and timely response to a crisis.

18. The modalities for the financing of crisis management operations with military or defence implications have been adopted (Annex II).

19. Work to improve the EU's civilian procedures in the four priority areas identified at Feira has continued. In the field of Police, the Political and Security Committee took note of the following concepts: guidelines for command and control structure for EU police operations in crisis management, EU concept for police planning, EU comprehensive concepts for police substitution missions and strengthening of local police missions.

Guidelines on police aspects of EU fact-finding missions have been elaborated. Further work has also been carried out on selection and training criteria in EU Member

States for police missions, as well as on equipment lists for EU police missions. A seminar on “the role of European Police in civil crisis management” took place in La Toja on 11-13 March 2002.

20. In the field of Rule of Law, work continued on the elaboration of a set of guidelines for criminal procedure in crisis management operations. As a result, the EU offered to the United Nations High Commission for Human Rights a set of draft guidelines as an initial contribution to the work undertaken within the UN.

21. In the field of civilian administration, the Political and Security Committee took note of a set of basic guidelines for transitional administration in the context of crisis management.

22. The conference held in Madrid, on 27-28 May 2002, welcomed training modules developed by national training centres of EU Member States under a Community initiative, for rule of law and civilian administration experts in the context of crisis management. It was recommended that training co-operation should be further strengthened including through the organisation of pilot training courses.

23. In the field of civil protection, the Council adopted on 17 June 2002 conclusions regarding the use in crisis management referred to in Title V of the TEU of the Community Mechanism to facilitate a reinforced co-operation in civil protection assistance interventions (Annex III).

Exercises

24. The EU first crisis management exercise (CME 02), aimed at testing the decision-making procedures for ESDP and the co-ordination of the full range of its military and civilian instruments in the pre-decisional phase, was conducted in May. The exercise successfully demonstrated the functioning of, and interaction between, the structures established to enable the EU to conduct crisis management operations. The exercise has allowed the EU to draw a first set of lessons learned for the further development of EU crisis management mechanisms, in particular for the further strengthening of EU civil-military co-ordination.

VI. *Co-operation with NATO*

25. Consultation and co-operation between EU and NATO have continued in matters of security, defence and crisis management of common interest in order to make possible the most appropriate military response to a given crisis and ensure effective crisis management, while fully respecting the decision-making autonomy of NATO and the EU. In this regard, fruitful and exemplary close co-operation on issues of crisis management in the Western Balkans, notably in FYROM, Southern Serbia and Bosnia and Herzegovina, as well as the further deepening of the political consultations should be underlined. The consultations in the wake of the terrorist attacks of 11 September have also been pursued and intensified.

26. Contacts with NATO have continued with a view to establishing as soon as possible the outstanding permanent arrangements on EU-NATO consultations and co-operation (including all aspects of "Berlin Plus") for the implementation of the conclusions of the Nice European Council with the aim to enhance EU-NATO consultations and co-operation in crisis management. These agreements are essential for the ESDP and will substantially increase the Union's available capabilities. The Presidency with the assistance of the Secretary General / High Representative has made every effort to find an acceptable solution to the remaining issues.

27. Following authorisation by the Council to the Presidency, the EU has sent on 30 April 2002 a proposal to NATO to start negotiations on a Security Agreement.

VII. Co-Operation with International Organisations

28. Co-operation with International Organisations relevant in the field of crisis management has continued. High level contacts with the UN, OSCE and the Council of Europe have continued. A seminar on the development of instruments in the civilian field of crisis management was organised in Brussels by the Presidency on 16-17 April 2002. Representatives from those organisations and NATO participated in this seminar. Specific steps for co-operation were proposed and are being implemented or considered as part of the further development of the practical aspects of EU's co-operation with international organisations.

VIII. Co-Operation with Third Countries

29. Consultation on EU crisis management efforts with non-EU European NATO members and other countries which are candidates for accession to the EU has continued. These States, as well as other non-EU OSCE Members currently contributing to UN IPTF, have been invited to contribute to EUPM.

30. Arrangements were adopted for consultation and co-operation in crisis management with Russia, Canada and Ukraine (Annexes IV, V and VI). At the EU-Russia Summit in Moscow on 29 May 2002, and at the EU-Canada Summit in Toledo of 8 May 2002, the importance of cooperation in this field was underlined.

31. A seminar on the Mediterranean dimension of ESDP took place in Barcelona on 20-21 May 2002.

IX. Conflict Prevention

32. CFSP including ESDP has contributed to the improvement of the EU's capacity for the prevention of violent conflicts, inter alia by developing a "systematic approach". In order to evaluate the implementation of the EU Programme for the Prevention of Violent Conflicts, a seminar was organised in Seu d'Urgell on 18-19 March 2002. A report on the

implementation of this Programme is presented separately.

X. Humanitarian Law

33. In order to reaffirm the importance that the EU attaches to the respect of international humanitarian law and to the dissemination of its rules and principles, a seminar on International Humanitarian Law and EU crisis management operations took place in Salamanca on 22-24 April 2002 to study aspects relevant to EU-led operations.

XI. Parliamentary Dimension and Public Opinion

34. The Presidency has continued its dialogue with Parliamentary Assemblies on the development of ESDP, through inter alia a meeting which took place in Madrid on 4-5 February 2002.

35. Special attention has been paid to improving the information available on ESDP. A seminar on Public Communications on Defence and Security matters took place in Cartagena on 4-5 June 2002.

XII. Mandate for the Incoming Presidency¹

36. On the basis of the present report, the incoming Presidency, assisted by the Secretary General/High Representative, is invited to continue work within the General Affairs Council on developing the ESDP, paying particular attention to the following:

- the need to reach, as a matter of urgency, a comprehensive agreement on all outstanding permanent arrangements between the EU and NATO, in full conformity with the principles agreed and the decisions taken at the Nice European Council;
- to further promote the European military capabilities with a view to achieving the Headline Goal and the collective capabilities goals;
- to enhance co-operation in the field of Armaments, as Member States consider appropriate;
- to implement fully the agreed arrangements for consultation and participation with non-EU European NATO members and other countries which are candidates for accession to the EU, as well as other potential partners, in conformity with the principles adopted and the decisions taken at Nice and other European Councils;
- to continue work in order to finalise as a matter of urgency the financing arrangements related to the implementation of military and civilian crisis management operations and to start work on its practical modalities;
- to further strengthen EU's crisis management mechanisms by taking into account the lessons learned from CME 02, by developing the conceptual and practical aspects related to civil-military co-ordination and by taking forward the implementation of the Exercise Programme, and in particular the Council decision of 18 March 2002;

- to improve civilian capabilities in the four priority areas, including organising, as necessary, a comprehensive Capability Conference, and to further develop modalities for contributions of non-EU states to EU civilian crisis management operations;
- to continue the implementation of the European Programme for the prevention of violent conflicts.

The incoming Presidency, assisted by the Secretary General/High Representative, is invited to report to the European Council in Copenhagen.

ANNEX I

Rule of Law Capabilities Commitment Conference Declaration

1. Successive European Councils have reaffirmed the need to develop civilian capabilities in support of conflict prevention and crisis management missions as referred to in article 17 of the Treaty of the European Union (the so called "Petersberg tasks") and in a manner which is in keeping with the principles of the UN Charter and the Helsinki Final Act. In the field of civilian capabilities the European Council of Feira identified four priority areas of work: Police, strengthening the Rule of Law, strengthening Civilian Administration and Civil Protection.

2. The Göteborg European Council decided that Member States should strengthen in phases their ability to provide judges, prosecutors, and further categories of officials and experts in the field of Rule of Law, to international missions. It was also acknowledged that "strengthened capabilities in the field of Rule of Law will serve both to enable the EU better to respond to requests from an international lead organisation, and to carry out autonomous EU missions". It further stated that "while Rule of Law missions would usually be deployed as a complement to a police component, they could also be undertaken without such a component".

3. The Göteborg European Council further set the following concrete targets in this field, to be attained through voluntary contributions by 2003:

- "Within the general target for overall capabilities, Member States should in particular develop their capacity to deploy officials to public prosecution, courts and detention activities in crisis management operations, primarily in order to ensure a complete and functioning criminal justice process in operations in which international police perform an executive role."

- "Strengthening their capabilities in phases, Member States should, on a voluntary basis, by 2003 be able to contribute up to 200 officials adequately prepared for crisis management operations in the field of rule of law. There should be an appropriate balance between the various officials needed, which includes prosecutors and judges as well as correctional officers."

- "This target should include a capability to supplement police rapid deployment units and factfinding missions with officials with broad knowledge in the field of rule

of law, enabling an early planning of rule of law support, which could be deployed within 30 days.”

4. The Rule of Law Capabilities Conference, at high official level, took place in Brussels on 16th May 2002, in order to draw together the voluntary national Commitments to meet the Rule of Law capability goals set by the Göteborg European Council. The Conference also evaluated current and future work in this field with the aim of further strengthening the EU's capabilities and thus allow the EU to contribute more efficiently to conflict prevention and crisis management operations.

5. At the Conference, Member States, on a voluntary basis, have made the following quantitative and qualitative Commitments to build up the EU Rule of Law capacities for crisis management operations. In doing so, they contribute to the creation of a new and essential capacity for crisis management, which will allow the deployment of EU Rule of Law missions as a complement of a Police component, as well as without such a component. The EU's strengthened capabilities in the field of Rule of Law will enable the EU both to better respond to requests from international lead organisations, as well as to carry out autonomous EU missions.

a) Quantitative aspects

By 2003:

■ With regard to the overall objectives, Member States have undertaken to provide up to 282 officials for crisis management operations in the field of Rule of Law.

Within this overall number:

■ With regard to the objectives of deployment on such missions within 30 days, Member States have undertaken to provide up to 60 officials.

■ Finally, with regard to the objective of participating in fact finding missions, Member States have undertaken to provide up to 43 officials.

b) Qualitative aspects

Two broad categories of Rule of Law officials (i.e., pertaining to the judiciary system and to the penitentiary system), as well as a third general category of “others”, have been identified. Within the judiciary system, sub-categories of judges, prosecutors, and administration services have been set. The Commitments made by EU Member States are proportionally distributed between these categories. (72 judges, 48 prosecutors, 38 administration services, 72 penitentiary system, and 34 others).

These capabilities will provide the EU with a significant rapid deployment capability within the field of Rule of Law, as well as for fact-finding missions. They will also allow the EU to provide an important number of officials of main professional categories needed for crisis management operations.

As required by the Göteborg European Council, this information has been fed into the Rule of Law database established at the Council Secretariat as part of the Co-ordinating Mechanism for Civilian Aspects of Crisis Management.

6. Thus the Commitment Conference was able to confirm that the concrete targets set at Göteborg have been met. The Conference acknowledged that deployment will remain for sovereign decision by each Member State.

7. The Commitment Conference underlined the importance of satisfactorily addressing the financial aspects of missions involving Rule of Law officials.

8. The Commitment Conference noted the particular factors relevant to these commitments. These include:

- The fact that these officials constitute a scarce resource in their countries (since their number has, until now, been determined by national needs and not in view of international deployments).
- The independent status enjoyed by some of the officials concerned with respect to their national administrations.
- The variety of officials' backgrounds, itself reflecting the variety of competent organs in each Member State.

9. The Commitment Conference also welcomed progress made by the EU on guidelines for criminal procedure in crisis management operations, which will be offered, as an intellectual contribution, to support the efforts carried out by the UNHCHR to implement recommendations made in the Brahimi Report regarding the Rule of Law sector. It also welcomed, and took note, of the important exchange of views on the issue of Rule of Law in crisis management, that took place in the Seminar organised by the Spanish Presidency, in Brussels, on the 16th/17th of April, between experts of the EU, and of relevant international organisations involved in crisis management.

10. The Commitment Conference expressed great interest in the current work on development of common crisis management training modules, which might be available for some Rule of Law officials, that are currently being developed in the context of the EC pilot project for training of civilian crisis management personnel (Rule of Law, Civilian Administration). These training modules are expected to contribute positively to provide qualified personnel in this field for crisis management operations.

11. The Commitment Conference also recognised that contributions in the Rule of Law sector require other kind of personnel, such as defence attorneys, that cannot be provided by governments. To that end, the importance of co-operating with competent NGOs was underlined.

12. The Conference looks forward to further progress in the field of Rule of Law in the period ahead.

ANNEX II

Financing of EU-Led Crisis Management Operations having military or defence implications

1. Introduction

1.1 Article 28 of the TEU sets the principles for financing of crisis management operations:

- a) Under Title V of the TEU, administrative expenditure entailed for the Institutions (whether or not arising from operations having military or defence implications) is to be charged to the EC budget, in accordance with the provisions of article 28.2 TEU.
- b) Operational expenditure arising from operations having military or defence implications must be charged to the Member States in accordance with article 28.3 TEU. This implies the use of military assets for military tasks as well as the use of non-military assets (e.g. medical, means of transport) strongly related to the overall military operation²
- c) It should also be recalled that, following the provisions of article 28.3, “as for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under article 23 (1), second paragraph, shall not be obliged to contribute to the financing thereof”.

1.2 Definition of the modalities for funding crisis management operations raises however a number of questions. Such modalities should, in particular, allow the force generation process to be conducted efficiently and rapidly and enable operations to be launched and conducted in a cost-efficient and military effective manner. Member States will expect that the operation is conducted in such a way as to minimise the budget whether borne through national expenditure or through a repartition of common costs.

2. General Principles

2.1 The financing of operations having military or defence implications will be based on the combination of the three following components:

- common costs are costs that cannot be allotted to individual States taking part in a crisis management mission, as limitatively enumerated in section. 2.4 below.
- when launching an operation, the Council will decide on a case-by-case basis, taking into account the particular circumstances of the operation, whether the costs for the transportation of the forces, the barracks and the lodging for the forces will be funded in common.
- all other costs will be considered as “individual costs”, financed on a “costs lie where they fall” basis.

2.2 Common financing of incremental costs for ESDP operations with military or defence implications does not entail financing of military assets and capabilities offered

by participant States on a voluntary basis and compiled in the Helsinki Force Catalogue (HFC), or of shortfalls in capabilities that occur in the course of the Force Generation Process.

The Helsinki Headline Goal Catalogue (HHGC) as agreed by Member States imposes that the sending nations are responsible for obtaining transportation resources to deploy, sustain and redeploy its forces. Therefore, the present arrangements on financing specific operations do not put this objective into question and do not interfere in equipment plans.

2.3 When it comes to costs arising from operations having military or defence implications, a number of expenditure exist regardless of whether assets are deployed or not in an operation (e.g. staff salary, equipment and accommodation). This expenditure will not be taken into account when establishing the budget of an operation. For this purpose it is thus necessary to focus on additional or incremental costs related to the deployment of assets in operations

2.4 As far as “common costs” are concerned:

a) it is proposed that the EU concept of common funding cover the following items (the relevant definitions are contained in the annex):

Incremental costs for (deployable³ or fixed) headquarters for EU-led operations

- ┆ transport costs
- ┆ administration
- ┆ locally hired personnel
- ┆ communications
- ┆ transportation/travel within the operations area of HQs
- ┆ barracks and lodging/infrastructure
- ┆ public information
- ┆ representation and hospitality

Incremental costs incurred for providing support to the forces as a whole

- ┆ infrastructure
- ┆ additional equipment
- ┆ identification marking
- ┆ medical

b) Precise financial arrangements (which could include a budget or a post-operation settlement of costs, as necessary) intended to cover the common costs of a crisis management operation having military or defence implications will be established on a case by case basis by the unanimous Council decision launching the operation. These financial arrangements will be implemented by the Presidency with the assent, adopted unanimously, of a special committee which shall assist it and which shall be made up of representatives of the Member States which contribute to the financing of the operation in accordance with Article 28(3) TEU, having the necessary authority. The Committee of

Contributors will be kept informed of the action taken by the Presidency. The administration of the financial arrangements may be entrusted, as appropriate, to the financial controllers of the operation headquarter.

3. Review

The above mentioned financing solution is an interim one. A full review will take place after the first operation is concluded or by June 2004 or earlier if necessary, taking into account the lessons learnt from the conduct of operations and their administration.

4. Further work to be done

The proposed financing solution provides a general framework. However more detailed work will be necessary in order to finalise the outstanding issues. In particular the following items need more clarification and elaboration:

- the possible need for a separate budget for EU common costs as well as for adequate control and auditing related to the revenue and expenditures in such a budget.
- consideration of the modalities of post-operation settlements of costs, which should take into account those cases in which common funding have financed investments that are to be allotted to individual Member States.
- consideration of a possible start up fund for common preparatory costs, and, as appropriate, modalities of management of any such fund.
- the financial modalities for EU use of NATO common assets and capabilities, which will be defined through EU-NATO agreement on the Berlin Plus arrangements.
- modalities for contribution of third countries.
- consideration should be given to civil-military interaction in the appropriate fora.
- further refinement of the annexed list of common costs and definitions.
- modalities for the retention and maintenance of any commonly purchased equipment if considered necessary.

List of common costs + Definitions

Common expenditure on goods and services shall be spent only for requirements over and above those which could reasonably be expected to be covered from national resources.

I. Incremental costs for (deployable or fixed) headquarters for EU-led operations

<i>Headquarters (HQ)</i>	<i>Operation, Force and Component Headquarters</i>
<i>Operation Headquarters (OHQ)</i>	<i>The static, out-of-area Headquarters of the Operation Commander, which is responsible for building up, launching, sustaining, and recovering an EU-force</i>
<i>Force Headquarters (FHQ)</i>	<i>The Headquarters of an EU force deployed to the area of operations</i>
<i>Component Command Headquarters (CCHQ)</i>	<i>The headquarters of an EU Component Commander deployed for the operation (i.e. Air, Land, Maritime and other specific functions Commanders that could be deemed necessary to designate depending on the nature of the operation)</i>

I Transport costs: transport to and from the theatre of operations to deploy, sustain and recover FHQs and CCHQs

I Administration: Management of internal affairs of a headquarters (such as additional office and accommodation equipment, contractual services and utilities, maintenance costs of the buildings).

I Locally hired personnel: Civilian personnel, international consultants and locally hired (national and expatriate) personnel needed for the conduct of the operation over and above the normal operational requirements (including any overtime compensation payments).

I Communications: Capital expenditure for the purchase and the use of additional communications and IT equipment and costs for rendered services (lease and maintenance of modems, telephone lines, satphones, cryptofax, secure lines, internet providers, data lines, local area networks...).

I Transportation/travel⁴ within the operations area of HQ: expenditure related with vehicle transportation and other travel by other means and freight costs, including travel by national augmentees and visitors; incremental costs of fuel over and above what normal operations would have cost; lease of additional vehicles; costs of official journeys between the operational location and Brussels and/or EU-organised meetings; travel costs of HQ members to operation-related conferences and activities for conduct of operations; third party insurance costs imposed by some countries upon international organisations conducting operations on their territory.

I Barracks and lodging/infrastructure: expenditure for acquisition, rental or refurbishing of required HQs facilities in theatre (rental of buildings, shelters, tents), if required and appropriate.

I Public information: costs related to information campaigns and to inform media at OHQ and FHQ, in accordance with the information strategy developed by the operational HQ.

I Representation and hospitality: representational costs; costs at HQ level necessary for the conduct of an operation.

II. Incremental costs incurred for providing support to the force as a whole:

The costs defined below are those incurred following the force deployment to its location

I Infrastructure: expenditure absolutely needed for the force as a whole to fulfil its mission (common used airport, railway, harbours, roads, power and water supply).

I Essential additional equipment: the rental or purchase in the course of the operation of unforeseen specific equipment essential for the execution of the operation, required by the EU commanders and approved by the special committee as defined in para 2.4.b, insofar as the purchased equipment is not repatriated at the end of the mission.

I Identification marking: specific identification marks, badges, flags or other Force or HQ identification marking (excluding clothes, hats or uniforms).

I Medical: the rental of emergency medevac (medical evacuation) flight where medical treatment cannot be provided in theatre.

ANNEX III

The use in Crisis Management, referred to in Title V of the Treaty of the European Union, of the Community Mechanism to facilitate the reinforced co-operation in civil protection assistance interventions

1. The European Council of Feira identified Civil Protection, within the framework of Crisis Management operations, as one of the priority areas in which the European Union should reinforce its capabilities in pursuing the development of ESDP.
2. The European Council of Göteborg stressed that the “Community Mechanism to facilitate the reinforced co-operation in Civil Protection assistance interventions” will play a key role in the implementation of the concrete targets established in Göteborg.
3. Preambular paragraph 12 of the Council decision of 23rd October 2001 establishing the above mentioned Community Mechanism states that “such a Community Mechanism could, under conditions to be determined, also be a tool for facilitating and supporting crisis management referred to in Title V of the Treaty of the European Union”.

4. In order to implement the mandate received from the European Council, where a civil protection emergency occurs outside the European Union within the context of crisis management referred to in Title V of the Treaty of the European Union, the Member State entrusted with the Presidency of the Council of the European Union, on behalf of the Council and following consultations with the Member States and the Commission in the appropriate Council bodies, may request Civil Protection assistance, in accordance with the provisions of articles 5 and 6 of the above mentioned Council decision. The Presidency will take into account other international efforts that may take place, in order to ensure co-ordination and avoid unnecessary duplication.

5. Further work on civil protection interventions as part of EU crisis management operations is required. The work will be developed in the context of the procedures for EU crisis management. It should include, inter alia, the following issues:

- further guidance on the role of the Presidency
- in the field co-ordination with other EU elements of a complex crisis management operation
- co-ordination with other international actors, in particular humanitarian actors
- the possible contributions by potential partners of the EU in civil protection interventions which may arise under Title V of the TEU
- financing
- conditions of deployment

ANNEX IV

Arrangements for consultation and cooperation between the European Union and Russia on Crisis Management

On the basis of what was decided at the EU-Russia Summits in Paris, Moscow and Brussels and the conclusions of the Nice European Council, the arrangements for consultation and cooperation between the European Union and Russia on crisis management will be as follows:

I. Arrangements during non-crisis periods

The frequency of and procedures for consultation will depend on requirements and should be guided by considerations of pragmatism and efficiency, with ESDP issues being discussed regularly within the framework of existing mechanisms (meetings at the level of Heads of State, ministers and political directors, PSC). The PSC Troika and the Russian Ambassador to the EU will play a leading role in the implementation of these arrangements.

This meeting schedule is indicative. Extra meetings may be organised if circumstances require, for the purpose of information exchange between the EU and Russia.

In order to facilitate Russia's involvement in the Union's military activities, Russia may appoint a contact person accredited to the EU Military Staff. At least two briefing meetings in the course of each Presidency will be organised with that contact person.

II. Arrangements during crisis periods

A) Pre-operational phase

In accordance with the Nice conclusions and the Paris, Moscow and Brussels declarations, in the event of a crisis, dialogue and consultation will be intensified during the period leading up to the Council decision. When a crisis develops, these intensified consultations will provide an opportunity for exchanges of views on evaluation of the situation and for mutual information on the positions of the European Union and Russia.

When the possibility of an EU-led military crisis management operation is under consideration, the aim of those consultations will be to ensure that Russia, as a potential contributor to an EU-led crisis management operation, is informed of the EU's intentions, particularly with regard to the military options being envisaged.

B) Operational phase

Once the strategic military option has been chosen, contacts may be arranged to allow Russia, should it so wish, to express its intention in principle to take part in the operation.

Once the concept of operations (CONOPS) has been approved, Russia may be invited to participate in the operation. Russia will then provide the EU with an initial indication of its contribution, which will be further specified during exchanges with the Operation Commander, assisted by the EUMS.

In the case of an operation requiring recourse to NATO assets and capabilities, Russia may be involved in planning according to procedures laid down within NATO. In the case of an autonomous operation in which Russia is invited to take part, Russia may send a liaison officer to the European Military Staff bodies at strategic level. This will allow for exchange of information on operational planning and the contributions envisaged.

On the occasion of the Force Generation Conference preceding the launch of the operation, Russia will be invited to confirm the level of its contribution.

C) Committee of Contributors

This committee will be set up at the time of the decision to launch the operation. To the extent to which Russia deploys significant military forces within the framework of a European Union-led operation, it will be invited to participate in the proceedings of the Committee of Contributors which will play a key role in the day-to-day management of the operation. In its capacity as a contributing State, Russia will have the same rights and

obligations in terms of day-to-day management of the operation as EU Member States participating in the operation.

III. Civilian aspects

The specific arrangements for consultation, cooperation, and contribution regarding civilian aspects of crisis management, in particular police operations, will be established in due course in accordance with, inter alia, the guiding principles in Annex II to the conclusions of the Göteborg European Council.

ANNEX V

Arrangements for consultation and cooperation between the European Union and Canada on Crisis Management

On the basis of the conclusions of the Nice European Council and the EU-Canada Ottawa Summit, the arrangements for consultation and co-operation between the European Union and Canada on crisis management will be as follows:

I. Arrangements in non-crisis periods

ESDP issues will be discussed regularly within the framework of existing mechanisms (meetings at the level of Heads of State, ministers and political directors, PSC). The frequency and modalities of consultation will be adapted to the circumstances and based on considerations of pragmatism and efficiency. The PSC Troika and the Canadian Ambassador to the EU shall play a leading role in the implementation of these arrangements.

Depending on the course of events, supplementary meetings may be organised in order to exchange information between the EU and Canada.

In order to facilitate Canada's association with the Union's military activities, Canada should designate a contact person accredited with the EU Military Staff. At least two briefing meetings will be organised during the course of each presidency with this contact person.

II. Arrangements in periods of crisis

Consultations with Canada will be stepped up in times of crisis. Participation by Canada will be of particular importance in the case of EU operations drawing on NATO assets and capabilities. In this context, when the Union embarks on detailed examination of an option making use of NATO assets and capabilities, particular attention will be paid to consultation with Canada.

A) Pre-operational phase

In accordance with the Nice conclusions and the EU-Canada Ottawa Summit, in the case of an emerging crisis, dialogue and consultation shall be intensified during the period preceding the Council decision. On the emergence of a crisis, this intensification of consultations shall enable an exchange of views to take place to evaluate the situation and allow mutual information on the positions of the European Union and Canada.

When the eventuality of an EU-led military crisis management operation is examined, these consultations will ensure that Canada, in its capacity as a potential contributor, is informed of the Union's intentions, particularly with regard to the military options being envisaged.

B) Operational phase

Once the strategic military option has been chosen, contacts may take place to allow Canada, should the need arise, to express its initial intention to take part in the operation.

Once the concept of operations (CONOPS) has been approved, Canada may participate, if it so wishes, in EU-led operations using NATO assets and capabilities, and, on a decision by the Council, may be invited to participate in other EU-led operations. Canada will then address the EU with an initial indication of its contribution, which will be refined through exchanges with the Operation Commander, assisted by the EUMS.

In the case of an operation using NATO assets and capabilities, Canada will be involved in planning in accordance with modalities defined within NATO. In the case of an autonomous operation to which Canada is invited to participate, Canada may appoint a liaison officer with the European strategic level Military Staffs. This will allow an exchange of information on operational planning and the contributions envisaged.

On the occasion of the Force Generation Conference, Canada will be invited to confirm the level of its contribution.

C) Committee of Contributors

This committee will be set up at the time of the decision to launch the operation. To the extent to which Canada deploys significant military forces within the framework of a European Union-led operation, it will be invited to participate in the work of the Committee of Contributors which will play an essential role in the day-to-day conduct of the operation. In its capacity as a contributing State, Canada will have the same rights and obligations as regards the day-to-day conduct of the operation as the EU Member States participating in the operation.

III. Civilian aspects

The precise modalities for consultation, co-operation, and contribution in civilian aspects of crisis management, in particular police operations, will be established in due time based inter alia on the guiding principles in Annex II to the conclusions of the Göteborg European Council.

ANNEX VI

Arrangements for consultation and cooperation between the European Union and Ukraine on Crisis Management

On the basis of the conclusions of the Nice European Council and the EU-Ukraine Summits of Paris and Yalta, the arrangements for consultation and co-operation between the European Union and Ukraine on crisis management will be as follows:

I. Arrangements in non-crisis periods

ESDP issues will be discussed regularly within the framework of existing mechanisms (meetings at the level of Heads of State, ministers and political directors, PSC). The frequency and modalities will be adapted to the circumstances and based on considerations of pragmatism and efficiency. The PSC Troika and the Ukrainian Ambassador to the EU shall play a leading role in the implementation of these arrangements.

Depending on the course of events, supplementary meetings may be organised in order to exchange information between the EU and Ukraine.

In order to facilitate Ukraine's association with the Union's military activities, Ukraine should designate a contact person accredited with the EU Military Staff. At least two briefing meetings will be organised during the course of each presidency with this contact person.

II. Arrangements in periods of crisis

A) Pre-operational phase

Dialogue and consultation shall be intensified during the period preceding the Council decision. This intensification of consultations shall enable an exchange of views to take place to evaluate the situation and allow mutual information on the positions of the European Union and Ukraine.

When the eventuality of an EU-led military crisis management operation is examined, these consultations will ensure that Ukraine, in its capacity as a potential contributor, is informed of the Union's intentions, particularly with regard to the military options being envisaged.

B) Operational phase

Once the strategic military option has been chosen, contacts may take place to allow Ukraine, should the need arise, to express its initial intention to take part in the operation.

Once the concept of operations (CONOPS) has been approved, Ukraine may be invited to participate in the operation. Ukraine will then address the EU with an initial indication of its contribution, which will be refined through exchanges with the Operation Commander, assisted by the EUMS.

In the case of an operation using NATO assets and capabilities, Ukraine may be associated to planning in accordance with modalities defined within NATO. In the case of an autonomous operation to which Ukraine is invited to participate, Ukraine may appoint a liaison officer with the European strategic level Military Staffs. This will allow an exchange of information on operational planning and the contributions envisaged.

On the occasion of the Force Generation Conference, Ukraine will be invited to confirm the level of its contribution.

C) Committee of Contributors

This committee will be set up at the time of the decision to launch the operation. To the extent to which Ukraine deploys significant military forces within the framework of a European Union led operation, it will be invited to participate in the work of the Committee of Contributors which will play an essential role in the day-to-day conduct of the operation. In its capacity as a contributing State, Ukraine will have the same rights and obligations as regards the day-to-day conduct of the operation as the EU Member States participating in the operation.

III. Civilian aspects

The precise modalities for consultation, co-operation, and contribution in civilian aspects of crisis management, in particular police operations, will be established in due time based inter alia on the guiding principles in Annex II to the conclusions of the Göteborg European Council.

PRESIDENCY REPORT ON THE EU PROGRAMME FOR THE PREVENTION OF VIOLENT CONFLICTS

1. Introductory remarks

In accordance with the mandate received, the Spanish Presidency presents to the European Council of Sevilla the following report on the implementation of the Göteborg Programme for the Prevention of Violent Conflicts. This report takes into account the discussions held at the seminar organised by the Spanish Presidency in Seu D'Urgell on the 18th and 19th of March 2002. The General Secretariat of the Council and the Commission respectively presented reports on this matter. Several Delegations also informed on activities carried out by Member States in implementing the Göteborg Programme, including on the elaboration of National Conflict Prevention Programmes.

Since the adoption of the Göteborg programme, important efforts have been made in all aspects of the external relations of the EU, including through the development of European Security and Defence Policy. Nevertheless, it is necessary to strive for greater coherence within the European Union (in terms of activities carried out under the different Treaties, as well as between the EU and its Member States) when undertaking preventive actions. A systematic approach to Conflict Prevention leading to early action has been decided upon by the Council. Co-operation with International Organisations and NGO's must be enhanced. The impact of intercultural dialogue in conflict prevention should be further explored. Finally, the limits that current CFSP budget lines impose to conflict prevention activities within this specific field are a matter of concern.

2. Review of preventive actions undertaken by the EU since the adoption of the programme

The EU has adopted in the last year a considerable number of concrete actions with a clear conflict prevention aim. A successful example is the EU's policy in the Balkans region. Other examples are its policy in the Caucasus, Central Asia, Great Lakes region and the EU's commitment to take forward the fight against terrorism as a result of the 11 September attacks. Not all efforts undertaken by the EU in this field have been successful. While there are limits to what the EU can achieve, reviewing these cases can help the EU to advance in the refinement of its instruments for conflict prevention and lead to the development of more efficient preventive strategies.

3. A systematic approach to conflict prevention for early warning and early action

In relation to early warning and as foreseen in the EU programme for the Prevention of Violent Conflicts, broad consideration of potential conflict issues was given by the

General Affairs Council in July 2001 and January 2002 on the basis of reports presented to the Political and Security Committee by the General Secretariat of the Council and the Commission.

The Commission maintains a “watch-list” of priority countries, based on conflict assessments for more than 120 countries. The Commission is monitoring developments in these countries closely. For the purposes of integrating a conflict prevention perspective in the areas of its responsibility, and to contribute to the overview of potential conflicts issues, the Commission has developed a set of conflict indicators.

For its part, the Council Secretariat has developed an early warning process based on overview reports and risk assessments for the Political and Security Committee. These are undertaken jointly by the Policy Planning and Early Warning Unit (PU), the EU Military Staff Intelligence Division and the Joint Situation Centre. Steps have also been taken to intensify consultation with external partners as an input to this process. Indicators are being progressively introduced as a basis for this work.

The experience of the Belgian and Spanish Presidencies demonstrated that additional efforts were required in order to ensure the identification of priority areas and regions for EU preventive actions. The General Affairs Council therefore agreed, on the 13th of May 2002, on a systematic approach to Conflict Prevention, on the basis of the above mentioned considerations, and oriented at ensuring more effective early warning, leading to early action. The main role of the Political and Security Committee in bringing issues to the attention of the Council, through COREPER, and in the follow up to GAC decisions in the area of conflict prevention, the need to clearly associate the geographic working groups with the EU’s conflict prevention activities, and the role of Heads of Mission, as the main EU “sensors” in the field, must be stressed. Thematic CFSP working groups could also provide appropriate contributions. In examining the likelihood of conflict in a country/region, there should be an evaluation of the potential impact of an eventual conflict on EU Member States and international stability, the EU’s capacity of influence/interest in the region/country, the instruments at the EU’s disposal, the role of other actors on the ground (international organisations, other States, NGOs . . .), and the possibility to co-operate with them, as well as the need to ensure the follow-up of decisions taken.

4. Short term and long term prevention

A clear link exists between short term and long term prevention. When reacting to a situation where the risk of conflict is imminent, apart from the more immediate preventive measures aimed at defusing tension and establishing paths of dialogue, root causes of conflict have to be addressed from the outset. More reflection is needed on the use of crisis management capabilities, particularly in the civilian field, for preventive purposes. In certain cases, military capabilities (e.g. preventive deployments) can be a component of a comprehensive preventive strategy.

Although the EU has global concerns and responsibilities, the impact of its actions on countries or regions will vary. In deciding its conflict prevention policy, the EU must take fully into account the role of other international actors, in order to ensure the necessary co-ordination with them and to allow the EU to target areas where it is best placed to act.

a) Instruments aimed at short term prevention

The EU has been working on the development of a wide variety of instruments that can be used in short-term prevention, such as fact finding missions (including the possibility of Joint Council-Commission fact finding missions), monitoring missions (the EUMM), facilitators (e.g. the Togo facilitators), election observation missions, human rights monitors, special representatives and other forms of representatives (Presidency representatives, the possibility of tasking senior officials of the Secretariat of the Council, or of the Commission, and other envoys).

At Community level, the Rapid Reaction Mechanism is fully operational.⁵ It is being used to bring quickly a host of measures to bear on a conflict situation, which would previously have been subject to more cumbersome procedures (e.g. FYROM, Afghanistan and DRC).

b) Dealing with root causes of conflict (long term prevention)

Since the adoption of the Göteborg Programme, the European Union has deployed considerable efforts in mainstreaming conflict prevention issues in all its activities. The European Union, in the aftermath of the 11th September attacks, has carried out a considerable effort in deploying a comprehensive and coherent strategy against terrorism, addressing multiple aspects. A number of elements of this strategy are closely related to Conflict Prevention. Actions undertaken in the fight against terrorism and the EU-Africa dialogue can be considered to be coherent strategies. Nevertheless, difficulties of acquiring a comprehensive perspective on Conflict Prevention remain. The convenience of establishing preventive strategies in other fields should also be studied, and should include non-state actors and other international organisations.

In addressing the root causes, development co-operation with its focus on poverty reduction is an integral part of structural conflict prevention. In this context, the six key areas for action identified in the Development Policy Statement adopted in November 2000 by the Council and the European Commission should remain the focus of the Union's activities. The position held by the EU at the recent Monterrey Conference on financing for international development is also highly relevant. The Cotonou agreement is a good model of an integrated approach to trade, aid and a comprehensive political dialogue, which will make an important contribution to conflict prevention in the ACP region. The forthcoming negotiations on the conclusions of Economic Partnership Agreements (EPAs) between the EU and the ACP countries should be considered in the

same perspective. The Commission has notably advanced in the mainstreaming of conflict prevention in the Community Development Co-operation Programmes through the use of conflict indicators and of the Country Strategy Papers.

Conflict prevention requires the combined use of various policies and instruments at the EU's disposal:

- trade policy, in particular, an “open-door” approach such as the EU’s “everything-but-arms” initiative, as well as the positive contribution of the EU to the Kimberly process for trade of rough diamonds;
- environmental policy such as the EU’s stance on global climate change (Kyoto Protocol);
- human rights issues, including efforts to ensure the respect of minority rights in regions of potential conflicts and of post-conflict rehabilitation, and the EU support for the establishment of an International Criminal Court;
- international financial policies;
- non proliferation, disarmament and arms-control instruments, including those related to small arms and light weapons. Relevant Council working groups have studied the relevance of these issues in the framework of the implementation of the EU Programme on the Prevention of Violent Conflicts, as well as ways to advance further. A report addressing these questions is attached in annex.

The EU is committed to developing these instruments and implementing its policies directly and in other international fora.

5. Co-operation and partnerships

The exchange of information and practical co-operation with the UN system, OSCE, Council of Europe and NATO has been intensified. The development of ESDP has contributed very positively to this. A good example would be work undertaken in the Balkan region, particularly in FYROM and Bosnia-Herzegovina. Also, apart from very many individual contacts with representatives of all these institutions, a seminar was organised by the EU in April with representatives of the UN, OSCE, the Council of Europe and NATO, in which development of capabilities in the civilian field of crisis management was discussed.

In the context of the dialogue on conflict prevention and peace-building initiated by the UN Secretary-General, the EU participated in the working level meeting between the UN and regional organisations on 30 April-2 May. Bilateral discussions with the UN covered mechanisms for contact, training, lessons learned and early warning as well as specific regional issues.

As a further contribution to this dialogue and to enhance the co-operation between organizations involved in conflict prevention in Europe, thereby strengthening the

preventive capacities of the international community as a whole, the EU is currently preparing the conference “Partners in Prevention” to be hosted by the Government of Sweden in Helsingborg on 29th-30th of August. The Conference will also reflect on how efforts undertaken in the European context can better contribute to the strengthening of preventive capacities in other regions of the world.

While the involvement of different organisations can pose a challenge for co-ordination and cooperation, each can provide an added value and in co-operating closely they can further effectively the cause of conflict prevention. The EU will therefore continue to strengthen preventive capacities of regional (e.g. OAU/AU), sub-regional (e.g. SADC, ECOWAS and IGAD) and local organisations and actors outside Europe. More efforts could be made in cooperation between the EU and international financial institutions in the field of Conflict Prevention. Relevant information regarding these issues should be taken into account also in the CFSP context.

Co-operation with other actors and with the stakeholders in a conflict situation is needed in order to achieve sustainable processes and a high degree of ownership. The overall EU-Africa dialogue constitutes an important instrument to develop the partnership relations with the African countries in order to enhance Conflict Prevention capabilities in the continent. It also constitutes an example of a comprehensive conflict prevention strategy.

Co-ordination between the Union and its Member States in accordance with article 19 of the Treaty of the European Union, is a matter of importance. Progress has been made in the exchange of information about the work of the United Nations Security Council. Further efforts in this direction are being pursued.

NGOs have an important role to play in conflict prevention. Contacts between the EU and relevant NGOs in conflict prevention, including in the field, are already taking place with a variety of interlocutors (Presidency, Commission and Council General Secretariat). The EU should remain opened to the enhancement of these contacts as necessary, while respecting the autonomy of NGOs.

6. Intercultural dialogue as a means for Conflict Prevention

An exchange of views on the importance of intercultural dialogue as a means for Conflict Prevention took place in the seminar of Seu d’Urgell. It was underlined that prejudices and misconceptions between peoples of different cultural or religious traditions can contribute to the fuelling of conflicts. Exchange of information, as well as education policies, are crucial elements in dispelling the referred to prejudices and misconceptions. The important role of churches, civil society and NGOs in these tasks was underlined. The existence of basic common values, particularly in the field of Human Rights, as an important element for the success of intercultural dialogue was acknowledged.

A great number of initiatives to enhance intercultural dialogue are taking place in many different fora. Within the EU, the Euro-Mediterranean Ministerial Conference of

Valencia, 22-23rd of April 2002, approved an Action Programme for Dialogue between Cultures and Civilisations. Also in the approved Valencia Action Plan the creation of a Foundation for Dialogue between Cultures and Civilisations was decided. In Brussels, on the 20-21st of March 2002, the European Commission organised a Symposium on Intercultural Dialogue.

7. Way ahead

While significant progress has been made, further implementation of the Göteborg Programme and of the recommendations outlined in this progress report must continue. This remains a shared responsibility of the EU and its Member States. In keeping with the decision to mainstream conflict prevention, the Council and its bodies will, in co-operation with the Commission, continue to implement and evaluate preventive measures as outlined in the programme. The PSC will pay particular attention to ensuring the use of the systematic approach established by the Council, thereby also contributing to the regular reviews of potential conflict issues.

Incoming EU Presidencies are invited to carry this work forward. The Greek Presidency is invited to submit a report as it judges appropriate on the implementation of the EU Programme for the Prevention of Violent Conflicts to the European Council in Thessaloniki.

ANNEX

Contribution by CFSP working groups COARM (conventional arms exports), CODUN (global disarmament and arms control) and CONOP (non-proliferation) to the EU Programme for the Prevention of Violent Conflicts

The European Council of Göteborg in June 2001 stated in its conclusions that “conflict prevention is one of the main objectives of the Union’s external relations and should be integrated in all its relevant aspects, including ESDP, development cooperation and trade.” Also, it encouraged future Presidencies, the Commission and the Secretary General/High Representative to promote the implementation of the programme and to make recommendations for its further development.

In the same meeting, the Council endorsed the EU Programme for the Prevention of Violent Conflicts, previously drafted by the Swedish Presidency.

Additionally, the UN Secretary General referred to this issue in its report on the “prevention of armed conflicts”.

The increase of conflict situations after the end of the cold war and of its tragic consequences (Balkans, Middle East, Central Asia, East Timor, Africa, etc.) has encouraged the development of this new aspect of foreign relations.

On the other hand, the terrorist attacks suffered by the USA on the 11th September have highlighted the global destabilising power of the terrorist threat, the fight against which remains the priority and guideline of the Spanish Presidency of the EU Council.

The EU, as a successful example of conflict prevention, based on democratic values and the respect of human rights, has a political and moral responsibility to act to prevent the tragic consequences of violent conflicts. In this sense, the present capabilities of CFSP and the future development of ESDP offer an important tool.

Since the adoption of the EU programme by the European Council in Göteborg the EU has made important progress in the systematic use of disarmament, arms control and non proliferation for preventive purposes.

In the framework of CFSP, non-proliferation, disarmament and arms control instruments can play an important role in the prevention of violent conflicts. this contribution could be made through the following elements:

I Contribution of disarmament, arms control and non proliferation in the fight against terrorism: the terrorist attacks of September 11th have highlighted the new dangers we have to face and underlined the importance of arms control in the areas of conflict prevention and the fight against terrorism even more. The EU has reacted in a determined and effective way to this threat by the adoption of the “targeted initiative” by the GAC on December 10, 2001 and in implementation of this initiative, the “concrete list of measures with regard to the implications of the terrorist threat on the arms control policy of the EU”. Furthermore, the EU has decisively contributed to the adoption of the 56th UNGA resolution on “multilateral cooperation in the area of disarmament and non proliferation and global efforts against terrorism” which stresses the role of multilateralism in the combat against terrorism.

I Multilateral instruments: continued EU efforts to promote strengthening, adherence, and universalisation of treaties and agreements in the disarmament (BWTC, CWC, CCW, etc.) non-proliferation (NPT, CTBT etc.) and arms control (CFE, Vienna Document, Open Skies Treaty etc.) fields will contribute to the prevention of violent conflicts, as such instruments will play a vital role in establishing a confidence and friendly atmosphere between parties, preventing in this way the outburst of violent conflicts.

I Dialogue with third countries: the arms control and non-proliferation dialogue with relevant States in the Troika format has been intensified. it is important to continue this dialogue especially with “critical States” in order to convince them of the benefits for all parties of joining the international multilateral regimes in the field of arms control, disarmament and non proliferation. Likewise, the negotiation of regional arms control regimes in particular in unstable or potentially unstable regions outside Europe should be encouraged. Political dialogue with third countries, the promotion of the universality and full compliance of the above-mentioned multilateral instruments, and the strengthening of the EU partnership with other relevant countries on this issue may play an important role to this purpose.

■ **Export controls:** a sound and coherent EU policy in this aspect can be a major contribution to conflict prevention, impeding the acquisition and development of weapons by States of concern or terrorist groups. Also, the exchange of information that takes place in the framework of export control regimes and arrangements could be very useful to detect possible destabilizing operations in certain regions, as a contribution to the Presidency's early warning conflict prevention programme.

■ **International disarmament cooperation:** both the EU as such and its Member States carry out active cooperation programmes in the field of disarmament, non proliferation and arms control such as demining projects, and for the disposal of SALW and weapons of mass destruction. The preventive nature of these projects renders a significant service to the cause of conflict prevention. The EU cooperation for non proliferation and disarmament with Russia and other CIS States has been intensified with a view to speed up the destruction of chemical weapons, to safeguard nuclear material and installations and to deny potentially dangerous actors the access to the material and the human know-how for the production of weapons of mass destruction. In the context of the terrorist attacks this aspect will gain even more importance in the years to come. Furthermore, this cooperation will have a positive impact on local capacity building and the assumption of local responsibility for conflict prevention and peace.

■ **Control of small arms and light weapons:** the EU has actively contributed to the adoption of the UN action plan on the "conference on the illicit trade in small arms and light weapons in all its aspects" in July 2001. It will continue to work for a broad international consensus on the aims and principles of its "joint action on the fight against the destabilising accumulation and spread of small arms and light weapons". In this aspect the EU projects for the collection and destruction of small arms are an important practical contribution to conflict prevention and conflict management.

1 In accordance with the Danish Report presented to the Council on 8 October 2001 and based on the relevant legal instruments on the special position of Denmark annexed to the treaties, Denmark will not preside in matters involving the elaboration and the implementation of decisions and actions of the Union which have defence implications. In these matters Greece is the Presidency.

2 This excludes the police aspect of an operation, the use of military logistic assets to provide assistance, etc. This expenditure is to be considered as not having military or defence implications.

3 "Deployable HQ" means a HQ which is movable and which can be dismantled to be transported.

4 Excluding "per diem" costs.

5 Council Regulation (EC) n° 381/2001 of 26 February 2001 creating a rapid-reaction mechanism.

'CFSP: The State of the Union'

Paris, 1 July 2002

SPEECH BY JAVIER SOLANA EU HIGH REPRESENTATIVE FOR THE CFSP

Annual Conference of the EU Institute for Security Studies

Mesdames, Messieurs,

C'est pour moi un grand plaisir de me retrouver à l'Institut de Paris, qui est devenu une agence de l'Union européenne.

L'Institut est à la fois un symbole et un instrument de notre ambition de jouer un rôle plus important dans les affaires internationales. Le monde de la diplomatie internationale évolue aujourd'hui à un rythme trépidant.

La technologie moderne fait que la diplomatie qui accompagne les crises et événements internationaux se déroule en « temps réel ». Mais cela signifie parfois que nous n'avons « pas de temps ». Pas de temps pour la réflexion. Pas de temps pour une analyse calme et réfléchie. Pas de temps pour un examen stratégique. C'est pourquoi je me réjouis vivement que, grâce à l'inauguration de l'Institut, nous disposions maintenant d'une agence qui permettra précisément de mener cette réflexion, cette analyse et cet examen.

Je suis certain que, sous la direction de Nicole Gnesotto, l'Institut contribuera à la naissance d'une vision stratégique du monde commune : l'Europe.

I. L'Europe est en marche

L'Europe est en marche. Le marché unique et la monnaie commune ont jeté les bases d'une économie européenne dynamique et performante.

Le Conseil européen de Séville a constitué une étape importante dans l'établissement d'un espace intérieur de sécurité et de justice. L'Union européenne et ses Etats membres se sont donnés les moyens d'affronter les défis d'un monde globalisé et d'un élargissement historique.

Les Européens ont également pris graduellement conscience que cette architecture ne serait pas complète sans les moyens de préserver les acquis de l'intégration européenne et de rehausser le profil de son modèle dans le monde, en devenant un acteur politique crédible sur la scène internationale.

Ceci explique les progrès remarquables accomplis en quelques années dans la mise en place d'une politique étrangère et de défense commune efficace, à même de défendre les intérêts et les valeurs de l'Europe.

Dans tous ces domaines, certes, il reste des progrès importants à accomplir. Il ne faut pas nier les problèmes et les lacunes. Je me refuse pour ma part à y voir des motifs de défaitisme. Je les considère au contraire comme des défis à relever et des occasions à saisir.

Cette capacité à relever les défis, en combinant volonté politique et objectifs concrets, est inscrite dans la nature de la construction européenne. Elle a été validée par l'histoire. C'est le succès même du projet européen qui tend à élever les attentes ou à attiser l'impatience, incitant les pessimistes à exagérer parfois les obstacles à la réalisation de nouvelles avancées.

Au moment de faire des bilans, il faut toujours considérer d'où l'on vient. Combien de sceptiques ont parié sur l'échec de l'entreprise de la monnaie commune ?

Il en va de même pour la Politique étrangère et de Sécurité commune (PESC) et pour la Politique européenne de Sécurité et Défense (PESD). Qui aurait osé prédire les remarquables progrès accomplis depuis Amsterdam ?

La mise en place d'une politique étrangère et d'une politique de défense communes est une affaire de longue haleine. Mais elle fait aussi partie d'un projet spécifique, à savoir l'ambition de promouvoir un modèle d'intégration et de coopération.

Ce n'est pas un signe de faiblesse, c'est un atout considérable dans le monde de l'interdépendance qui est né de la fin de la guerre froide.

L'atout majeur de l'Union est de pouvoir approcher les défis de la stabilité et de la sécurité de manière globale et de traiter les problèmes sur la durée, pas seulement à travers l'usage de la force.

Nous ne cherchons pas à créer une nouvelle alliance militaire. Il est utile de garder à l'esprit le fait que la PESD est un instrument parmi d'autres de la politique étrangère commune, à côté des outils diplomatiques, économiques, commerciaux et humanitaires, qui sont eux aussi l'objet de réexamens périodiques et d'améliorations permanentes.

Cet atout place l'UE en position idéale de mettre en œuvre des stratégies efficaces de prévention des conflits.

Si je me penche sur les progrès accomplis dans le domaine de notre politique étrangère et de sécurité pour en dresser le bilan, je dirais qu'il est incontestable que d'énormes progrès ont été réalisés en très peu de temps.

Notre politique étrangère commune a pris un bon départ. Elle a montré qu'elle a quelque chose à apporter. Elle a offert la perspective d'une Union disposant sur la scène internationale d'une voix politique à la mesure de son poids économique.

C'est une politique pour laquelle il existe, pourrait-on dire, une forte demande, une politique à propos de laquelle il existe dans la population et parmi les décideurs un large consensus pour réclamer « plus d'Europe ».

Un débat institutionnel a maintenant été engagé pour rechercher le meilleur moyen de répondre à cette exigence. Ce débat ne peut faire abstraction du contexte stratégique en pleine évolution dans lequel la politique étrangère et de sécurité doit être menée.

A cet égard, je vois deux facteurs qui contribueront à façonner son développement :
■ premièrement, les défis que comporte l'élargissement et les possibilités qu'il offre,
■ et deuxièmement, le nouveau contexte stratégique issu du 11 septembre.

L'élargissement est synonyme de défis pour notre politique étrangère, mais aussi de chances à saisir. On parle souvent des premiers, moins souvent des dernières.

J'ai parfois l'impression qu'en s'appesantissant sur les détails des difficultés, nous risquons de perdre de vue l'ampleur de l'enjeu.

Nous sommes au seuil d'un élargissement de l'Union qui ouvre la voie à la réunification de l'Europe.

Pour la première fois dans notre histoire, nous entrevoyons la perspective d'une unification et d'une stabilisation de notre continent réalisées non par des conquêtes ou sur la base d'un équilibre des puissances, mais grâce à l'adhésion librement consentie à un ensemble de valeurs qui fondent notre civilisation.

De Lisbonne à Moscou, le spectre de la guerre, qui a hanté des générations d'Européens, a disparu.

II. Le défi de l'élargissement

L'élargissement accroîtra l'hétérogénéité des cultures de sécurité et des priorités politiques au sein de l'Union. En plus, l'augmentation du nombre des Etats membres complexe, presque mathématiquement, le mode de fonctionnement de toutes les politiques communes de l'Union, qu'il s'agisse de la PESC, de la PESD ou de n'importe quel autre secteur d'activité.

C'est précisément pour surmonter ces complications que le Conseil européen en a appelé à une Convention.

Mais l'élargissement ne sera pas qu'un exercice d'introspection.

La donne géopolitique change : avec des frontières un jour communes avec le monde russe, le monde arabo-musulman, voire avec l'Asie centrale, il sera difficile aux Européens de se désintéresser de nombre de questions de sécurité qui touchent très directement à la stabilité des régions voisines de l'Europe élargie.

L'élargissement fait en effet entrer définitivement l'Union dans la sphère obligée d'une responsabilité stratégique, à la mesure de sa nouvelle puissance économique et des intérêts de sécurité de plus en plus larges des Etats membres.

L'élargissement multiplie ensuite les capacités d'influence de l'Union en matière internationale.

Il offre un accroissement de l'expertise régionale, un accroissement des moyens d'action financiers, un accroissement aussi des moyens militaires pour la gestion éventuelle des crises.

Surtout, une Union élargie sera de facto investie de la formidable légitimité issue, aux yeux du monde extérieur, de l'aval des 500 millions de citoyens démocratiques qui formeront l'Union de demain.

Il faut bien évidemment adapter les instruments que nous possédons au défi de la diversité que pose l'élargissement.

Renforcer la cohérence des actions extérieures, définir les intérêts communs et l'ambition légitime de l'Union, réfléchir à ce que devrait être une subsidiarité efficace en matière de PESC, conjuguer les différentiels militaires au service de l'intérêt général de l'Union.

La tâche est immense, cruciale, difficile. Mais c'est, pour l'Union et l'ensemble du continent, une chance formidable que d'avoir à trouver les meilleures solutions pour agir ensemble dans un monde lui aussi en totale évolution.

III. The new strategic context and the fight against terrorism

Just as enlargement draws a line under conflicts that threatened our civilisation in the last century, so, since September 11, have we had to adjust to the prospect of new and uncertain dangers to our civilisation in the present century.

The abrupt emergence of a new form of international terrorism has without doubt thrown the traditional rules and problems of the post-cold war international order into confusion.

We can of course argue about the size of the threat and about whether and how soon it will recur, and we can ponder how best to deal with it. But there can be no doubt about the reality of this new form of threat to western democracies.

What are its characteristics?

Essentially, they are threefold: it is unpredictable, not tied to any particular territory, and it operates at sub-state level.

In other words, basing a system of international security on predicting and anticipating the policies of the adversary, on discussion and negotiation and on military dissuasion – a triple approach, which worked perfectly during the cold war – is henceforth impossible.

We need to invent and construct a new system of security more suited to this new challenge.

The United States certainly have a major responsibility for rebuilding such an international system. But they cannot do it without dialogue and cooperation with all the other players, including Russia and their European partners.

Since 11 September, a major debate has emerged between Americans and Europeans on how best to combine prevention, protection, and indeed repression strategies to deal with the new terrorists on the international scene. Europeans have placed particular emphasis on prevention.

They have experienced the destructive effects of terrorism, both national and international, for decades. They have always been aware of their structural vulnerability to all kinds of threats.

Above all, since the beginning of the European project, they have developed a specific culture of security, based on conflict-prevention, political management of crises and taking account of the economic and social root causes of violent action of all kinds.

Following the 11 September attacks, this practice of “holistic security” immediately gave rise to a series of measures and adjustments to Union policies.

We are working together with the United States to bring perpetrators to justice, to deny them safe havens and to cut off their sources of financing.

We have acted to freeze the assets of suspected terrorist organisations and to outlaw those organisations.

We have agreed on a Europe-wide arrest warrant, reinforced co-operation between our intelligence and law-enforcement agencies and begun preparations for an EU-US extradition and judicial cooperation agreement.

At their meeting in Seville last week, European leaders reaffirmed that the fight against terrorism will continue to be a priority objective and a key plank of our external relations policy.

With this in mind the EU is:

- strengthening its instruments for long-term conflict prevention,
- focusing political dialogue with third countries on the fight against terrorism as well as on non-proliferation and arms control,
- providing assistance to third countries in order to reinforce their capacity to respond effectively to the international threat of terrorism,
- including anti-terrorism clauses in EU agreements with third countries,
- re-evaluating relations with third countries in the light of their attitude towards terrorism and taking appropriate measures accordingly and
- implementing specific measures in the fight against terrorism in accordance with United Nations Security Council Resolution 1373.

Europeans supported the use of force in the fight against terrorism, and still do. But in doing so they made two points, which bear repeating.

The first is that military response alone will not solve the problem of terrorism. Europeans have learnt this lesson.

The second is that even the strongest country in the world needs partners and allies.

IV. Consequences for ESDP

On the specifically military level, 11 September also raised the question of whether the tasks of the ESDP should be adapted to manage this new threat.

On this point, Heads of State and Government agreed in Seville that the development of ESDP must take fuller account of the capabilities that may be required to combat terrorism.

The debate will no doubt continue. But there are two points I would like to make:

■ Firstly, one of the paradoxical effects of terrorism is that it makes it even more urgent and necessary for the Union to have truly effective crisis management capabilities.

“Failed states” and a number of complex regional crises are the natural breeding ground for international criminal and sometimes terrorist activities.

The EU has to be ready to assume increased responsibilities in this respect, also in the face of a foreseeable eventual US “disengagement” from traditional peacekeeping activities.

In other words, terrorism does not make the Petersberg tasks obsolete, as some commentators have a bit hastily concluded. On the contrary, it makes them even more relevant and urgent.

Europeans already contribute almost 80% of troops in military operations in the former Yugoslavia. The burden of these operations will fall ever more heavily on them, and on them alone in the future.

So when the Seville European Council declared the Union’s “willingness” to take over Operation Amber Fox in the Former Republic of Macedonia in the autumn, it was simply acknowledging that fact.

■ Second point: despite their ever-increasing responsibility for crisis stabilisation, Europeans cannot ignore the other facets of international insecurity.

I am talking about the sometimes bitter and polemical debate, which has emerged on the technological and military gap between the two sides of the Atlantic.

On both sides, a serious debate needs to be conducted, on the basis of more realistic and balanced premises.

On the one hand, the United States cannot indulge in military unilateralism while demanding that Europeans spend more on adapting their armed forces.

Conversely, neither can Europeans criticise America’s strategic choices, and on occasion lecture the United States on international governance, while denying themselves the means of influencing the United States, not least certain military means. Changes therefore need to be made on both sides.

As far as the Union is concerned, implementation of its capability objectives, the Headline Goal, represents a vital step in determining the scale and level of military capabilities required shouldering a fair share of the burden.

V. The way ahead

What then can we hope for the CFSP and the ESDP in the future, in the context of enlargement and the new international strategic order? It is certainly not for me to pre-empt the Convention and the Member States by proposing instant solutions.

However, ahead of institutional decisions, which will in any case have to be taken by 2004, I would like to make a few remarks of a more political nature.

Before deciding how to organise a CFSP and an ESDP with more than 20 partners, we first need to know what these partners want or would like to do together on the world stage.

For many years there was a fashionable debate on the options facing the Union: should it aim to be a “civil power” or a “political player”? That has become a false dilemma.

Recent crises, from the end of the Cold War up to the emergence of global terrorism, have shown to what extent the distinctions between internal security and external security, between police and military tasks, between crisis prevention and crisis management have become blurred and artificial.

Combating organised crime and money laundering, preventing terrorism and managing “failed states” are all part of the same mission.

The 21st century will probably not be a civilised century in a globalised world restored to peace.

Europeans must therefore begin by applying themselves collectively to a massive effort to assess the political effects, good and bad, of globalisation and to determine the form of governance best suited to these new challenges.

There are many possible answers to these fundamental questions about what the Union can bring to globalisation, only one of which seems to me to be wrong: the illusion that the Union could comfortably turn its back on the disturbances to come and continue to prosper without getting involved.

Let me make a few more operational points, on matters, which the enlarged Union will find impossible to ignore. I will mention just four:

- 1) In the Union’s external action, the interventionist tendencies of some will have to be reconciled with the more abstentionist tendencies of others.
- 2) The absolutely non-negotiable political principle of absolute equality between all the Member States will also have to be reconciled with the concrete reality of the differences between their respective strategic cultures and military capabilities.
- 3) There will have to be a degree of flexibility in the Union’s security policy to enable the initiatives taken by some to remain compatible with the solidarity of all.
- 4) The most effective level for managing specific crises will have to be determined: sovereign, individual action by States or collective action by the Union itself?

These are all areas ripe for discussion this afternoon. They are issues that will be at the heart of the work of the Convention and the Inter-Governmental Conference that will follow.

The institutional make-up that will eventually emerge will of course depend on how the Member States answer these questions: amalgamation of the various pillars or a separate CFSP, majority or consensus, collectivity or flexibility, coordination or integration of policies, enhanced cooperations, etc.

Whatever solutions prevail, we must never forget that institutions exist to support and strengthen political consensus freely arrived at by Member States. No institutional solution can be a substitute for policy.

Letter from Guy Verhofstadt

Brussels, 18 July 2002

Six months after Laeken, Belgium returned to the question of European defence. The letter from the Belgian prime minister to the French president and British prime minister, the joint architects of St-Malo, stemmed from two concerns. The first was the European public's view that the Union should assume greater responsibility in the field of defence and foreign policy; the second was the loss of momentum since St-Malo. The solutions proposed were ambitious: the creation of an EU military staff, the setting up of a European armaments agency, the introduction of a collective security guarantee among the 15 and an EU operation in Macedonia despite the unresolved problem of 'Berlin-plus'.

LETTER FROM H. E. MR GUY VERHOFSTADT

Prime Minister of the Kingdom of Belgium

to The Rt. Hon. Tony Blair and H.E. Mr Jacques Chirac

Dear Prime Minister,

Allow me to raise some issues that are of great concern to me, namely the current state of the European Security and Defence Policy, as well as recent evolutions of the strategic context.

The tragic events of 11th September came as a shock and affected both the strategic culture of the European Union, as defined in Helsinki, and the European and international security system, which had been set up after the disappearance of the Soviet Union.

Indeed, over the last few months, I have perceived a risk of renationalisation of defence policies. This risk affects both the European Security and Defence Policy and the Atlantic Alliance. The danger consists, in my opinion, in seeing both the European Union and NATO turn into "toolboxes" for supporting ad hoc coalitions. Thus, some conceive NATO to increasingly become a mere cooperation framework for the creation of ad hoc coalitions, according to the perceived threats, the identified enemies or the desired operations. Such a scenario would undoubtedly accentuate imbalances between existing and future allies.

For my part, I continue to believe in an Atlantic Alliance, which is welded together in solidarity. We need more specialisation, more integration and more sharing of our capabilities and resources, leading to a better distribution of tasks.

In this context, the development of the European Security and Defence Policy is not making sufficient progress. There is still no cooperation agreement with NATO. Moreover, the implementation of the European Capabilities Action Plan, which was launched in Laeken last December, will compel us to take some important decisions at the end of this year. Indeed, Europe has to develop capabilities of its own. In doing so, Europe will remain a credible partner within the Atlantic Alliance. Consequently, a cooperation agreement should be concluded between the European Union and NATO as a matter of urgency.

There is, however, no doubt that public opinion in our countries is convinced of the need for a European defence. Indeed, all opinion polls confirm this. Now we must act. The total defence budgets of the Member States of the European Union add up to approximately 150 billion euro. Our citizens will no longer accept a situation in which we spend so much money on our defence effort without making our Union any more credible or more operational in this area.

Under these circumstances, we must re-launch the idea of a European defence and rekindle the Saint-Malo spirit. Bearing this in mind, I wish to submit the following specific proposals for your consideration.

The European Security and Defence Policy should now move to the implementation stage and is therefore in need of an operation. I am consequently in favour of the European Union taking over Operation Amber Fox this autumn. I do recognise the importance of a cooperation agreement between the Union and NATO. Nevertheless, the absence of such an agreement should not prevent the European Union from taking over a peacekeeping operation in the Former Yugoslav Republic of Macedonia. In fact, we cannot accept that an essential policy of the Union continues to be blocked by problems, which do not really concern the Union.

Moreover, the European Security and Defence Policy needs some longer-term projects. Why not consider the establishment of a European Headquarter, to which both men and budgetary resources could be allocated? We would thus have an additional tool at our disposal in order to support a military intervention by the European Union. And why not put all the multinational forces, which currently exist within the European Union, under this integrated command?

Furthermore, the European Security and Defence Policy needs a real joint effort as far as armament is concerned. The implementation of the European Capabilities Action Plan should be reinforced by the creation of a European Agency, which would give new vigour to this issue. The Commission should likewise be encouraged to make a contribution by resuming its initiative with regard to the armaments industry, in research and development, and in creating a common economic area for defence matters. New collective financing mechanisms should be explored.

Beyond the implementation of the Headline Goal established in Helsinki, we can no longer avoid a discussion among the fifteen Member States on the re-structuring and convergence of Europe's armies, with a view to better achieve together what we are less and less capable of doing separately.

Finally, I consider it of utmost importance to develop the solidarity between the Member States of the European Union. This could be done by means of a mutual security guarantee in the event of an attack calling for a collective response, such as a large-scale terrorist attack. In this way, the Petersberg tasks could develop into an instrument, which is adapted to the new threats. Such a mutual and collective security guarantee could be included in the future constitutional treaty of the European Union. Member states which would not be able to subscribe to it at present, should have a possibility of "opting in" at a later stage.

These are some ideas that may give new impetus to the European defence initiative, which you and the French President launched five years ago. I am looking forward to discussing these issues with you later this year.

I am sending the same letter to the President of the French Republic. Furthermore, I am copying it to all members of the European Council.

Schwerin Statement

30 July 2002

FRANCO-GERMAN DEFENCE AND SECURITY SUMMIT

— I —

La France et l'Allemagne entendent donner un nouvel élan au développement de la politique européenne de sécurité et de défense (PESD). Celle-ci constitue un axe essentiel de la construction européenne, indispensable à la capacité d'action internationale de l'Union européenne. L'Union européenne doit rapidement poursuivre le renforcement de ses moyens en matière de politique de sécurité et de défense. Elle doit engager ces moyens là où la situation l'exige et conformément à ses valeurs et à ses intérêts.

La France et l'Allemagne se félicitent donc qu'à partir de 2003 la mission de police de l'Union européenne (MPUE) prenne la relève de la mission de police des Nations unies en Bosnie-Herzégovine, et que l'Union européenne ait exprimé sa volonté d'assurer la relève de l'OTAN dans l'ancienne république yougoslave de Macédoine. Il s'agit à présent de mettre en œuvre cette décision, en pleine coopération avec l'OTAN et conformément aux conclusions du Conseil européen de Séville.

Elles font part de leur disponibilité à engager rapidement la brigade franco-allemande en tant que telle dans une opération de maintien de la paix. Les planifications à cet effet ont été élaborées.

Elles continueront de soutenir le rôle majeur que joue l'Union européenne dans la stabilisation, la démocratisation et le développement des Etats balkaniques.

Elles se félicitent de la perspective que le Corps européen puisse, en tant qu'état-major de corps de réaction rapide (HRF (L) HQ) intervenir dans des opérations de l'Union européenne comme de l'OTAN.

— II —

L'Union européenne est en bonne voie pour atteindre les objectifs civils et militaires d'ici à 2003. La poursuite du renforcement des moyens d'action civils et militaires européens reste indispensable à la crédibilité de la PESD.

Nos deux pays s'engagent à conduire les efforts nécessaires dans ce sens, en veillant à une utilisation efficace des ressources.

La France et l'Allemagne sont donc favorables au renforcement de la coopération entre les Quinze, et en particulier à une harmonisation de la planification des besoins militaires, et à une mise en commun, autant que possible, des capacités et des ressources.

La France et l'Allemagne :

- réitérent, dans le domaine du transport aérien stratégique, leur engagement en faveur de l'A-400 M et souhaitent créer les bases d'une transformation rapide de la Cellule européenne de coordination du transport aérien existante en un commandement européen du transport aérien, qui aurait vocation à rassembler les ressources et les capacités de l'ensemble des pays de l'Union européenne ;
- se félicitent également de la signature de l'accord sur la réalisation de la fédération du système optique d'observation Hélios II et du système radar d'observation SAR-Lupe, et souhaitent la réalisation d'une fédération des systèmes d'observation spatiaux, afin de contribuer à la création d'une capacité de reconnaissance satellitaire de l'Union européenne indépendante ;
- échangeront, en matière d'organisation du commandement de leurs états-majors opératifs puis stratégiques, un nombre croissant d'officiers progressivement insérés dans ces états-majors. Par ailleurs, la France et l'Allemagne se concerteront par la suite avec leurs partenaires européens sur les réflexions relatives à la multinationalisation de ces états-majors.

Nos deux pays identifieront dans le cadre du Plan d'Action Européen sur les Capacités les domaines pour lesquels ils proposeront des solutions concrètes pour développer les capacités militaires. Leur objectif est que des solutions communes soient élaborées au sein de l'Union européenne. Elles constitueront la contribution européenne aux efforts entrepris dans le cadre de l'OTAN.

Des solutions communes européennes contribueront à renforcer la base industrielle et technologique de défense autonome et performante dont l'Europe a besoin.

Une réflexion conjointe sera lancée sur les perspectives de la coopération en matière d'armement au sein de l'Union européenne.

S'agissant plus particulièrement des cadres de coopération existants (OCCAR, LoI), la France et l'Allemagne établiront en commun des propositions pour l'articulation et l'évolution future de ces forums.

— III —

La PESD doit pouvoir s'adapter au contexte stratégique. Le terrorisme international est devenu un défi majeur pour notre sécurité. Nous continuerons de lutter contre cette menace avec la plus grande détermination.

Nous sommes convaincus qu'il faut aussi agir à plus long terme pour prévenir la menace du terrorisme en le privant d'un terreau économique, politique et socio-culturel favorable.

La spécificité de l'Union européenne est de pouvoir utiliser un large éventail d'instruments pour faire face au défi terroriste sous toutes ses formes. La PESD fait partie de ces instruments. La France et l'Allemagne s'engageront donc en faveur d'une mise en œuvre résolue de la mission confiée par le Conseil européen de Séville en vue de déterminer la

contribution que peut apporter la PESD à la prévention et à la lutte contre le terrorisme et d'en tenir compte pour le développement de ses capacités civiles et militaires. Elles présenteront des propositions communes à cet effet, notamment en matière de protection des forces déployées.

L'Union européenne doit disposer d'une analyse commune des risques qui pèsent sur ses Etats membres. Dans cette perspective, la France et l'Allemagne élaboreront en commun une analyse de la menace constituée par la prolifération des armes de destruction massive et de leurs vecteurs. Cette démarche s'inscrit dans le cadre de la mise en œuvre du « concept commun en matière de sécurité et de défense » agréé par les deux pays à Nuremberg en décembre 1996.

— IV —

La France et l'Allemagne, qui ont toujours constitué un moteur de la construction européenne, souhaitent donner un nouvel élan à la dimension de défense et de sécurité de l'Union. Elles ont donc chargé la Commission franco-allemande de défense et de sécurité de mettre au point, avant le quarantième anniversaire du traité de l'Elysée, des propositions sur l'évolution ultérieure de la PESD en vue de contribuer aux travaux de la Convention sur l'avenir de l'Union européenne. Dans ce contexte, elles examineront également la possibilité d'une coopération renforcée adaptée au domaine de la PESD et de nouvelles possibilités dans le domaine des processus décisionnels.

European Parliament Report

Strasbourg, 26 September 2002

ADOPTION OF THE REPORT ON 'THE PROGRESS ACHIEVED IN THE IMPLEMENTATION OF THE CFSP'

The European Parliament,

- having regard to the annual report from the Council to the European Parliament on the main aspects and basic choices of the CSFP, including the financial implications for the general budget of the European Communities (point 40 section H of the interinstitutional agreement of 6 May 1999)
- having regard to Article 21 of the EU Treaty and Rule 103(3) of its Rules of Procedure,
- having regard to its resolution of 25 October 2001 on the progress achieved in the implementation of the common foreign and security policy (CFSP),
- having regard to its resolutions of 10 April 2002 on the European defence industries and on the present state of the European Security and Defence Policy (ESDP) and EU-NATO relations,
- having regard to its resolution of 15 May 2002 on the communication from the Commission to the Council reinforcing the transatlantic relationship, focusing on strategy and delivering results,
- having regard to the Commission communication entitled 'A project for the European Union',
- having regard to Rule 163 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy,

A. recognising the EU's clear and unanimous response to the terrorist attacks of 11 September 2001, and noting that, by joining in the coalition against terror and its commitment in Afghanistan, the EU has strengthened its partnership with the United States,

and has demonstrated that it is also prepared to assume global responsibilities in a multilateral framework,

B. whereas, with the increased and conscious deployment of its traditional instruments, such as aid, trade and diplomacy, the EU stands for a comprehensive notion of security and is increasingly making conflict prevention the guiding principle of its foreign policy actions and is thereby tackling not only the symptoms, but also the root causes of terrorism;

C. whereas the perspective of accession to the European Union has led to a continued stability in the region and has proved to be effective for conflict prevention,

D. whereas, while 13 EU Member States are militarily represented in the International Security Assistance Force (ISAF) in Afghanistan, neither NATO nor the EU through its European Security and Defence Policy (ESDP) plays a role as a multilateral institution in the planning and management of this force,

E. whereas the events of September 11 2001 have however, speeded up further development of the CFSP and the ESDP, as shown by the statements of the Heads of State and governments in Laeken and Seville on the operational readiness of the ESDP and its ability to carry out certain crisis management operations, the increased diplomatic profile of the Troika and the High Representative and the further consolidation of the Commission instruments for a policy of conflict prevention,

F. convinced that the terrorist attacks of September 11 have altered the basic European foreign and security policy context, and that five major strategic tasks for the EU have appeared more clearly than ever since the end of the East-West conflict:

- the strategic importance of the transatlantic relationship, especially in view of diverging views on the importance of international cooperation and of different approaches to security,
- the need to clarify relations between NATO and the ESDP as a precondition for the genuine operational readiness of an EU military crisis management,
- strategic relations to Russia, particularly in the light of an EU undergoing enlargement and an expanding NATO, and within the triangular relationship USA-EU-Russia,
- the importance of multilateral cooperation in the framework of the UN,
- helping to combat social, economic and political situations which may lead peoples to frustration and despair and encourage them to adopt extremist positions,

G. taking the view that the new threats which consist of a mixture of terrorism, weapons of mass destruction, religious fanaticism and states with crumbling systems of order,

cannot be countered by the USA alone or by ad hoc international coalitions, and it is therefore important for the EU to establish itself permanently in the strategic quartet comprising the USA, EU, Russia and the UN, open to cooperation with all other partners,

H. whereas only a foreign policy based on the consolidation of rights and freedoms and on the affirmation of the principles of democracy and the rule of law throughout the world, and in particular in all third countries with which the EU maintains special relations via cooperation and association agreements, will enable the Union to overcome threats to peace, stability and freedom,

I. convinced that an important precondition for this is that European foreign and security policy should become Community-based,

J. whereas since the Nice European Council, and with a view to the next Intergovernmental conference scheduled for 2004, the three institutions - the Council, the Commission and Parliament - have pursued their efforts pragmatically to further develop their respective foreign and security policy instruments, but that a substantial expansion of intergovernmental bodies in the EU's foreign and security policy management has taken place, particularly through the extension of new security and defence policy structures in the Council Secretariat,

Tendencies of the CFSP in the period 2001-2002 and future initiatives

1. Notes that the western Balkans remains the test case by which the EU's ability to contribute to successful crisis management will be judged and that, through its Stabilisation and Association process, economic aid from the CARDS programme and decisive political mediation, the EU has helped the robust NATO military presence (SFOR/KFOR/Amber Fox), in stabilising an unstable region on the brink of collapse, reintegrating it in the European development process, while recognising the many serious problems that remain, including widespread levels of organised crime;

2. Believes, however, that the presence of state-like entities could undermine the future stability of the region; urges the Council and the Commission, in this regard, to start an in-depth reflection with a view to defining a strategy for the future of Kosovo, revitalising regional cooperation and integrating it fully and effectively in EU policies;

3. Notes that the unstinting political and diplomatic mediation efforts of the High Representative and the EU Special Representative in the Middle East conflict and the EU's substantial economic and financial commitment in this region have been unable to halt the spiral of violence and terror and believes that the EU only has a chance of

influencing the peace process within the quartet with the USA, Russia and the United Nations, as well as with other countries concerned;

4. Believes, therefore, that the international community should swiftly set up the relevant working parties and then convoke an international peace conference based on the principle of the peaceful coexistence of two states - Israel and Palestine - with recognised and secure borders, in which the EU, alongside the USA and Russia, must invest its full political, economic and possibly also security policy capabilities;

5. Welcomes, in this regard, the EU's latest roadmap for peace in the region but believes that without strong political and diplomatic pressure on both parties linked to a clearer timetable, such an initiative runs the risk of once more being ineffective;

6. Regrets the decision of the Israeli government to prevent the elected members of the Palestinian Legislative Council from the Gaza Strip taking part in the most recent Palestinian parliamentary session in Ramallah; urges the Israeli authorities to stop all actions aimed at weakening and undermining the legitimate Palestinian institutions;

7. Takes note of the resignation of the cabinet of the Palestinian Authority; considers it a sign of the need for a fundamental reform of Palestinian institutions which must lead to a higher degree of accountability, combating corruption and introducing transparency;

8. Notes that, with its commitment in Afghanistan as the largest source of international funds for reconstruction and as the organiser and moving force behind the Petersberg Conference in Bonn in December 2001 for the creation of a transitional government in Afghanistan, the EU has interpreted its role of international crisis management as a global one which is not limited to the area immediately beyond its borders; is worried, however, by the current lack of visibility of such action;

9. Deplores the fact that the EU Foreign Affairs Ministers were not able to agree a common EU position towards Iraq at the informal Council meeting of Helsingør; welcomes the Iraqi statement to allow the unconditional return of the United Nations weapons inspectors to Iraq; urges Iraq to comply with all the relevant SC Resolutions and awaits the opinion of the UN Security Council on the results of this inspection; urges Member States to refrain from unilateral initiatives which aggravate the present tense situation; recalls the constant suffering of the Iraqi people due to the present regime;

10. Welcomes therefore the efforts undertaken by the EU within the framework of the international community to defuse the conflict between Pakistan and India over Kashmir, and calls on the two countries to do everything to reduce tension and to make the first steps towards resuming a constructive dialogue;

11. Expresses its deepest concern at the growing arms build-up across the Taiwan Straits and urges the Council to take a strong initiative aimed at defusing tension, facilitating the resumption of dialogue and strengthening political ties with the democratic governments in the region;
12. Criticises, however, the fact that, despite the visible presence of the troika in the flash-points referred to above and improved crisis management, the EU's foreign and security policy is still determined by the co-existence of two centres of gravity: the High Representative, as spokesman of the common will of the Member States, and the Commission whose role so far has been narrowly confined to mobilising common resources and instruments;
13. Regrets that the decision-making authorities of the EU for CFSP remained silent with regard to the major international issues which took place in July and August 2002, therefore leaving it to individual Member States to take their own position, and consequently the USA alone to express itself on the international scene;
14. Reiterates its view that in order to avoid the inefficiency caused by this situation, the tasks of the High Representative and the Commissioner for External Relations must be merged and that this new office to be set up in the Commission must be given a pivotal role in daily crisis management and must be answerable both to the Council and the European Parliament;
15. Reiterates that effective external action by the Union requires steps to be taken towards shaping a common, though not single, European diplomacy, boosting the political role of the network of Commission delegations, strengthening the mechanisms for cooperation between the Commission's External Service and the Member States' diplomatic corps by, inter alia, bringing training programmes into line with each other and establishing common training modules on CFSC-related topics, in order to develop a European strategic culture and a common administrative mentality;
16. Takes the view that the creation of a Council of Foreign Ministers, as part of the ongoing reform of the Council, which would be responsible only for matters of foreign and security policy and which could also include Ministers for defence, external trade and development cooperation, could shape the EU's conflict prevention policy and crisis management much more coherently and effectively; repeats, however, its demand that a separate Council of Ministers for Defence should be created for ESDP matters;
17. Takes the EU's poor crisis management in the case of the presidential elections in Zimbabwe in March 2002 as a basis for its proposal to allow decision-making in the

Council by qualified majority; considers that in matters of security and defence policy, the rule of enhanced cooperation should be introduced so as to allow a coalition to be built between those Member States who are desirous to and capable of carrying out certain Petersberg operations;

18. Demands also that the obligation of the Presidency of the Council to notify and consult the European Parliament under Article 21 TEU be supplemented by making the future High Representative/Commissioner for external relations answerable in writing, and that this accountability must also cover matters of security and defence policy; considers that the Council's annual report so far on the financial implications of decisions taken within the framework of CFSP does not go far enough in this direction;

19. Calls for the European Union to be represented by the Commission in international bodies in the field of economic and monetary policy as well;

Progress in European Security and Defence policy

20. Welcomes, following the Laeken Declaration of December 2001 on the limited operational readiness of the ESDP and a first virtual military exercise in May 2002 (CME 02), that the time is now coming when the ESDP will have an opportunity to become involved in real operations, as evidenced by the police operation in Bosnia-Herzegovina which has already been decided on and the intended takeover of the NATO operation 'Amber Fox' in FYROM as an EU-led operation; believes that such operations should be submitted to a close parliamentary scrutiny;

21. Considers that a solution to the hitherto blocked agreement between the EU and NATO on access to the latter's planning facilities and military capabilities must be found as a matter of priority, and calls on the Council to issue a clear negotiating mandate for direct talks between the High Representative for the CFSP and the NATO Secretary-General; welcomes in this respect the declaration by the Seville European Council; reiterates its standpoint that such an agreement may under no circumstances hamper the EU's decision-making autonomy and would consider it unacceptable if extraneous demands would be linked to this issue, therefore invites Turkey to take a more constructive approach to the question;

22. Supports the enlargement of NATO and welcomes the increased involvement of Russia, but warns against a marginalisation of the European countries on account of inadequate military capability both inside and outside NATO;

23. Advocates a greater division of labour between the Member States regarding procurement so as to fill existing gaps in the military capabilities of the 'Rapid Reaction Force' as swiftly as possible, and reiterates its demand for a European armaments agency and joint research efforts beyond the confines of the EU budget; notes with alarm the sell-out of European arms manufacturers and the resulting problems of technological backwardness and growing dependency on the USA; invites the Member States to make even more efforts in their rationalisation process, in order to increase effectiveness and improve the cost/benefit ratio in the sector;

24. Notes that the US defence budget will soon be greater than the defence budgets of the next 15 largest states combined, and considers that if the EU wishes to be credible in its Common Foreign and Security Policy a further effort in the defence budget of certain Member States will be needed;

25. Takes the view that the EU and its Member States should not limit themselves to peacekeeping missions alone but, in view of new threats, should also be in a position to carry out peace enforcement operations in accordance with the UN Charter;

26. Welcomes the agreement of 17 May 2002 on the funding of military operations which distinguishes between joint costs (costs for headquarters - transport, shelter and communications facilities - and costs for the backup for the armed forces - infrastructure and medical care) and individual costs to be borne by each Member State (troops, arms and equipment); recommends, however, that the transport of troops to the deployment area and accommodation there should be treated not on a case by case basis, but as joint costs as a matter of principle;

27. Advocates that, following an amendment to Article 28 TEU, the joint costs for military operations within the framework of ESDP should be funded from the Community budget (this already occurs in the civil sphere in the case of police operations) and not from a subsidiary budget of the Member States, as provided for at present; takes the view that a special budget for military costs would not only leave aside the important aspect of civil and military cooperation and further broaden the gulf between the first and second pillars, it would also be contrary to the principle of parliamentary accountability and democratic controls, since a subsidiary budget of this kind could be neither controlled by the national parliaments of the Member States nor by the European Parliament;

28. Calls for the mutual-assistance obligations laid down in the Western European Union treaty to be incorporated into the future European constitution;

Strategic partnerships

29. Takes the view that the changed political landscape after September 11 2001 has highlighted as never before the importance of a strategic partnership between Europe and the United States in maintaining and fostering common values and interests; deplores therefore the apparent alienation between the strategic partners; and appeals to them to solve the differences of opinion through constructive dialogue;

30. Welcomes the entry into force of the Rome Statute establishing the International Criminal Court; repeats its call on the United States to review its position concerning the Court and to give up its policy of obstructing multilateral cooperation in the framework of the UN on the grounds of the American Servicemen Protection Act; takes note of the UN Security Council compromise asking the tribunal to allow a 12-month grace period before investigating or prosecuting UN peacekeepers from countries that do not support the Court 'if a case arises' and 'unless the Security Council decides otherwise'; hopes, however, that the compromise remains limited to the one-year period; insists that the US has to come back to a multilateral decision-making process in accordance with its role as major global player;

31. Underscores its recommendations of 15 May 2002 on reinforcing the transatlantic relationship and stresses that closer institutional relations between NATO and the European Union are necessary in order to be able to react more consistently to new global challenges, for example by combating international terrorism;

32. Sees in Russia an increasingly important strategic partner, not least because of its role within the international coalition against terror, and perceives possibilities, particularly in the field of international crisis management and cooperation in security matters, for increasingly close cooperation, as already occurs with NATO; is convinced that this partnership will only be really successful when promotion of democracy and human rights in the former Soviet Union is an integral part of it; this would include a political solution to the conflict on Chechnya based on the respect of human rights, for which the EU should offer its services as mediator so as to facilitate the resumption of dialogue between all the parties including the representatives of the Maskhadov government;

33. Takes the view that the EU should join the USA, Russia, the Black Sea and Caucasian states and should devote itself more to conflict prevention in this increasingly fragile region which is marked by conflicts of interest about gas and oil pipelines and is also increasingly developing into a dangerous transit area for drug smuggling, illegal immigration and trafficking in women; with the Transdniestr region of Moldova being the saddest example;

34. Considers, in this respect, the South Caucasus a potential crisis area and calls on the Commission to play a more visible and effective role in the region with regard to institution-building, the support and consolidation of democratic institutions and the solution of the existing conflicts (Abkhazia, South Ossetia, Nagorny-Karabakh);

35. Expresses its deep concern at the deterioration of relations between Russia and Georgia; urges, in this respect, President Putin to refrain from unilateral actions which further jeopardise the already tense situation; calls on the Russian authorities to cooperate with their counterparts in

Tbilisi and accept the invitation of the Georgian government for an international OSCE mission including representatives of the Russian Federation to visit the Pankisi Gorge and the Georgian-Russian state border;

36. Reiterates its proposal, made in the abovementioned resolution of 25 October 2001, that those neighbours of the EU which will not receive the status of candidate country in the foreseeable future should develop a new form of cooperation based on partnership within a multilateral framework, without excluding forms of direct association;

37. Emphasises the definitive strategic importance of the Euro-Mediterranean area and the need to strengthen as much as possible all dimensions of the Euro-Mediterranean dialogue, political dialogue, including the security dimension, economic and trade cooperation and the social and cultural dimension, and reiterates the proposal it has made for 'Barcelona V', namely that crisis prevention and ESDP should be integrated in the Barcelona Process with a view to achieving mutual security; recalls the need to boost regional integration and South-South trade, and calls for the revitalisation of the Arab Maghreb Union; welcomes the creation of a Foundation for Dialogue between Cultures and the opening of a strengthened EIB credit line as fundamental steps towards increasing institutionalization of the Euro-Mediterranean process;

38. Expresses its deepest concern at the lack of improvements as to human rights and democracy in some of the Euro-Mediterranean partner countries; believes that all signatories of the Barcelona declaration must be committed to undertaking concrete measures in order to develop and implement all the aspects of the partnership; urges, in this regard, all parties to define clear mechanisms concerning the implementation of Article 2 of the association agreements; calls on the Commission, the Council and partner countries to keep these issues high on the agenda during the Association Council meetings, with a view to bringing about a real step forward;

39. Welcomes the proposal contained in the Valencia Action Plan for the creation of a Euro-Mediterranean Parliamentary Assembly, a proposal which was taken up at the recent meeting of the Euro-Mediterranean Parliamentary Forum in Bari, and calls for an

urgent start to the work of the group of senior officials for the setting up of this new assembly, which is to address, as a matter of priority, democratisation and human rights issues and immigration and to tackle the still unresolved question of the Western Sahara; considers it necessary to continue the recent contacts the European Parliament has maintained with the Libyan authorities;

40. Insists that, in furtherance of the goals of the New Partnership for Africa's Development (NEPAD), African states should demonstrate their commitment to good governance and human rights by supporting the EU and the wider international community in bringing about change for the better in Zimbabwe;

41. Calls once again for specific substance to be given to the EU/Latin America Bi-Regional Strategic Association which it was decided to establish at the first and second summit meetings between the two regions, held in Rio de Janeiro in June 1999 and in Madrid in May 2002 respectively, by adopting a common EU strategy for the region as soon as possible; calls for the conclusion, likewise as soon as possible, of a comprehensive interregional association agreement which covers, in geographical and political terms, the association agreements already signed with Mexico and Chile and the other planned agreements with Mercosur, Central America and the Andean Community; calls, with regard to the ESDP, for the negotiation and signing of a Euro-Latin American Charter for Peace;

42. Considers it also to be essential, at bilateral level, to continue the support it was decided to give to the peace process and the process of social change in Colombia, and to the democracy movement in Cuba, and to favourable political, economic and social developments in countries such as Argentina, Peru, Venezuela and Guatemala;

43. Takes the view that, within the framework of a strategic partnership between the EU and Asia, it is particularly important to hold a dialogue on new threats since September 11 2001, focusing particularly on the issues of terrorism, illegal immigration and trafficking in drugs and human beings;

44. Calls on the Commission and the Council to be bolder when drawing up a strategic policy with regard to the countries of Asia, based on the introduction of a system providing for positive discrimination in favour of democratic countries or those that are clearly moving along the road to democracy;

45. Stresses that the EU must become involved, particularly in South-East Asian countries, such as Malaysia and Indonesia, exerting its influence to ensure that these countries become advocates of a moderate Islamic world, and not a breeding ground for Islamic radicalism;

Conflict prevention and crisis management

46. Considers that it is the priority task of the Common Foreign and Security Policy to help prevent the outbreak, spread or resurgence of violent conflicts;
47. Points out that further progress should be made to implement the Göteborg Programme for the Prevention of Violent Conflict of June 2001, in the sense that conflict prevention should be mainstreamed in all EU external policies and criteria for action should be developed; takes the view that such action should include cooperation with other actors, in particular the OSCE, and also with the NGOs working on the ground;
48. Acknowledges in this sense the successful preventive diplomacy conducted in the case of relations between Serbia and Montenegro, the economic and political engagement in Afghanistan and continuing attempts to ensure that the Middle East conflict does not descend into anarchy caused by terror;
49. Underscores the importance of human rights, democracy, good governance, the rule of law and an increase in free trade in the prevention and settlement of conflicts and also the various Community programmes to support police training and infrastructures in countries such as Guatemala, El Salvador, South Africa, Algeria and FYROM;
50. Views the political agreement of 17 June 2002 on issuing a negotiating mandate for a trade and cooperation agreement with Iran as an important signal for the forces of reform in that country; reiterates that a future trade and cooperation agreement with Iran will need to contain a substantive human rights clause as an essential element and attaches great importance to the separate negotiations on a political dialogue on, inter alia, human rights issues, foreign and security policy, weapons of mass destruction and the proliferation of nuclear weapons and cooperation in combating terrorism and to the inclusion of such agreements in the overall agreement to be concluded; calls on the Council and the Commission to carefully monitor compliance with these agreements and to report to Parliament regularly on its findings;
51. Reiterates that every effort should be made to counter the proliferation of arms in the world and that, to be efficient, the EU Member States should rigorously control their arms exports, adhering fully to the adopted EU Code of Conduct on Arms Exports;
52. Instructs its President to forward this resolution to the Council and Commission and the national parliaments.

General Affairs and External Relations Council

Brussels, 30 September 2002

On the question of the International Criminal Court, the Union confirmed its commitment to the Rome Statute and its Common Position adopted in June 2001. While regretting American proposals for bilateral arrangements aimed at sabotaging the ICC, the Union nevertheless agreed a set of principles as guidelines for member states. The Rome Statute of the Court was signed by 139 states and has been ratified by 83 of them. It entered into force on 1 July 2002.

(...)

INTERNATIONAL CRIMINAL COURT (ICC)

Council Conclusions

The Council confirms that the European Union is firmly committed by the EU Common Position to support the early establishment and effective functioning of the International Criminal Court and to preserve the full integrity of the Rome Statute. The European Union reaffirms its determination to encourage the widest possible international support for the ICC through ratification or accession to the Rome Statute and its commitment to support the ICC as a valuable instrument of the world community to combat impunity for the most serious international crimes.

The International Criminal Court will be an effective tool of the international community to buttress the rule of law and combat impunity for the gravest crimes. The Rome Statute provides all necessary safeguards against the use of the Court for politically motivated purposes. It should be recalled that the jurisdiction of the Court is complementary to national criminal jurisdictions and is limited to the most serious crimes of concern to the international community as a whole.

The European Union will endeavour to secure that the Court will meet the highest standards of competence, fairness, due process and international justice. The European Union will do its utmost to ensure that highly qualified candidates will be elected as judges and prosecutors.

The Council has taken note of the proposal by the United States for new bilateral agreements with ICC States Parties regarding the conditions for surrender to the Court.

The Council notes that a number of bilateral and multilateral treaties between individual Member States and the United States already exist, as well as treaties with third states, which are of relevance in this context and on which an inventory has been

established. The Council notes that Member States are ready to engage with the United States in a review of these arrangements which may fall into the category of agreements defined in Article 98, paragraph 2 of the Rome Statute.

The Council has developed the attached set of principles to serve as guidelines for Member States when considering the necessity and scope of possible agreements or arrangements in responding to the United States' proposal.

The Council recalls that the European Union and the United States fully share the objective of individual accountability for the most serious crimes of concern to the international community. The ad hoc tribunals for the former Yugoslavia and Rwanda were created as a result of our common efforts.

The Council expresses the hope that the United States will continue to work together with its allies and partners in developing effective and impartial international criminal justice. To this end, the Council proposes to develop a broader dialogue between the European Union and the United States on all matters relating to the ICC, including future relations between the United States and the Court. In particular this dialogue should address the following issues:

- The desirability of the United States re-engaging in the ICC process - the United States is entitled to be an observer to the Assembly of States Parties;
- The development of a relationship entailing practical cooperation between the United States and the Court in specific cases;
- The application of presidential waivers of the ASPA legislation to the main provisions of this legislation, in particular vis-à-vis Member States and their associated countries.

The Council notes that Member States will keep the Council informed about any new developments.

The Presidency will convey these conclusions to the United States, noting that they represent the EU position in response to the United States' concerns.

The Council will remain committed to the ICC and will keep developments under review.

ANNEX

EU Guiding Principles concerning Arrangements between a State Party to the Rome Statute of the International Criminal Court and the United States Regarding the Conditions to Surrender of Persons to the Court

The guiding principles listed below will preserve the integrity of the Rome Statute of the International Criminal Court and – in accordance with the Council Common Position on the International Criminal Court – ensure respect for the obligations of States Parties under the Statute, including the obligation of States Parties under Part 9 of the Rome

Statute to cooperate fully with the International Criminal Court in its investigation and prosecution of crimes falling within the jurisdiction of the Court.

The guiding principles are as follows:

- Existing agreements: existing international agreements, in particular between an ICC State Party and the United States, should be taken into account, such as Status of Forces Agreements and agreements on legal cooperation on criminal matters, including extradition;
- The US proposed agreements: entering into US agreements – as presently drafted – would be inconsistent with ICC States Parties' obligations with regard to the ICC Statute and may be inconsistent with other international agreements to which ICC States Parties are Parties;
- No impunity: any solution should include appropriate operative provisions ensuring that persons who have committed crimes falling within the jurisdiction of the Court do not enjoy impunity. Such provisions should ensure appropriate investigation and – where there is sufficient evidence – prosecution by national jurisdictions concerning persons requested by the ICC;
- Nationality of persons not to be surrendered: any solution should only cover persons who are not nationals of an ICC State Party;
- Scope of persons:
 - l Any solution should take into account that some persons enjoy State or diplomatic immunity under international law, cf. Article 98, paragraph 1 of the Rome Statute.
 - l Any solution should cover only persons present on the territory of a requested State because they have been sent by a sending State, cf. Article 98, paragraph 2 of the Rome Statute.
 - l Surrender as referred to in Article 98 of the Rome Statute cannot be deemed to include transit as referred to in Article 89, paragraph 3 of the Rome Statute.
- Sunset clause: the arrangement could contain a termination or revision clause limiting the period in which the arrangement is in force.
- Ratification: the approval of any new agreement or of an amendment of any existing agreement would have to be given in accordance with the constitutional procedures of each individual state.

(...)

Informal meeting of EU defence ministers

Rethymnon (Greece), 4-5 October 2002

Even though most documents issued by military authorities and reports of meetings of defence ministers are classified, the points raised here by Javier Solana give a good indication of the progress made and shortfalls in the Helsinki process. Since April 2002, several groups of experts within the European Capabilities Action Plan (ECAP) have studied the Union's military deficiencies. These gaps, which are glaring in the areas of force projection, precision weapons and intelligence, will only be overcome gradually. The experts are to complete their work by March 2003.

SUMMARY OF THE INTERVENTION OF JAVIER SOLANA, EU HIGH REPRESENTATIVE FOR THE CFSP

ECAP and the improvement of European military capabilities

- The European Capabilities Action Plan (ECAP) has made a promising start. The high rate of participation of Member States has allowed panels of experts to cover the vast majority of the most "significant" shortfalls.
- The ECAP is now entering a new and more challenging phase, which will have to focus on the remedies for the shortfalls. The time has come for national and collective actions with relevant financial implications to be taken. Member States will therefore have to demonstrate their commitment to deliver the capabilities necessary for the fulfilment of the objectives defined in Helsinki. This is an ongoing process, which will go beyond 2003, including the adaptation of these objectives, in the light of the changing strategic and technological contexts and of the monitoring of progress.
- Let me highlight a few important considerations that have to be taken into account in order to implement such a strategy.
- ECAP Panels should be encouraged to use a comprehensive approach of generating capability. This would include procurement options already under consideration in several ECAP Panels. However such projects would be inevitably for the medium and long term. Credible interim options will therefore need to be provided to ensure that the remaining shortfalls are addressed as soon as possible. These could include multinational pooling/leasing, dormant contracts or commercial initiatives.
- Consideration should be given to the need to combine the present "bottom-up" approach with a process that gives the necessary political impetus for the actual implementation of the technical options prepared by military experts. Ministers of Defence have an essential role in this process, on the basis of the military advice of the Military Committee.

■ The link between the ECAP and the process that will allow the development of new capabilities has to be defined. National planners and procurement specialists will have to be involved. National agencies and multinational structures would have the responsibility to run new procurement projects. But we also have to take advantage of the experience gained in the ECAP process and work towards a policy leading to the common definition of operational requirements as well better co-ordination of acquisition and research programmes. Dialogue with industry on the model initiated by the Spanish presidency should be intensified.

■ The consequences of the new NATO DCI initiative must be fully taken into account. We all have only one set of budgets. ECAP and the new DCI are not per se mutually reinforcing. We must therefore assure the credibility of the European effort on capabilities, in view of the Prague summit, as a guarantee of the mutual reinforcement of two initiatives. They are close but not similar.

■ The issue of resources will have to be tackled seriously. The budgetary context remains difficult. Member States should give greater priority to defence spending: we must do more (and better). The challenge can be summarised as finding more resources and improving the effectiveness of existing ones. This can be done through various modalities. These include reconsidering priorities in national defence programs and maximising interoperability of the forces that already exist, for instance through common training programs. Task sharing, role specialisation, multinational projects, joint development and operation of specific capabilities are all avenues that should be part of the remit of future work in ECAP. The fruitful debate launched in Zaragoza on the issue of financing investments in defence equipment should be continued.

■ Berlin-Plus: we need to move forward on the question of EU-NATO relations. It is important not only in the perspective of launching our crisis-management operations but also for our aim of developing our capabilities.

North Korea: Declaration by the Presidency

Brussels, 18 October 2002

DECLARATION BY THE PRESIDENCY ON BEHALF OF THE EUROPEAN UNION REGARDING NORTH KOREA'S NUCLEAR PROGRAMME

The EU expresses its deep concern over reports from the US Special Envoy's visit to DPRK, that the DPRK has admitted conducting a clandestine nuclear weapon programme. The European Union urges North Korea to immediately offer clarification on the issues.

Such a programme is a serious breach of the North Korean commitments under the Non-Proliferation Treaty, the International Atomic Energy Agency safeguard agreement as well as the Joint Declaration between North and South Korea on Denuclearisation of the Korean Peninsula and the Agreed Framework. It also calls into question the KEDO project.

The EU calls on North Korea to take immediate steps to comply with international non-proliferation commitments and eliminate its nuclear weapons programme in a verifiable manner, in accordance with its IAEA Safeguards Agreement.

The European Union hopes that the recent progress in the peace process in the Korean Peninsula will not be jeopardised. The European Union stands ready to work with all parties to find a peaceful resolution to this situation.

The Central and Eastern European countries associated with the European Union, the associated countries Cyprus, Malta and Turkey, and the EFTA countries members of the European Economic Area, align themselves with this declaration.

European Council

Brussels, 24-25 October 2002

This meeting of the European Council marked an essential stage in the Union's enlargement process, but also in the rapprochement between the Union and NATO. Without Turkey's agreement on 'Berlin-plus', access to NATO's infrastructure was barred to the Union. It was impossible for Europe to act in Macedonia, but also in Bosnia, while these complex and difficult negotiations with Ankara remained unresolved. High Representative Javier Solana, himself a former NATO Secretary-General, was tasked with negotiating an agreement between Turkey and Greece. Following on from the defunct Ankara compromise which, despite efforts on the part of Washington and London, had failed to produce the desired results, this 'Brussels Text' reflects the Union's determination to reach agreement with Turkey in the light of the forthcoming enlargement, notably Cyprus's membership, and this was achieved at the Copenhagen summit.

PRESIDENCY CONCLUSIONS

(...)

III. EU-NATO RELATIONS

18. The European Council has agreed the modalities to implement the Nice provisions (see Annex II) on the involvement of the non-EU European members of NATO. The implementation of the Nice provisions on the involvement of the non-EU European members of NATO will be made possible by the relevant decisions on the relations between the European Union and NATO.

19. On this occasion, the European Council recalled that these modalities and decisions and their implementation shall at all times respect the provisions of the Treaty on European Union, in particular those concerning the objectives and principles of CFSP, as provided in Article 11 of the TEU.¹ They shall also respect the relevant conclusions and texts approved by the European Council (see paragraph 22 below).

20. It is also understood that no action will be undertaken that would violate the principles of the Charter of the United Nations, including the Charter principles of maintenance of international peace and security, peaceful settlement of disputes, and refraining from the threat or use of force, as both the Treaty on EU and the North Atlantic Treaty are built on these principles, which apply to all Members accordingly.

21. The European Council also recalled that the EU provides that the policy of the Union in accordance with Article 17 of the TEU shall not prejudice the specific character of the security and defence policy of certain Member States. The Presidency noted that Denmark drew attention to Protocol No 5 to the EU Treaty on the position of Denmark.

22. The European Council has given a mandate to the Secretary-General/High Representative, Javier Solana, to act accordingly for an agreement to be reached between the EU and NATO as soon as possible.

23. The Presidency, along with the Secretary-General/High Representative, Javier Solana, will report on the outcome of these efforts in about two to three weeks. On the basis of the outcome, the European Union will adopt the necessary decisions.

IV. FYROM

24. Further to discussions between the SG/HR and President Trajkovski, the European Council reaffirmed its readiness to take over the NATO military operation in FYROM on 15 December. It requested the relevant bodies of the European Union to examine all the necessary options in order to achieve this objective. The European Council noted that this follow-on operation would take place within the context of the spirit of partnership in crisis management established between the EU and NATO should an agreement be reached in time.

(...)

ANNEX II

ESDP: implementation of the Nice provisions on the involvement of the non-EU European allies

Respect by certain EU Member States of their NATO obligations

1. The Treaty on European Union states (Article 17.1):

“The policy of the Union in accordance with this Article 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.”

2. For the Member States concerned, this means that the actions and decisions they undertake within the framework of EU military crisis management will respect at all times all their Treaty obligations as NATO allies. This also means that under no circumstances, nor in any crisis, will ESDP be used against an Ally, on the understanding, reciprocally, that NATO military crisis management will not undertake any action against the

EU or its Member States. It is also understood that no action will be undertaken that would violate the principles of the Charter of the United Nations.

Participation of the non-EU European Allies in peace-time ESDP consultations

3. As agreed at the Nice European Council, the EU will have permanent and continuing consultations with the non-EU European Allies, covering the full range of security, defence and crisis management issues. Additional 15 + 6 meetings will be arranged as required. In particular, consultations will, as appropriate, involve additional meetings in the format of EU + 6 in advance of PSC and EUMC meetings where decisions may be taken on matters affecting the security interests of the Non-EU European Allies. The objective of these consultations will be for the EU and the non-EU European Allies to exchange views, and to discuss any concerns and interests raised by these Allies, so as to enable the EU to take them into consideration. As with CFSP, these consultations will enable the non-EU European Allies to contribute to European Security and Defence Policy and to associate themselves with EU decisions, actions and declarations on ESDP.

4. The consultations between the EU and the non-EU European Allies will be carefully prepared, including by consultations involving the Presidency, Council Secretariat, and the representatives of the non-EU European Allies and through circulation of relevant documents. The meetings will be properly followed up, including through the circulation by the Council Secretariat of a record of the discussion. The objective of these arrangements is to ensure that the consultations are both comprehensive and intensive.

5. 15 + 6 meetings, as provided for in the Nice arrangements, will be facilitated through the appointment of permanent interlocutors with the PSC. To provide for dialogue with the EUMC and to help prepare the 15 + 6 meetings at Military Committee representative level, the non-EU European Allies may also designate interlocutors with the Military Committee. The designated interlocutors with the various EU bodies will be able, on a day-to-day basis, to pursue bilateral contacts, which will underpin the regular 15 + 6 consultations.

Relations with the EUMS and national HQs involved in EU-led operations

6. Arrangements in NATO for non-NATO EU members will be taken as a basis for developing appropriate arrangements for the non-EU European Allies in the EU military structures, bearing in mind the differences in military structures of the two organisations. If operational planning is conducted in NATO, the non-EU European Allies will be fully involved. If operational planning is conducted in one of the European strategic-level Headquarters, the non-EU European Allies as contributors will be invited to send officers to that Headquarters.

Involvement in EU-led exercises

7. The EU does not intend to conduct military exercises below Force HQ (FHQ) level. Exercises below that level will remain the responsibility of member states.
8. The EU is committed to dialogue, consultation and cooperation with the non-EU European Allies and these arrangements will also need to be covered in relevant exercises.
9. Arrangements for the participation of those Allies in EU exercises will mirror those agreed for their participation in EU-led operations. Non-EU European Allies will be able to participate in EU exercises which envisage use of NATO assets and capabilities. Since there is also the possibility of their participation in EU-led operations which do not have recourse to NATO assets and capabilities, there will accordingly be a need for the non-EU European Allies to participate in relevant exercises and for the EU to provide for this. Non-EU European Allies should be invited to observe other relevant exercises in which they do not participate.

Modalities for participation in EU-led operations

10. In considering the options for response to a crisis, including a possible EU-led operation, the EU would take account of the interests and concerns of non-EU European Allies and consultations between them would be sufficiently intensive to ensure this was the case.
11. In the case of an EU-led operation using NATO assets and capabilities, non-EU European Allies will, if they wish, participate in the operation, and will be involved in its planning and preparation in accordance with the procedures laid down within NATO.
12. In the case of any EU-led operation not requiring recourse to NATO assets and capabilities, non-EU European Allies will be invited, upon a decision of the Council, to participate. In taking decisions on participation, the Council will take account of the security concerns of the non-EU European Allies. In a specific case when any of the non-EU European Allies raises its concerns that an envisaged autonomous EU operation will be conducted in the geographic proximity of a non-EU European Ally or may affect its national security interests, the Council will consult with that Ally and, taking into consideration the outcome of those consultations, decide on the participation of that Ally, bearing in mind the relevant provisions of the Treaty on European Union quoted above and the statement in paragraph 2 above.

Involvement in preparation, planning and management of an EU-led operation

13. The 15 + 6 consultations would constitute a forum for the non-EU European Allies, as potential contributors to any EU-led military operation to be engaged from the earliest stages of a crisis in dialogue with the EU and to be consulted in the development of the EU's thinking.

14. Contacts at all levels with non-EU European Allies will be intensified as the pre-crisis stage unfolds through 15 + 6 consultations and other arrangements. This process will be important for discussing provisional military contributions from the non-EU European Allies during the pre-operational phase, and relevant military factors during the development of strategic military options, in order to inform the planning and preparation on which a Council decision to launch an EU-led operation will be based. This will enable the views of the non-EU European Allies, particularly their security concerns and their views on the nature of an EU response to the crisis, to be taken into account by the Council before decisions on a military option.

15. Subsequently, consultations would be carried forward together in the 15 + 6 forum, including at PSC and EUMC levels, to discuss the development of the Concept of Operations and related issues such as command and force structures. The non-EU European Allies would have the opportunity to make known their views about the CONOPS, and about their potential participation, before the Council took decisions to proceed to detailed planning of an operation and decisions formally to invite non-EU Member States to take part. Once decisions were taken on non-EU Member States participation, non-EU European Allies, as contributors, would be invited to take part in operational planning. Consultations in the 15 + 6 forum would address the ongoing detailed planning of the operation, including the OPLAN.

16. Following a decision by the Council to undertake a military operation, and a force generation conference, the Committee of Contributors would be established and convened in order to discuss the finalisation of the initial operational plans and military preparations for the operation.

17. As foreseen in Nice, the Committee of Contributors will play a key role in the day-to-day management of the operation. It will be the main forum where contributing nations collectively address questions relating to the employment of their forces in an operation. The Committee will discuss reports from and issues raised by the Operation Commander and, as necessary, provide advice to the PSC. The Committee of

Contributors takes decisions on the day-to-day management of the operation and makes recommendations on possible adjustments to operational planning, including possible adjustments to objectives, by consensus. The views expressed by the Committee of Contributors will be taken into account by the PSC as it considers issues of political control and strategic direction of the operation. The Council Secretariat will prepare a record of discussions at each Committee of Contributors meeting, which will be forwarded to PSC and EUMC representatives in time for the next meetings of the respective Committees.

18. The Operation Commander will report on the operation to the Committee of Contributors so that it can exercise its responsibilities and key role in the day-to-day management of the operation.

1 “7. The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be:

- . to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter;
- . to strengthen the security of the Union in all ways;
- . to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders;
- . to promote international cooperation;
- . to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

2. The Member States shall support the Union’s external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council shall ensure that these principles are complied with.

Iraq: Statement by the EU Presidency

Brussels, 14 November 2002

After several weeks of negotiation, the UN Security Council unanimously adopted Resolution 1441. The Union, whose internal divisions on this crucial question had prevented it from participating in the debate, nevertheless agreed on the essential point: UN legitimacy in dealing with the issue of Iraq. Persuasion by European diplomats, but also doubts among the American public, led President Bush to address the Security Council. Resolution 1441 reflects the international community's agreement on the need to disarm Iraq and establishes a new, more robust inspections regime.

STATEMENT BY THE PRESIDENCY ON BEHALF OF THE EUROPEAN UNION

on Security Council Resolution 1441 (Iraq)

The European Union welcomes the adoption of Security Council Resolution 1441 of 8 November 2002 and the fact that the resolution was passed unanimously. With the passing of the new resolution, the Security Council has asserted its role and responsibility in maintaining international peace and security.

The resolution is an important step towards the elimination of Iraq's weapons of mass destruction. The European Union urges Iraq to accept immediately UNSC Resolution 1441 and to comply unconditionally with all the provisions of the resolution. This is Iraq's last opportunity to fulfill its disarmament obligations. The European Union urges Iraq to extend full cooperation to the weapons inspectors and to secure immediate, unimpeded and unrestricted access for the weapons inspectors to all areas and facilities in Iraq.

The European Union expresses its full confidence in and support for Dr. Hans Blix of UNMOVIC and Dr. El Baradei of IAEA in the performance of their duties.

The European Union also expresses its support for the Security Council in its continued handling of this matter.

General Affairs and External Relations Council

Brussels, 19 November 2002

COUNCIL CONCLUSIONS

(...)

ESDP (European Security and Defence Policy)

The Council adopted the following conclusions:

In accordance with the mandate of the European Council at Seville, the Presidency has taken forward work to promote the development of military and civilian capabilities for crisis management within the framework of ESDP. The Council underlined the importance of ensuring co-ordination of the EU's civilian and military crisis management instruments in order to be able to respond effectively to a crisis. In this respect the Council welcomed the Action Plan for the further strengthening of civil-military co-ordination in EU crisis management to be completed before the end of the Hellenic Presidency. The process of enhancing civil-military co-ordination will continue thereafter.

Military Capabilities

1. The Council considered all relevant aspects of the development of EU military Capabilities as well as the development of concepts and procedures concerning the Rapid Response Elements of the Headline Goal, common training, and the Mediterranean Dimension.
 2. The Council welcomed the report by the Secretary General/High Representative, Javier Solana, on his efforts towards an agreement between the EU and NATO as mandated by the European Council at its meeting on 24 and 25 October at Brussels. The Council invited him to pursue his contacts and to report back at its next meeting on 9 December.
- . The Council welcomed the PSC progress report on Military Capabilities on the basis of the opinion of the EUMC, including the European Capability Action Plan, which invites the Member States to take appropriate decisions on how to implement the future achievement of capabilities from the range of options. It noted that the overall assessment, drawn from the intermediate reports from the ECAP panels, is encouraging, taking into account that 19 panels are currently considering most of the significant short-falls to be remedied. The process appears to be broadly effective in generating an appropriate range of viable options. However, an additional effort in a number of areas

remains necessary. Final reports from all ECAP panels are required by 1st March 2003. This will serve to evaluate the military implications of each proposed option, to examine whether further interim options are required to fill potential gaps, to study whether any further solutions are possible, and finally to identify whether any remaining shortfalls impose constraints or limitations on the delivery of the Headline Goal. This work will strengthen the EU's military capabilities for the conduct of more demanding Petersberg operations. The Council concluded that it would be useful to continue to inform the public on this progress.

4. During the next phase, which concerns the implementation of the options identified by the panels, the ECAP will enter a new even more challenging stage calling for precise engagements and concrete decisions from Member States using existing mechanisms or new tools (e.g. project groups) that could be activated within the ECAP framework. These tools should aim to support the implementation of the specific concrete solutions identified by the ECAP panels.

In pursuit of this objective, the Council agreed on the need to give further political impetus and to consider appropriate measures for streamlining financing, procurement and all other defence policy aspects of military capabilities that should be used in support of the ECAP process.

5. The Council underlined the need for further work in armaments co-operation, as Member States consider appropriate, taking into account the recommendations of the Hellenic Presidency as follows:

- to invite National Armaments Directors to offer their expertise to the activities of ECAP Panels and provide support to the interim and long-term procurement solutions, to be defined by appropriate groups;
- with respect to defence Research and Technology and following on the Spanish Presidency's conclusions, National Armaments Directors should further explore the potential of existing structures with the view of strengthening the European defence industrial and technological base;
- the National Armaments Directors are invited to consider how best to ensure the defence industry's involvement to the ECAP process.

6. The Council approved the Helsinki Headline Catalogue 2002 (HHC 2002). On the basis of this new version of the catalogue, and with a view to a Capabilities Conference in May 2003, Member States are invited to offer more focused contributions to the Headline Goal or to refine the existing ones in order to rectify certain shortfalls. On this basis, a Headline Force Catalogue 2003 (HFC 03) will serve as an input for the preparation of an updated Helsinki Progress Catalogue 2003 (HPC 2003) by spring 2003 and as a basis for further work.

7. The Council noted that work has continued to develop the procedures and concepts concerning the Rapid Response Elements of the Headline Goal, as well as to ensure the improvement of command and control arrangements for national and multi-national Headquarters, to facilitate an efficient and timely response to a crisis. It confirmed the

need for the enhancement of the Union's capability to react to a crisis requiring rapid response particularly for humanitarian and rescue tasks, which will require accelerated decision-making and deployment. The Council welcomed progress achieved in developing the "EU Military Rapid Response Concept", and stressed the need for its finalisation as soon as possible and the definition of the way ahead. In this context, the Council requested the Hellenic Presidency to prepare a progress report with special emphasis on EU military rapid response in the overall context of EU crisis management.

The Council agreed to task the PSC and the EUMC to finalise the work on rapid response elements as soon as possible on the basis of the following general principles:

- reaction within 5 to 30 days or less;
- streamlining of crisis management procedures according to the operational requirements of rapid response;
- advance planning based on illustrative scenarios;
- specific identification of rapid response elements in the Headline Force Catalogue;
- modalities for the use of the agreed framework nation concept and other concepts as may be agreed.

8. The Council welcomed the initiative of the Presidency on common training at different levels and underlined its importance for the improvement of interoperability and the further enhancement of a European security culture under the ESDP. Substantial progress on this aspect of common training will facilitate close co-operation with relevant initiatives in the civilian field.

9. The Council expressed satisfaction with the on-going efforts to further develop the Mediterranean Dimension of ESDP. The Council agreed on the need for further regular dialogue with the Mediterranean partners in order to enhance transparency and further strengthen mutual understanding on ESDP and explore more concrete ideas and proposals for co-operation.

Civilian Capabilities

The Council endorsed the declaration (annexed) adopted by the Ministers for Foreign Affairs of the Member States of the European Union meeting in Brussels on 19 November 2002 at a Civilian Crisis Management Capability Conference.

The declaration notes that an EU police planning capability already exists and that an appropriate EU planning and mission support capability should be established within the General Secretariat of the Council for the other areas of civilian crisis management as a matter of priority. To this end the Council tasked the competent bodies and invited the Secretary General/High Representative to take forward as soon as possible work on establishing such a capability based upon an assessment of the specific needs and of the synergies with the capabilities already existing in the Commission. In this context, the budgetary implications would have to be addressed.

ANNEX

Ministerial declaration adopted by the Civilian Crisis Management Capability Conference on 19 November 2002

Since 1999 the EU has been developing its comprehensive crisis management capability in the context of the European Security and Defence Policy (ESDP). Today Ministers for Foreign Affairs of the Member States of the EU met to review progress on the civilian aspects of crisis management and to assess challenges ahead.

Ministers welcomed that the concrete targets in the priority areas (police, rule of law, civil protection, civilian administration) set by the European Council to be met by 2003 have been exceeded through Member States' voluntary commitments. They stressed that this was a major step forward in line with the Laeken Declaration on operationality and enables the EU to take on a wide range of crisis management operations. They noted the European Community's crisis management instruments. These civilian and military capabilities allow the EU to bring added value to the field of conflict prevention and crisis management.

As a result of the commitments made so far the EU has been able to set up a European Union police mission (EUPM) in Bosnia and Herzegovina, which will take over from the UN International Police Task Force (IPTF) on 1 January 2003. As the EU's first civilian crisis management operation in the context of the ESDP the EUPM represents a significant milestone. It will contribute to other EU and international efforts to support the rule of law and democratic structures in Bosnia and Herzegovina and provide an important source of experience for the EU in the future development of crisis management capabilities. Ministers warmly welcomed that non-EU Member States will participate in the EUPM.

Ministers reiterated the importance of close involvement of third states in civilian crisis management. They welcomed the further development of modalities for contributions of non-EU states to EU civilian crisis management operations under the Danish EU Presidency.

Ministers noted that an EU police planning capability already exists. They stressed that an appropriate EU planning and mission support capability should be established within the General Secretariat of the Council covering the other areas of civilian crisis management as a matter of priority. Ministers noted that the budgetary implications would have to be addressed.

Ministers stressed that the development of the EU's civilian crisis management capacity is an ongoing process. Important issues still need to be addressed in order to make the capabilities as operational, efficient and coherent as possible. These include:

- continuing to improve co-ordination in the field among the different civilian elements of a mission and to ensure a unified chain of command in EU missions
- ensuring full synergy between European Community and EU instruments

- ensuring co-ordination of the EU's civilian and military crisis management instruments in order to ensure an effective response to a crisis. Ministers welcomed in this regard the elaboration of an Action Plan for the further strengthening of civil-military co-ordination.
- enhancing qualitative aspects of the EU's capacity in this field, notably through training

They stressed that a solution to the financing of civilian crisis management operations under title V of the Treaty on European Union would have to be found as a matter of priority in order to meet the EU's ambitions in the field.

Ministers underlined that the EU's capabilities aim at enhancing the global capacity to respond to the challenges of conflict prevention and crisis management. They will allow the EU to lead autonomous missions covering the full range of missions defined in the Treaty on European Union, the so-called "Petersberg tasks" as well as to contribute to crisis management operations conducted by international organisations, such as the UN or the OSCE. They looked forward to continued dialogue and to further developing co-operation with relevant international organisations.

Ministers committed themselves to further developing the EU's civilian crisis management capabilities in light of lessons learned and experience gained.

(...)

Meeting of defence ministers

Brussels, 19 November 2002

GENERAL AFFAIRS AND EXTERNAL RELATIONS COUNCIL SUMMARY OF THE INTERVENTION OF JAVIER SOLANA

In many ways we can be satisfied of the progress made in European Security and Defence Policy (ESDP) over a short period of time. There is one area though where I think not enough has been made: the improvement of European military capabilities. We keep repeating that improving European military capabilities is at the core of the ESDP project and a fundamental condition for its success. We should continue doing all efforts to ensure that we are able to meet our capability goal set at Helsinki.

Several positive aspects:

The general approach of European Capabilities Action Plan (ECAP) has paid off and proven its effectiveness in securing substantial participation of Member States. The interest and focus on military capabilities has definitely increased. This will contribute to a better visibility of ESDP and broader public support.

The ECAP appears to be effective in generating viable options for resolving shortfalls or reduce them in a significant way.

Active panels address most of the shortfalls apt to be remedied by ECAP. The majority of the significant ones are under consideration.

Co-operation with NATO has been effective from the outset. It is however an area for further improvement.

Less positive aspects

First, we do not have yet a transparent overall picture of the state of play in the various panels. In these conditions it is difficult for Ministers of Defence to collectively assess progress and give meaningful political guidance for the way ahead.

With a few notable exceptions, there are no significant increases in European defence budgets. This situation creates a serious problem of credibility.

Spending better is no doubt an option. But in spite of declarations of principle in favour of multinational solutions, pooling of resources, role specialisation and other formula, there are too few projects to implement them.

Let me emphasise a few points that need urgent consideration and that should provide the substance of our discussions today.

Active involvement of Defence Ministers in ECAP is essential to make sure that identified shortfalls will be remedied and that the EU headline goal is reached within the timeframe set by the Heads of State and Government. The “bottom up” approach needs to be complemented by appropriate political guidance, showing that Member States are determined to reach their common capability objective.

We need to have a better and more detailed assessment of the work in the various panels. We must have an effective mechanism to monitor progress, around a realistic calendar, in order for these reports to present viable options on the basis of which decisions are to be made by Member States.

Panels should be required to come up with realistic options, taking into account the resources constraints all Member States are currently experiencing. A good idea would be to ensure that a few concrete projects with high visibility are implemented or at least firmly committed and funded by the end of 2003, if possible concentrating on capabilities that are critical for EU strategic autonomy.

ECAP Panels should be encouraged to use a comprehensive approach for generating capabilities. This would include procurement options already under consideration in several ECAP Panels. However such projects would be inevitably for the medium and long term. Credible interim options will therefore need to be provided to ensure that the remaining shortfalls are addressed as soon as possible. These could include multinational pooling/leasing, dormant contracts or commercial initiatives.

Qualitative improvements are equally important. That includes better use of available capabilities and special attention to interoperability, especially in the framework of multinational solutions.

Compatibility with NATO's new Defence Capability Initiative (DCI) is part of our common parameters is of outmost importance.

EUROPEAN CAPABILITY ACTION PLAN (ECAP)

Illustrative document drawn up by states chairing panels, provided by the press office of the Secretariat General of the EU Council

State of work in the ECAP Panels

1. The European Capability Action Plan (ECAP) was launched in 2001 and is designed to rectify the remaining deficiencies identified following the Capability Improvement Conference on 19 November 2002.
2. The ECAP has made a promising start. The high rate of participation of Member States allowed activating 19 panels of experts covering the vast majority of the most “significant” shortfalls. Thanks to these efforts and to the valuable expertise provided by Member States, ECAP Panels have started the identification of “baskets” of short- to long-term options for the fulfilment of the remaining shortfalls. They are requested to

provide final reports by 1st March 2003. Attached are some examples of the progress of work of the different panels, as provided by the respective Member States chairing these panels.

3. The following panels are now active:

- Attack Helicopters/Support Helicopters
- NBC[nuclear, biological and chemical]
- UAV/STA[unmanned aerial vehicle/surveillance and target acquisition] Units
- Medical Role 3/Medical Collective Protection Role 3
- Special Operations Forces
- Carrier Based Air Power
- Suppression of Enemy Air Defence
- Air to Air Refuelling
- Combat Search And Rescue
- Cruise Missiles/Precision Guided Munitions
- Theatre Ballistic Missile Defence
- Deployable Communication Modules
- Headquarters (OHQ, FHQ, CCHQs)
- Theatre Surveillance and Reconnaissance Air Picture
- Strategic ISR IMINT[intelligence, surveillance and reconnaissance imagery intelligence] Collection
- UAV (HALE, MALE[high/medium altitude long endurance] and tactical UAVs)
- Early Warning and Distant Detection Strategic Level
- Strategic Air Mobility/ Outsize Transport A/C, General Cargo A/C
- RO-RO[roll-on roll-off]/General Cargo Shipping

ANNEX

Compilation of some examples of progress made by the ECAP Panels:

Attack/Support Helicopters panel

Member States are contributing with up to two attack helicopter battalions out of the three required by the Headline Goal. According to the studies the shortfall will only remain in the most demanding scenario and could be ameliorated with additional contributions from Member States. Intermediate and long term solutions that involve procurement actions are proposed.

Concerning support helicopters, the studies on this panel are at early stage, but a number of possible solutions to the shortfall have been taken into account.

NBC (Nuclear, Biological, Chemical) panel

Introduction

The workplan was initially aimed at addressing the shortfall of an NBC Battalion, raising from 2 to 3 the number of battalions required. This requirement has since been reviewed and amended to just one NBC Company, and other capabilities have been added.

General

The response from nations has been excellent throughout and the Panel has been well attended. One nation (BE) has changed from observer to full member status, and additionally DA has joined as an observer. Three meetings have been held in the UK, Italy and France respectively, and a fourth meeting will take place in Greece during January 03.

Recommendations

The NBC Panel is likely to make a series of positive and comprehensive recommendations that meet the Panel objectives, although the exact details are yet to be finalised:

- a. Offers have been received to make up the shortfall of the additional NBC Company, and further critical examination of the offers will result in a shortlist.
- b. Offers have been made for deployable NBC laboratories, and other nations have said that they will contribute expertise to these assets. Deployable laboratories are in short supply, so these assets represent generous offers.
- c. Offers of SIBCRA teams have been generous and the details are being finalised.
- d. A number of NBC EOD teams may be formed.

Conclusion

This is a very positive and healthy situation to report. By the time that the Panel submits its next report in March 03 it will have put together a significant addition to EU military capabilities in this important force protection area.

Surveillance and Target Acquisition Units/Unmanned Aerial Vehicles panel

The work of the ECAP-panel Surveillance and Target Acquisition Units (STA/UAV) is within the schedule set up by the current presidency.

After having looked into the requirements of STA/UAV capabilities in quality and quantity, these results have been compared to the capabilities of STA/UAV assets, which are in use in EU Member States National Forces and with their ongoing projects in this area. First results have been transmitted to EU. The final report with options for enhancement will be forwarded to EU by March 2003.

Medical Role 3 panel

Considerable progress has been achieved in the search for feasible and pragmatic solutions. In the short term a partial solution could be found by the refinement of conceptual and organisational aspects. In the medium to long term a multinational approach could possibly remedy the shortfall.

Special Operations Forces panel

The Aim of the Panel

The aim of the SOF Panel is to assess the shortfall of Special Operations Forces capabilities for the concurrent EU scenarios, and thereafter to recommend solutions to overcome such shortfalls by the end of the year 2003.

Working Programme

There is the potential that EU member states will offer further contributions which should relieve the assessed shortfalls by the end of 2003 or shortly afterwards. Such indications and announcements have been received at the third Panel meeting, and are expected to be confirmed prior to the next meeting in Feb 2003.

The Panel considers that its work so far has yielded results in analysing and addressing the SOF shortfalls, and it expects to reach further conclusions by March 2003.

Carrier-based Air Power

The panel considers that it at least 60 carrier based aircraft are necessary in order to comply with the objectives stated at Helsinki. Therefore an increase of asset contributions by Member States is needed as well as an improvement in readiness of those assets. The problem could be minimised in the future with the new acquisition programs of Member States.

Panel " Neutralisation des défenses anti-aériennes ennemies " (SEAD) (Suppression of Enemy Air Defence)

Objectif:

Identifier des solutions à court et à moyen termes pour doter l'UE d'une capacité de neutralisation des défenses anti-aériennes ennemies (SEAD), essentielle pour garantir la liberté d'action des moyens aériens de l'UE, en termes d'équipements, mais aussi de concept d'emploi, d'interopérabilité.

Premiers éléments

L'analyse de la menace effectuée démontre que la destruction d'un radar d'acquisition ou d'un site sol-air ne suffit plus à assurer la sécurité d'une mission de frappe aérienne offensive dans la profondeur.

L'intégration des systèmes de défense aérienne nécessite de réexaminer le concept SEAD de manière plus globale.

Des solutions intérimaires à court terme reposant sur l'acquisition sur étagères de moyens de brouillage embarqués et/ou d'armes appropriées sont explorées, mais elles ne pourront satisfaire la totalité du besoin constaté.

Les travaux d'analyse doivent donc être poursuivis pour définir en commun des concepts adaptés en matière de localisation et identification, de diffusion de l'information (faisant largement appel à des liaisons de données haut débit), de neutralisation ou de destruction, avant d'arrêter une politique d'acquisition appropriée, nécessaire pour la satisfaction du besoin à plus long terme.

Air-to-Air Refuelling panel

The panel has undertaken a realistic search for solutions both quantitatively and qualitatively, including crosscheck with other organizations. A short-term solution involving additional national contributions would be possible by the end of 2003. There are medium term, interim (2003-2012) and long term solutions (beyond 2012), involving conversion of existing assets, leasing and procurement solutions already outlined in national projects and initiatives.

Combat Search and Rescue panel

The work of the ECAP-panel Combat Search and Rescue (CSAR) is within the schedule set up by the current presidency.

After having looked into the CSAR Mission and Force Requirement in quality and quantity, these results have been compared to the capabilities of CSAR assets, which are in use in EU Member States National Forces and with their ongoing projects in this area.

First results indicate that the quantitative requirements could possibly be met if additional forces were provided by Member States. Qualitatively, the panel is considering alternatives to achieve and to improve a common European CSAR capability.

Panel sur les Missiles de croisière et munitions guidées de précision (Cruise Missiles and PGMs)

Objectif :

Les opérations récentes et l'environnement géopolitique prévisible soulignent l'importance de pouvoir disposer dans la gestion des crises d'armements extrêmement précis,

tirés depuis des avions ou des navires.

Premiers éléments :

Missiles de croisière : les travaux sur les missiles de croisière ont produit des résultats encourageants. En effet, les capacités européennes dans ce domaine connaîtront un accroissement sensible dès l'année 2003, et l'objectif fixé devrait être pleinement atteint en 2006.

Armements guidés de précision : la plupart des Etats membres de l'UE ont déjà acquis ou ont commandé des armements guidés de précision. Les efforts européens se concentrent sur leur interopérabilité, compte tenu de la diversité des porteurs existants et à venir.

Tactical Ballistic Missile Defence panel

The ECAP-panel on TBMD is investigating several possibilities for enhanced European cooperation in TBMD and related areas, thus improving the European capabilities. Pending further analysis, possibilities seem to be:

- further combining of European TBMD expertise (with maximum use of already existing structures);
- joint development of TBMD doctrines and procedures;
- planning and execution of multinational TBMD exercises;
- armaments co-operation.

Deployable CIS Modules panel

The shortfall was assessed both from a qualitative point of view and from a quantitative perspective. In detail the number of assets offered to the EU (Four DCMs from France, UK (2) and Italy) was insufficient to fulfil the overall requirement for eight DCMs.

It has also been recognised that DCMs offered were different in size and in composition, thus presenting possible deficiencies in some specific areas.

In addition, since the beginning of the work, the Panel envisaged the opportunity to address interoperability and security issues and to proceed in strict co-ordination with the Panel on "HQ/Augmentees".

To this aim the work has been oriented on a "Step-by-step" approach, defining which CIS specific assets were needed in order to provide the HQs with the required deployability.

However, in accordance with recent HTF decisions, the requirement for DCMs has been changed into "Deployable CIS Resources", which are intended as additional CIS assets required by the HQs in order to complete their capabilities.

In that new perspective, the approach adopted by the Panel resulted even more effective, thus requiring some adjustments and a stronger co-operation with the HQ/Augmentees Panel.

Last week the Chairmen of the DCM Panel attended the HQ Panel meeting in Brussels and agreed with the respective Chairman a coherent meeting schedule, in order to hold joint meetings wherever possible.

In the meantime, a new CIS questionnaire has been prepared by the EUMS and it will be circulated among Member States upon coordination between the two Panels (Ad Hoc meeting is planned for the 19th of November).

The answers could hopefully help to assess specific shortfalls, if any, thus allowing to identify possible solutions within the required deadline (1/3/03).

Theatre Surveillance Air Picture panel

The work of the ECAP-panel for Theatre Surveillance Air Picture (TSAP) is within the schedule set up by the current Presidency .

After having looked into the requirements of TSAP capabilities in quality and quantity, these results have been compared to the capabilities of TSAP assets, which are in use in EU Member States National Forces and with their ongoing projects in this area. The final report with options for enhancement will be forwarded to the EU by 1 March 2003.

Panel sur la Collecte du renseignement stratégique sur la base d'images (Strategic IMINT Collection)

Objectif :

Proposer des pistes pour se doter d'une capacité de renseignement stratégique sur la base d'images, élément clé de la capacité globale de renseignement, de surveillance, de reconnaissance et d'acquisition d'objectifs nécessaire à l'UE. Le groupe a concentré ses travaux sur l'accès à l'imagerie fournie par les satellites d'observation.

Premiers éléments

L'acquisition de cette capacité peut être réalisée en trois temps :

- A court terme (d'ici 2005) : Accroître l'accès de l'UE aux sources de renseignement image existantes d'origine commerciale (SPOT, IKONOS, QUICKBIRD, EROS-A1) et militaire (HELIOS1) et au renseignement détenu par les Etats membres ;
- A moyen terme (2005-2007) : Négocier un accès aux systèmes d'observation futurs militaires (HELIOS II, SAR-LUPE) et à usage dual (COSMO-SKYMED, PLEIADES) au profit de l'UE ;

■ A l'horizon 2010-2015 : Développer des programmes en commun pour la prochaine génération de satellites d'observation, traduisant ainsi la volonté politique des Etats membres de fournir à l'UE un accès autonome à l'imagerie.

Panel sur les Drones Haute Altitude Longue Endurance et Moyenne Altitude Longue Endurance (HALE-MALE UAVs)

Objectif

Mettre à disposition de la PESD des avions sans pilote évoluant à haute et moyenne altitude, en vue d'accroître l'autonomie de l'UE en matière de renseignement.

Premiers éléments

Des projets industriels lourds sont en cours de lancement, à l'instar du projet franco-hollandais de drones de moyenne altitude et de longue endurance (MALE). Ces systèmes d'armes étant relativement nouveaux, l'obtention d'une pleine capacité peut être envisagée à l'horizon 2010.

Des solutions intérimaires et des achats sur étagère sont cependant très sérieusement envisagées par certains pays ; ils permettront à court terme de répondre en partie aux besoins identifiés.

Par ailleurs, le panel étudie de près l'intégration de ces drones dans l'espace aérien et les conditions de leur certification ; ces deux points sont fondamentaux pour permettre aux futurs acquéreurs de pouvoir s'entraîner et d'assurer l'accès des drones aux zones de crises.

Strategic Air Mobility and OHQ panels

Both panels have worked to identify solutions to satisfy the shortfalls in capabilities and considerable progress has been made.

The panels will continue to meet in accordance with the timeline outlined by the Presidency and it is envisaged that they will be able to provide a range of possible options in time for the deadlines required by the PSC/EUMC.

Ro-Ro/ General Cargo Shipping panel

The Panel is examining several possible solutions extending from the use of capabilities existing in the Member States to the use of commercial/civil assets, including appropriate management mechanisms and related legal issues.

The options would include short, intermediate and long-term solutions.

NATO summit

Prague, 21-22 November 2002

Three major initiatives were taken at this summit, beginning with enlargement of the Alliance to take in seven former communist countries, bringing the number of members to 26. While this 'big bang' gives the Atlantic Alliance greater legitimacy, it will have an effect on decision-making by consensus and the question of military integration. Next, new, more specific commitments on operational capabilities have replaced the former Defence Capabilities Initiative, which was considered too ambitious and was overtaken by the events of 11 September. Lastly, it was decided to create a 21,000-strong NATO Response Force (NRF) capable of deploying within a few days as the spearhead of a larger force. The NRF, proposed by Secretary of Defence Ronald Rumsfeld in Warsaw in September 2002, should be partially operational by May 2004 and fully mobilised in 2006. Partly because it is being dealt with by the UN, the crisis over Iraq has not led to the feared diplomatic friction.

DECLARATION BY THE HEADS OF STATE AND GOVERNMENT

1. We, the Heads of State and Government of the member countries of the North Atlantic Alliance, met today to enlarge our Alliance and further strengthen NATO to meet the grave new threats and profound security challenges of the 21st century. Bound by our common vision embodied in the Washington Treaty, we commit ourselves to transforming NATO with new members, new capabilities and new relationships with our partners. We are steadfast in our commitment to the transatlantic link; to NATO's fundamental security tasks including collective defence; to our shared democratic values; and to the United Nations Charter.

2. Today, we have decided to invite Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia to begin accession talks to join our Alliance. We congratulate them on this historic occasion, which so fittingly takes place in Prague. The accession of these new members will strengthen security for all in the Euro-Atlantic area, and help achieve our common goal of a Europe whole and free, united in peace and by common values. NATO's door will remain open to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with Article 10 of the Washington Treaty.

3. Recalling the tragic events of 11 September 2001 and our subsequent decision to invoke Article 5 of the Washington Treaty, we have approved a comprehensive package of

measures, based on NATO's Strategic Concept, to strengthen our ability to meet the challenges to the security of our forces, populations and territory, from wherever they may come. Today's decisions will provide for balanced and effective capabilities within the Alliance so that NATO can better carry out the full range of its missions and respond collectively to those challenges, including the threat posed by terrorism and by the proliferation of weapons of mass destruction and their means of delivery.

4. We underscore that our efforts to transform and adapt NATO should not be perceived as a threat by any country or organisation, but rather as a demonstration of our determination to protect our populations, territory and forces from any armed attack, including terrorist attack, directed from abroad. We are determined to deter, disrupt, defend and protect against any attacks on us, in accordance with the Washington Treaty and the Charter of the United Nations. In order to carry out the full range of its missions, NATO must be able to field forces that can move quickly to wherever they are needed, upon decision by the North Atlantic Council, to sustain operations over distance and time, including in an environment where they might be faced with nuclear, biological and chemical threats, and to achieve their objectives. Effective military forces, an essential part of our overall political strategy, are vital to safeguard the freedom and security of our populations and to contribute to peace and security in the Euro-Atlantic region. We have therefore decided to:

- a. Create a NATO Response Force (NRF) consisting of a technologically advanced, flexible, deployable, interoperable and sustainable force including land, sea, and air elements ready to move quickly to wherever needed, as decided by the Council. The NRF will also be a catalyst for focusing and promoting improvements in the Alliance's military capabilities. We gave directions for the development of a comprehensive concept for such a force, which will have its initial operational capability as soon as possible, but not later than October 2004 and its full operational capability not later than October 2006, and for a report to Defence Ministers in Spring 2003. The NRF and the related work of the EU Headline Goal should be mutually reinforcing while respecting the autonomy of both organisations.
- b. Streamline NATO's military command arrangements. We have approved the Defence Ministers' report providing the outline of a leaner, more efficient, effective and deployable command structure, with a view to meeting the operational requirements for the full range of Alliance missions. It is based on the agreed Minimum Military Requirements document for the Alliance's command arrangements. The structure will enhance the transatlantic link, result in a significant reduction in headquarters and Combined Air Operations Centres, and promote the transformation of our military capabilities. There will be two strategic commands, one operational, and one functional. The strategic command for Operations, headquartered in Europe (Belgium), will be supported by two Joint Force Commands able to generate a land-based Combined Joint Task Force (CJTF) headquarters and a robust but more limited

standing joint headquarters from which a sea-based CJTF headquarters capability can be drawn. There will also be land, sea and air components. The strategic command for Transformation, headquartered in the United States, and with a presence in Europe, will be responsible for the continuing transformation of military capabilities and for the promotion of interoperability of Alliance forces, in cooperation with the Allied Command Operations as appropriate. We have instructed the Council and Defence Planning Committee, taking into account the work of the NATO Military Authorities and objective military criteria, to finalise the details of the structure, including geographic locations of command structure headquarters and other elements, so that final decisions are taken by Defence Ministers in June 2003.

c. Approve the Prague Capabilities Commitment (PCC) as part of the continuing Alliance effort to improve and develop new military capabilities for modern warfare in a high threat environment. Individual Allies have made firm and specific political commitments to improve their capabilities in the areas of chemical, biological, radiological, and nuclear defence; intelligence, surveillance, and target acquisition; air-to-ground surveillance; command, control and communications; combat effectiveness, including precision guided munitions and suppression of enemy air defences; strategic air and sea lift; air-to-air refuelling; and deployable combat support and combat service support units. Our efforts to improve capabilities through the PCC and those of the European Union to enhance European capabilities through the European Capabilities Action Plan should be mutually reinforcing, while respecting the autonomy of both organisations, and in a spirit of openness.

We will implement all aspects of our Prague Capabilities Commitment as quickly as possible. We will take the necessary steps to improve capabilities in the identified areas of continuing capability shortfalls. Such steps could include multinational efforts, role specialisation and reprioritisation, noting that in many cases additional financial resources will be required, subject as appropriate to parliamentary approval. We are committed to pursuing vigorously capability improvements. We have directed the Council in Permanent Session to report on implementation to Defence Ministers.

d. Endorse the agreed military concept for defence against terrorism. The concept is part of a package of measures to strengthen NATO's capabilities in this area, which also includes improved intelligence sharing and crisis response arrangements.

Terrorism, which we categorically reject and condemn in all its forms and manifestations, poses a grave and growing threat to Alliance populations, forces and territory, as well as to international security. We are determined to combat this scourge for as long as necessary. To combat terrorism effectively, our response must be multi-faceted and comprehensive.

We are committed, in cooperation with our partners, to fully implement the Civil Emergency Planning (CEP) Action Plan for the improvement of civil preparedness against possible attacks against the civilian population with chemical, biological or radiological (CBR) agents. We will enhance our ability to provide support, when

requested, to help national authorities to deal with the consequences of terrorist attacks, including attacks with CBRN against critical infrastructure, as foreseen in the CEP Action Plan.

e. Endorse the implementation of five nuclear, biological and chemical weapons defence initiatives, which will enhance the Alliance's defence capabilities against weapons of mass destruction: a Prototype Deployable NBC Analytical Laboratory; a Prototype NBC Event Response team; a virtual Centre of Excellence for NBC Weapons Defence; a NATO Biological and Chemical Defence Stockpile; and a Disease Surveillance system. We reaffirm our commitment to augment and improve expeditiously our NBC defence capabilities.

f. Strengthen our capabilities to defend against cyber attacks.

g. Examine options for addressing the increasing missile threat to Alliance territory, forces and population centres in an effective and efficient way through an appropriate mix of political and defence efforts, along with deterrence. Today we initiated a new NATO Missile Defence feasibility study to examine options for protecting Alliance territory, forces and population centres against the full range of missile threats, which we will continue to assess. Our efforts in this regard will be consistent with the indivisibility of Allied security. We support the enhancement of the role of the WMD Centre within the International Staff to assist the work of the Alliance in tackling this threat.

We reaffirm that disarmament, arms control and non-proliferation make an essential contribution to preventing the spread and use of WMD and their means of delivery. We stress the importance of abiding by and strengthening existing multilateral non-proliferation and export control regimes and international arms control and disarmament accords.

5. Admitting Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia as new members will enhance NATO's ability to face the challenges of today and tomorrow. They have demonstrated their commitment to the basic principles and values set out in the Washington Treaty, the ability to contribute to the Alliance's full range of missions including collective defence, and a firm commitment to contribute to stability and security, especially in regions of crisis and conflict. We will begin accession talks immediately with the aim of signing Accession Protocols by the end of March 2003 and completing the ratification process in time for these countries to join the Alliance at the latest at our Summit in May 2004. During the period leading up to accession, the Alliance will involve the invited countries in Alliance activities to the greatest extent possible. We pledge our continued support and assistance, including through the Membership Action Plan (MAP). We look forward to receiving the invitees' timetables for reforms, upon which further progress will be expected before and after accession in order to enhance their contribution to the Alliance.

6. We commend Albania for its significant reform progress, its constructive role in promoting regional stability, and strong support for the Alliance. We commend the former Yugoslav Republic of Macedonia¹ for the significant progress it has achieved in its reform process and for its strong support for Alliance operations, as well as for the important steps it has made in overcoming its internal challenges and advancing democracy, stability and ethnic reconciliation. We will continue to help both countries, including through the MAP, to achieve stability, security and prosperity, so that they can meet the obligations of membership. In this context, we have also agreed to improve our capacity to contribute to Albania's continued reform, and to further assist defence and security sector reform in the former Yugoslav Republic of Macedonia through the NATO presence. We encourage both countries to redouble their reform efforts. They remain under consideration for future membership.

Croatia, which has made encouraging progress on reform, will also be under consideration for future membership. Progress in this regard will depend upon Croatia's further reform efforts and compliance with all of its international obligations, including to the International Criminal Tribunal for the former Yugoslavia (ICTY).

The Membership Action Plan will remain the vehicle to keep aspirants' progress under review. Today's invitees will not be the last.

7. The Euro-Atlantic Partnership Council (EAPC) and the Partnership for Peace (PfP) have greatly enhanced security and stability throughout the Euro-Atlantic area. We have today decided to upgrade our cooperation with the EAPC/PfP countries. Our political dialogue will be strengthened, and Allies, in consultation with Partners, will, to the maximum extent possible, increase involvement of Partners, as appropriate, in the planning, conduct, and oversight of those activities and projects in which they participate and to which they contribute. We have introduced new practical mechanisms, such as Individual Partnership Action Plans, which will ensure a comprehensive, tailored and differentiated approach to the Partnership, and which allow for support to the reform efforts of Partners. We encourage Partners, including the countries of the strategically important regions of the Caucasus and Central Asia, to take advantage of these mechanisms. We welcome the resolve of Partners to undertake all efforts to combat terrorism, including through the Partnership Action Plan against Terrorism. We will also continue to further enhance interoperability and defence-related activities, which constitute the core of our partnership. Participation in the PfP and the EAPC could be broadened in the future to include the Federal Republic of Yugoslavia and Bosnia and Herzegovina once necessary progress is achieved, including full cooperation with the ICTY.

8. We welcome the significant achievements of the NATO-Russia Council since the historic NATO-Russia Summit meeting in Rome. We have deepened our relationship to the

benefit of all the peoples in the Euro-Atlantic area. NATO member states and Russia are working together in the NATO-Russia Council as equal partners, making progress in areas such as peacekeeping, defence reform, WMD proliferation, search and rescue, civil emergency planning, theatre missile defence and the struggle against terrorism, towards our shared goal of a stable, peaceful and undivided Europe. In accordance with the Founding Act and the Rome Declaration, we are determined to intensify and broaden our cooperation with Russia.

9. We remain committed to strong NATO-Ukraine relations under the Charter on a Distinctive Partnership. We note Ukraine's determination to pursue full Euro-Atlantic integration, and encourage Ukraine to implement all the reforms necessary, including as regards enforcement of export controls, to achieve this objective. The new Action Plan that we are adopting with Ukraine is an important step forward; it identifies political, economic, military and other reform areas where Ukraine is committed to make further progress and where NATO will continue to assist. Continued progress in deepening and enhancing our relationship requires an unequivocal Ukrainian commitment to the values of the Euro-Atlantic community.

10. We reaffirm that security in Europe is closely linked to security and stability in the Mediterranean. We therefore decide to upgrade substantially the political and practical dimensions of our Mediterranean Dialogue as an integral part of the Alliance's cooperative approach to security. In this respect, we encourage intensified practical cooperation and effective interaction on security matters of common concern, including terrorism-related issues, as appropriate, where NATO can provide added value. We reiterate that the Mediterranean Dialogue and other international efforts, including the EU Barcelona process, are complementary and mutually reinforcing.

11. NATO and the European Union share common strategic interests. We remain strongly committed to the decisions made at the Washington Summit and subsequent Ministerial meetings, in order to enhance NATO-EU cooperation. The success of our cooperation has been evident in our concerted efforts in the Balkans to restore peace and create the conditions for prosperous and democratic societies. Events on and since 11 September 2001 have underlined further the importance of greater transparency and cooperation between our two organisations on questions of common interest relating to security, defence, and crisis management, so that crises can be met with the most appropriate military response and effective crisis management ensured. We remain committed to making the progress needed on all the various aspects of our relationship, noting the need to find solutions satisfactory to all Allies on the issue of participation by non-EU European Allies, in order to achieve a genuine strategic partnership.

12. To further promote peace and stability in the Euro-Atlantic Area, NATO will continue to develop its fruitful and close cooperation with the OSCE, namely in the complementary areas of conflict prevention, crisis management and post-conflict rehabilitation.

13. The Alliance has played a vital role in restoring a secure environment in South-East Europe. We reaffirm our support for the territorial integrity and sovereignty of all the countries in this strategically important region. We will continue to work with our partners in SFOR and KFOR, the United Nations, the European Union, the OSCE and other international organisations, to help build a peaceful, stable and democratic South-East Europe, where all countries assume ownership of the process of reform, and are integrated in Euro-Atlantic structures. We remain determined to see that goal become reality. We expect the countries of the region: to continue to build enduring multi-ethnic democracies, root out organised crime and corruption and firmly establish the rule of law; to cooperate regionally; and to comply fully with international obligations, including by bringing to justice in The Hague all ICTY indictees. The reform progress that these countries make will determine the pace of their integration into Euro-Atlantic structures. We confirm our continued presence in the region and we stand ready to assist these countries in the region, through individual programmes of assistance, to continue their progress. In the light of continuing progress and analysis of the prevailing security and political environment, we will explore options for a further rationalisation and force restructuring, taking into account a regional approach. We welcome the successful conclusion of Operation Amber Fox in the former Yugoslav Republic of Macedonia. We have agreed to maintain a NATO presence from 15 December for a limited period to contribute to continuing stability, which we will review in the light of the evolving situation. We note the EU's expressed readiness to take over the military operation in the former Yugoslav Republic of Macedonia under appropriate conditions.

14. NATO member countries have responded to the call of the UN Security Council to assist the Afghan government in restoring security in Kabul and its surroundings. Their forces constitute the backbone of the International Security Assistance Force (ISAF) in Afghanistan. We commend the United Kingdom and Turkey for their successive contributions as ISAF lead nations, and welcome the willingness of Germany and the Netherlands jointly to succeed them. NATO has agreed to provide support in selected areas for the next ISAF lead nations, showing our continued commitment. However, the responsibility for providing security and law and order throughout Afghanistan resides with the Afghans themselves.

15. We remain committed to the CFE Treaty and reaffirm our attachment to the early entry into force of the Adapted Treaty. The CFE regime provides a fundamental contribution to a more secure and integrated Europe. We welcome the approach of those non-

CFE countries, which have stated their intention to request accession to the Adapted CFE Treaty upon its entry into force. Their accession would provide an important additional contribution to European stability and security. We welcome the significant results of Russia's effort to reduce forces in the Treaty's Article V area to agreed levels. We urge swift fulfilment of the outstanding Istanbul commitments on Georgia and Moldova, which will create the conditions for Allies and other States Parties to move forward on ratification of the Adapted CFE Treaty.

16. As NATO transforms, we have endorsed a package of measures to improve the efficiency and effectiveness of the headquarters organisation. The NATO+ Initiative on human resources issues complements this effort. We are committed to continuing to provide, individually and collectively, the resources that are necessary to allow our Alliance to perform the tasks that we demand of it.

17. We welcome the role of the NATO Parliamentary Assembly in complementing NATO's efforts to project stability throughout Europe. We also appreciate the contribution made by the Atlantic Treaty Association in promoting better understanding of the Alliance and its objectives among our publics.

18. We express our deep appreciation for the gracious hospitality extended to us by the Government of the Czech Republic.

19. Our Summit demonstrates that European and North American Allies, already united by history and common values, will remain a community determined and able to defend our territory, populations and forces against all threats and challenges. For over fifty years, NATO has defended peace, democracy and security in the Euro-Atlantic area. The commitments we have undertaken here in Prague will ensure that the Alliance continues to play that vital role into the future.

¹Turkey recognises the Republic of Macedonia with its constitutional name. NATO summit, Prague, 21-22 November 2002

STATEMENT ON IRAQ BY THE HEADS OF STATE AND GOVERNMENT

We, the 19 Heads of State and Government of NATO, meeting in Prague, have expressed our serious concern about terrorism and the proliferation of weapons of mass destruction.

Concerning Iraq, we pledge our full support for the implementation of UN Security Council Resolution 1441 and call on Iraq to comply fully and immediately with this and all relevant UN Security Council resolutions.

We deplore Iraq's failure to comply fully with its obligations which were imposed as a necessary step to restore international peace and security and we recall that the Security Council has decided in its resolution to afford Iraq a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council.

NATO Allies stand united in their commitment to take effective action to assist and support the efforts of the UN to ensure full and immediate compliance by Iraq, without conditions or restrictions, with UNSCR 1441. We recall that the Security Council in this resolution has warned Iraq that it will face serious consequences as a result of its continued violation of its obligations.

European Council

Copenhagen, 12-13 December 2002

The Copenhagen European Council was historic on two grounds. Firstly, enlargement will change the face of the Union. A Europe of 25 will have to be almost entirely reworked. That will be in part the task of the Convention, which is to present its findings in June 2003. Now peacefully reunified from Lisbon to Tampere and having the democratic legitimacy of a population of 500 million citizens, Europe is bound to be more convincing and influential. Yet this enlargement also presents a new challenge to ESDP. Somewhere between majority and consensus, and between diversity and coherence, ESDP will have to find flexible solutions to be able to act effectively and legitimately. And although enlargement has stopped at the gates of Turkey and, where defence is concerned, skirted round the problem of Cyprus and uncertainties over Malta, the Copenhagen negotiations were able to resolve the 'Berlin-plus' dilemma. Following three years of difficult negotiations, the agreement between the EU and NATO allows the Union to have access to NATO's planning, logistics and intelligence for operations in which NATO is not involved. After the signing of this historic agreement, the Union announced its wish to take over the operation in Macedonia this spring, and also that of SFOR in Bosnia where, beginning in January 2003, it took on police missions. In 2003 Europe's determination to act in the field of security and defence is thus becoming an operational reality.

PRESIDENCY CONCLUSIONS

1. The European Council met in Copenhagen on 12 and 13 December 2002. The meeting was preceded by an exposé by the President of the European Parliament, Mr. Pat Cox, followed by an exchange of views concerning the main items on the agenda.
2. The European Council heard a report by President Valéry Giscard d'Estaing on the progress of the Convention's proceedings. In the light of that report the European Council held an exchange of views on the development of the discussions. The Convention will present the result of its work in time for the European Council in June 2003.

I. Enlargement

3. The European Council in Copenhagen in 1993 launched an ambitious process to overcome the legacy of conflict and division in Europe. Today marks an unprecedented and historic milestone in completing this process with the conclusion of accession negotiations with Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia. The Union now looks forward to welcoming

these States as members from 1 May 2004. This achievement testifies to the common determination of the peoples of Europe to come together in a Union that has become the driving force for peace, democracy, stability and prosperity on our continent. As fully fledged members of a Union based on solidarity, these States will play a full role in shaping the further development of the European project.

4. The Union endorses the result of these negotiations as set out in document 21000/02. The financial consequences of enlargement are set out in Annex I. The comprehensive and balanced outcome provides a solid basis for the smooth integration of ten new Member States, while safeguarding the effective functioning of the enlarged Union. The agreement reached will provide the acceding states with the necessary transitional arrangements to cope successfully with all obligations of membership. The result achieved in the accession negotiations ensures the continued functioning of the internal market as well as the various EU policies, without prejudging future reform.

5. Monitoring up to accession of the commitments undertaken will give further guidance to the acceding states in their efforts to assume responsibilities of membership and will give the necessary assurance to current Member States. The Commission will make the necessary proposals on the basis of the monitoring reports. Safeguard clauses provide for measures to deal with unforeseen developments that may arise during the first three years after accession. The European Council welcomes furthermore the commitment to continue the surveillance of progress with regard to economic, budgetary and structural policies in the candidate States within the existing economic policy coordination processes.

6. All efforts should now be directed at completing the drafting of the Accession Treaty so that it can be submitted to the Commission for its opinion and then to the European Parliament for its assent, and to the Council with a view to signing the Treaty in Athens on 16 April 2003.

7. By successfully concluding the accession negotiations the Union has honoured its commitment that the ten acceding States will be able to participate in the 2004 European Parliament elections as members. The Accession Treaty will stipulate that Commissioners from the new Member States will join the current Commission as from the day of accession on 1 May 2004. After the nomination of a new President of the Commission by the European Council, the newly elected European Parliament would approve a new Commission that should take office on 1 November 2004. On the same date, the provisions contained in the Nice Treaty concerning the Commission and voting in the Council will enter into force. The necessary consultations with the European Parliament on these matters will be concluded by the end of January 2003. The above arrangements will guarantee the full participation of the new Member States in the institutional framework of the Union.

8. Finally, the new Member States will participate fully in the next Intergovernmental Conference. Without reform the Union will not fully reap the benefits of enlargement.

The new Treaty will be signed after accession. This calendar shall be without prejudice to the timing of the conclusion of the IGC.

9. The current enlargement provides the basis for a Union with strong prospects for sustainable growth and an important role to play in consolidating stability, peace and democracy in Europe and beyond. In accordance with their national ratification procedures, the current and the acceding States are invited to ratify the Treaty in due time for it to enter into force on 1 May 2004.

Cyprus

10. In accordance with the above paragraph 3, as the accession negotiations have been completed with Cyprus, Cyprus will be admitted as a new Member State to the European Union. Nevertheless the European Council confirms its strong preference for accession to the European Union by a united Cyprus. In this context it welcomes the commitment of the Greek Cypriots and the Turkish Cypriots to continue to negotiate with the objective of concluding a comprehensive settlement of the Cyprus problem by 28 February 2003 on the basis of the UNSG's proposals. The European Council believes that those proposals offer a unique opportunity to reach a settlement in the coming weeks and urges the leaders of the Greek Cypriot and Turkish Cypriot communities to seize this opportunity.

11. The Union recalls its willingness to accommodate the terms of a settlement in the Treaty of Accession in line with the principles on which the EU is founded. In case of a settlement, the Council, acting by unanimity on the basis of proposals by the Commission, shall decide upon adaptations of the terms concerning the accession of Cyprus to the EU with regard to the Turkish Cypriot community.

12. The European Council has decided that, in the absence of a settlement, the application of the *acquis* to the northern part of the island shall be suspended, until the Council decides unanimously otherwise, on the basis of a proposal by the Commission. Meanwhile, the Council invites the Commission, in consultation with the government of Cyprus, to consider ways of promoting economic development of the northern part of Cyprus and bringing it closer to the Union.

Bulgaria and Romania

13. The successful conclusion of accession negotiations with ten candidates lends new dynamism to the accession of Bulgaria and Romania as part of the same inclusive and irreversible enlargement process. The Union welcomes the important progress achieved by these countries, which is duly reflected in the advanced state of their accession negotiations.

14. The Union looks forward to consolidating the results achieved so far. Following the conclusions of the European Council in Brussels and depending on further progress in complying with the membership criteria, the objective is to welcome Bulgaria and

Romania as members of the European Union in 2007. The Union confirms that accession negotiations with these countries will continue on the basis of the same principles that have guided the accession negotiations so far, and that each candidate country will be judged on its own merits.

15. The roadmaps put forward by the Commission provide Bulgaria and Romania with clearly identified objectives and give each country the possibility of setting the pace of its accession process. It is essential that Bulgaria and Romania seize this opportunity by stepping up their preparation, including fulfilling and implementing the commitments undertaken in the accession negotiations. In this context, the Union underlines the importance of judicial and administrative reform that will help bring forward Bulgaria's and Romania's overall preparation for membership. This will ensure that the process will be successfully brought forward on the basis of the results reached so far. Future Presidencies and the Commission will make sure that the pace of accession negotiations on all remaining chapters, including chapters with financial implications, is maintained and matches the efforts of Bulgaria and Romania.

16. The Union underlines its resolve to assist Bulgaria and Romania in these efforts. The Union endorses the Commission's communication on roadmaps for Bulgaria and Romania, including the proposals for a significant increase in pre-accession assistance. The high level of funding to be made available should be used in a flexible way, targeting the priorities identified, including in key areas such as Justice and Home Affairs. Further guidance in their pre-accession work will be provided by the revised Accession Partnerships to be presented to them next year.

17. Furthermore, Bulgaria and Romania will participate in the next Intergovernmental Conference as observers.

Turkey

18. The European Council recalls its decision in 1999 in Helsinki that Turkey is a candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate states. It strongly welcomes the important steps taken by Turkey towards meeting the Copenhagen criteria, in particular through the recent legislative packages and the subsequent implementation measures which cover a large number of key priorities specified in the Accession Partnership. The Union acknowledges the determination of the new Turkish government to take further steps on the path of reform and urges in particular the government to address swiftly all remaining shortcomings in the field of the political criteria, not only with regard to legislation but also in particular with regard to implementation. The Union recalls that, according to the political criteria decided in Copenhagen in 1993, membership requires that a candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

19. The Union encourages Turkey to pursue energetically its reform process. If the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay.

20. In order to assist Turkey towards EU membership, the accession strategy for Turkey shall be strengthened. The Commission is invited to submit a proposal for a revised Accession Partnership and to intensify the process of legislative scrutiny. In parallel, the EC-Turkey Customs Union should be extended and deepened. The Union will significantly increase its pre-accession financial assistance for Turkey. This assistance will from 2004 be financed under the budget heading “pre-accession expenditure”.

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21. The European Union and the acceding States agreed on a joint declaration “One Europe” on the continuous, inclusive and irreversible nature of the enlargement process (see doc. SN 369/92) which will be annexed to the final act of the Accession Treaty.

The enlarged Union and its neighbours

22. The enlargement will bring about new dynamics in the European integration. This presents an important opportunity to take forward relations with neighbouring countries based on shared political and economic values. The Union remains determined to avoid new dividing lines in Europe and to promote stability and prosperity within and beyond the new borders of the Union.

23. The European Council recalls the criteria defined at the Copenhagen European Council in June 1993 and reaffirms the European perspective of the countries of the Western Balkans in the Stabilisation and Association Process as stipulated by the European Council in Feira. The Council underlines its determination to support their efforts to move closer to the EU. The European Council welcomes the decision by the incoming Greek Presidency to organise a Summit on 21 June in Thessaloniki between EU Member States and countries of the Stabilisation and Association Process.

24. The enlargement will strengthen relations with Russia. The European Union also wishes to enhance its relations with Ukraine, Moldova, Belarus and the southern Mediterranean countries based on a long-term approach promoting democratic and economic reforms, sustainable developments and trade and is developing new initiatives for this purpose. The European Council welcomes the intention of the Commission and the Secretary General/High Representative to bring forward proposals to that end.

25. The European Council encourages and supports the further development of cross-border and regional cooperation inter alia through enhancing transport infrastructure, including appropriate instruments, with and among neighbouring countries in order to develop the regions’ potential to the full.

II. Functioning of the Council in view of enlargement

26. The European Council took note of an initial report from the Presidency on the Presidency of the Union requested at Seville.

III. European Security and Defence Policy

27. The European Council congratulated the Presidency and the Secretary-General/High Representative, Javier Solana, for their efforts which have enabled the comprehensive agreement reached with NATO on all outstanding permanent arrangements between the EU and NATO in full conformity with the principles agreed at previous meetings of the European Council and the decisions taken at the Nice European Council.

28. The European Council confirmed the Union's readiness to take over the military operation in FYROM as soon as possible in consultation with NATO, and invited the relevant bodies of the EU to finalize work on the overall approach to the operation, including development of military options and relevant plans.

29. The European Council also indicated the Union's willingness to lead a military operation in Bosnia following SFOR. It invited the Secretary General/High Representative, Javier Solana, and the future Presidency to begin consultations to that end with the authorities in Bosnia-Herzegovina, the High Representative Lord Ashdown, NATO and other international players and to report to the Council in February. It requested the relevant EU bodies to make proposals on an overall approach, including the legal framework, by the same time.

30. The European Council has taken note of the declaration of the Council attached in Annex II.

ANNEX II

Declaration of the Council Meeting in Copenhagen

on 12 December 2002

The Council notes the following:

1. As things stand at present, the "Berlin plus" arrangements and the implementation thereof will apply only to those EU Member States which are also either NATO members or parties to the "Partnership for Peace", and which have consequently concluded bilateral security agreements with NATO.
2. Paragraph 1 above shall not affect the rights and obligations of EU States in their capacity as EU Members. Consequently, in the absence of any specific provision in the Treaty or in a Protocol annexed thereto (particular case of Denmark), all EU Member

States will participate fully in defining and implementing the Union's CFSP, which shall cover all matters relating to the Union's security, including the progressive framing of a common defence policy.

3. The fact that, as things stand at present, Cyprus and Malta will not take part in EU military operations conducted using NATO assets once they have become members of the EU will not, within the limits of the EU Security Regulations, affect the right of their representatives to participate and vote in EU institutions and bodies, including COPS, with regard to decisions which do not concern the implementation of such operations.

Likewise, their right to receive EU classified information, within the limits of the EU Security Regulations, shall not be affected, provided the EU classified information does not contain or refer to any classified NATO information.

ANNEX IV

European Council Declaration on Iraq

The European Council underlines its full and unequivocal support for the Security Council Resolution 1441 of 8 November 2002. The goal of the European Union remains the disarmament of Iraq's weapons of mass destruction in accordance with the relevant UN Security Council Resolutions. It is now up to Iraq to seize this final opportunity to comply with its international obligations.

The European Council notes Iraq's acceptance of Resolution 1441 and that it has, as required, submitted a declaration on its programmes to develop weapons of mass destruction and related products.

The EU will continue to give its full support to the efforts of the UN to ensure full and immediate compliance by Iraq with Resolution 1441. The role of the Security Council in maintaining international peace and security must be respected.

The European Council expresses its full support for the inspection operations of UNMOVIC and IAEA headed by Dr. Blix and Dr. El-Baradei. The European Council stresses that the weapons inspectors should be allowed to proceed with their important task without interference using the full range of tools available to them under Resolution 1441. The EU looks forward to their assessment of the Iraqi declaration.

ESDP PRESIDENCY REPORT

I. Introduction

1. In line with the mandate defined by the European Council in Seville, the Presidency¹ submits this progress report on ESDP.
2. In presenting this report, the Presidency has noted that Denmark has drawn attention to Protocol No. 5 on Denmark's position annexed to the Treaty of Amsterdam.

II. Towards the first EU-led operations

3. The EU Police Mission in Bosnia and Herzegovina (EUPM) will start on 1st January 2003, as a follow-up to the UN International Police Task Force (IPTF). All EU Member States will participate in the EUPM, joined by 18 other States. The EUPM will form part of EU and other international efforts to support the rule of law and democratic structures in Bosnia and Herzegovina. As the first crisis management operation in the context of the ESDP, the EUPM is a significant milestone. It will in addition provide an important source of experience for the EU in the future development of its crisis management capabilities.
4. On the basis of the conclusions of the European Council in Brussels of 24-25 October 2002 the EU has continued its preparatory work for a possible take over of the NATO operation in FYROM.

III. The fight against terrorism

5. The Seville Declaration identified priority action for the EU, including in the field of CFSP and ESDP, concerning the fight against terrorism. Work on the implementation of the Seville Declaration has continued and includes the development of a common evaluation of the terrorist threat against the Member States or the forces deployed under ESDP outside the Union in crisis management operations, refinement of the impact of the terrorist threat on the development of military capabilities, notably within the ECAP process and possible utilisation of military capabilities to help protect civil populations against the effect of terrorist attacks. In this context, the Helsinki Headline Goal Catalogue was refined. The aspect of terrorist threat to deployed forces was addressed, and a new requirement for NBC protection has been incorporated in the catalogue.

IV. The development of EU capabilities

Military

6. The Council approved the Helsinki Headline Goal Catalogue 2002 (HHC 2002). The Member States have been invited to offer more focused contributions to the Headline Goal or to refine existing ones in order to rectify certain shortfalls.

7. The overall assessment drawn from the intermediate reports from the ECAP panels is encouraging taking into account that 19 panels are currently considering most of the significant shortfalls to be remedied. The process appears to be broadly effective in generating an appropriate range of viable options; these are expected to fulfil the remaining shortfalls both in the short and long term. Final reports from all ECAP panels are required by 1st March 2003. The Council has already considered the next phase of the process, including the use of existing mechanisms or new tools (e.g. project groups) that could be activated within the ECAP framework.

8. Further work in the field of armaments co-operation has to be carried out, as Member States consider appropriate, taking into account the 19 November 2002 Council conclusions, considering in this context the possibility of the National Armaments Directors to offer their expertise to the activities of the ECAP process and the need to explore the potential of existing structures with a view to strengthening the European defence industrial and technological base.

9. Appropriate measures for streamlining financing, procurement and all other defence policy aspects of military capabilities that should be used in support of the ECAP process, will be considered. The need for adequate national action and support at the highest political level was emphasised.

Civilian

10. The Civilian Crisis Management Capability Conference held on 19 November 2002 at ministerial level showed that the concrete targets in the priority areas (police, rule of law, civil protection and civilian administration) set by the European Council to be met by 2003 have been exceeded through Member States voluntary commitments. Progress has been achieved on developing the conceptual aspects of the EU civilian crisis management capabilities. The voluntary commitments made and the civilian crisis management capabilities developed will enable the EU to take on a wide range of crisis management operations. The Council has tasked the competent bodies and invited the Secretary General/High Representative to take forward as soon as possible work on establishing an EU planning and mission support capability within the General Secretariat of the Council, based upon an assessment of the specific needs and of the synergies with the capabilities already existing in the Commission and taking into account the budgetary implications.

V. Civil-military co-ordination

11. The Council has welcomed an Action Plan for the further strengthening of civil-military co-ordination in EU crisis management. As part of the implementation of the Action Plan a number of issues related to civil-military co-ordination have been dealt with, including the development of guidelines for ESDP Crisis Response Information Activities, as well as strengthening of internal co-ordination. Work on other issues in the Action Plan has started and will be completed during the incoming Greek Presidency.

VI. Rapid response

12. Substantial work has been carried out to develop the procedures and concepts concerning the Rapid Response Elements of the Headline Goal underlining the need for the enhancement of the Union's capability to react to a crisis requiring rapid response particularly for humanitarian and rescue tasks. It has been identified that this will require accelerated decision making and deployment on the basis of principles agreed in the 19 November 2002 Council conclusions. In addition work has been carried out on the improvement of command and control arrangements for national and multi-national Headquarters, enabling an efficient and timely response to a crisis.

VII. Common training

13. The Presidency launched a process for the development of EU common training at different levels within the ESDP context for the improvement of interoperability and the further enhancement of European security culture under the ESDP. The Council agreed that substantial progress on this aspect of common training will facilitate close co-operation with relevant initiatives in the civilian field. The Commission started the implementation of the EC Project on Training for Civilian Aspects of Crisis Management.

VIII. Co-operation with NATO

14. On the basis of the mandate of the Seville and Brussels European Councils, the Presidency and the Secretary General/High Representative continued their efforts aiming at reaching a comprehensive agreement with NATO on all outstanding permanent arrangements between the EU and NATO in full conformity with the principles agreed at previous European Councils and the decisions taken at the Nice European Council. (cf. para. 27 of the Presidency Conclusions to the Copenhagen European Council, 12 and 13 December 2002).

15. Meetings between the PSC and the NAC, and between the respective military committees have strengthened the co-operation in fields of common concern, including areas such as the fight against terrorism following 11 September 2001 and the situation

in the Western Balkans. Exchanges of information on protection of civilian populations against Nuclear, Biological, Radiological and Chemical terrorist attacks are taking place.

IX. Co-operation with international organisations

16. Co-operation with the UN, the OSCE and the Council of Europe has been pursued through high-level and working level contacts. Co-operation between the EU and the UN Headquarters as well as on the ground is helping to assure a smooth transition from the UN IPTF to the EUPM. Contacts with the UN on co-operation regarding crisis management, including peacekeeping, have been elaborated.

X. Co-operation and dialogue with third countries

17. Co-operation with non-EU European NATO members and other countries, which are candidates for accession to the EU, as well as with other potential partners, has continued. Arrangements adopted for consultation and co-operation with Canada, Russia and Ukraine have been implemented. Likewise arrangements for consultations and modalities for contribution of non-EU states to EU civilian crisis management operations have been adopted. The EU has welcomed the contribution of these States to the EUPM.

18. On 19 November 2002, the Council agreed on the need for further regular dialogue with the Mediterranean partners in order to enhance transparency, further strengthen mutual understanding on ESDP and explore more concrete ideas and proposals for co-operation.

XI. Conflict prevention

19. The EU has continued to mainstream conflict prevention into all aspects of its work, including the ESDP, in line with the terms of the EU Programme for the Prevention of Violent Conflicts. The enhancement of early warning capabilities within the EU, and the overview discussions by the General Affairs and External Relations Council at the start of the Presidency have contributed to the implementation of this programme.

XII. Mandate for the incoming presidency

20. On the basis of the present report, the incoming Presidency, assisted by the Secretary General/High Representative and as appropriate in association with the Commission, is invited to continue work within the General Affairs and External Relations Council on developing the ESDP, paying particular attention to the following:

- EU-NATO co-operation, FYROM, Bosnia: cf. para. 27 to 30 of the Presidency Conclusions to the Copenhagen European Council, 12 and 13 December 2002.
- To pursue work on military capabilities, building upon the result of previous

Presidencies, with a view to achieving the Headline Goal and the collective capabilities goals in accordance with the 19 November 2002 Council conclusions.

- For those countries concerned these efforts should be mutually reinforcing with those pursued in NATO, while fully respecting the decision-making autonomy of both organisations.
- To finalise as a matter of urgency work on Rapid Response Elements on the basis of the 19 November 2002 Council conclusions.
- To finalise the work on the Capability Development Mechanism.
- To enhance co-operation in the field of Armaments, as Member States consider appropriate, on the basis of the Council conclusions of 19 November 2002.
- To consider appropriate measures for streamlining financing, procurement and all other defence policy aspects of military capabilities that should be used in support of the ECAP process.
- To step up the work to increase the effectiveness of the contribution of the ESDP in the fight against terrorism, in accordance with the declaration of the Seville European Council.
- To review the current schemes for consultations with third states in the light of EU and NATO enlargements.
- To further strengthen the dialogue with Mediterranean partners in order to enhance transparency and further strengthen mutual understanding on ESDP and explore more concrete ideas and proposals for co-operation.
- To further develop the work on common training by encompassing both military and civilian dimensions.
- To further improve civilian tools in the four priority areas: police, rule of law, civil protection, and civilian administration, including further work on the capabilities and on concepts and procedures. The need for possible additional EU civilian crisis management capacity areas should be kept under review.
- To take forward work on the Council conclusions endorsing the Ministerial Declaration adopted by the Civilian Crisis Management Capability Conference on 19 November 2002.
- To complete work on the Action Plan for strengthening civil-military co-ordination, and to continue the process of enhancing civil-military co-ordination.
- To continue work in order to finalise as a matter of urgency the financing arrangements related to the implementation of military and civilian crisis management operations.

■ To continue the implementation of the European Programme for the prevention of violent conflicts.

21. The incoming Presidency, assisted by the Secretary General/High Representative and as appropriate in association with the Commission, is invited to report to the European Council in Thessaloniki.

¹ In accordance with the Danish report presented to the Council on 8 October 2001 and based on the relevant legal instruments on the special position of Denmark annexed to the Treaties, Denmark did not preside in matters involving the elaboration and the implementation of decisions and actions of the Union, which have defence implications. In these matters Greece was the Presidency.

EU-NATO

Brussels, 16 December 2002

EUROPEAN UNION-NATO DECLARATION ON ESDP

The European Union and the North Atlantic Treaty Organisation,

- █ Welcome the strategic partnership established between the European Union and NATO in crisis management, founded on our shared values, the indivisibility of our security and our determination to tackle the challenges of the new Century;
- █ Welcome the continued important role of NATO in crisis management and conflict prevention, and reaffirm that NATO remains the foundation of the collective defence of its members;
- █ Welcome the European Security and Defence Policy (ESDP), whose purpose is to add to the range of instruments already at the European Union's disposal for crisis management and conflict-prevention in support of the Common Foreign and Security Policy, the capacity to conduct EU-led crisis-management operations, including military operations where NATO as a whole is not engaged;
- █ Reaffirm that a stronger European role will help contribute to the vitality of the Alliance, specifically in the field of crisis management;
- █ Reaffirm their determination to strengthen their capabilities;

Declare that the relationship between the European Union and NATO will be founded on the following principles:

- █ Partnership: ensuring that the crisis management activities of the two organisations are mutually reinforcing, while recognising that the European Union and NATO are organisations of a different nature;
- █ Effective mutual consultation, dialogue, co-operation and transparency;
- █ Equality and due regard for the decision-making autonomy and interests of the European Union and NATO;
- █ Respect for the interests of the Member States of the European Union and NATO;
- █ Respect for the principles of the Charter of the United Nations, which underlie the Treaty on European Union and the Washington Treaty, in order to provide one of the indispensable foundations for a stable Euro-Atlantic security environment, based on the commitment to the peaceful resolution of disputes, in which no country would be able to intimidate or coerce any other through the threat or use of force, and also based on respect for treaty rights and obligations as well as refraining from unilateral actions;

Coherent, transparent and mutually reinforcing development of the military capability requirements common to the two organisations.

To this end:

- The European Union is ensuring the fullest possible involvement of non-EU European members of NATO within ESDP, implementing the relevant Nice arrangements, as set out in the letter from the EU High Representative on 13 December 2002.
- NATO is supporting ESDP in accordance with the relevant Washington Summit decisions, and is giving the European Union, inter alia and in particular, assured access to NATO's planning capabilities, as set out in the NAC decisions on 13 December 2002.
- Both organisations have recognized the need for arrangements to ensure the coherent, transparent and mutually reinforcing development of the capability requirements common to the two organisations, with a spirit of openness.

REMARKS BY JAVIER SOLANA, EU HIGH REPRESENTATIVE FOR THE CFSP,

following the agreement on the establishment of EU-NATO permanent arrangements

- I am very pleased that we have agreed the EU-NATO framework for permanent relations. It is a clear milestone in our joint efforts in order to face the challenges of the new century. In today's world, security and stability are a collective endeavour. Our security will be best guaranteed by the collaboration of all of us. The agreement we are celebrating today is therefore important not only in itself but also for the people of Europe and beyond.
- This comes just after, in Copenhagen last Friday, the European Union decided to enlarge and, not long ago in Prague, NATO had also decided to expand. It is the reunification of Europe but also of a Europe which is availing itself of the means better to contribute to security and stability.
- In December 1999, the EU said in Helsinki that in 2003 it was going to be fully ready to act in crisis management operations with military capabilities. Three years after Helsinki, we are going to be ready. We have worked extremely hard to reach this moment and we have succeeded.
- Today, we launch a strategic partnership that will bring our organisations closer together. In full transparency, we are ready as of today to start a new era of co-operation. We will continue to work with NATO in the same spirit of co-operation: the mission continues.

■ We are going to concentrate our efforts in particular on three areas:

! The EU's readiness to take over the military operation in the Former Yugoslav Republic of Macedonia, in total co-operation with the authorities in Skopje. We aim to be ready by the end of February for such an operation.

! Together, we are going to analyse the possibilities for an EU military role in Bosnia and Herzegovina, after the SFOR mission, following the willingness expressed by the European Council in Copenhagen. In two weeks we are going to take over the police mission in Bosnia from the UN. The EU is ready to play its part in Balkans in all the forms needed.

! Together with NATO we are going to prepare for a Joint Exercise in November 2003.

Police Mission in BiH

Brussels, 31 December 2002

DECLARATION BY THE PRESIDENCY ON BEHALF OF THE EUROPEAN UNION ON THE LAUNCH OF THE EU POLICE MISSION IN BOSNIA AND HERZEGOVINA

Tomorrow The European Union Police Mission in Bosnia and Herzegovina (EUPM) will be launched as EU's first operation under the European Security and Defence Policy (ESDP).

The EUPM follows on from The UN's International Police Task Force in Bosnia and Herzegovina (IPTF). Excellent cooperation has ensured a seamless transition from UN to EU responsibility.

The EUPM will assist in establishing sustainable policing arrangements under the ownership of Bosnia and Herzegovina and in accordance with best European and international practice. It will work side by side with Bosnia and Herzegovina's police services to monitor and mentor, inspect and advise in all aspects of police work, including the fight against organised crime and corruption.

The EUPM is part of the broader Rule of Law approach in the EU's overall policy to the Western Balkans Region – the Stabilisation and Association Process.

The EU's Planning Team in Sarajevo has worked hard to ensure that the EUPM will be fully operational throughout Bosnia and Herzegovina from the very beginning of the mission. The Planning Team has cooperated closely with international organisations in Bosnia and Herzegovina, particularly the Office of the High Representative, OSCE and NATO.

Also police officers from 18 non-EU countries will participate in the EUPM. The EU very much welcomes their participation. It demonstrates the broad international support for – and unity of approach to – peace implementation and support for the establishment of the rule of law in Bosnia and Herzegovina.

II. The European Convention, CFSP and defence

The final reports of Working Group VII (External Action), chaired by Jean-Luc Dehaene, and VIII (Defence), chaired by Michel Barnier, closed the first series of considerations by the ‘Conventionists’. Important elements in the debate on ESDP included a redefinition of the Petersberg tasks, the inclusion of a clause on solidarity among member countries, the establishment of an autonomous armaments agency and the possibility of reinforced cooperation. On these fundamental issues, the contributions by the Conventionists were so numerous that it has not been possible to reproduce them all here. Those selected represent only a first partial and provisional indication of discussions that form part of a long and difficult negotiating process. In June 2003, the chairman of the Convention, Valéry Giscard d’Estaing, will present a draft Constitution to the European Council in Salonika.

Speech by Valéry Giscard d'Estaing,

Brussels, 26 February 2002

INTRODUCTORY SPEECH BY THE CHAIRMAN OF THE EUROPEAN CONVENTION

First plenary meeting

Ladies and Gentlemen,

You are the members of the Convention on the future of Europe.

You are the "Conventionists" of Europe.

You therefore have the power vested in any political body: to succeed, or to fail.

On one side, the yawning abyss of failure. On the other, strait is the gate to success.

If we fail, we will add to the current confusion in the European project, which we know will not be able, following the current round of enlargement, to provide a system to manage our continent which is both effective and clear to the public. What has been created over fifty years will reach its limit, and be threatened with dislocation.

If we succeed, that is to say if we agree to propose a concept of the European Union which matches our continental dimension and the requirements of the 21st century, a concept which can bring unity to our continent and respect for its diversity, then you will be able to leave here and return home, whether you are Italo-European, Anglo-European, Polish-European – or any of the others – with the feeling of having contributed, modestly but effectively, to writing a new chapter in the history of Europe.

I should like, at the start of this Convention, to tell you how essential our work is for Europe and indeed for the world; to tell you also that our task will be a difficult one, as it will have to combine the dynamism of a movement bringing together countries and peoples, with great rigour of thought and method; I shall conclude with a call for enthusiasm, a call to you, members of the Convention, and to the leaders of the Member States and the candidate countries, and to all the citizens of Europe, to the eldest, who were the victims of the cruel confrontations of the past, and to the youngest, who dream of a wide area of freedom and opportunity opening for them in Europe.

The European Council could not more forcefully underline the importance of our work than by creating this powerful Convention team, of which you are members.

This team of 105 members is strong enough to meet the challenge facing us:

- the Convention will rely on two Vice-Chairmen of the first rank, Mr Giuliano Amato and Mr Jean-Luc Dehaene, who have held high office in two of the founding States;
- the presence amongst the representatives of the European Parliament, the national parliaments and the governments of personalities of great stature, who have studied the facts of the European debate, will ensure the quality of their dialogue with the national bodies from which they come, and towards which they will play an indispensable intermediary role;
- here, I would like warmly to thank those bodies which have responded positively to my call to appoint women to represent them;
- as for the two representatives of the Commission, they will help us to benefit from their great expertise, and their practical knowledge of the Europe of the Communities;
- the strong representation from the candidate countries, with 39 members, will ensure that the Convention has precise knowledge of their aspirations, and of the role they wish to play in Europe;
- the post of Secretary-General to the Convention will be held by a senior diplomat, with experience of the European institutions. I would like to thank the United Kingdom Government for facilitating his appointment.

Finally, the small team at the General Secretariat, which is young and talented and selected exclusively on its merits will, I am sure, constitute a brilliant “think tank” for the great European adventure, and will help to make our proceedings consistent and methodical.

The Convention is part of the rich and fertile continuum of European history.

The distance we have travelled since Jean Monnet, Konrad Adenauer, Paul-Henri Spaak and Alcide de Gasperi is vast and scarcely credible.

Your very presence together in this room would have appeared unimaginable, would have seemed like a dream to the British, the Germans, the French, and the Dutch less than sixty years ago, and to the Czechs, Hungarians and Romanians less than fifteen years ago.

Europe has moved forward step by step, from Treaty to Treaty. The road has been lined with partial agreements and with crises which have quickly been overcome. The most striking feature is that Europe may have appeared at certain periods to be blocked, but it has never taken a step backwards.

In changing their currency, showing a remarkable capacity to adapt and a sort of popular joy, 302 million Europeans have just cast off the reproach of Euro-sclerosis and shown that they are able to approve what is proposed to them when they judge it to be simple and useful.

All along this road, the European institutions, the Council, the European Parliament, the Commission, and the Court of Justice, have provided sterling service, to which we must pay tribute.

At the same time, we must admit that these measures are reaching their limits. The process of European union is showing signs of flagging, as the Laeken Declaration makes clear.

The decision-making machinery has become more complex, to the point of being unintelligible to the general public. Since Maastricht, the latest Treaties have been difficult to negotiate and have not met their original aims: discussions within the Institutions have often given precedence to national interests over consideration of the common European good. Finally, the abstention rate at European elections has reached a worrying level: in 1999 it exceeded the highly symbolic 50% threshold for the first time!

The shortcomings affect Europe in its present configuration. They will be even more critical in an enlarged Europe.

We must remedy them in the interests of Europe, but also in the interests of the world.

Today's world lacks a strong, united and peaceful Europe.

The world would feel better if it could count on Europe, a Europe which spoke with a single voice to affirm respect for its alliances, but also to proclaim, whenever necessary, a message of tolerance and moderation, of openness towards difference, and of respect for human rights.

Let us not forget that from the ancient world of Greece and Rome until the Age of Enlightenment, our continent has made three fundamental contributions to humanity: reason, humanism and freedom.

Indeed, everyone on our planet would feel better if the strong voice of Europe could be heard.

If we succeed, in 25 years or 50 years – the distance separating us from the Treaty of Rome – Europe's role in the world will have changed.

It will be respected and listened to, not only as the economic power it already is, but as a political power which will talk on equal terms to the greatest powers on our planet, either existing or future, and will have the means to act to affirm its values, ensure its security and play an active role in international peace-keeping.

Our work, Honourable Members of the Convention, will be only one phase in the new Europe, but it is a key stage in giving our multinational adventure a fresh start.

Europe is at present marking time on account of several factors: the tangled skein of powers, the complexity of procedures, and perhaps also the weakening of political resolve; but there is, in my view, one prime reason: the difficulty of combining a strong feeling of belonging to the European Union with a continuing sense of national identity.

This difficulty already exists today. But it will be accentuated by the number and diversity of States taking part tomorrow in the life of the European Union.

This requirement is relatively new. During the first decades of the union of Europe, when national identities were still strong – to the point of fuelling bloody confrontations in order to protect or extend them, and when only a small and relatively homogenous Europe was involved – the only concern was to further European integration.

Since the 1990s, we have witnessed the growth of another need: the need for compatibility between the desire to be part of a strong European Union, and to remain solidly rooted in national, political, social and cultural life.

We must ensure that governments and citizens develop a strong, recognised, European “*affectio societatis*”, while retaining their natural attachment to their national identity.

It was in the light of all these aspects that the Laeken European Council decided to create the Convention on the Future of Europe, of which you are members, assigning to it the task of preparing for the reform of Europe’s structures and – if we prove equal to the task – setting us on the path towards a Constitution for Europe.

What will our programme be?

And how shall we conduct our proceedings?

The present situation of Europe prompts us to look back, to return to our sources and to ask ourselves what is the ultimate goal of the European project.

The first stage of our work will thus be one of open, attentive listening.

As members of the Convention we will have to ask each other, and ask all our interlocutors, this question: “*what do Europeans expect of Europe, at the beginning of the 21st century?*”.

We must embark on our task without preconceived ideas, and form our vision of the new Europe by listening constantly and closely to all our partners, governors and governees, economic and social partners, representatives of regional authorities – already present here – members of associations and civil society represented in the forum, but also those who have no other identity than that they form part of Europe.

In listening, we must pay special attention to two groups: young people, for whom I would like us to be able to organise a “Convention for the Young People of Europe”, which would meet using our own model as its basis; and the citizens of the candidate countries, who will be both discovering the European Union and learning how it works.

We will make use of contemporary, interactive listening methods, particularly on the Internet. Everyone must have an opportunity to be heard, which of course presupposes effective, decentralised organisation, making possible a dialogue with no ideological or partisan barriers.

Similarly, there is a desire for interactive surveys, enabling civil society to react to some of our future proposals.

Vice-Chairman Jean-Luc Dehaene has agreed to coordinate the Convention's activities in that area.

Our first meetings will be devoted to listening to what Europe wants.

Our survey will in particular cover how Europeans imagine Europe 50 years hence. Do they want a Europe tending towards homogeneity – a more uniform Europe – driven forward by a process of harmonisation?

Or do they prefer a Europe which would keep its diversity, while respecting cultural and historical identities? These two objectives will obviously result in different approaches.

We shall also have to be more attentive to an issue which the Nice Declaration placed at the head of the demands being made on our Convention and of which the Laeken Declaration underlined the importance: defining the respective powers of the European Union and the Member States: the answer to the famous question: who does what in Europe?

What should the powers of the Union and the States be? Must the emphasis be placed on exclusive competence or should we adapt to a large area of shared competence? What should be the means of exercising these powers so that they are understandable to the public?

During this listening phase we shall be able to draw on the very fruitful work conducted in the European Parliament.

Perhaps, to make the process easier for our interlocutors in civil society, we should draw up a kind of "questionnaire on Europe" as has already been done in some Member States.

After this listening phase, we shall have to conduct two parallel approaches.

First of all, we shall have to seek answers to the questions raised in the Laeken Declaration. They fall into six broad groups: fundamental questions on Europe's role; the division of competence in the European Union; simplification of the Union's instruments; how the institutions work, and their democratic legitimacy; a single voice for Europe in international affairs; and, finally, the approach to a Constitution for European citizens.

At the same time, we shall have to consider carefully the various prescriptions for Europe's Future which others have put forward, and which are now in circulation.

At this stage, our role will not be to make value judgments on them, but simply to examine them, together with all their implications, and to check their consistency, particularly in terms of the issues raised at Laeken, *so as to gauge their impact on the future of Europe 25 years and 50 years from now.*

In particular, we shall consider the following formulae:

- the organisation of the European institutions resulting from the Treaty of Nice;
- the plan for a Europe organised along federal lines, as put forward by high-level German decision-makers in particular;
- the document prepared by the European Commission on modernising the Community method;
- the solutions submitted under the banner of a “federation of nation states”, whether or not they involve the creation of a second chamber.

Once that examination has been completed, the Convention will be able to embark on the third stage of its work: its recommendations, and indeed its proposal.

We shall have to respond to the request for simplification of the Treaties, with the aim of achieving a single Treaty, readable by all, understandable by all.

The Laeken Declaration leaves the Convention free to choose between submitting options or making a single recommendation.

It would be contrary to the logic of our approach to choose now.

However, there is no doubt that, in the eyes of the public, our recommendation would carry considerable weight and authority if we could manage to achieve broad consensus on a single proposal which we could all present.

If we were to reach consensus on this point, we would thus open the way towards a Constitution for Europe.

In order to avoid any disagreement over semantics, let us agree now to call it: a “constitutional treaty for Europe”.

I now come to the conduct of our proceedings.

Each of us can perceive the immensity of the task which faces us if we are to carry our discussions through to their conclusion and draft texts reflecting our proposals.

The one-year timeframe which we have been given is relatively short.

We shall endeavour to comply with it.

However, I must say here and now that I am not prepared to sacrifice either the authenticity of our survey of European public opinion or the quality of work of our Convention and the proposals it draws up.

The practical working methods of our Convention are not a matter for this inaugural meeting. We shall finalise them at our first working meeting.

However, I should like to put to you three comments which seem to me important for the direction of our work.

1. We are neither an Intergovernmental Conference nor a Parliament.

We are a Convention.

We are not an Intergovernmental Conference because we have not been given a mandate by Governments to negotiate on their behalf the solutions which we propose.

We are not a Parliament because we are not an institution elected by citizens to draft

legislative texts. That role belongs to the European Parliament and to national Parliaments.

We are a Convention.

What does that mean?

A Convention is a group of men and women meeting for the sole purpose of preparing a joint proposal.

The principle underlying our existence is our unity.

The members of the four components of our Convention must not regard themselves simply as spokespersons for those who appointed them – Governments, the European Parliament, national Parliaments and the Commission – no more than Giuliano Amato will speak on behalf of Italy, Jean-Luc Dehaene on behalf of Belgium or I myself on behalf of France.

Each person will of course remain loyal to his or her brief, but must make his or her personal contribution to the work of the Convention.

Let us be clear about it. This Convention cannot succeed if it is only a place for expressing divergent opinions. It needs to become the melting-pot in which, month by month, a common approach is worked out.

In order to be ready to listen, the Convention will have to turn towards the outside world.

However, in order to think about what proposals we can make, the members of the Convention will have to turn towards each other and gradually foster a “Convention spirit”.

Outwards to listen. Inwards to make proposals.

2. My second remark concerns what will happen within the framework of the Convention itself.

The Laeken Declaration gave the Convention two structures: a Chairman and two Vice-Chairmen and a Presidium of twelve members.

Some of you have expressed concerns about the role of the Presidium and the Plenary, fearing that the bulk of the work will in practice be carried out by the Presidium.

To you I would say that, for me, the Convention is the Convention!

It is normal for the proceedings of a Convention to be prepared and organised by a Presidium, as is the case for any assembly or organisation.

However, discussions will take place here and will be public.

Everything else will depend to a large extent on you and on the content of your contributions.

If your contributions genuinely seek to prepare a consensus, and if you take account of the proposals and comments made by the other members of the Convention, then the

content of the final consensus can be worked out step by step here within the Convention.

3. My third remark is simply a thought.

Our Convention represents the first occasion since the Messina Conference in 1955 for European leaders to set aside the resources and time to examine in detail the future of the European Union.

Although there have been several Intergovernmental Conferences in the intervening years, these provided an arena for diplomatic negotiations between Member States in which each party sought legitimately to maximise its gains without regard for the overall picture.

For its part, the European Council has decided on various occasions to hold meetings on the future of the European institutions, but those discussions have seldom lasted for longer than a day because of the pressure of international events and the constraints of the Council's schedule.

The proceedings of our Convention are therefore by way of an intellectual reassessment of the future of the European Union.

Ladies and Gentlemen,

Let me conclude by calling on your enthusiasm.

A word which comes from the Greek "en-thousia", meaning "inspired by a god". In our case, you might say "inspired by a goddess" – the goddess Europa!

We are often upbraided for neglecting the European dream, for contenting ourselves with building a complicated and opaque structure which is the preserve of economic and financial cognoscenti.

So let us dream of Europe!

Let us imagine a continent at peace, freed of its barriers and obstacles, where history and geography are finally reconciled, allowing all the states of Europe to build their future together after following their separate ways to West and East.

A space of freedom and opportunity where individuals can move as they wish to study, work, show enterprise or broaden their cultural horizons.

A space clearly identified by the way in which it successfully distils the dynamism of creation, the need for solidarity and protection of the poorest and the weakest.

But also a space in which strong cultural identities continue to exist and thrive, both conscious of their origins and keen for the stimulation that exchange can bring.

Let us also imagine Europe's voice in the world, its unity ensuring its influence and authority.

The richness of its culture and the ever-renewed strength of its creativity are known to all.

Europe has brought the world reason, humanism and freedom.

It has the authority to send forth a message of moderation, preaching the quest for mutually acceptable solutions and a passionate attachment to peace.

Its tolerance is ensured by its cultural diversity.

It must also show itself capable of ensuring its own security, whatever the dangers facing it.

We can indeed dream of Europe, and persuade others to share that dream!

If we were to fail, each country would return to the free trade system. None of us – not even the largest of us – would have the power to take on the giants of this world. We would then remain locked in on ourselves, grimly analysing the causes of our decline and fall.

Our call for enthusiasm goes out to other Europeans, but first and foremost to ourselves.

We must have a passionate interest in the success of our task if we are to engage and persuade others. It is a task modest in form but immense in content, for if it succeeds in accordance with our mandate, it will light up the future of Europe.

Long live Europe!

Thank you.

External Action Working Group

Brussels, 10 September 2002

MANDATE OF WORKING GROUP NO. VII ON EXTERNAL ACTION, CHAIRÉD BY JEAN-LUC DEHAENE

Mandate

1. How should the interests of the Union be defined and formulated?
2. How should the consistency of the Union's activities be ensured, coordinating all the instruments available to it (including development aid, humanitarian action, financial assistance, trade policy, etc.)?
3. What can be done to ensure that the decision-making process allows the Union to act rapidly and effectively on the international stage? How far could the Community method be extended to other fields of action and how could it be made more effective? What easing of the rule of unanimity might be considered?
4. What lessons may be drawn from the experience gained from the creation of the post of HR for the CFSP? What right of initiative should he have? How can it be ensured that he has the necessary resources, including financial resources, at his disposal?
5. What amendments to arrangements for external representation would increase the Union's influence at international level? How could better synergy be achieved between the diplomatic activity of the Union and of the Member States?

Annotated mandate

I. Introduction

1. The Convention's plenary debate on external action (11-12 July) confirmed that the EU had much to gain from acting collectively on the international scene. Only a strong and united Union can protect its political and economic interests and defend the values, which are at the heart of the Union itself. It was also recalled that the challenges of globalisation require the Union to fulfil its international role by using effectively and coherently all the resources at its disposal. The Union as international player has come a long

way and over the years its role has been increasingly recognised on the global stage. At the same time expectations continue to grow, both within and outside the EU, and we need to look at how the Union can be made a stronger and more effective international player. A number of questions have been presented for consideration by the Working Group. The present paper aims at briefly explaining the background of these questions (in addition to documents CONV 161/02 and CONV 200/02) and proposes some avenues for discussion within the Working Group.

II. Questions to be considered

How should the interests of the Union be defined and formulated?

2. There is a widespread acknowledgement that acting collectively is the best way for the Union to defend common interests. At the same time, international developments rarely produce the same reaction, or the same intensity of reaction, in every Member State. In addition, the international agenda of the EU tends to lack continuity as each Presidency will put its own priorities centerstage. This faces us with two main challenges: how can we best identify and prioritise common interests, and how can we effectively encourage convergence of views between Member States, which would lead to more solidarity and political will to defend common interests?

3. The European Council has a key role in setting principles and general orientations in foreign policy. The Council develops common policies on the basis of these orientations. In the field of community action the Commission plays a central role deriving from its right of initiative while in CFSP proposals can be put forward by more than one actor. The Working Group could look into mechanisms that would help the different actors to collectively identify EU interests and to agree on a strategic approach to defend these interests, taking advantage of the particular interest and expertise of individual Member States in specific countries/regions. Exchange of information, joint policy assessments and other ways of co-operation both between capitals and institutions and in third countries, constitute an important tool to encourage convergence of views and would help to set objectives for the EU's external action. The Working Group could examine ways to strengthen existing mechanisms and possibly propose new ones.

How to ensure the coherence of the Union's action and co-ordinate all instruments at its disposal including development aid, humanitarian action, financial assistance, trade policy etc.?

4. All agree that a properly co-ordinated use of all instruments, economic and political, is important for the EU's capacity to exert influence on the international arena. The EU's economic weight is considerable; it is the main trading partner for many countries and regions, the world's largest provider of development and co-operation assistance and the importance of the Euro is increasing on the global stage. The EU has a vast variety of instruments at its disposal, which it can use to pursue its objectives in international

relations, and many internal policies have an important external dimension. The different policies and their instruments are interlinked; for example a decision related to development co-operation or humanitarian aid can have an important impact on foreign policy and vice versa. Many feel that the current arrangements within the EU should be improved in order to allow better co-ordination and encourage a coherent and credible approach in decision making. The issue is twofold: it concerns arrangements between institutions as well as structures within institutions.

5. The Working Group could look into structures within the Council, the Commission and the European Parliament and examine ways of improving internal co-ordination of policies and actions that are relevant for the EU's international relations. One option would be for each institution to establish a focal point that oversees all matters with an international dimension. (As regards the Council, the Working Group will wish to take as a starting point the conclusions of the Seville Council on the issue of reform).

6. The Working Group could also consider possibilities for enhancing synergies between the main actors/institutions. This might include options for enhancing co-operation between the HR and the Commission, creating the possibility for joint initiatives, or even merging certain of their functions in some form or another. It would also be worth looking into the possibility of using more effectively policy instruments that cover different fields of action.

What can be done to ensure that the decision-making process allows the Union to act rapidly and effectively on the international stage? How far could the Community method be extended to other fields of action and how could it be made more effective? What easing of the rule of unanimity might be considered?

7. All agree that it is important for the EU to have a dynamic foreign policy that is capable of responding promptly to international developments. This is of course closely linked to the absence or presence of political will to act in a certain case, which underlines the need to encourage solidarity and convergence of views between Member States. But in addition, many feel that the current need for unanimity in CFSP restricts the Union's capacity to act and that it favours a policy dictated by the least ambitious position. It has also been pointed out that in the absence of an EU position/action, the vacuum is often filled by (sometimes conflicting) national positions, which undermines the credibility of the Union as an international player. Extending the community method (or elements of it) to CFSP has been mentioned as a possible solution to overcome inertia in CFSP, as well as more use of "enhanced co-operation" and "constructive abstention" to ensure that the EU can be present on the international scene when needed.

8. The Working Group could look into the possibility of extending the use of QMV in foreign policy decisions, either across the board or in certain cases, for example when considering proposals that have been put forward jointly by the HR and the Commissioner responsible for external relations, as well as whether any other aspects of the Community method could be applied to CFSP. Consideration could also be given to whether there is

a scope for improving procedures within existing Community policy areas such as trade and development co-operation. The possibility of revitalising the instrument of common strategies (which aims at extending the use of QMV) could also be considered in this context. The Working Group could in addition examine under which conditions a group of Member States, as a coalition of the willing, could take forward an initiative on behalf of the EU (enhanced co-operation), and how to encourage more effective use of the possibility of “constructive abstention” for Member States that do not necessarily want to join an EU initiative but do not want to block it either.

What lessons may be drawn from the experience gained from the creation of the post of HR for the CFSP? What right of initiative should he have? How can it be ensured that he has the necessary resources, including financial resources, at his disposal?

9. The creation of the post of HR for CFSP in 1998 was welcomed both within and outside the Union. Almost four years after the post was created, there is a general acknowledgement that the HR has helped greatly to put the EU on the map by maintaining a presence in conflict areas, keeping contact with main international partners and fostering convergence of views within the Council.

10. The Working Group could consider how the EU could further maximise the benefit deriving from the function of HR, i.e. by strengthening his role in the decision making process and/or increasing the resources at his disposal. One could for example consider extending the right of proposal in foreign policy to the HR (which the Treaty now reserves for the Member States and the Commission), and/or examine the possibility that the HR chairs the Council formation responsible for foreign affairs (currently the General Affairs Council chaired by the Presidency). It would also be useful to consider what resources, human and financial, would be appropriate, at home or abroad, to match the scale of the HR’s task.

11. The question of a credible and pro-active EU diplomacy is closely linked to the availability of financial means to underpin foreign policy decisions by concrete measures. The Working Group could look into how one can ensure that the necessary budget is made available, both in terms of volume, financing procedures and accountability.

What amendments to arrangements for external representation would increase the Union’s influence at international level? How could better synergy be achieved between the diplomatic activity of the Union and of the Member States?

12. Some have pointed out that the external representation of the EU lacks clarity and that a single representation would improve the Union’s capacity to act effectively on the international scene. Others believe that diversity in representation is unavoidable, given the sui generis character of the Union, and that delivering a single message is more important than speaking with one single voice.

13. When considering the issue of external representation one should make a distinction between EU action in multilateral fora on the one hand and EU bilateral relations on the

other hand. With respect to multilateral affairs, the Working Group could consider what changes in external representation arrangements might help the EU to exercise more influence within the relevant international organisations (UN, OSCE, CoE, IFF's), and whether there is scope for rationalisation. In addition, the Working Group could examine ways to improve mechanisms that lead to the formulation of more common EU positions within these international organisations (single message).

14. With respect to the EU's relations with third countries, the Working Group could examine possible changes in the current arrangements for political dialogue meetings with a view to injecting more clarity and continuity in representation. The issue of EU representation in third countries deserves attention as well. The Member States and the Commission have at their disposal a vast network of diplomatic representations. It would be worth looking into ways to improve the synergy between the different services, to ensure that they co-operate for the common EU interest and to consider how representation on the ground can best enhance the EU's impact abroad.

Defence Working Group

Brussels, 10 September 2002

MANDATE FOR WORKING GROUP NO. VIII ON DEFENCE, CHAIRMAN MICHEL BARNIER

Mandate

1. Apart from the Petersberg tasks, what defence remit could be envisaged for the Union?
2. Since the Union has decided that it must have a genuine operational capability, including a military capability, what can be done to ensure that the Member States have the military capabilities needed to guarantee the credibility of the Union's defence policy? Should we seek inspiration from monetary union, and establish admission criteria and a pact to be complied with thereafter?
3. Should provision be made for extending enhanced cooperation to defence matters?
4. What can be done to ensure that decisions can be taken quickly during a crisis management operation?
5. What can be done to ensure coherent planning of the Union's crisis management operations?
6. What methods should be used to ensure greater efficiency and economies of scale in arms procurement, research and development? Should the creation of a European Arms Agency be envisaged?

Annotated mandate

Question 1

1. The scope of the CFSP is defined by Article 17(1) of the Treaty. It includes "all questions relating to the security of the Union, including the progressive framing of a common defence policy . . . which might lead to a common defence, should the European Council so decide".

The CFSP's scope is therefore very broad, and the objective of a common defence is set down as a possibility which could be implemented following a decision by the Council, without the need to call an IGC for that purpose. Such a decision would, however, need to be transposed in the Member States in accordance with their respective constitutional requirements.

2. Paragraph 2 of the same Article establishes that security questions include “humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking”. The new geopolitical context, the fact that the security of our States was threatened by a series of conflicts in the regions surrounding Union territory, the acute awareness during the Balkans crisis that EU Member States did not have sufficient military capabilities suitable for managing crises affecting them directly, and consequently that the Union’s voice at international level did not have the necessary military support, prompted the Cologne European Council in June 1999 to undertake a process of developing crisis-management capabilities.

3. However, the “Petersberg tasks”, as defined in Article 17(2), do not exhaust the scope of the CFSP. Hence, following the attack on 11 September, the question arose as to whether certain actions, and if so which ones, could be undertaken by the other Member States under the Treaty in the event of a similar attack or a biological or chemical attack against a Member State.

Moreover, eleven Member States are already bound by a mutual undertaking to provide assistance under Article 5 of the Washington Treaty (NATO) and ten of them also under Article V of the Brussels Treaty (WEU).

4. *The Group should consider the question of whether an undertaking of collective defence should be enshrined in the Treaty or in a Protocol annexed thereto, possibly with an “opting-in” clause for States which might not wish to subscribe to such an undertaking as of now or which might not yet have the capabilities.*

Question 2

5. The European Council, meeting in Cologne in June 1999, decided that the Union would be equipped with the necessary means and capabilities to assume its responsibilities; in particular, it indicated that the Union must have “credible military forces”. At its meeting in Helsinki in December 1999, the European Council established the “headline goal” to be achieved by 2003: on the basis of voluntary cooperation between the Member States, the Union should be able to deploy rapidly and then sustain forces capable of the full range of Petersberg tasks. This means the deployment within 60 days of up to fifteen brigades (50,000 to 60,000 forces), and within this framework to provide smaller rapid response elements available and deployable at very high readiness. They must be able to sustain such a deployment of forces – with the roulements deemed necessary – for at least a year. These forces should be militarily self-sustaining with the necessary command, control and intelligence capabilities, logistics, other combat support services and additionally, as appropriate, air and naval elements.

6. Since then, Capability Improvement Conferences have been held in Brussels, at the level of Defence Ministers, in order to oversee the process which should enable the headline goal set in Helsinki to be reached.

Careful analysis of this process shows that, although the shortfalls have been identified, adequate measures have not yet been taken to remedy them. The capabilities which the Member States are making available to the Union are those which have already been inventoried, and there is no substantial increase or improvement for the moment. Only two Member States have recently announced substantial increases in their equipment budgets. The critical shortfalls are:

- the command, control and communications system;
- strategic intelligence and the surveillance and protection of troops committed;
- strategic transport;
- effective commitment capability.

Making good these deficiencies requires investment, which may be obtained (a) by an increase in defence budgets and (b) by better use of resources (see question 6 below).

7. Sufficient military capabilities are a real credibility test for the European Union's ability to conduct crisis management operations and, more broadly, for the ability of the Member States to fulfil their obligations as regards defence.

Mechanisms should therefore be identified which ensure that the Member States meet their commitments as regards military capabilities. One possibility would be to take as a basis what has been done for Monetary Union: namely to establish strict criteria which Member States must meet if they are to be allowed to participate in the European Union's defence policy, and a "pact" which they would have to comply with thereafter. Those Member States which were unable to participate in this mechanism or which did not wish to do so could join it subsequently when they fulfilled the requisite criteria to do so.

Question 3

8. The points developed in the first and second sections above show that Member States' readiness to make progress in the defence sphere is not necessarily uniform. Some Members of the Convention have wondered how this diversity of willingness and capabilities within the European Union should be managed.

9. Regarding crisis management, specific forms of more enhanced cooperation between certain Member States might be envisaged, allowing some Member States to undertake an operation which would benefit from the implicit support or the constructive abstention of the others, and would be considered as a European Union operation.

In the case of mutual assistance and military capabilities, mechanisms should allow those States which have the will and the means to do so to intensify their commitments.

Question 4

10. The decision to launch a crisis management operation may, under the terms of the Treaty, be taken only by the Council. Thus the Council's decision relating to the activities of the European Union Police Mission (EUPM) in Bosnia and Herzegovina took the form of a Joint Action. Such a decision should normally define the objective(s) of the operation, a number of parameters to be respected during its implementation, and the condi-

tions under which the High Representative, who would then chair the Political and Security Committee, would be tasked with the implementation of its political, military and police aspects. As regards these measures, the High Representative would thus act with the consent of the Political and Security Committee, which in accordance with the conclusions of the Nice European Council would exercise the political control and the strategic management of the operation.

11. The current provisions of the Treaty stipulate that decisions relating to the conduct of crisis management operations may be taken only by the Council, which must therefore either be convened urgently or adopt decisions by written procedure. Article 25 of the Nice Treaty provides that the Council may delegate decision-making power to the PSC for the duration of the operation. However, in certain circumstances, there may be a perceived need to adopt decisions very swiftly, particularly in response to requirements communicated by the operation commander.

12. *The Working Group should consider ways of ensuring that decisions can be taken rapidly and effectively during the implementation of an operation and that the military leaders can identify a clear chain of command.*

Question 5

13. If the crisis management operation is a military one, it will be planned by the operation commander and the operational headquarters under the authority of the Military Committee. The Committee will be assisted by the European Union Military Staff. If recourse is had to NATO resources and capabilities, the operation will be planned by Alliance structures.

14. Since the European Union has at its disposal a whole range of crisis management instruments (police, reinforcement of the rule of law, reinforcement of civil administration and civil protection, not to mention humanitarian aid), the military operation is likely to be one aspect of a more comprehensive approach comprising other parallel or consecutive components. It would therefore seem crucial to ensure that there is coherent planning of the various aspects of the European Union initiative.

15. *The Group will have to consider how to ensure that the planning of military and civil aspects (which may incidentally be covered by Title V or by the EEC Treaty and must therefore be planned respectively by the Council General Secretariat's new politico-military structures and by the Commission) is coordinated.*

Question 6

16. According to the last subparagraph of Article 17(1), “the progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.”

There is in fact currently no cooperation on armaments at Union level. Some Member States are involved in purely intergovernmental forms of cooperation, which, however, cover only some aspects of armaments policy. Among these are the OCCAR, whose mem-

bers include the United Kingdom, France, Germany and Italy, and the LoI, which includes the same four countries plus Spain and Sweden.

There is also a forum for cooperation on armaments, the WEAG, comprising 19 European countries of which 14 are members of the Union and 16 are members of NATO. In this framework, a master plan has been approved with a view to moving towards the establishment of a European armaments agency, but only when conditions are right. There are also cooperative arrangements between several European governments and the industries in their countries relating to certain major military equipment projects (e.g. EUROFIGHTER).

17. The total defence budgets of the fifteen Member States amount to EUR 170,754 billion (compared with 285,257 billion dollars for the United States defence budget). If real progress is to be possible in terms of military capabilities, efforts must be made not only at defence budget level, but also at the level of procurement so as to achieve economies of scale, and at the level of arms research and development.

The Group might consider whether forms of cooperation on armaments could be incorporated into the Treaty: cooperation between all Member States? Voluntary cooperation with accession criteria?

It might also investigate the possibility of setting up an arms agency whose tasks (research, development, acquisitions) and operating methods would have to be studied in detail.

Lamberto Dini

Brussels, 26 September 2002

CONTRIBUTION ON ‘EUROPEAN DEFENCE’

1. In setting about the creation of a European defence capability, which is already provided for in the Treaties, we must be fully aware of the disparities in the security structures of the EU countries, the result of their very different histories (some neutral, others members of military alliances; some with nuclear weapons, others without; some having conventional forces, others not; some with conscript armies, others with only professional soldiers). Except in the nuclear field, these differences are likely to diminish, however. Consider, for example, the participation of candidate countries in peace-keeping operations and neutral countries' increasingly close links with NATO.

A common defence is already referred to in the Treaty of Amsterdam as the last step of integration. Exceptionally, provision is made for its implementation without a revision of the Treaties, by means of a decision of the European Council to be adopted by the Member States in accordance with their respective constitutional requirements.

In contrast with other areas of integration, account must also be taken of the collective security many EU countries had already achieved by belonging to the Atlantic Alliance, which existed even before the European Community was born.

It is therefore necessary to adhere to some principles that in the present geopolitical framework can guide the search for common instruments. These should help to avoid:

- duplication between individual national structures and between these and the structures of the Atlantic Alliance, especially in view of the scarcity of resources;
- discrimination, in the sense of distinguishing between the countries that belong to the Union and those that do not, between those that participate in a common defence and those that do not, naturally without introducing permanent exclusions;
- a decoupling between the Union and the United States, so as not to prejudice the oneness of the collective security of the Euro-Atlantic community. The decoupling would be political in the event of divergent decision-making processes; it would be strategic if the Union's military capability were insufficient. European insistence on institutional adjustments alone would undermine its credibility; American insistence that decision-making mechanisms can be revised only after Europe has acquired a full military capability would be equally unacceptable. A stronger European Union is a condition for a stronger NATO and, in the longer term, for its survival.

It is necessary to aim at two objectives: a) inside the Atlantic Alliance, to increase the cohesion and contribution of the EU component, so that it can dialogue with the United States; b) outside the Atlantic Alliance, to endow the Union with a capability permitting it to act on its own, after consulting the United States, drawing or not, according to the circumstances, on the instruments of the Alliance.

2. It is not necessary to revise the Treaty provisions concerning the so-called “Petersberg tasks” (humanitarian, peacekeeping, peacemaking). Such operations cover just about every form of military action except for those adopted following a collective defence commitment.

Humanitarian missions can be on a vast scale, as in Kurdistan in 1991, where they involved thousands of soldiers and strict enlistment rules. By contrast, those under way today do not need to be enlarged, in part owing to their flexibility, and are sufficient to protect the Union’s interests and achieve its aims.

3. From the institutional point of view it would not be appropriate to create a “fourth pillar” for defence, in addition to those that already exist (Community law, foreign policy, and justice and home affairs), whose number the Convention should in any case reduce. It would be advisable, instead, to integrate security and defence more effectively into the broader framework of the Union’s external action. The use of force can be part of a political solution to crises; the common strategies provided for in the Treaties could contain elements bearing on security and defence. The new institutions, especially the Political Committee, have been created precisely to bring together foreign policy and defence.

It would be useful, besides, to formalize a Council of Defence Ministers to address specific matters ranging from military planning to cooperation on armaments, although the European Council would always have the last word.

As regards the decision-making process, the Convention is moving towards a proposal for qualified majority voting in the Council on foreign policy matters. Defence, however, will have to continue to require unanimity, corrected by allowing constructive abstention or enhanced cooperation.

4. The foregoing considerations suggest the desirability of some innovations serving to introduce:

a) **enhanced cooperation also in the defence field**, where the need arises precisely from the difference in status indicated above, so as to permit a vanguard of countries to precede the others, while allowing the latter to opt in later, when they are able and wish to do so. In particular, it would be a question of abrogating the penultimate sentence of Article 23 of the EU Treaty. This would permit the application of the vanguard formula to sectors such as mutual defence undertakings and collaboration in the arms industry, where the immediate involvement of every country is not feasible in an ever larger Union.

The introduction of enhanced cooperation in the defence field had already been proposed by some countries, including Italy, towards the end of the Conference that led to the Treaty of Nice. Enhanced cooperation already exists outside the Treaties (Eurocorps, EUROFOR, EUROMARFOR, etc.); formalizing it would allow these initiatives to be brought into the Union.

- b) **The mutual defence commitment**, which would bring into the Union the part of the WEU Treaty that is still outside, especially the protection contemplated in Article V. A similar proposal was put to the founding member States as early as the negotiations leading up to the Treaty of Amsterdam.

In order to take account of the different status, the legal form could be that of a Protocol, with the adherence of today's full members of the WEU, which are also members of NATO. In fact the WEU commitment is exercised through the simultaneous participation in the Atlantic Alliance. The protocol should provide for an opting-in mechanism for other countries that wished to join those already tied by a double commitment within the WEU and NATO.

One objection that was raised in the past to this solution is that it would make the prerogatives of a member of the Union subject to its belonging to another institution external to it. This objection is becoming less and less credible, however, in view of the growing relations with the Atlantic Alliance both of individual members of the Union and of the Union itself, not to mention the growing coincidence in Europe between WEU and NATO members.

Common defence could be the nucleus of more advanced forms of permanent cooperation, with parameters for countries wishing to opt in later based on their effective capabilities. This cooperation could also cover new risks, such as those deriving from the use of chemical and biological weapons.

- c) **A European arms agency**, which would bring together the countries capable of contributing effectively to strengthening the industrial base of common security, in terms of research, production and procurement. The starting point could be provided by structures that already exist, such as OCCAR (the United Kingdom, France, Germany and Italy) and LoI, whose membership includes Spain and Sweden in addition to the four countries just mentioned.

In this case it would be a question of taking action that is already provided for in the Treaty and making more rational use of scarce resources by fostering the coordination not only of the supply of armaments but also of the related demand. Greater European cohesion would also serve to enhance the complementarity with the efforts made within the Atlantic Alliance and thus enable Europeans to acquire, in a non-antagonistic manner, adequate bargaining strength.

The agency should allow countries to opt in later, under the rules of enhanced cooperation. It is also worth asking whether it would not be desirable to revise Article 296 of the European Community Treaty, which excludes armaments from the scope of the single market.

d) **Convergence of the military structures of the EU countries**, together with a review of their capabilities within the Atlantic Alliance for the countries that belong to it.

It would in any case be possible to amend the Treaties with the addition of a commitment to closer concertation on the planning of national armed forces, so as to direct them towards the new tasks that have emerged and gradually fill the gaps of an operational nature with respect to the United States. Europe spends two thirds of the amount the United States spends on defence, but the results are far inferior, as regards both short-range operations (command, control, intelligent weapons, etc.) and long-range interventions (strategic logistics, airborne refueling, etc.).

In short, while the Union is preparing to equip itself with the means with which to carry out rapid interventions, it lacks the procedures needed to place them within a clear strategy for the defence of its interests, as regards either the geographical limits to their application or the circumstances legitimating their use, with reference, for example, to the role of the United Nations. In order to overcome this situation, the first step could be the publication of a white paper on European defence.

Javier Solana

Brussels, 15 October 2002

ADDRESS BY THE EU HIGH REPRESENTATIVE FOR THE CFSP to the External Action Working Group

Introduction

I am very pleased to be with you today. Allow me to begin by apologising for the rescheduling of this hearing, owing to an unforeseen trip to the Middle East. I feel at home with so many friends around the table. As I am among friends I wish to speak frankly, and plainly.

Three years ago when I was appointed as High Representative it was in response to a perceived weakness in the EU's foreign policy. The EU had a good track record on many economic aspects of external relations: on trade, on aid and so on. The weakness that our heads of State and Government had identified was a political one. My task was not to take anything away from the efforts that others were already making, but to bring something new and additional. I was asked to provide coherence, visibility and a distinctly political element to our foreign policy efforts. That is how I have approached my work, and it is with that in mind that I want to talk to you today.

Let me say at the outset that I have worked closely and in excellent harmony with Chris Patten throughout this period and I agree very much with the themes of his presentation to this Convention.

I will structure my opening statement around 3 main elements:

1. I will try to give a sense of what my work consists of, taking as examples some of the issues that have dominated my term to date;
2. I will share with you the lessons learned from this experience, identifying the shortcomings which in my view need redressing (not necessarily at Treaty level);
3. I will offer some suggestions on the way ahead, with a view to improving the EU's overall external performance.

I. About the High Representative's work and function

a) The Balkans

I have devoted much time and effort to the Balkans and for good reason. This is “our backyard”, our neighbourhood. The replacement of war and disorder with peace and stability in the Balkans has a very direct and immediate impact on the lives of the Union's citizens. Much remains to be done, but an enormous amount has been achieved in recent years. Our American friends and allies continue to make an important contribution, but there has been an unmistakable trend towards a “Europeanisation” of diplomacy in the Balkans. Where once Dayton was the venue and model, today it is Ohrid. The presence of a European political personality, invested with the authority of the Union and its Member States, and freed from a six-month horizon has been a considerable asset in this regard.

Let me explain in a little more detail how such progress has been possible:

- I have worked in close co-operation with Chris Patten to strengthen stability and promote reforms throughout the Balkans. I have made 37 visits to the region. Much work is still required, but the region is undoubtedly in better shape than 3 years ago.
- Collectively, we have helped the Yugoslav people to bring to an end the Milosevic era through mobilising massive international support of civil society and Media in Serbia.
- Together with George Robertson we have stabilised Southern Serbia at a time of considerable tension.
- Last year we helped steer Macedonia away from what threatened to be a disastrous civil war. The Ohrid Agreement now serves as the basis for new relations between Slavs and Albanians.
- As an example of conflict prevention, an agreement between Serbia and Montenegro on new constitutional arrangements was brokered.
- In Bosnia-Herzegovina, which remains fragile, the EU is about to take over from the United Nations a vital police mission. The EU Police Mission mobilises policemen from Member States (and from third countries) and is a very tangible illustration of the EU taking on important new responsibilities.
- We have set up in the region, in addition to Member State Embassies and Commission delegations, a network of remarkable EU Envoys/Special Representatives: Alexis Brouhns in FYROM (with the tall order of taking up the excellent work carried out by François Léotard and Alain Le Roy); Lord Ashdown in Bosnia-Herzegovina; Erhard Busek with the Stability Pact; without forgetting Michael Steiner in Kosovo, who remains a prominent European official, while fulfilling his UN mandate.
- Their presence on the spot – and their close relations with my Office – allow for a constant monitoring of local situation; for early warning in real time with regard to impending crises; for political problem-solving on a daily basis.

b) The Middle East

In the Middle East achievements have been more modest for obvious reasons, but highly significant in terms of presence, visibility and participation. Developments on the ground and the dynamics of the peace process may be disheartening at times – as is the case now. But not so long ago the EU did not even have a seat at the main political table despite the very important contribution we made in terms of economic and financial assistance. Now we are an important player, even if it remains the case that lasting solutions require the wholehearted engagement of the United States.

There has been a substantial political upgrade of the EU's role in the region:

- As High Representative I was nominated by the European Council as a full participant in the Sharm-el-Sheik Summit.
- The EU had a strong and continuing presence through my membership of the subsequent Mitchell Committee.
- We have consistently argued for the creation of “Quartet” co-ordination with the US, UN and Russia (and this is now the most important vehicle for the peace process);
- I visit the region practically every month. I enjoy close personal relations with all the leaders in the region. The EU's role is not just appreciated: it is in demand.
- Thanks to the relentless work of Miguel Moratinos on the ground, we have been involved in some of the most sensitive processes and crises that have unfolded in the last few months: from the Nativity crisis, to reform of the PA security apparatus; from the recent Fatah declaration signalling an end to military Intifada, to the Hasbani water dispute. We do so discreetly, away from the spotlight, through political advice and input from real specialists.

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The creation of the role of High Representative has allowed for added value beyond these two vital regional theatres. Visibility, profile and a permanent political channel have been given to the EU's work with the United Nations through my appearances before the Security Council (a radical innovation that I am pleased to report has now become an annual event) and through my contacts with the Secretary General. I have maintained close contact with subsequent chairs of the G8 countries and have helped to raise the EU's stature in that body. Finally, I spare no efforts in trying to raise the EU's profile and influence in other regions of the world. I have enjoyed an excellent working relationship with my interlocutors in the United States based on trust, frequent contacts and a shared desire to forge a closer EU-US relationship. Equally, I have worked hard to develop a political dialogue – in the truest sense of the phrase – with our partners in Russia, China, India, Africa, Asia and Latin America.

As you know, I have also devoted much time and energy to building up the necessary **infrastructure** for effective **foreign policy** at EU level. We now have most of the elements in place: a Policy Unit, a Situation Centre, the embryo of an EU intelligence capability, a Military Staff, a Military Committee and a Political and Security Committee. Together these elements have helped create a new culture of **real-time foreign policy formulation**.

All of these examples clearly illustrate that **the creation of the High Representative has actually filled a vacuum in terms of political action and presence, and added value to the EU's external action.**

II. Lessons learned

What lessons do I draw from the experience of the last 3 years?

1. The pre-requisite of **political will**. Efficient structures, access to suitable resources, institutional clarity count for little in the absence of real political will on the part of our Member States. The added value of the post of High Representative is maximised where the political will of our Member States is focussed and clearly expressed. Progress has been made in this respect, but more can be achieved. That means working even harder to achieve common EU positions, even where starting points may be divergent, and it means a greater readiness to mobilise national resources in the pursuit of EU aims.
2. The importance of **continuity**. Foreign policy, in particular crisis management, is still based on personal relations and trust. This has to be built up through personal contacts; (those cannot be switched every six months). This is particularly true also for relations with our transatlantic friends. I have always had excellent working relations with the successive Presidencies - not least the current one. But our system of external representation with constantly changing faces, an inflation of actors, and sometimes changing priorities is simply no longer adapted to the modern world and to our ambition to be a serious actor on the international scene.
3. **The need to be able to react quickly**. In the past the rhythm of CFSP work has been determined by monthly Foreign Ministers' meetings. However, crisis management in the 21st century requires real time reaction, high speed of contacts and co-ordination, and the capacity to deploy resources flexibly and rapidly.
4. Need for a **clear division of labour** in decision shaping and implementation. The EU external policy structure is inevitably complex. We are only successful if the Council delegates responsibility clearly, and if effective internal co-ordination is assured. The Commission and High Representative have distinct responsibilities: merging these functions would, in my view, create more confusion than synergy. Chris and I have shown that close co-operation and partnership can, and do, produce results.
5. **Coherence and solidarity among member states**. Both on the Balkans and on the Middle East, positions have converged greatly in recent years. (Compare the situation to the one prevailing at the beginning of the 90s!) This is not however the case everywhere.

Ultimately our effectiveness as a global actor will depend on the willingness of member States to share analysis and set joint priorities. It also depends on their commitment to act together, and above all to share the burden fairly. Burden-sharing can take different forms: member States that may not be able to contribute much in terms of military capabilities, can still bring a lot in terms of finance, refugees, development aid)

6. Willingness to tackle sensitive issues in the EU framework. For understandable historical reasons, certain issues linked to security and defence or finance are hardly touched upon in our discussions with third countries. A way must be found to overcome that problem; it is simply not possible to engage in a serious political partnership with the US (as EU) without talking about these matters.

7. Well functioning co-ordination with international partners and actors is another key to success. A large part of my work in past years has been devoted to harmonising approaches with the US, Russia, NATO, OSCE etc. Coherent International Community policies can overcome local obstructionism in crisis situations. Reluctant parties on the ground, instead, ruthlessly exploit divisions within the International Community. More generally, we must seek a more productive format for our contacts with third countries. At present too much of our external policy is locked into a rigid structure of ritualistic meetings, some of them lacking in substance.

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III. The way ahead: suggestions for a more efficient foreign policy

I have, over the last 3 years, avoided getting involved in the debate on institutional engineering. I have focussed instead on getting the job done, within the institutional framework that we have. It is up to you (the Convention) and eventually to the representatives of Governments in the upcoming IGC, to design the future shape of Treaties and Institutions.

I leave with you, however, a few suggestions to think over. These are inspired by a desire to overcome unnecessary obstacles on the path to a more efficient external action. Some of the improvements could be made within the existing framework; others will require treaty changes.

1. Representation: external representation should be delegated by the Council to the High Representative, where appropriate in collaboration with the Commissioner responsible for RELEX.

2. Initiative: the High Representative should be empowered to present proposals in his own right. Any such proposals, especially in the framework of crisis management, should encompass the possibility and capability to mobilise the whole spectrum of instruments at the disposal of the Community and of the Member States: from humanitarian aid to police; from electoral observation to military assets. There is an argument

to be made for greater use of joint proposals of the High Representative and the Commission.

3. Chairing the Council: a permanent Chair for the External Relations Council is necessary. Many of the aims of the suggestions in 1 and 2 above could be achieved if – as many have proposed – the High Representative were to be designated as this permanent chair. It would greatly simplify external representation practices, and it would inevitably imply a right of initiative or proposal, alongside the prerogative of organising and steering the Council's work. Furthermore, it would de facto (if not de jure) ensure better planning and more consistent preparation of policy initiatives, including mobilisation of member States' and Commission's assets and resources.

4. Voting: unanimity at 25 (or more) on each and every CFSP issue will make decision-making very difficult. We need to seriously reflect on the possibility of enlarging the existing possibilities for majority voting while taking full account of the interests and specific situations of Member States. We should also reflect on the issue of constructive abstention and reinforced co-operation.

5. Diplomatic resources. Pragmatic pooling of resources would allow us to find better ways of using the vast resources available (national ministries of foreign affairs, Member State embassies, the Commission services and delegations) for the collective goals of European foreign policy. The Policy Unit has proved to be not only a useful tool in its own right, but also an essential link or bridge between the Member States, the Council and the High Representative. Bringing together high quality national diplomats on secondment from the capitals with permanent officials in the Council secretariat and the Commission allows for an invaluable exchange of ideas, information and trust. Such pragmatic pooling of resources offers the potential to develop a "European Foreign Ministry" at a pace and in a manner that the Member States feel comfortable with.

* * *

My final point is that we ought to take a hard look at the whole complex of budget-related issues in this area. There must be ways to ensure that there is a closer connection between talk and action, between means and ambitions. You will deal with this aspect in more detail in the afternoon, when you meet with Pierre de Boissieu.

Let me outline, in the meantime, three distinct layers of problems that I see in this area:

I financing of CFSP activities and possible military operations:

The CFSP budget line for 2002 is not just negligible – it is laughable: 35 MEuro. To make but a few random comparisons with other budget lines, the Community disposes of 12 MEuro to finance twinning (jumelages) of European cities; whereas the EP will spend 29 MEuro for publications and information. No doubt these are useful and justified expenditures, but they highlight the paucity of resources available to the CFSP.

Financing of military operations needs clear and sustainable mechanisms and legal basis, beyond the current imprecise treaty provisions. We cannot afford to start preparations for military operations with a big internal row over financing, as we have done in the case of EU Police Mission.

■ more direct synergy is undoubtedly needed between CFSP policy-making and Community instruments. There must be ways and means to mobilise rapidly financial and technical resources, to back up and support established political goals or policy actions.

The current, strong cooperation between myself and Chris Patten is based on friendship and personal chemistry, rather than obvious institutional arrangements.

■ worrisome (with few exceptions) levels of defence spending at national level. The success of our “Headline goal” process on military capabilities depends on them, and is far from assured. I just wished to flag up the issue, which goes beyond the scope of our debate here today.

Concluding remarks

I will stop here, hoping to have provided enough food for thought, and material for your debate.

I would only add two more general comments.

The first one relates to the notion of **solidarity**. This is in my view a crucial notion. Participating and having a voice entails sharing responsibility and burdens; it involves understanding the vital concerns of others, and respecting the terms and spirit of the treaty.

The second is inspired by a recurrent line of argument, in this group and elsewhere, on the virtues of the so-called “Community method”. In reality, there is no such thing as the Community method. Powers and competences of the various institutional actors (the Commission, the EP, the Court, etc.) differ widely within the Treaties, and within each “pillar”.

The time has come to understand that we need a more sophisticated approach to the alleged alternative between “Community versus Intergovernmental method”. The question we have to answer is about the quality and depth of the integration and the value of the results achieved. This is more important than institutional uniformity.

If we all agree that the Euro is today a spectacular success, we must also acknowledge that many of the organs effectively managing Economic and Monetary Union (the Eurogroup; the European Central Bank; the Economic and Monetary committee, with an elected chairman) are rather unorthodox, compared to the traditional Community institutional triangle. Does this make the single currency a bad project?

We need **more flexibility, and innovation; less theory, and more practice**. That is true of the function of High Representative, whose conventional description as “inter-governmental” is, in my view, simplistic, and simply wrong.

Dominique de Villepin and Joschka Fischer

Prague, 21 November 2002

JOINT PROPOSALS

La France et l'Allemagne, conformément à la déclaration du sommet de Schwérin, souhaitent présenter les propositions suivantes à la Convention :

1. Missions de la PESD

Le Traité sur l'UE prévoit que la PESD inclut « l'ensemble des questions relatives à la sécurité de l'Union, y compris la définition progressive d'une politique de défense commune qui pourrait conduire à une défense commune si le Conseil en décide ainsi ».

Cette perspective d'une défense commune reste la nôtre car elle reflète la solidarité de valeurs et d'intérêts qui nous unit, qui s'approfondit avec les progrès de l'entreprise européenne et qui doit se manifester dans tous les domaines.

Notre approche doit permettre de répondre aux défis actuels. Les Etats membres de l'UE sont aujourd'hui confrontés à des menaces multiformes et transnationales qui ne sont pas seulement interétatiques et de nature militaire.

Pour faire face à ces menaces globales, l'Union doit développer une vision globale de sa sécurité, qui mette en œuvre une large gamme de moyens (coopération judiciaire et policière, instruments économiques et financiers, protection civile, moyens militaires). Grâce à l'utilisation concertée de ces instruments, l'Union assurera la sécurité de son territoire et de ses populations et contribuera à la stabilité de son environnement stratégique.

La France et l'Allemagne proposent d'introduire un passage sur « la solidarité et la sécurité commune » dans la nouvelle version du Traité – valeurs – et d'annexer au Traité une déclaration politique du même nom – « solidarité et sécurité commune » – pour identifier les risques de toute nature, dont notamment le terrorisme, et les moyens d'y faire face. Cette déclaration devrait, dans la perspective du paragraphe 1er de l'art. 17 du TUE, prévoir également la transformation de la PESD en une Union européenne de sécurité et de défense qui doit également contribuer au renforcement du pilier européen de l'Alliance.

2. Flexibilité dans le domaine de la politique européenne de sécurité et de défense

Notre objectif est d'atteindre une plus grande flexibilité, notamment dans le domaine des processus décisionnels. Il est souhaitable en principe que tous les Etats membres de l'Union participent. Néanmoins, il y aura des situations où tous les Etats membres ne seront pas disposés à participer à des coopérations ou ne seront pas en mesure de le faire. Dans ce cas de figure, ceux qui le souhaitent doivent avoir la possibilité de coopérer à quelques-uns dans le cadre du Traité.

C'est pourquoi l'instrument de la coopération renforcée doit être également utilisable pour la PESD. Cela permettrait à un groupe d'Etats membres de mettre au point une coopération renforcée qui serait ouverte au reste des Etats membres voire à l'Union dans son ensemble, et établirait simultanément une articulation avec les institutions et les politiques existantes de l'Union européenne.

Ces coopérations renforcées pourraient s'appliquer notamment dans le domaine :

- des forces multinationales dotées de capacités de commandement intégrées, sans préjudice de leur emploi dans le cadre de l'OTAN,
- de l'armement et des capacités (cf. points 3 et 4),
- de la gestion des ressources humaines, de la formation et du développement de doctrines communes.

Il conviendrait de définir les modalités adaptées en ce qui concerne les coopérations renforcées, en particulier :

- le lancement de ces coopérations pourra se faire à la majorité qualifiée,
- la garantie de processus décisionnels rapides – notamment examen de l'alinéa c) de l'art. 27 du TUE de Nice –,
- l'abaissement du seuil du nombre de participants.

En outre, l'utilisation d'autres instruments de flexibilité dans le cadre du Traité devrait également être examinée pour la PESD.

Des règles particulières devraient être fixées pour l'utilisation d'instruments de flexibilité au sein du Traité dans le lancement et la réalisation d'opérations militaires. Dans ce domaine, l'unanimité devrait rester nécessaire, avec la possibilité d'abstentions constructives.

La France et l'Allemagne proposent d'inscrire dans le Traité la possibilité d'avoir recours à des coopérations renforcées pour le domaine de la PESD conformément aux modalités susmentionnée

La France et l'Allemagne proposent que les Etats membres qui le souhaitent transfèrent à l'Union européenne les engagements auxquels ils ont souscrit dans le cadre de l'UEO en utilisant la coopération renforcée.

3. Développement des capacités militaires

Le développement de la PESD et, ainsi, la réalisation d'une Europe entièrement capable d'agir ne peuvent passer que par le renforcement des capacités militaires. Au-delà du développement d'une culture sécuritaire européenne, cela suppose une meilleure allocation des ressources ainsi qu'un accroissement de l'effort d'équipement de nos armées.

Pour marquer leur engagement en ce sens, à un niveau politique, les Etats membres qui le souhaitent devraient contracter un protocole relatif à la réalisation commune des objectifs européens de capacités.

La France et l'Allemagne proposent d'annexer au Traité un protocole portant engagement des Etats qui le souhaitent d'entreprendre l'effort nécessaire en vue d'améliorer les capacités militaires et de mettre au point de nouvelles formes de coopération, notamment par l'harmonisation de la planification des besoins militaires, la mise en commun de capacités et de ressources ainsi que la répartition des tâches.

La France et l'Allemagne proposent d'inscrire dans le Traité une référence aux projets de la coopération qui, dans ce domaine, existent déjà entre les Etats membres et de les entériner dans un protocole annexé en tant que projets de l'Union qui, le cas échéant, seront réalisés sur la base d'une coopération renforcée (forces et structures multilatérales, certains aspects de la LoI et de l'OCCAR).

4. Développement d'une politique européenne de l'armement

Notre effort commun pour améliorer nos capacités rend nécessaire une meilleure articulation des coopérations engagées en matière d'armement et le renforcement de la base industrielle et technologique de défense.

Afin de doter l'Union des capacités nécessaires, il conviendra de développer l'harmonisation des besoins opérationnels et de la préparation du futur, et une politique d'armement devant avoir pour fonctions : le soutien et la coordination de la recherche et de la technologie de défense, le renforcement de la base industrielle et technologique de défense (BITD) et la constitution à terme d'un marché européen de l'armement.

Il conviendra également de définir les moyens pour répondre à ces objectifs :

- un cadre intergouvernemental pour une définition harmonisée des besoins opérationnels militaires dans le but d'une planification européenne ;
- un cadre intergouvernemental en recourant le cas échéant à une agence, en s'appuyant sur l'OCCAR progressivement élargie, pour l'acquisition de matériels développés dans le cadre de programmes multinationaux ;
- des coopérations renforcées : pour certains domaines de la LoI et de l'OCCAR – sécurité des approvisionnements, organisation des exportations, traitement des informations sensibles ; renoncement aux compensations industrielles et ouverture réciproque des marchés – ; cf. point 2

■ une adaptation du cadre communautaire, y compris de l'art. 296 du TCE, aux spécificités de l'armement : pour les transits, la sécurité des informations, la propriété intellectuelle, les tarifs douaniers, et la recherche (en s'appuyant, pour ce dernier domaine, sur les programmes cadres de recherche et de développement).

La France et l'Allemagne proposent d'inscrire dans le Traité :

■ les fonctions d'une politique européenne d'armement, dont la création progressive d'un marché européen de l'armement, moyennant des procédures spécifiques, notamment d'une adaptation de l'art. 296 du TCE,

■ la création d'une Agence Européenne de l'Armement, le cas échéant sur la base de la coopération renforcée.

Gisela Stuart

London, 22 November 2002

CONTRIBUTION TO THE DEFENCE WORKING GROUP

Introduction

1. Since St Malo, the EU has done much to establish a European Defence and Security Policy (ESDP) within the context of its Common Foreign and Security Policy (CFSP). Significant progress has been made. It is noteworthy that the Civilian Headline Goal has been achieved, and significant progress made towards meeting the military Headline Goal. ESDP is already capable of some operations – the first civilian mission, to Bosnia, is about to start. A military operation could be mounted soon.
2. But a great deal remains to be done – both on the political framework and on military capabilities. Making ESDP a reality means that the level of political ambition must be matched by deployable and interoperable assets and capabilities. EU member states must spend more on defence, or at least to spend their existing defence budgets more effectively, so that the EU has the capabilities it needs to carry out the Petersberg tasks.
3. EU and NATO defence structures need to be complementary and mutually reinforcing to reflect the significant overlap in membership between the two organisations, NATO's role as the collective defence organisation for its Member States, its significant assets and capabilities, and the fact that all the countries concerned only have one set of armed forces. Close links between the EU and NATO are therefore indispensable in order to avoid unnecessary duplication. Agreement on Berlin Plus (which will allow EU access to NATO assets and capabilities, in which eleven Member States have already invested) is a crucial part of that process, and necessary for EU operations requiring close coordination with NATO.
4. There are also new security challenges following September 11. In the next twenty years the risks to international stability seem likely to come as much from terrorism and WMD as from more conventional military threats. We have to be ready and flexible enough to meet these emerging challenges.
5. ESDP serves the aims of the Union's Common Foreign and Security Policy and must be grounded in a clear vision of the Union's role as a force for stability within and beyond Europe. ESDP must also reflect the Union's position as an increasingly influential global player capable of pursuing the Union's interests world-wide, including as an advocate of human rights and democracy, and in contributing to other operations, such as by the

UN. The High Representative (and any Deputy) must remain tasked with responsibility for both CFSP and ESDP, and the two should continue to be handled together in the Treaty, to maintain coherence across the range of the EU's external action.

EU Missions and Tasks

6. The EU's capacity to respond to new threats and challenges needs to be updated. I see scope for modernising and extending the current Petersberg tasks, to reflect the range of roles the EU should be aiming to play in crisis management and to broaden the ESDP's proactive role in wider conflict prevention, eg by adding:

- “stabilisation” – the sort of role that Task Force Fox has in Macedonia;
- “conflict prevention” – intervening early in a cycle of violence;
- “defence outreach/diplomacy” – providing forces to dispel hostility, build and maintain trust and assist in the development of democratically accountable armed forces, for example through training and assistance, or weapons destruction and arms control programmes.

7. Including these new activities will ensure the Petersberg tasks continue to have their current flexibility, covering a wide spectrum of activity from humanitarian and rescue tasks to combat forces in crisis management, where the EU has the capabilities to deliver a credible response.

8. Second, we should clarify how to provide military support to EU civilian authorities, notably in terms of civil protection, such as by helping manage the consequences of a terrorist attacks or major disasters. In the wake of September 11, the EU has already done valuable work to face the increased threat from terrorism. This should remain a cross-pillar effort, with leadership coming from Member States and Community-level civil agencies. If a nuclear, biological or chemical attack occurred on EU territory, a member state might wish to call on the resources, including military, of other EU members, as well as those of NATO. Political leaders would expect both military and civilian capabilities to be mobilised. I would welcome a proposal from the Convention on the most effective and responsive way to manage the coordination of national military assets within the EU for civil protection, which would clearly have to be under the civilian control of the affected state. This might include consideration of whether there is scope for drawing on the military expertise in the Council Secretariat, or whether such co-ordination is best handled through the Community Civil Protection Mechanism.

9. There are strong arguments in favour of keeping defence guarantees in the organisation equipped to deliver them with integrated military forces – that is, NATO. The number of EU members who are also NATO members is expected to rise to 19 after the next waves of enlargement. For these reasons I would not support an extension of EU activity to common defence (or beyond Article 17 of the Treaty). Equally, I believe adopting a protocol in the treaty, on an opt-in basis, providing for certain member states to offer

military assistance in the event of an external attack is both divisive and militarily unworkable. It duplicates the work of NATO and adds nothing to the real security of European states. The real threats faced by EU Member States today include terrorism, proliferation, and instability in neighbouring countries. These have to be tackled in a comprehensive EU approach which includes CFSP, ESDP, and work in the first and third pillars.

10. The analysis of those threats is a key driver for the activity of the EU and its member states. The Council structures and Secretariat do much good work to analyse instability and conflicts in other states, as the analytical underpinning of ESDP. I would support extension of this work to analysis of the threats to the EU of terrorism and proliferation.

Flexible Participation

11. Flexible co-operation has been proposed by some to promote synergies amongst member states' defence capabilities and to enable the EU to respond rapidly to a crisis. On practical grounds, we may need to consider the scope for smaller groups, who meet agreed criteria (such as the commitment to deploy capabilities needed by the force commander within specified time scales), to launch and initially conduct certain operations using EU mechanisms. Other member states would be encouraged to participate as and when they were ready to do so.

12. There are substantial provisions already in ESDP which are effectively reinforced co-operation: differing statuses, the Danish opt-out, constructive abstention, national decisions on whether to contribute troops, and differing participation in ECAP groups. All the existing methods of co-operation by small groups require consensus of all on what to do, and national decisions on whether to actually join the group implementing the policy. But there is a variety of possibilities for further development. These may range from greater use of existing non-Council formations to revision of the rules on constructive abstention and new forms of so-called "enhanced co-operation" which would not require an initially unanimous decision. The Convention needs to give detailed thought to each of these possibilities and what they might mean for the development of the EU's external policies, including an effective ESDP.

Capabilities

13. Achieving our military capability goals is key to making ESDP credible. For the EU to succeed, both in meeting the Headline Goal in 2003 and in maintaining and improving our capabilities thereafter, it needs the full commitment of all Member States. In order to stimulate and measure greater commitment, the EU needs a more objective basis on which to assess national and collective performance.

14. I would propose the EU draw on its model of economic co-ordination benchmarking to assess and compare national achievements in the area of military capabilities which

must include adequate states of readiness, deployability, interoperability and sustainability. Defence spending alone doesn't tell us whether the money is being effectively used to buy real military capabilities. Instead, we need also to measure the capabilities themselves and consider whether they are what the EU needs.

15. Useful indicators on spending include the overall amount spent on defence; that amount as a percentage of GDP; and the relationship between the equipment, personnel and infrastructure elements of that expenditure. But to evaluate actual capabilities, we will need to develop some form of auditing process comparing capabilities to performance benchmarks, and seeking best practice in any given area. To be fully effective EU and NATO methodologies must be coherent. Comparing an analysis of capabilities obtained to the amount spent will allow Member States to consider how they can improve their systems in order to deliver capability for ESDP in the most effective way. Such a mechanism would require a suitable supporting structure, either created explicitly for this purpose or making use of the Council Secretariat. The results could be used by the EU Military Committee and PSC to inform discussions by Defence Ministers on capability improvements for ESDP.

Defence Capability Development Agency

16. This renewed commitment to capabilities improvement needs to be supported by a concerted effort to establish a more effective institutional approach to developing stronger military capabilities in the EU. I see a need for the ESDP to be underpinned by an inter-governmental Defence Capability Development Agency (DCDA), which can promote harmonious and co-ordinated national efforts, not just on equipment but also personnel and contracted-service work, which go to make effective forces. The Head of the Agency would support the High Representative, encourage (and sometimes cajole) Defence Ministers, oversee the benchmarking and measurement of capability and, with the Chairman of the EUMC, audit offers of capability to ensure the EU functions effectively to meet its military tasks. The agency would also address armaments policy as well as building on Letter of Intent (LoI) procedures for improving market access for defence products while recognising the special nature of some of these products and the global nature of the market itself.

17. For reasons of national security, armaments are, and must remain, a Member State competence. But we need to foster greater co-operation on capabilities between groups of Member States. Capabilities co-operation offers financial savings, improved interoperability and industrial integration. The groundwork for progress in this area has already been laid by organisations such as the Western European Armaments Group (WEAG), Organisme Conjoint de Coopération en Matière d'Armement (OCCAR) and the LoI. I believe that the EU must now work towards adopting and building on the principles of good practice upon which these organisations are based.

18. The proposed Defence Capability Development Agency could embrace existing armaments work and other relevant initiatives, based on the WEAG, OCCAR and LoI, as part of EU intergovernmental co-operation. By consolidating and extending their work, the EU should be able to build on a number of important characteristics of those existing organisations, namely: efficiency, flexibility and good practice. The Agency should either be served by the Secretariat or by the Agency's own staff (the bulk of which should be experts seconded from member states).

19. By incorporating WEAG into the EU, the DCDA would offer all member states a forum in which National Armaments Directors (NADs) could consider how to improve co-operation across the full spectrum of issues. In the case of the OCCAR and LoI, only a small group of MS would participate at first – to allow innovative but technically difficult co-operation to develop fruitfully. Membership would depend on the ability of individual member states to meet agreed criteria. This would ensure co-operation that can deliver real results on EU capability goals.

20. In establishing the terms of co-operation, we must also remember that co-operation on capabilities goes wider than the EU. It is vital that we ensure procurement programmes remain open to participation by countries outside the Union - in particular those in NATO. Any solution should increase competition and open markets across the whole Euro-Atlantic area, not lead to European preference.

EU Decision making procedures

21. The Defence Working Group has been asked to consider whether the EU decision making procedures for military operations could be improved and what the implications should be for the Secretary General/High Representative (SG/HR). I believe that the SG/HR (and any Deputy) should have greater power in the area of CFSP, including ESDP. That should include a right of initiative. But any system will need checks and balances. It must be clear that the SG/HR exercises responsibilities under the direction and control of the Council and, where appropriate, the Political and Security Committee. Whenever member states are asked to place members of their armed forces at risk, it remains essential that the strategic political and military decisions affecting their security are based on a consensus view of those contributing.

European Commission

Brussels, 4 December 2002

COMMISSION COMMUNICATION ON THE INSTITUTIONAL ARCHITECTURE

(...)

1.3.3. Common foreign and security policy

Defining the common objectives and coherence of outside action

Based on the historic reconciliation of the nations and peoples of Europe, European integration has succeeded in consolidating peace and stability in Western Europe. It is now set to export this stability. Enlargement undoubtedly constitutes the most tangible political action which the Union will be taking over the coming years, and the most important in terms of the continent's security. The areas immediately to the south and east of the Union are de facto the ideal area for a common foreign policy, over and above long-standing relationships like the transatlantic links and the partnership with the countries of Africa, the Caribbean and the Pacific.

If it is to acquire a higher profile, the Union's foreign policy must have decision-making capacity on **security and defence** issues. This change is also necessary in the interests of protecting civilian populations, for instance in the event of terrorist aggression on the part of non-State entities. Following the Cold War and with the appearance of new forms of terrorism, such things as collective solidarity on the territory of the Union and the commitment of forces to external theatres in the service of peace, are becoming just as important as defence of the European homeland. We shall also have to encourage the development of the **European arms industry**, underpinning a common view of the specific threats facing the countries of Europe and the kind of action they are having to take outside the territory of Europe. Of course, such changes must not affect the specific positions of certain Member States with regard to action which might have defence implications, and the Convention will have to bear in mind these specific situations.

The European Union has a special role to play in terms of **globalisation**. Post-enlargement, the Union will be the world's leading economy. It will then have greater clout as regards global economic governance, but with an obligation, even more than today, to take account of the rest of the world's interests in its economic policy options.

In many respects, it is **through the European Union**, and by bringing together concerted political effort, that Europeans will be able to defend their model of society and exercise their democratic rights more effectively and more completely. It is Europe, as

a leading player on the world stage, which can contribute to the improved governance and stability of the international system.

The Union must be in a position to take more resolute and more effective action in the interests of sustainable development and to deal with certain new risks, associated in most cases with the persistent and growing economic and social imbalances in the world. It must therefore stick up for a strategy of sustainable development, based on a multilateral and multipolar organisation of the world economy, to offset any hegemonic or unilateral approach. To do so, it might be necessary to increase the Union's powers on certain points. In any event, the Union must be in a position to defend and exploit to the full the international dimension of its internal policies, and should have access to the requisite range of instruments and resources. The Union would thus implement on the outside the powers it has on the inside.

With a view to underpinning the coherence of the Union's external action and making sure that its stated positions have an underlying unity, the Commission recommended, in its Communication of 22 May 2002, **merging the functions of High Representative and Commissioner responsible for external relations**, subject to particular practical arrangements and an as yet undefined timetable. This step by step institutional development must, taking the current state of affairs as a starting point, be accompanied by progressively more integration and more consistency between the various dimensions of external action. What already applies very largely to trade must apply equally to the external aspects of common policies, in particular sustainable development and economic and financial issues, whether a matter of negotiation, decision-making procedures, or the arrangements for representation. This would not apply, however, to matters to do with defence and action requiring military capacity, which are areas in which the Convention will have to lay down the mechanisms and practical arrangements in due course.

Stepwise institutional change

The Commission proposes creating the post of *Secretary of the European Union*, as a Vice President of the Commission with a special status. The EU Secretary would be **appointed by common accord by the European Council and by the President designate of the Commission**. He would report personally both to the European Council and to the President of the Commission, both of whom would be able to terminate his job. As a member of the Commission, he would also report to the European Parliament as part of the College of Commissioners' collective responsibility.

This dual responsibility would open the way for **major institutional change**, taking account of the specific nature of common foreign and security policy.

During an as yet unspecified transitional period, it is proposed that the Secretary of the European Union exercises the Commission's **right of initiative** as regards common foreign and security policy **within the framework of the guidelines and mandates given to him by the Council, or of a group of Member States with a particular interest in a**

specific question and whose common interests might require action on the part of the Union.

At the end of the transitional period, the Council, acting on a proposal from the Commission and applying an enhanced qualified majority, would rule on the arrangements by which the Secretary of the Union would autonomously exercise the Commission's right of initiative in terms of common foreign and security policy. Consequently, the Council would also have to rule on the extent of the Member States' right of initiative at the end of the transitional period. In the spirit of the current terms of the EC Treaty (more specifically, Article 208), it would be desirable for the Commission, or a group of Member States, to be able, after the transitional period, to ask the Secretary of the Union to submit to the Council any proposal concerning the implementation of common objectives.

Once the office of Secretary of the Union had been set up, the Commission's proposals on common foreign and security policy, and the decisions needed to put them into effect, would be adopted by the Secretary of the Union in agreement with the President of the Commission, where appropriate following a debate within the Commission.

Other proposals for decisions on external relations (e.g. international trade and development) and internal policies (e.g. agriculture and the environment) will continue to form part of the Commission's autonomous initiative and will remain governed by the normal rules of collective responsibility. It will be up to the President of the Commission and the Secretary of the Union to ensure consistency between these proposals and decisions and foreign policy action.

The Secretary of the Union would represent the Union vis-à-vis third parties with regard to foreign policy action and would be responsible for implementing common decisions. For this purpose, he would have access to a single administration resourced from the General Secretariat of the Council, the Commission and the Member States, placed under his authority, and benefiting from the administrative infrastructure of the Commission. The Commission's external delegations and the Council's liaison offices would become Union delegations managed administratively by the Commission and under the authority of the Secretary of the Union. This unity of administration is essential if common action is to be effective.

The Commission feels that the method of appointment of the Secretary of the Union, his personal accountability to the European Council, and the specific arrangements for exercising the Commission's right of initiative will help to generate the trust needed between the institutions and the Member States to pursue a more coherent and more effective external policy. The Commission feels that this objective of coherence and effectiveness fully justifies changing the Commission's working methods and the specific watchdog function exercised by the Council over the initiatives taken by the Secretary of the Union, doubling as Vice President of the Commission.

(...)

Dehaene Report

Brussels, 16 December 2002

FINAL REPORT OF EXTERNAL ACTION WORKING GROUP CHAIRÉD BY JEAN-LUC DEHAENE

Part A

Recommendations

1. Grouping of external action articles in the Treaty

The Group agreed that it would be useful to group in a section of the new Treaty the relevant articles of the current Treaties, which cover the different aspects of EU external policy, while keeping different arrangements for different policy areas.

2. Principles and Objectives

There was a very large consensus in the Group on the need to define in the Treaty the underlying principles and general objectives of EU external action, in a manner that would be clear to the public and the EU's partners. The Group reached agreement on the following text defining "principles and objectives" of EU external action:

Principles and Objectives of EU External Action

1. The Union's action on the international stage will be guided by, and designed to advance in the wider world, the values which have inspired its own creation, development and enlargement: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, the principles of human dignity, equality and solidarity, and respect for international law in accordance with the principles of the Charter of the United Nations. The Union will seek to develop relations and build partnerships with countries, and regional or global organisations, who share these values. It will promote multilateral solutions to common problems, in particular in the framework of the United Nations.

2. The European Union will define and pursue common policies and Union actions, and will work for a maximum degree of cooperation in all fields of international relations, in order:

- a) to safeguard the common values, fundamental interests, independence and integrity of the Union;*
- b) to consolidate and support democracy, the rule of law, human rights and international law;*
- c) to preserve peace, prevent conflicts and strengthen international security, in conformity with the principles of the United Nations Charter;*
- d) to foster the durable economic and social development of developing countries, with the primary aim to eradicate poverty, in particular in low income countries;*
- e) to encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;*
- f) to develop international measures to preserve the environment and global natural resources, and ensure sustainable development;*
- g) to assist populations, countries and regions confronting man-made or natural disasters;*
- h) to promote an international system based on stronger multilateral cooperation and good global governance.*

The Group also recommended that, to ensure consistency in EU external and internal action, these principles and objectives should be taken into account when considering external aspects of EU internal policies.

3. Strategic objectives and interests

Once the overall principles and objectives are set in the Treaty, the EU should define strategic objectives and interests, as well as strategies to pursue them actively. The Group recommends that the European Council should define EU strategic objectives and interests in relation to a specific country/region, situation or theme, and should establish parameters guiding EU and Member States' action. The External Action Council would be in charge of the implementation of these strategic objectives and interests. The European Council would then proceed to periodic examination of the degree of realisation of these objectives and interests.

4. EU competence to conclude agreements covering issues falling under its internal competences

The Group noted that the Court of Justice has recognised implicit external Community competence when the conclusion of international agreements were necessary for the implementation of internal policies or reflecting its internal competences in areas where it had exercised this competence by adopting secondary legislation. The Group reached a very large consensus on the following recommendations:

- the Treaty should indicate that the Union is competent to conclude agreements dealing with issues falling under its internal competences;
- the new provision in the Treaty should also specify that the Council should deliberate on such agreements according to the same voting procedure which would apply to internal legislative deliberations on the same issues (normally QMV).

This provision should in no way modify the delimitation of competences between the EU and Member States.

5. Enhancing coherence and efficiency between institutions and actors

In order to ensure better coherence between foreign policy decisions on the one hand, and deployment of instruments in the field of external relations on the other hand, the Group was of the opinion that the current roles of the HR for CFSP and the Commissioner responsible for external relations should be reconsidered. Different solutions were argued in the Group, which are reflected in Part A of the report. Notwithstanding the different positions, a large trend emerged in favour of a solution which would provide for the exercise of both offices by a “European External Representative”.¹

This person, who would combine the functions of HR and Relex Commissioner, would

- be appointed by the Council, meeting in the composition of Heads of State or Government and acting by a qualified majority, with the approval of the President of the Commission and endorsement by the European Parliament;
- receive direct mandates from, and be accountable to, the Council for issues relating to CFSP. In his/her capacity as HR, he/she would have the formal, but not exclusive, right of initiative. When he/she exercised his/her right of initiative on CFSP, the Commission will abstain from taking a competing initiative. His/her initiatives on CFSP and decisions to put them into effect would not be subject to prior approval by the College of Commissioners. Decisions on CFSP matters would continue to be taken in the Council according to relevant procedures. He/she would not have the right to vote in the Council;
- be a full member of the Commission and preferably its Vice-President. In his/her capacity as External Relations Commissioner, he/she would put proposals to the College and fully participate in its decisions for matters falling under current Community competence, which would follow the normal procedures;
- ensure the external representation of the Union, replacing the current Troika.

A number of members made their agreement on this suggestion dependent on a satisfactory solution on the whole institutional setting. The Group agreed that this issue has important institutional implications, and thus has to be examined in the wider context.

6. Enhancing coherence and efficiency in external action within each institution

The Working Group considered that in order to ensure the coherence and efficiency of EU external action, the functioning of each institution should be considered. A high degree of support emerged in favour of:

- a specific External Action Council should be established, formally distinct from the General Affairs formation; this would not exclude that Member States could decide to be represented by the same Minister in the two formations. A significant number of members were in favour of the person holding the function of HR chairing the External Action Council, while not having the right to vote;
- a focal point should be established within the Commission, possibly the Vice President, who would coordinate all external issues dealt with in the Commission (all areas of external relations as well as external aspects of internal policies).

7. Enhancing coherence and efficiency at the level of services

A large consensus emerged in the Working Group on some organisational recommendations aimed at enhancing the coherence and efficiency and which could be implemented independently of the solution adopted regarding the institutional framework:

- the establishment of one joint service (European External Action Service) composed of DG RELEX officials, Council Secretariat officials and staff seconded from national diplomatic services. In the hypothesis of the creation of a new post of European External Representative (see point 5), this service would work under his/her authority;
- the creation of an EU diplomatic academy and an EU diplomatic service, alongside those of Member States. The Commission's delegations would become EU delegations/embassies, and would be staffed by officials of the Commission, the Council Secretariat and seconded members of national diplomatic services. These EU delegations/embassies would work formally under the authority of the person holding the function of HR for issues concerning CFSP and under the direct authority of the Commission for the other aspects of external action.

8. Instruments and decision-making

a) Instruments

With a view to promoting coherent use of the EU's external action instruments, the Group considered it useful to create the possibility of "joint initiatives" which could be put forward by the European External Representative (or the HR) and the Commission.

b) Decision-making in CFSP

- The Working Group underlines that, in order to avoid CFSP inertia and encourage a pro-active CFSP, maximum use should be made of existing provisions for the use of QMV, and of provisions allowing for some form of flexibility, such as constructive abstention.
- In addition, the Working Group recommends that a new provision be inserted in the Treaty, which would provide for the possibility of the European Council agreeing by unanimity to extend the use of QMV in the field of CFSP.
- Several members consider that "joint initiatives" should be approved by QMV.

c) Decision-making in Commercial Policy

There was a high degree of support in the Working Group in favour of the use of QMV in all areas of commercial policy, including services and intellectual property, without prejudice to current restrictions on harmonisation in internal policy areas.

9. Development Cooperation Policy

The Working Group recommends that the administrative and legal instruments for managing EC/EU development programmes should be simplified and enhanced, with a significant reduction of the number of regional and sectoral regulations, and a focus on strategic programming.

There was a high degree of support in favour of the integration of the European Development Fund (EDF) into the overall EU budget and thus making it subject to the same procedures applicable to other areas of financial assistance. Such an integration must be accompanied by improvements to the effectiveness and poverty focus of EU development programmes in general, and should not reduce the volume of aid directed towards ACP countries.

The Working Group, while recognising that development policy has its specific purposes, which are reflected among the principles and objectives of EU external action, underlines the need for ensuring coherence between development cooperation and other aspects of EU external action as well as external aspects of internal policies, since development assistance should be considered as an element of the global strategy of the Union vis-à-vis third countries.

10. Role of the European Parliament

The Working Group recognised that the current provisions of Art. 21 TEU relating to CFSP were satisfactory. They should, however, be complemented to include that the person holding the function of HR should be involved in the tasks described in Art. 21 TEU (consultation on main aspects and basic choices, and information on the development of CFSP).

In addition, several members considered that the involvement of the EP in commercial policy should be enhanced.

11. Financing CFSP

The Working Group, noting that the current CFSP part of the EU budget has proved to be insufficient, and that current procedures are too heavy to allow prompt financing of activities, recommends that:

- the CFSP part of the EU budget should have sufficient funds to meet unexpected crises or new political priorities on the international scene;
- the person holding the function of HR should be granted a certain degree of autonomy in financing activities necessary to the carrying out of his/her mandate. In particular, an effective mechanism within the EU budget should allow the person holding the

function of HR to finance, on an urgent basis, steps preparatory to civilian crisis management operations, subject to clear guidelines from the Council and clearance from PSC, and this should respect the budgetary ceilings set by the budgetary authority;²

- a bigger margin of unallocated expenditure in the main assistance programmes should be provided to respond to unexpected developments;
- appropriate procedures should be established to allow prompt disbursement and action in real time.

12. International agreements

- The Group recommends that the new Treaty include one single set of provisions on the negotiation and conclusion of international agreements that would indicate that the Council authorises the opening of negotiations, issues negotiating directives, and concludes the agreements and would indicate who would act on the behalf of the EU according to the subject of the agreement.
- Where the scope of an agreement falls within both the current Community domain and under current Titles V and/or VI TEU, the Group recommends that one should aim wherever possible to conclude one single agreement, and that the procedure for the negotiations would be decided by the Council, on the basis of the main object of the agreement and its legal basis. In that respect, the Council would also indicate who would negotiate on behalf of the Union: e.g. the person holding the function of HR and the Commission together, or the Commission or the HR alone, under the supervision of a committee.

13. External representation

- The Group recommends that the Union should work, where appropriate, for changes in statutes of international organisations to allow for membership by the Union.
- The Group considers that, where appropriate, the Union should seek a formal status or possibly full membership of relevant specialised international organisations, without prejudice to the status of Member States within these organisations.
- The Eurozone members of the Group, supported by others, express support for a single representation of the Eurozone in IFI's and recommends that a solution should be identified in order to organise the articulation between single representation and obligations incumbent on Member States.
- The Group agreed that Member States should enhance the coordination of their positions in international organisations and conferences with a view to agreeing on EU positions and a strategy to promote them.
- The Group recommends that when there is an agreed position of the Union, the Union should have, wherever appropriate, a single spokesperson in international fora.
- In order to improve the visibility, clarity and continuity of EU external representation vis-à-vis third countries, the Group considered that this task should be entrusted to the person holding the function of HR, in particular in political dialogue meetings.

Detailed report of discussions

Part B

I. Introduction

1. The Working Group on EU external action has carried out a systematic examination of the issues set out in its mandate (CONV 252/02). The discussions took place against the background of the results of the Convention's plenary debate on EU external action (11 and 12 July 2002) and the reflection paper on this issue presented by the Praesidium (CONV 161/02). The Working Group heard evidence from Chris Patten, member of the Commission responsible for external relations, Javier Solana, Secretary General of the Council and High Representative for CFSP, Pascal Lamy, member of the Commission responsible for commercial policy, Poul Nielson, member of the Commission responsible for development cooperation and humanitarian aid, and Pierre de Boissieu, deputy Secretary General of the Council.

2. The discussions of the Group were based on the general acknowledgement that the Union as international player has come a long way and that over the years its role has been increasingly recognised on the global stage. At the same time, expectations continue to grow, both within and outside the EU. The challenges of globalisation and increased interdependence of States and regions require the Union to be a strong and credible player on the international stage, not only in economic but also in political terms. The central question was therefore not whether the Union had a role to play but how it should organise itself in order effectively and coherently to promote fundamental values, defend common interests and contribute to the overall objective of global peace, security, and sustainable development.

3. The Group held 8 meetings, one of which was held jointly with Working Group VIII on Defence on the issue of civil crisis management. Members have submitted a considerable number of written contributions in the form of working documents and the Secretariat has prepared a number of documents that were used as an input to the debate (see list in Annex). It is noted that issues relating to defence were dealt with by a separate Working Group.

4. The broad range of issues examined by the Group can be brought under the following general headings:

- common interests, objectives and principles;
- competences;
- coherence and efficiency of action, through structures, instruments and decision-making procedures;
- international agreements;
- external representation and services.

II. Preliminary remarks

5. During the discussions, a number of general observations were brought forward by members of the Group. There was first of all a general acknowledgement that the Union had much to gain from acting collectively on the international stage. It was increasingly difficult for individual Member States to influence international developments when acting on their own. In addition, the process of European integration has led to more shared interests and values, the defence of which called for an integrated approach on the global stage.

6. Secondly, it was recognised that acting collectively on the global stage depended to a large extent on political will and solidarity among Member States. This was particularly true for foreign policy, which was considered by many a core issue of national sovereignty. It was acknowledged that perceptions of international events sometimes differed sharply from one country to another and often led to different reactions, or intensity of reactions. The usefulness of mechanisms that foster convergence of views and a sense of solidarity was underlined in this respect.

7. Thirdly, it was underlined that external action covered a wide range of policy areas, that some areas were more subject to divergent national views than others, and that some policy areas or actions within certain international organisations were more adapted to legal instruments and regulation than others. This required different arrangements and procedures in EU decision making and implementation. Having different arrangements and procedures made the coordination of different policy areas essential. This was particularly true in relation to crisis management and defence issues.

8. Fourthly, it was recognised that although there were considerable collective resources at the EU level, the national resources that Member States could use internationally – both financial and human – were far larger. It was therefore underlined that policy making at the European level should aim at mobilising the whole range of available resources in a coherent manner, and that it should function as a catalyst for the use of national resources to pursue shared EU objectives.

9. Fifthly, it was recalled that considerable progress had been achieved over the last years. It was important, when considering how the current system could be further improved, to identify the elements of success and build upon progress achieved so far.

III. Common interests, principles and objectives

10. The Group exchanged views on how the EU could best identify common interests and set priorities for its action on the global stage. The Group pointed to the need for better definition in the Treaty of the underlying principles and general objectives of all areas of EU external action, in a manner that would be clear to the public and the EU's partners.

11. The Group examined a paper by the Secretariat, which contained a proposal for principles and objectives of EU external action on the basis of current Treaty language on

different policy areas and recommendations presented by members of the Group. The Group reached a very large consensus on a text defining “principles and objectives”, which is reproduced in part A of the report, and recommended that this text should be included in the Treaty.

12. It was understood that these principles and objectives would also be taken into account when considering external aspects of EU internal policies to ensure consistency of external and internal action. The Group noted that these principles and objectives should also guide the Union’s relations with neighbouring countries and regions.

13. In the discussion about the status of this text, different options were presented. Some proposed that the draft text be included in the second part of the future Treaty. Others considered that it should remain a general background guide until the final version of the Praesidium constitutional Treaty was available.

14. In this context, the Group agreed that it would be useful to group in a section of the new Treaty the relevant articles of the current Treaties, which cover the different aspects of EU external policy. This would be without prejudice to the possibility of having different arrangements for different policy areas.

15. Once the overall principles and objectives were set, it would be easier for the EU to define common interests and agree upon a strategy to defend them. The Group was of the opinion that common interests had to be defined collectively in the Council. The possibility of giving the person holding the function of HR for CFSP more power in identifying common EU interests in foreign policy was mentioned as well. The Group pointed to the role of the Commission as defender of the common interest and called for its role to be strengthened in this respect. The Group agreed that it was important to establish an adequate mechanism to identify, on the basis of general objectives, specific objectives and interests, as well as strategies to pursue them actively.

16. In this context, the role of the European Council in defining the principles and general guidelines was recalled. Members also underlined the importance of the Commission’s annual strategic priorities document and the Council’s annual debate on EU foreign policy, as well as the work of the European Parliament in this respect, which had in practice gone well beyond the limited role conferred on it by the existing Treaties. The Group also noted the decisions adopted by the Seville European Council on the pluriannual programming of Council activities, and the active role played by the Commission in that exercise. It was further proposed that the European Council adopt an annual strategic plan specifically defining the objectives of the Union in the field of external action, to be included in the Council’s work programme, in line with the Commission’s annual strategic priorities document. The External Action Council would be in charge of the implementation of these strategic objectives and interests as defined by the European Council.

IV. Competences

17. With regard to Union competence in CFSP, the Treaty stipulates that Member States shall support the Union's foreign and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity; shall work together to enhance and develop their mutual political solidarity, and shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. Member States were thus bound to ensure that national policies conform with positions agreed at EU level. The Group agreed that there is no need to set down in a list which powers the Union should have in the field of CFSP, and it was recalled that the Treaty sets no limits on the potential scope and intensity of a common policy in this area. In CFSP and in police and judicial cooperation in criminal matters (title VI TEU, JHA), the Treaty currently enables the Council to conclude agreements on behalf of the Union. Conferring one single explicit legal personality on the Union, as proposed by the Working Group III, would clarify the possibility for the Union to conclude agreements in the field of its competences.

18. The Group noted that the EC Treaty attributed explicit competences to the Community in external action, including for the conclusion of international agreements, and that the Court of Justice had recognised implicit external Community competences when the conclusion of international agreements were necessary for the implementation of internal policies or as a reflection of its internal competencies in areas where it had exercised this competence by adopting secondary legislation. The Group saw merit in making explicit the jurisprudence of the Court to facilitate the action of the Union in a globalised world, in particular when dealing with the external dimension of internal policies and action. Therefore, the Group agreed that the Treaty should indicate that the Union is competent to conclude agreements dealing with issues falling under its internal competences, under the same voting procedure within the Council as the one applied for internal legislative action (normally QMV). The Group agreed that making this explicit in the Treaty should be without prejudice to the delimitation of competences between the Union and the Member States. One member was of the view that this mention in the Treaty should not affect the provisions relating to commercial policy in the Nice Treaty. In the field of explicit external competences, the Group acknowledged that the delimitation of competences between the Community and the Member States varied from one policy area to another. One member considered that more external policy areas as well as more external aspects of internal policy areas should become exclusive competences of the Union.

V. Coherence and efficiency of action

19. Notwithstanding the varying delimitations of competences between the Union/Community and Member States, the varying roles of the actors (institutions and Member States), and different decision making procedures in different fields, it is essential to maximise the coherence and efficiency of EU external action.

20. The Group agreed that in order to maximise its influence on the global stage, the Union had to use all its instruments, political and economic alike, in a coordinated and mutually reinforcing manner. It was also emphasised that a coherent approach in international affairs increased the Union's credibility vis-à-vis its partners. It was pointed out that the Union had a vast variety of instruments and tools at its disposal: e.g. programmes for technical and economic cooperation with third countries, funds for humanitarian assistance, funds for development cooperation programmes, arrangements to agree upon and undertake joint diplomatic action, actions by the Presidency and the HR, tools aimed at conflict prevention, dispositions to conclude different types of bilateral and multilateral agreements, different possibilities for action in international organisations and multilateral fora, and has recently started to establish a crisis management capacity, including the possibility to deploy personnel on the ground. In addition, many of the Union's internal policies and action could have an impact on its relations with the wider world.

21. Notwithstanding the progress achieved over past years, the Group was of the opinion that the current architecture could be further improved to allow more coordinated use of the different instruments. Several options were put forward in the course of discussions, relating to structures within institutions, and relations between institutions and actors, as well as instruments and decision-making.

a) Structures within and between institutions

22. Several members underlined the importance of establishing arrangements within the European Parliament, the Council and the Commission, that would facilitate and encourage a coordinated approach in the preparation, consideration, implementation and control of EU external action.

23. In this context, the Group considered that ensuring coherence of EU external action was a responsibility shared by the institutions as well as by Member States when acting in the framework of the EU. The need of effective coordination mechanisms at the national level was underlined, to ensure a more coherent approach by individual Member States in the work of the different Council formations, Coreper, PSC, working groups and the comitology.

24. The Group furthermore underlined the importance of the role of the European Council in defining the general orientations and strategic guidelines for the EU's foreign policy and considered that it constituted an essential element to ensuring the overall coherence of the EU's action on the global stage.

25. With regard to the functioning of the Council of Ministers, which is entrusted with the implementation of the orientations and general guidelines set by the European Council, the Group welcomed the decision by the Seville European Council to create a General Affairs and External Relations Council formation responsible for issues related to EU external action. A large number of members considered that it would be useful to go further and formally separate the external action dimension from the general affairs dimension in two separate Council formations, which did not exclude that Member States could be represented by the same Minister in both.

26. A significant number of members expressed the view that the External Action Council should be chaired by the person holding the function of HR, who would no longer be charged with the function of Secretary General of the Council. Other members, while agreeing to de-link the functions of the HR from those of Secretary General of the Council, had doubts about him/her chairing Council meetings. They considered that this specific task would be difficult to reconcile with other tasks entrusted to him/her, and that it would represent too great a concentration of responsibility in one individual. Some considered that the democratic accountability of the actions of the HR was best guaranteed by the Member States continuing to chair the Council. Others saw no problem in this respect and pointed to the advantages this proposal would have for the continuity and consistency in the work of the external action Council and would provide a single voice in representation. The Group agreed that this question could also be looked at from the angle of the wider institutional context at a later stage.

27. The Group underlined the importance of having in the Commission one focal point to coordinate all external issues within the services of the Commission, where different DGs were dealing with external action and where internal policies could have an external dimension. The Group agreed that this task could possibly be entrusted to a Vice President of the Commission.

28. With respect to the issue of relations between institutions and actors, the discussion focused on the roles of the HR for CFSP and the Commissioner responsible for external relations. The Group felt that more needed to be done to ensure coherence between foreign policy decisions on the one hand and the deployment of instruments and policy making in the field of external relations on the other hand. Different options were presented.³

29. One option recommended practical measures to further strengthen the role of the HR and to enhance the synergy between the functions of the HR and the role of the Commission in external relations, while keeping their functions separate. Advocates of this option underlined that the creation of the post of HR had helped to better define and pursue a more pro-active and effective foreign policy. Building on this positive experience, they considered that one should seek to strengthen the role of the HR, while at the same time enhancing synergy with the work of the Commission. A number of practical proposals were formulated:

- formal recognition of the right of proposal of the HR (alongside the right of proposal by the Presidency, Member States and the Commission);
- granting the HR adequate means to implement his/her tasks (see also below);
- participation by the HR in all meetings of the Commission concerning external action (some suggested giving him/her the status of 'observer' to the College);
- more joint work by the HR and the Relex Commissioner, including the preparation of joint initiatives to be submitted to the Council (see also below) and joint addresses to sessions of the European Parliament;
- enhanced cooperation between their services (notably in the framework of policy analysis, joint reporting etc.), as well as a possible merger of services in certain areas and the creation of EU delegations / EU Embassies.

In addition, it was proposed to split the functions of HR from those of SG of the Council, to allow him/her to concentrate on his/her CFSP tasks. Some also considered that the HR should chair the external relations Council (see above).

30. A considerable number of members felt that closer cooperation, while maintaining the two distinct functions of HR and Relex Commissioner, would not be sufficient to ensure coherence across the board of EU external action. They considered that more bold institutional changes were needed to meet the challenge of increasing coherence.

31. Therefore, a **second option** was put forward recommending the full merger of the functions of the HR into the Commission. Advocates of this option felt that the Community method, which had been successful for many areas, notably trade policy, should be introduced to the widest extent possible into all areas of external action. The merger would provide the Union with a single centre for policy preparation in the field of external action (including CFSP), which would be situated in the Commission. Decision-making would remain in the hands of Member States through the European Council and the Council of Ministers, as was now the case for community matters. The Commission would be responsible for policy initiation and implementation, as well as for external representation in all areas of Union external action. There would be one single administration and full parliamentary control. The merger would not cover issues related to ESDP, which would be subject to a different arrangement.

32. For a considerable number of members this option would represent the most effective solution to overcome the challenge of coherence and consistency in external action. At the same time they noted that it might not be attainable at this stage, as there was no consensus among Member States to turn foreign policy into an exclusive/shared competence, as they had done in the field of the common commercial policy. Proponents of this option, while insisting that it should remain the ultimate goal, considered that they could agree to the third option in the meantime.

33. The **third option**, which was presented as a compromise solution to bridge the gap between the first and second options, recommended the exercise of both offices (HR and Relex Commissioner) by one person, who could carry the title of "European External Representative".⁴ He /she would be appointed by the Council, meeting in the composi-

tion of Heads of State or Government and acting by a qualified majority, with the approval of the President of the Commission and endorsement by the European Parliament. The “European External Representative” would receive direct mandates from and be accountable to the Council for issues relating to CFSP, and at the same time be a full member of the Commission, preferably with the rank of Vice President. By combining the functions of HR for CFSP with those functions currently carried out by the Relex Commissioner, the “European External Representative” would ensure the coherence between the EU’s foreign policy and concrete measures and instruments that the EU could deploy in the field of external action.

34. Proponents of this option recognised that for decisions and actions in CFSP a close link was required with Member States through the Council. They therefore considered that the procedures for matters falling under CFSP on the one hand and Community issues on the other hand should remain distinct. The “European External Representative” would in his/her capacity of HR have the formal, but not exclusive, right of initiative in the Council. When he/she exercised his/her right of initiative on CFSP, the Commission should abstain from taking a competing initiative. His/her initiatives on CFSP and decisions to put them into effect would not be subject to prior approval by the College of Commissioners. Decisions on CFSP matters would continue to be taken in the Council, following procedures established for that policy area (see below). He/she would not have the right to vote in the Council. With regard to issues currently falling under the competence of the Community, the “European External Representative” would in his/her capacity of Relex Commissioner put forward proposals to the College and fully participate in decisions of the College. Decisions within the College would follow the regular procedures in place (majority voting). The “European External Representative” would ensure the external representation of the Union, replacing the current Troika.

35. Considering the scope of tasks conferred on the “European External Representative” the following arrangements have been proposed. He/she would have a number of deputies/assistants for CFSP or Special Representatives with specific/thematic responsibilities, who would be nominated by the Council on his/her proposal and work under his/her authority. At the same time, there would be a distribution of tasks among members of the Commission for portfolios relating to Community aspects of external action, as is currently the case. Some members were of the view that he/she should be assisted by two deputies (one for CFSP issues and one for his/her function as Commissioner).

36. As to the services, there was a general orientation that unnecessary duplication of services should be avoided as much as possible. A large orientation emerged in favour of the establishment of one joint service composed of DG Relex officials, Council Secretariat officials and seconded staff from the national diplomatic services. This service would work under the authority of the European External Representative, if this post were to be created. It was also proposed that the current Commission delegations be transformed into EU delegations/embassies.

37. Those who had doubts about this option questioned its compatibility with the principle of collegiality and felt that the scope of responsibility was too large for one person.

38. The Group pointed to the predominant role of the European Council in defining the orientations and general guidelines of the EU's foreign policy and the central role of the Council of Ministers in relation to its implementation. On this basis, a **fourth option** was presented, consisting of the creation of the post of "EU Minister of Foreign Affairs", who would be placed under the direct authority of the President of the European Council and who would combine the functions of HR and Relex Commissioner. He/she would chair the external action Council. Under this option, the actions of such a "EU Minister of Foreign Affairs" would be underpinned by operational measures, which would ensure the efficiency and the coherence of policies agreed upon by the European Council and the Council. The aim would be to increase coherence between policy guidelines agreed by the Council and the operational responsibilities of the Commission in the field of external action, while respecting the competences attributed to each institution.

39. Members of the Group acknowledged that there could be a link between reform of the functions of the HR and the Relex Commissioner and the organisation of the Presidency of the European Council. The Group noted however that the organisation of the European Council had wider institutional implications, which would need to be discussed by the Plenary.

40. After discussion, and notwithstanding the different positions, a large trend emerged in favour of the creation of the post of "European External Representative", as described in option three. Because of the institutional relevance of this question, a number of members wished to make their agreement dependent on satisfactory solutions on the whole institutional setting.

b) Instruments and decision making

41. In addition to structural changes within and between institutions, members felt that more coherence could be achieved through instruments and decision making:

- In view of increasing coherence, the Group examined the use of instruments that covered different policy areas, both CFSP and other aspects of external action.

- As to the efficiency of action, the Group examined decision-making procedures in CFSP and in community policy areas.

42. The Group noted that Working Group IX, considering simplification of instruments and decision-making procedures, had recommended that in the framework of CFSP legal acts take the form of decisions.

43. All members agreed that it was important for the EU to have a dynamic foreign policy that was capable of responding promptly to international developments. The need to be able to respond in 'real time' was underlined in this respect. They confirmed that the capacity to act on an issue of foreign policy was determined by the existence of political will and convergence of views among Member States.

44. The Group pointed out that voting procedures, and subsequently the use of QMV, had been established for policy areas based on legislation and harmonisation of laws. CFSP was not a policy area that advanced by legislation, and was thus less adapted to the use of QMV. However, the Group agreed that QMV, as an instrument of last resort to de-block a stalemate, could have a positive effect on consensus building within the Council. It was pointed out in this respect that even in Community policy areas, the Council very rarely proceeded to a vote. In addition, the Group confirmed that the current Treaty already provided for the use of QMV in CFSP, in the framework of common strategies and for decisions implementing joint actions and common positions, although these possibilities had not been used in practice in the framework of common strategies.

45. A large number of members added that the current need for unanimity restricted the Union's capacity to act and that it resulted in a policy dictated by the least ambitious position. They feared that in an enlarged Union the risk of 'CFSP inertia' would increase if the requirement of unanimity were maintained. To overcome this problem, a considerable number of members advocated extending the use of QMV in CFSP. Many advocated introducing QMV as a general rule (without prejudice to decisions in the military/defence area), and considered that the mere existence of decision making by QMV would trigger more consensus within the Council. Some members, however, expressed the opinion that foreign policy issues were not adapted to decision making by voting since it would be difficult for a Member State to find itself in a minority position on an issue in which precisely its national interests were at stake. Some pointed out that QMV in CFSP would also heighten third country awareness of internal EU disagreement, thus rendering CFSP less effective. Some suggested that the first concern could be met by providing for an emergency brake that would enable a Member State to invoke in exceptional cases a vital national interest to prevent a vote and refer the decision to the European Council and some members suggested a safeguard clause along the lines of the current Article 23.2 TEU. Others felt that this would hinder rapid decision-making in CFSP.

46. Notwithstanding the different positions, the Group in general was favourable to better use of the existing provisions for QMV. While noting that there was no consensus yet on the further extension of QMV, the Group could agree that the future Treaty should include a provision, which would provide for the possibility of the European Council agreeing to extend (on the basis of unanimity) the use of QMV in CFSP. This would facilitate the flexibility and evolution of a stronger CFSP.

47. With respect to coherence and efficiency, it was noted that the instrument of 'common strategies', which was introduced by the Amsterdam Treaty and aimed at covering Community policy, JHA and CFSP, had not been used very often in practice and that the way such common strategies had been drafted had not led to the desired effect. Several members were disappointed that the possibility of more QMV, which had been introduced by the creation of common strategies, had not been used in practice. The

importance of such an instrument, whether or not under the specific name of common strategy, was nevertheless stressed as a concrete and operational tool to ensure an integrated approach in the external action of the EU and to ensure that, once a common strategy had been defined, all instruments of action, regardless of their nature (commercial, development, migration etc.) were used in a manner consistent with that strategy. Some considered that efficiency could be increased if the Council, rather than the European Council, were to adopt strategies of this kind. The Group noted that WG IX recommended that common strategies, as other instruments of CFSP, take the legal form of 'decisions' in the future Treaty.

48. The Group discussed the possibility, which was also raised by HR Solana and Commissioner Patten, of introducing a new type of initiative for EU external action. A joint initiative which would present an approach integrating foreign policy aspects and external relations instruments could be put forward by the European External Representative (or the HR) and the Commission. Therefore, it was underlined that this new form of initiative could be used regardless of institutional solutions. These proposals could concern the EU's relations with a particular country or region, or have a more thematic approach. The joint proposal would be submitted for adoption by the Council and implemented by the different institutions/actors in the field of competences attributed to them.

49. Several members could support the use of QMV by the Council when it was presented with this type of joint initiative. There was a common understanding that such joint initiatives were likely to reflect a common EU interest and would benefit from a maximum degree of support by individual Member States. One member indicated that extending the use of QMV to this type of proposals would only be acceptable if joint initiatives were presented by a HR, whose functions would not be combined with those of Relex Commissioner, and by the Commission.

50. Other options aimed at reducing the negative effects of the general rule of unanimity were raised as well. These included more use of 'constructive abstention', which would be in line with increased political solidarity. Member States should not oppose action by the EU, unless their vital national interests were at stake. It was pointed out that recourse to constructive abstention should not discharge a Member State from its obligation to refrain from any action contrary to the interests of the Union or likely to impair its effectiveness on the global stage. It was indicated that constructive abstention could be seen as a way of contributing to reaching consensus and building mutual trust.

51. Some members considered that forms of operational cooperation between a limited number of Member States, as a 'coalition of the willing' to take forward specific operational actions in the framework of implementation of Council decisions, could contribute to enhancing CFSP.

52. With respect to efficiency in commercial policy, the Group took note of the comment made by Commissioner Lamy that in spite of the fact that commercial policy was an exclusive competence of the EC/EU and for some aspects a shared competence, not all

areas of trade were subject to decision making by QMV. This oddity was considered an impediment to the Union's efficiency in multilateral and bilateral trade negotiations. There was a high degree of support in the Working Group in favour of the use of QMV in all areas of commercial policy, including services and intellectual property, without prejudice to current restrictions on harmonisation in internal policy areas. Some members wanted to maintain the provisions relating to those aspects of commercial policy as well as the current delimitation of competences, as set out in the Nice Treaty.

53. The Group discussed the urgent need to clarify both the purpose and role of the EC's/EU's development policy, both in relation to those of Member States and in relation to other external policies. To improve the efficiency and coherence of development cooperation policy, which was a competence complementary to that of the Member States, it was underlined that the objectives of EC/EU development programmes needed to be clarified further and the added value of EC/EU activities in securing poverty reduction ensured. The administrative and legal instruments for managing EC/EU development programmes should be simplified and enhanced, with a significant reduction in the number of regional and sector regulations. The Group stressed the importance of confirming poverty eradication as the central aim of the EU's development policy, and the importance of focusing efforts on low-income countries. Some underlined that promotion of, and respect for, human rights was of key importance. EC/EU programmes should therefore be refocused to reflect these objectives, and subsequently, resource allocation decisions should reflect a long-term strategic approach based on objective criteria for promoting development.

54. Some argued that decision-making at EU level should extend to the use of aid at national level. EC/EU funds represented a considerable proportion of total global aid (10 %), but the sum of the Member States' national budgets represented an even larger percentage (45 %) adding up to 55% of world wide ODA. The current arrangements and delimitation of competencies often led to a situation in which the EU was a sixteenth donor, in addition to the donor programmes of EU Member States. This reinforced the need for close collaboration and complementary activities in order to improve the efficiency of overall EU aid (financed from the EU budget and on a national basis) and to reduce the risk of overlapping activities. Member States should aim to establish a common position or view in international fora where international development policy is established. Member States should continue to exercise their responsibilities in international development organisations in accordance with their membership but should respect common policy positions adopted by the EU.

55. The Group, while recognising that development policy has its specific purposes which are reflected among the proposed principles and objectives of EU external action, also underlined the need to ensure coherence between development cooperation and other aspects of EU external action, since development assistance should be considered as an element of the global strategy of the Union vis-à-vis third countries. Equally, it was important to ensure that all EU internal and external policies were mutually supportive

and coherent. The Group took note of the comment by Commissioner Nielson that in order for the EU to be more efficient in development policy, policy making at the EU level should to a greater extent commit the Member States in what they did at the national level.

56. There was a high degree of support in favour of the integration of the European Development Fund (EDF) into the Community budget and thus making it subject to the same procedures as other areas of Community financial assistance. Such an integration must be accompanied by improvements in the effectiveness and poverty focus of EC development programmes. It was also pointed out by some that such integration into the budget should be organised in a way which in no case leads to reducing the volume of aid directed towards ACP countries.

57. The Group further noted the specific nature of humanitarian aid, on which the principles of independence and impartiality applied, not only because of international obligations but also to ensure that aid is delivered effectively and without additional risks to the lives of the providers.

c) Financing CFSP

58. The Group agreed that efficiency in CFSP was closely linked to the issue of adequate resources, both in terms of volume and procedures. The current CFSP part of the budget had proved insufficient to implement actions that were deemed necessary in support of the EU's foreign policy, and current procedures were too heavy to allow prompt financing of activities. Sufficient budgetary flexibility both in terms of volume and procedure was necessary to enable prompt and appropriate action by the Union. There was strong support in the Group for simplifying and improving the current system, making it better match the EU's needs. The example of financing Special Representatives was mentioned in particular, and it was underlined that appropriate funding for these should be made available from the Community budget, possibly with faster procedures. It was also suggested that there should be a bigger margin of unallocated expenditure (5-10%) in main assistance programmes to enable the Union to act promptly to meet unexpected crises or new political priorities.

59. The Group felt that the person holding the function of HR should have more say in how the CFSP part of the budget was used and that he/she should be allowed to propose initiatives. Some proposed that he/she should have a certain degree of autonomy in financing under the Community budget activities considered necessary for the implementation of his/her mandate. Some members proposed that this person should be given such autonomy over a specified, limited part of the CFSP budget. In particular, the Group noted the need to establish an effective mechanism within the Community budget, which would allow the person holding the function of HR to finance on an urgent basis the steps preparatory to civilian crisis management operations. The use of these resources should rest on clear guidelines from the Council and require clearance from the PSC, and it should respect the budgetary ceilings set by the budgetary

authority.⁵ The Group took note of current procedures in humanitarian aid, where a certain degree of power of decision was conferred to the Director of ECHO/the Commissioner.

The Group further took note of the Commission's information regarding the rapid reaction mechanism intended to ensure a rapid response in crisis management. The Group further agreed that budget management activities should remain with the Commission services and that any unnecessary duplication should be avoided and furthermore that the principles of budgetary control and discharge should remain applicable.

d) Role of the European Parliament

60. Regarding the role of the EP in CFSP, the Group noted that the current provisions of Art. 21 TEU require consultation on main aspects and basic choices, and information on the development of CFSP. It agreed to complement this article to make the person holding the function of HR formally involved in these tasks. In addition, the Group agreed that regular exchange of views between the EP and national parliaments on CFSP issues should be ensured.

61. With regard to commercial policy, several members considered that the involvement of the EP should be enhanced, and referred in this respect to the report by Working Group III.

VI. International agreements

62. The Group noted the importance of the work of WG III on legal personality and its relevance to the issue of external representation. It recalled the support of the Convention for the recommendation to confer an explicit single legal personality on the European Union. It was furthermore noted that in a possibly regrouped section on EU external action in the Treaty (see paragraph 14), it would be useful to have provisions, and preferably one single provision, on the negotiation and conclusion of international agreements which would indicate who would act on behalf of the Union in this respect. Such provision(s) could, as recommended by WG III, indicate that the Council authorises the opening of negotiations, issues the negotiating directives, and concludes the agreements. This would not necessarily involve changes to the specific procedural arrangements according to the subject covered by the agreement. Some members pleaded in favour of an European Parliament assent on any international agreement including agreements in matters of international trade policy (i.e. the deletion of the current exception set out in Article 300.3 TEC).

63. Regarding the conduct of the negotiation, the current Article 300 TEC would apply if the agreement under consideration fell solely within the current Community domain; and Articles 24/38 TEU would apply if the agreement came solely under current Title V or Title VI. Where the scope of an agreement would fall within both the current Community domain and under current Titles V and/or VI TEU (now known as "cross-

pillar mixity”), the Group noted that one could resort either to the conclusion of two different agreements or to the conclusion of a single agreement and recommended that the aim should be to conclude a single agreement wherever possible. In this last case, the procedure for the negotiation and conclusion of the agreement would be decided by the Council on the basis of the main object of the agreement and its legal basis. In that respect, the Council would indicate who would negotiate on behalf of the Union: e.g. the person holding the function of HR and the Commission together, or by the Commission or the HR alone under the supervision of a committee.

VII. Services and External representation

64. With respect to organisational aspects of services, the Group considered that a number of recommendations could be agreed upon independently of institutional solutions at the top. It agreed that there was a need to avoid duplication of services. With regard to the person holding the function of HR, the Group agreed that it was essential for him/her to have sufficient staff at his/her disposal in Brussels, and underlined the importance of strengthening his/her staff with seconded diplomats and officials of the Commission and the Council Secretariat. The secondment of members of national diplomatic services on a temporary basis would help to enhance synergy with Member States and further strengthening of policy analysis capacity.

Some proposed that the role of the Political and Security Committee in providing the HR with political guidance should be reinforced.

65. The Group was of the opinion that current arrangements in external representation of the EU in multilateral fora lacked clarity and considered that a single representation would improve the Union’s capacity to act effectively and convincingly on the global stage. Some believed that diversity in representation was however unavoidable, given the different fields of action and differences in delimitation of competences between the Union and its Member States. The Group agreed that Member States should enhance the coordination of their positions in international organisations and conferences with a view to agreeing on EU positions and a strategy to promote them. The Group furthermore agreed that when there was an agreed position of the Union, the Union should have, when appropriate, a single spokesperson. It also suggested that the EU coordination with regard to the UN Security Council could be improved.

66. The Group considered that the issue of EU representation in international organisations was both complex and sensitive. Members welcomed the clarity and efficiency of EC representation by the Commission in the field of commercial policy. Several members considered that in the other policy areas where Member States had agreed that competences would be exercised at the supranational level, representation in international fora should be in conformity with internal arrangements. While several members advocated

full EU membership in international organisations, some members viewed this as problematic as they considered that it would conflict with the rights of Member States without significantly enhancing the influence of the Union. The Group noted that the statutes of international organisations dealing with areas for which the Union is competent would need to be changed before the Union could gain membership. The Group agreed that the Union should work, where appropriate, for changes to the statutes of international organisations to allow for membership by the Union.

Representation of the Union would be without prejudice to Member States' competence as subjects of International law and to their status in International organisations. This would contribute to overall enhancing the capacity of international organisations to improve global governance. The Eurozone members of the Group, supported by others, expressed support for a single representation of the Eurozone in IFIs. Some members underlined that decisions in IFIs would entail actions by Member States and the Group therefore suggested that a solution should be identified in order to organise the articulation between single representation and obligations incumbent on Member States. The Commission was invited to look into the issue and formulate proposals.

67. When considering external representation in bilateral relations, members felt that current arrangements could be improved with a view to enhancing clarity and continuity. The situation was particularly unsatisfactory with respect to political dialogue meetings, where too many spoke on behalf of the EU (Presidency, the HR, the Troika, the Commission, Member States). It was pointed out that in diplomacy a lot depended on trust and personal relationships. The Group considered in this respect that the person holding the function of HR should assume the representation of the Union, which would improve the visibility, clarity and continuity of the Union on the global stage.

68. Some considered that representation at the highest political level (heads of State or Government) should be the responsibility of a permanent President of the European Council. A majority of members expressed opposition to the proposal for a permanent President of the European Council. The Group considered that this proposal had wider institutional implications and that it should therefore be discussed in Plenary.

69. With respect to overseas representation, the Group advocated the creation of an EU diplomatic academy, providing training to young diplomats as well as mid-career training, and an EU diplomatic service, alongside those of Member States, as well as the development of a closer cooperation between the external services of the Union and of the Member States. The Group proposed that current Commission delegations should be turned into EU delegations, and some suggested EU Embassies, which would work under the authority of the person holding the function of HR for issues concerning CFSP and under the authority of the Commission for the other aspects of external action. They would be staffed by officials of the Commission and the Council Secretariat

as well as seconded members of national diplomatic services. These EU delegations/embassies could also be tasked with servicing Member States not represented in a particular country. It was also pointed out that the diplomatic representations of Member States should cooperate closely with EU delegations and that they should also be encouraged to provide support and information to the person holding the function of HR.

1 Other titles have also been put forward in the course of discussion, notably "EU Minister of Foreign Affairs" and "EU Foreign Secretary". The prevailing view was that the title of "European External Representative" had the advantage of not corresponding to a title used at national level.

2 Means of financing crisis management operations having a defence component should also be identified (see recommendations of Working Group VIII [Defence]).

3 The Group noted that the specific arrangements for issues falling under defence were discussed in Working Group VIII.

4 Other titles have also been put forward in the course of discussion, notably "EU Minister of Foreign Affairs" and "EU Foreign Secretary". The prevailing view was that the title of "European External Representative" had the advantage of not corresponding to a title used at national level.

5 Means of financing crisis management operations having a defence component should also be identified (see recommendations of Working Group VIII).

Barnier Report

Brussels, 16 December 2002

FINAL REPORT OF WORKING GROUP VIII ON DEFENCE, CHAIRIED BY MICHEL BARNIER

This report is in two parts. The first part reviews the legal context and the developments in European security and defence policy since the Cologne European Council (3 and 4 June 1999), the progress made and gaps remaining (paragraphs 5 to 30).

The first part also presents the specific features of defence issues and the diversity of the situations of the various States in relation to defence issues (paragraphs 31 to 44).

This first part, finally, describes the new challenges and threats which the Union and its Member States have to face. The way the strategic context has evolved has been an important element in the reflections of the Working Group and the formulation of its recommendations.

The second part of the report contains the Working Group's recommendations, several of which have received wide support:

- updating the Petersberg tasks (paragraph 51);
- improving the arrangements provided for crisis management, in order to improve the coherence and effectiveness of the Union's action (paragraph 52);
- ensuring flexibility in decision-making and in action, both through more extensive use of constructive abstention and through the setting-up of a specific form of closer cooperation between those Member States wishing to carry out the most demanding Petersberg tasks and having the capabilities needed for that commitment to be credible (paragraphs 53 to 55);
- introducing a solidarity clause to enable Member States inter alia to prevent and respond to terrorist threats within the Union by mobilising all the necessary military and civil instruments (paragraphs 57 and 58);
- setting up a European Armaments and Strategic Research Agency to strengthen the industrial and technological base of the defence sector, allow Member States to pursue different cooperation programmes among themselves (paragraphs 64 and 65) and ensure fulfilment of capabilities commitments (paragraphs 66 and 67);
- giving the High Representative for the common foreign and security policy the responsibility for directing Union action and for coordinating Member States' efforts as regards defence (paragraph 71);
- ensuring suitable parliamentary scrutiny (paragraphs 72 and 73).

A. Introduction

1. The Working Group on Defence, chaired by Mr Michel Barnier, conducted its proceedings on the basis of the mandate given by the Praesidium of the Convention, as subsequently expanded by the Group's Chairman (CONV 206/02 and CONV 246/02), and of questions which were put to it. The discussion was conducted, furthermore, with the support of introductory notes from the Secretariat prepared for each of the meetings, together with hearings of experts (a list of experts heard is given in the Annex).
2. In addition, a seminar on the European security and defence policy (ESDP) was organised, with the assistance of the European Union Institute for Security Studies, during which members of the Convention were able to engage in discussions with experts (the programme for the seminar, a list of speakers and the minutes will be found in CONV 417/02).
3. The Working Group has met on nine occasions (one of the meetings was held jointly with the Working Group on External Action). Members of the Group and other Convention members submitted 44 written contributions.
4. This report presents the results of the Group's discussions and sets out its recommendations to the Convention.

B. The ESDP today

5. The objective of introducing a common foreign and security policy (CFSP) was first acknowledged during the negotiations that led to the Maastricht Treaty. The provisions concerning the CFSP, including those on the ESDP, were revised by the Amsterdam Treaty, which came into force on 1 May 1999.
6. The concept of security is very broad, by nature indivisible, and one that goes beyond the purely military aspects covering not only the security of States but also the security of citizens. On the basis of this broad concept of security, the common foreign and security policy and the ESDP which forms part of it favour the promotion of international security founded on multilateral solutions and respect for international law. Conflict prevention is a key element in the approach followed by the Union in international relations. The ESDP allows the Union military options over and above the civil instruments of crisis prevention and management.

Within this broad concept of security, disarmament occupies an essential place. Through the CFSP, the Union is deeply engaged in promoting multilateral efforts in favour of disarmament.

Legal bases

7. The current principal legal bases for the ESDP are contained in Article 17 of the Treaty on European Union (TEU), which makes the ESDP an integral part of the CFSP.

Paragraph 1 of that Article defines in very broad terms the scope of the ESDP, which includes “*all questions relating to the security of the Union, including the progressive framing of a common defence policy (...), which might lead to a common defence, should the European Council so decide*” Paragraph 2 of the same Article specifies that security questions include the Petersberg tasks, in particular “*humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking*”.

Developments since the Cologne European Council meeting

8. The new international context and the limits to action by Member States of the Union during the Balkans crisis prompted consideration of how to give practical effect to the ESDP.

9. The Franco-British meeting in Saint-Malo, and subsequently the Cologne European Council meeting in June 1999, gave the political impetus and set out the guidelines required for the strengthening of the European security and defence policy.

10. At the Cologne European Council meeting (3 and 4 June 1999), the Heads of State or Government of the Member States of the European Union took the decision to provide the Union with the capacity for autonomous action, backed up by credible military forces, the means to decide to use them and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO. At the Helsinki European Council meeting (10 and 11 December 1999), the Heads of State or Government confirmed that they intended to give the European Union autonomous capacity to take decisions and made clear their intention, where NATO as a whole was not engaged, to launch and conduct EU-led military operations in response to international crises. These conclusions have since been further developed by the European Council. Although the European Union’s natural priority, in its crisis-management action outside the Union, remains relatively close to its borders, neither the Treaty nor the European Council conclusions place any geographical limit on the Union’s action.

(a) Military capabilities

11. At the Helsinki European Council meeting, the political objective set at Cologne was reflected in the adoption of concrete objectives concerning the creation of European forces that are credible, available and effective. Under this objective (known as the “Helsinki headline goal”), the Member States undertook to be able, by 2003 and cooperating voluntarily, **to deploy rapidly** (within 60 days) and **sustain** (for at least one year) **military forces capable of the full range of Petersberg tasks** as set out in the Amsterdam Treaty, including those which would require significant forces of up to corps level (up to 15 brigades, or 50,000 to 60,000 persons).

The Member States must also be able **to deploy smaller rapid response elements with very high readiness**. These forces must be self-sustaining, with the necessary command, control and intelligence capabilities, logistics, other combat support services and

additionally, as appropriate, air and naval elements. The Member States of the European Union have also established common capability goals (command and control, reconnaissance and strategic transport).

12. For those Member States which are also members of the Atlantic Alliance, their military capabilities must also allow them to play their full role in NATO operations.

13. Furthermore, as early as the Cologne European Council it was agreed, on the basis of the declaration at the NATO summit held in Washington in 1999, that the Union should be able to conduct operations with recourse to NATO resources and capabilities. To implement this category of operation, specific arrangements must be agreed with the Alliance.

14. Two Military Capabilities Commitment Conferences have been held since November 2000. At those Conferences the national commitments needed to achieve the Helsinki objectives were collected. Analysing the capability catalogue, it was possible to affirm that by 2003 the European Union will be capable of conducting more demanding operations as its capabilities continue to develop.

15. After analysing the outcome of the evaluations conducted at the two conferences on improving military capabilities, the Member States decided to set up a *European capabilities action plan* to make good the shortfalls noted in the area of capabilities by rationalizing Member States' defence efforts and increasing synergy between their national and international projects.

16. In that context, nineteen Working Groups were established to examine most of the significant shortcomings pinpointed by the Headline Goal Task Force. These Working Groups' reports are expected for 1 March 2003.

17. Although considerable progress has been made in identifying shortfalls and remedying them, it must be noted that the results remain unsatisfactory and that additional efforts are called for.

18. The critical shortcomings concern the following:

- command, control and communications;
- strategic intelligence and the surveillance and protection of troops in the field;
- strategic transport by air and sea;
- effective engagement capacity.

(b) Institutional developments

19. The enhancement of capabilities has been accompanied by institutional developments, the first being the appointment at the Cologne European Council of the High Representative for the Common Foreign and Security Policy, whose action in the area of "flashpoint diplomacy", particularly in the FYROM, has been especially significant and useful. In accordance with the Nice European Council conclusions, structures have been specifically created for decision-making on and monitoring of crisis management action: the Political and Security Committee (PSC), which exercises, under the responsibility of the Council, political control and strategic direction of crisis management

operations; the Military Committee, which provides military advice and exercises military command over all military activities, and the Military Staff, which supplies military expertise.

(c) Civil capabilities

20. Since the Feira European Council, the notion of capability goals has also been applied to the civilian sphere – particularly to police capabilities, and the capabilities needed for actions intended to contribute to respect for the rule of law, establishment of a civil administration and civil protection. A committee has also been set up to deal with the civilian aspects of crisis management. Since then, conferences on the improvement of civil capabilities have been organised and a plan of action adopted for police capabilities.

21. On 19 November 2002 the conference on civilian crisis management capabilities noted that voluntary commitments by the Member States had outstripped the specific goals set for 2003 by the European Council for priority areas (police, rule of law, civil protection and civil administration).

(d) Crisis management procedures

22. The European Union has developed procedures for crisis management and approved a policy and programme of exercises. An initial test of the procedures was carried out in May 2002 with crisis management exercise CME02. The text describing the procedures, endorsed by the PSC, remains open-ended. It may be noted here that there is no provision at present in the Union's programme of exercises for carrying out military manoeuvres in the framework of the ESDP.

(e) Operational capability declaration

23. In view of the progress made in terms of structures, procedures and capabilities, the Laeken European Council adopted an “operational capability declaration”, noting that *“through the continuing development of the ESDP, the strengthening of its capabilities, both civil and military, and the creation of appropriate structures within it . . . the Union is now capable of conducting some crisis-management operations . . . Development of the means and capabilities at its disposal will enable the Union progressively to take on more demanding operations”*.

24. Since that declaration, the Union has decided to put in place, as from 1 January 2003, a policing mission in Bosnia and Herzegovina to take over from the United Nations policing operation. In addition, the Union is considering the possibility of taking over the military operation conducted by NATO in the FYROM.

(f) Relations and cooperation with NATO

25. The European defence policy cannot be defined without making reference to NATO. Eleven current European Union Member States are members of NATO and are bound by a collective defence clause by virtue of Article 5 of the Washington Treaty. Article 17 of the EU Treaty makes explicit reference to the obligations arising from the North Atlantic

Treaty for those Member States which are members of NATO. Among the EU candidate countries, four are part of the Alliance and at the Prague Summit on 21 and 22 November 2002 others were invited to join NATO. For States which are simultaneously members of the European Union and of NATO, their military capabilities must also allow them to play their full role in the framework of NATO operations.

26. It has already been pointed out that since the Cologne European Council there has been provision for the Union to conduct operations using the resources and capabilities of NATO (particularly as regards planning). However, the so-called “Berlin plus” agreement, which would guarantee access to these capabilities for the European Union, has not yet been concluded. The members of the Group have stressed that the conclusion of that agreement will be of great importance to the implementation of the ESDP.

(g) Relations and cooperation with the United Nations

27. International action by the Union is based on a multilateral approach. The Union acts for peace and for the strengthening of international security in accordance with the principles of the United Nations Charter. The Union recognises the primary responsibility of the United Nations Security Council for the maintenance of international peace and security.

28. At the Göteborg European Council (15 and 16 June 2001), the Heads of State or Government of the Member States also took important decisions to strengthen cooperation between the European Union and the United Nations, particularly in the area of conflict prevention and crisis management.

29. The operational capability that the European Union acquires under the ESDP may prove to be an important element in conflict prevention and crisis management operations conducted by the United Nations.

30. The establishment of the European Union Police Mission in Bosnia and Herzegovina provided an opportunity for practical cooperation with the United Nations to effect the transition between the two operations.

C. Specific nature of defence matters

31. Defence policy is a special policy both at national and at European level. By nature it belongs to the most sensitive areas of sovereignty and calls upon essentially national resources. The decision to take part in an operation is for national authorities, which will always wish to be involved in the conduct of operations which have national security implications and are also likely to endanger the lives of their soldiers and their citizens.

32. Consequently, the provisions relating to the ESDP sometimes differ from those which apply to the CFSP, e.g.:

- the provisions of the Treaty of Maastricht (Article 23(2) TEU) rule out the possibility of applying qualified majority voting to “*decisions having military or defence implications*”;

the provisions on the financing of the ESDP (Article 28(3) TEU), whereby “operational expenditure to which the implementation of those provisions gives rise shall also be charged to the budget of the European Communities, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise”. This provision forbids the financing of military operations out of the Community budget. Such financing may therefore be provided either directly by the Member States taking part in an operation (“costs lie where they fall”) or by the establishment of another system.

Variety of situations

33. It is worth considering the diversity of individual States’ situations in terms for example of status, budgetary effort and military capabilities.

(a) Difference in status

34. Eleven European Union Member States (Germany, Belgium, Denmark, Spain, France, Greece, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom) are members of NATO and are therefore bound by the collective defence clause under Article 5 of the Washington Treaty.

35. Those States, with the exception of Denmark, are also members of the WEU and have therefore entered into a similar, if not wider, commitment under Article V of the Brussels Treaty.

36. Four Member States (Austria, Finland, Ireland and Sweden) are neutral or non-aligned countries. They cooperate with NATO under the Partnership for Peace Programme (PPP) and take part in the Euro-Atlantic Partnership Council (EAPC). They also have observer status in the WEU.

37. Mention should also be made of the special case of Denmark, which, although a NATO member, enjoys special arrangements in the European Union framework by virtue of a Protocol annexed to the Treaty. Pursuant to that Protocol, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications, but does not prevent the development of closer cooperation between Member States in this area.

38. A variety of situations is also to be found among the countries which are candidates for accession to the European Union. Four of them (Hungary, Poland, the Czech Republic and Turkey) are already members of NATO, while others were invited to join NATO at the Prague Summit on 21 and 22 November 2002. Those candidate countries for European Union membership which are already in NATO are also “associate members” of the WEU, while the others (Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia) have the status of “associate partners” and will certainly become “associate members” once they have joined NATO. Two candidate countries remain non-aligned (Cyprus and Malta).

(b) Differences in defence industry

39. The current situation is also particularly varied with regard to Member States' defence industries. The countries cooperating under the OCCAR¹ (Germany, France, Italy and the United Kingdom) and the LoI² (Germany, Spain, France, Italy, the United Kingdom and Sweden) alone account for 90% of total European production in this sector.

(c) Budget differences

40. Another source of diversity between countries is of course the size of their defence budget, the actual structure of that budget and the nature of their military capabilities. The size of European Union Member States' budgets varies widely. An analysis of defence budgets shows that in only five of the fifteen Member States does military expenditure exceed 2% of GDP. Just two States, France and the United Kingdom, have recently announced sizeable increases in their military budgets for equipment. In most Member States, military expenditure is continuing to decrease.

41. The differing structures of defence budgets have also to be stressed, since the percentage of expenditure allocated to research and development and to equipment is a decisive factor. It should further be noted in this respect that some countries have military-style police forces which are also financed from the defence budget.

(d) Differences in deployment capability

42. There are considerable differences between Member States' capabilities to deploy forces. While to some extent linked to national defence budgets, deployment capability is more than simply a budgetary issue. Only a small number of Member States currently have forces designed for deployment outside their national territory.

(e) Other differences

43. Other differences may be identified: for example, permanent membership of the United Nations Security Council, professional army or conscript army, possession or not of nuclear capabilities.

Cooperation developed between certain Member States

44. In various areas of defence there are forms of closer cooperation between certain Member States:

- in the area of armaments some Member States cooperate under the OCCAR and the LoI. The special nature of this cooperation is due to the fact that only a few Member States take part and undertake to carry out projects together;
- in the military field, some Member States have created multinational military units with headquarters or general staffs. This is the case for Eurocorps (land forces: Germany, Belgium, Spain, France and Luxembourg), Eurofor (land forces: Spain, France, Italy and Portugal), Euromafor (naval forces: Spain, France, Italy and

Portugal), the European Air Group (Germany, Belgium, Spain, France, Italy and the United Kingdom), the Multinational Division (Centre) (Germany, Belgium, the Netherlands and the United Kingdom) and the General Staff of the German-Netherlands First Corps (Germany, the Netherlands and the United Kingdom).

There are also other multinational forces, which, however, do not have joint headquarters (for example the British-Netherlands Amphibious Force and the Spanish-Italian Amphibious Force) and multinational military units (NORDCAPS, with the participation of three Member States, Finland, Sweden and Denmark and also of Norway).

D. The current challenges

The new threat³

45. The ESDP was defined and developed on the basis of the challenges and threats as evaluated in the 1990s. There can be no doubt that this definition of threat has been overtaken by international events. After 11 September, the threat is no longer defined solely by the risk of conflict between States or ethnic groups. The situation is more one of **global insecurity** characterised by less clear-cut risks, including those linked to international terrorist organisations or the use of weapons of mass destruction, which elude the provision made for conflict management in the traditional sense.

46. The events of 11 September prompt consideration not only of the need to project stability outside the Union but also of the need to ensure security within the European Union, particularly for the protection of the civilian population and democratic institutions. A purely national framework is no longer enough. At the same time, public opinion is calling more than ever for security and protection and appears to be very much in favour of European defence. It is therefore for the Convention to consider how the gap between expectations and reality could be overcome.

Credibility and effectiveness

47. One key factor in the credibility of the Union's defence policy and hence of its international role is that there should be suitable, interoperable military capabilities. This challenge was identified as early as the Cologne European Council and, as we have already seen, much has already been accomplished. However, we need both to ensure that the Helsinki headline goal is fully achieved and to check whether the capability objectives do not need to be revised in the light of the new threats. The need for fresh efforts in this area of capabilities clashes in particular with Member States' budgetary constraints. The Group is unanimous in acknowledging the need to make expenditure more effective. Several members of the Group also believe that defence budgets need to be increased.

48. It is essential to step up investment in military research, both to ensure that equipment is efficient and in the interests of civil industry, which also benefits from the results of military research. The need to increase military research can be illustrated, for example, by the substantial differences which exist between the scale of European and of

United States investments in the field (some EUR 10 billion invested by the European Union as against EUR 53 billion by the United States). This expenditure also seems to be considerably less effective in Europe.

49. The Union must be able swiftly to mobilise its civil and military capabilities in the context of crisis management. It cannot simply produce declarations on operational capability or catalogues of military strength. It must be able to take decisions swiftly and effectively.

E. Recommendations

50. The Group stressed that the security and defence policy makes a powerful contribution to the Union's international credibility. The aim in framing that policy, is not to transform the European Union into a military alliance but to provide it with the instruments it needs to defend its objectives and its values and to contribute to peace and stability in the world in conformity with the principles of the United Nations Charter and international law. The Group, which noted that those were the objectives of the CFSP, which includes the ESDP, as laid down in the present Treaty, also noted with interest the proposed "principles and objectives" that Working Group VII on External Action recommends be incorporated into the constitutional treaty (see CONV 459/02)). The Group also noted that the principle of gender awareness should apply across the board.

I. Crisis management:

(a) Updating the Petersberg tasks

51. The Group recommends that the description of the Petersberg tasks be expanded to include specific reference to other tasks involving the use of military resources:

- conflict prevention (early warning, confidence and security building measures, etc.);
- joint disarmament operations (weapons destruction and arms control programmes);
- military advice and assistance ("defence outreach": cooperation with the military forces of a third country or of a regional/subregional organisation on developing democratically accountable armed forces, by the exchange of good practices, e.g. through training measures);
- post-conflict stabilisation;
- support for a third country's authorities, at their request, in combating terrorism

(b) Arrangements for ensuring coherence and efficiency in carrying out crisis management operations

52. A crisis management operation must meet two absolute requirements: efficiency and coherence. There was clear support within the Group for the view that swift and efficient crisis management procedures are needed, without this undermining political control.

(a) Use should be made of Article 25 of the Nice Treaty, which allows for the Council's

power of decision to be delegated to the Political and Security Committee as regards the political control and strategic direction of an operation decided on by the Council, and for the duration of that operation.

- (b) It is recommended that the role of the High Representative be enhanced. The High Representative should have a right of initiative in crisis management matters, but the decision to initiate an operation would continue to be taken by the Council. In particular, it would be for the High Representative to submit to the Council a proposal specifying the type of operation contemplated and the resources needing to be brought together for its implementation. Moreover, it is essential for the conduct of a crisis management operation that responsibility for coordination be assigned to the High Representative, who should ensure the coherence between the civilian and military aspects of the operation under the authority of the Council and within the parameters approved by it. The commander of the military operation and those in charge of civilian aspects should be answerable to the High Representative. He would be empowered, in urgent cases, to take the necessary decisions under the authority of the Council and in close and permanent contact with the Political and Security Committee, the body exercising the political control and strategic direction of a crisis management operation. He would also be required to report regularly to the Council on his activities.
- (c) The need to coordinate military and civilian aspects on the ground is vital and ought to reflect the arrangements made in Brussels. That role should be assigned to the Special Representatives acting on the ground under the authority of the High Representative or, failing that, to another person designated by the Council for the purpose. All such arrangements should observe the integrity of the military command.
- (d) The launching of an operation, both its military and its civilian aspects, also requires swift access to financing. Regarding the civilian aspects of a crisis management operation, the Group took careful note of the recommendations made by Working Group VII on External Action.

Regarding the military aspects, the following proposals drew majority support:

- where the intended operation is a military one, or it is not yet decided whether it will be civilian or military, appropriate funding needs to be provided for the operation's preparatory phase. It is therefore envisaged that a relatively modest fund be set up, based on Member States' contributions, from which the preparatory stages of such an operation could be financed, avoiding any overlap with existing instruments. The administration of the fund would be governed by strict provisions laid down in a financial regulation and would be subject to political and financial scrutiny;
 - given that military operations may not be financed from the Community budget, it has been suggested that provision be made for the early establishment of a mechanism for bearing common costs.
- (e) To ensure better interoperability upstream, enhanced cooperation on training was also envisaged. The suggestion that a joint military college be established aroused some interest.

(c) Facilitating flexibility in decision-making and action

53. With a view to the forthcoming enlargement of the Union, most members of the Group consider it is more important than ever that the Member States should agree to move from unanimity to other decision-taking procedures, relying more on consent and a culture of solidarity among Member States. The launching of an operation would be decided unanimously, but the rules on constructive abstention would apply, although these might be relaxed. Member States not wishing to support an operation actively, in particular those not wishing to contribute militarily, would be encouraged not to oppose the operation, but to abstain. Once the operation was under way, abstaining States would not participate in decisions concerning the implementation of the operation as originally decided on, but could join in at a later stage. They would, however, take part in taking decisions which would have important political consequences or would fundamentally change the concept of the operation, going beyond the terms of reference of the mission originally decided on.

54. The Working Group's discussions have revealed the diversity that exists between Member States as regards the level of their capabilities and the willingness to commit themselves actively even to tasks already included in the Treaty, e.g. peacemaking. Several members of the Group have proposed that as the Maastricht Treaty set up a specific form of cooperation for the introduction and management of the euro, the new treaty should consequently provide for a **form of closer cooperation between Member States**, open to all Member States wishing to carry out the most demanding tasks and fulfilling the requirements for such a commitment to be credible. One of the conditions for taking part in this "defence Euro-zone" would have to be a form of presumption that pre-identified forces and command and control capabilities would be available. Another condition might be participation in multinational forces with integrated command and control capabilities. Other factors are also important, such as force preparedness, interoperability and deployment capabilities.

55. In addition to such specific cooperation as established by the Treaty, certain members also proposed amending the provisions on **enhanced cooperation**, as resulting from the Treaty of Nice. In general, those provisions should be open to cooperation in security and defence matters, and their conditions of use would be relaxed (decision to establish enhanced cooperation taken by a qualified majority, reduction in the number of States required to constitute enhanced cooperation, rapid decision-making procedures). Certain members of the Group evinced an interest in this suggestion but, on account of its wider implications, thought that it should be discussed further in the light of the discussions of other working groups. Some members of the Group were opposed to the provisions on enhanced cooperation being applied to defence.

II. The response to the new threat: more solidarity

56. The Group concluded that the threat which the European Union is facing has evolved

since the first stages of ESDP development. It is now also necessary to cope with the threat of terrorism and the use by terrorist groups of weapons of mass destruction, which would target the civilian populations and democratic institutions of our countries. The Group also agrees that this threat requires in response the combined use of the whole range of instruments available today to the Union, and in particular the Member States (military resources, intelligence, police and judicial cooperation, civil protection, etc.).

(a) Solidarity clause requiring recourse to all of the Union's instruments for the protection of the civilian population and democratic institutions

57. There was broad support for a new clause spelling out the principle of solidarity between Member States which would be enshrined in Article 1 of the Constitutional Treaty. That clause would enable **all the instruments available to the Union to be mobilised** (including the military resources and the structures originally set up for the Petersberg tasks, as well as police and judicial cooperation, civil protection, etc.) in actions undertaken within the territory of the Union aimed, in particular, at **averting the terrorist threat, protecting the civilian population and democratic institutions and assisting a Member State within its territory in dealing with the implications of a possible terrorist attack**. It would therefore be a question of taking advantage of the interdisciplinary character of the Union's approach, in order both to respond effectively to new challenges and to indicate clearly what distinguishes the European Union from a military alliance.

58. Such a clause would not be a clause on collective defence entailing an obligation to provide military assistance, but would apply to threats from non-State entities. Moreover, assistance for the purpose of managing the consequences of an attack would be provided only at the request of the civilian authorities of the country concerned. The European Council should evaluate the threat regularly so that an early-warning system can operate.

59. Taking this enhanced solidarity further, and to strengthen the existing Community mechanism, a situation might be envisaged in which a pool of specialised civilian or military civil-protection units identified by the Member States undertakes joint training and intervention coordination programmes so as to facilitate more effective intervention in the event of natural or humanitarian disasters within the Union.

(b) Solidarity and common security clause

60. Some members of the Group proposed that the notion of solidarity be reflected in a broader clause on solidarity and common security which would be incorporated in the Constitutional Treaty and to which would be linked, in an annex to the Treaty, a political declaration on solidarity and common security in order to identify risks of any sort that threaten the Union, including terrorism, and the means of dealing with them. The European Security and Defence Union that would be produced by this development would also contribute to the strengthening of the European pillar of the Alliance.

(c) Collective defence clause

61. Several members of the Group proposed a collective defence clause. In this context it was also suggested that Member States which so wished could share between themselves the obligations laid down in the Brussels Treaty relating to mutual assistance, thus bringing to an end the Western European Union.

62. Such a collective defence clause was considered unacceptable by some members for reasons connected with the non-aligned status of certain Member States, and by others who considered that collective defence was covered by the Atlantic Alliance.

63. Under those circumstances, those members of the Group who were in favour of the collective defence clause thought that it would be sensible to allow those Member States wishing to intensify their cooperation, and in particular to take over the commitments of the WEU Treaty, to do so within the framework of the Union rather than outside the Union. The new Treaty could therefore establish a **closer type of cooperation on defence**, open to all Member States wishing to enter into such a commitment and fulfilling the requirements for such a commitment to be credible, in particular in terms of command and control capabilities, force preparedness, interoperability and deployment capabilities.

Decisions would be taken only by the participating Member States. **The methods of operation and decision-making procedures for such cooperation would be specified in the text establishing such cooperation.**

III. Capabilities and armaments: towards a European agency

64. Development of capabilities is linked to development of armaments. In this context, the setting up on an intergovernmental basis of a **European Armaments and Strategic Research Agency** was supported by many in the Group. The Agency's initial tasks would be to ensure the fulfilment of operational requirements by promoting a policy of harmonized procurement by the Member States, and to support research into defence technology, including military space systems. The Agency would incorporate, with a European label, closer forms of cooperation which already exist in the armaments field between certain Member States (OCCAR, LoI). The Agency should also be tasked with strengthening the industrial and technological base of the defence sector. It should also incorporate the appropriate elements of the cooperation that most Member States undertake within the WEAG.⁴

65. In this context, the following methods of participation are envisaged:

- all Member States which so wished could participate in the Agency, the composition of which would not be linked to other, limited forms of defence cooperation;
- certain Member States could constitute specific groups based on a commitment to carry out specific projects in the area of research, development and procurement, on the basis of the principles according to which current forms of cooperation operate, e.g. OCCAR;

- specific projects could also be opened up on an ad hoc basis to countries which are not members of the European Union, in particular to non-Union members of the WEAG;
- the Head of the Agency might also make recommendations concerning the specific rules to apply to the armaments sector with a view to a European market which would strengthen the industrial base and optimise military spending, thereby enabling the scope of Article 296 TEC to be specified with due regard for experience acquired in Community matters.

66. Many members of the Group are of the opinion that the development of the ESDP calls for the strengthening of military capabilities available to the Union – with regard to both commitments entered into by Member States in order to fulfil the Petersberg tasks and deeper commitments which might be entered into by certain Member States among themselves under a closer form of cooperation. Some members of the Group suggested that these deeper commitments take the form of a protocol annexed to the Treaty, whereby those States that so wished would harmonise their military requirements, share their capabilities and resources and ensure some specialisation of their defence efforts.

In that context, there is a proven need for a mechanism to evaluate and improve on the way in which Member States fulfil their commitments. A range of objectives might be considered, which would evaluate inter alia:

- the proportion of the defence budget in relation to GNP, and in particular the proportion of equipment and research expenditure in the defence budget;
- force preparedness, including force deployment capabilities and their interoperability.

Several members of the Group proposed that compliance with these commitments by the Member States should be the subject of an evaluation and monitoring exercise.

67. This function could be entrusted to the **Armaments Agency**, which would thus become a true **Capabilities Agency**, with the role of encouraging Member States' efforts to improve capabilities. The head of the Agency could thus have the authority to monitor Member States' progress in developing capabilities with regard to the various objectives approved, and to propose that certain countries participate in specific programmes.

68. There was broad support for the creation of a **Council configuration** bringing together **Ministers for Defence**, which would not require any amendment of the Treaty. This Council would exercise a role with regard to capabilities, monitor implementation of Member States' undertakings in that sphere and adapt the Union's capability objectives to developments in requirements and the international situation. If the above-mentioned Agency were set up, its head would report annually to the Defence Council on the development of military capabilities within the Union. The Ministers for Defence could also be associated with the Council of Ministers for Foreign Affairs when the latter discusses military crisis management operations.

69. Some members of the Group indicated their preference for maintaining existing arrangements which allow defence ministers to meet in the framework of the General Affairs and External Relations Council.

IV. The institutional framework: arrangements to be strengthened

A. ESDP structures

70. Existing institutional structures in the ESDP area must be maintained. They would, however, have to be adapted to ensure greater coherence and efficiency.

71. In order to ensure the effectiveness of the defence policy, there should be at the Council a political figure who, acting under the Council's authority, directs European Union action and coordinates Member States' efforts as regards defence. The Group takes the view that the figure who performs the duties of High Representative for the CFSP should be given responsibility for Union action in the area of ESDP.

B. Parliamentary scrutiny

72. The Group also underlined the importance of ensuring suitable political scrutiny of security and defence policy, taking account of the specific nature of this field.

73. Such scrutiny would be exercised in two ways:

■ European Parliament:

- at present, the European Parliament is informed of developments in common foreign and security policy by the Presidency of the Council, and by the High Representative. It is thereby informed of progress and decisions taken in CFSP matters and of guidelines for the future;

- the Parliament may put resolutions to the Council, which the Council will take into account at its meetings.

■ National parliaments:

- national parliaments exercise permanent scrutiny over their respective governments, notably in the field of defence policy;

- in the majority of Member States the national parliament approves the use of national forces in an operation;

- regular meetings of the relevant committees of the national parliaments should be organised so as to ensure better exchanges of information and more effective political scrutiny. Some members of the Group wanted Members of the European Parliament to be associated with these meetings.

¹ The main task of the OCCAR (Organisation for Joint Armament Cooperation) is to conclude effective agreements for the management and development of certain armaments cooperation programmes between the Member States. The OCCAR currently manages several international programmes.

² In 1998 six Member States signed a Letter of Intent with the aim of defining a framework for supporting industrial restructuring in the defence sector.

³ Some members of the Group do not share this view.

⁴ WEAG – group for armaments cooperation between 19 European countries (14 of which are members of the European Union and 16 members of NATO), the objective being harmonisation of operational programmes and standards, cooperation on research and technology and the opening up of contracts.

III. Terrorism

The year 2002 was marked by a series of terrorist attacks. Although fortunately on a smaller scale than those on the World Trade Center, the attacks on a Bali discothèque, a French oil tanker off the coast of Yemen, and against French engineers and American nationals in Pakistan and Israeli tourists in Kenya, reflected a constant level of criminal activity despite the defeat of the Taliban in Afghanistan. Yet 2002 also saw the first successes in the fight against terrorism: in addition to the ending of the Taliban regime, there were many arrests, and terrorist cells with links to al-Qaeda were broken up, in the United Kingdom, the Netherlands, Germany, France and Italy, a sign that European and transatlantic cooperation was paying off. Yet the terrorist threat is present more than ever, and Europe, now more aware of the danger it poses, is meeting this challenge as a matter of priority and with all the instruments at its disposal, including ESDP.

General Affairs Council

Brussels, 11 March 2002

(...)

EU DECLARATION IN COMMEMORATION OF THE TERRORIST ATTACKS OF 11 SEPTEMBER

Six months after the terrorist attacks of 11 September, the European Union reiterates its full solidarity with the United States. The terrorist attacks against the people and the institutions of the United States were indeed an attack against all of us, against our open, democratic, tolerant and multicultural societies. Today, all Europeans share anew grief of the victims and their families. Given its cruelty and effects, time will not erase the memory of this savage and immeasurable crime. Terrorism is a real challenge for the world and for Europe. It is necessary that all countries combine their efforts to make impunity for terrorists impossible. Actions taken against those responsible for these barbaric acts and their accomplices are not targeted against any people or religion. They aim at the reinforcement of international security and the rule of law as well as at the security of the countries affected by the scourge of terrorism.

The global fight against terrorism represents, more than ever, a priority goal for the European Union, which reaffirms its determination to work in every field to prevent similar events from happening again. In accordance with the Action Plan adopted by the extraordinary European Council on 21 September 2001, the European Union is following a coordinated approach that includes all policies of the Union related to the fight against terrorism. Likewise, in accordance with UNSC Resolution 1368, Member States, individually, are making significant contributions to the actions of the international coalition against terrorism.

(...)

General Affairs Council

Luxembourg, 15 April 2002

COUNCIL CONCLUSIONS

(...)

CFSP

Implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the EU

The Council adopted the following conclusions on a list of concrete measures with regard to the implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the European Union :

At its extraordinary meeting on 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union.

In pursuing this priority objective, on 10 December 2001 the foreign ministers of the European Union launched a targeted initiative to respond effectively in the field of non-proliferation, disarmament and arms control to the international threat of terrorism, which focuses on multilateral instruments, export controls, international co-operation and political dialogue.

In implementing this targeted initiative the Council today adopts the following list of concrete measures:

Chapter I - Multilateral instruments

A. Support all activities related to the universalisation of existing multilateral instruments (i.a. CWC, BWC, Geneva Protocol, NPT, CTBT, CCW and Ottawa Convention)

The EU as such and its Member States will:

1. Promote, at a political level, universal adherence to instruments relating to weapons of mass destruction (BWC, CWC, Geneva Protocol, NPT, CTBT, Safeguards Agreements and Additional Protocols with the IAEA, CPPNM);
2. Lobby for the withdrawal of all relevant reservations on the Geneva Protocol;
3. Act at a political level in view of reaching a wider adherence and effective implementation of other relevant instruments in the field of conventional weapons.

B. Work for the effective implementation of the international instruments as well as political commitments world-wide

The EU as such and its Member States will promote:

1. Compliance with obligations and commitments under the international instruments as agreed by the States Parties, including – where the international instruments provide for – the destruction of prohibited weapons, the prevention of their diversion and illegal use, as well as the prevention of diversion of their technologies;
2. Enactment and strict application of national implementation legislation as required by the international instruments;
3. Full implementation of the Non-Proliferation Treaty and of the Final Documents of the 2000 and 1995 Review Conferences to the Non-Proliferation Treaty;
4. Enactment of the provisions of the Convention of the Physical Protection of Nuclear Material (CPPNM) and encourage those concerned states to take into consideration relevant IAEA recommendations and to request, when appropriate, an IPPAS mission;
5. Timely, consistent and full implementation of reporting obligations imposed either by the international instruments or by the final reports of review conferences (Chemical Weapons Convention declarations, BWC-CBMs, reports on the Amended II Protocol to the CCW, Article 7 reports regarding the Ottawa Convention) and the creation of necessary conditions for processing the resulting information (e.g. translate and process information coming from BWC-CBMs in usable databases);
6. Implementation of confidence building measures like, inter alia, submission of national reports to the UN register on conventional weapons and expansion of the register;
7. Implementation of the United Nations' programme of action on the fight against the illicit trade in small arms and light weapons and of the OSCE document on SALW.

C. Support the work of the international organisations (e.g. OPCW, CTBTO, IAEA) in their endeavour, in particular by:

1. Reviewing the financial resources required by the international organisations in order to provide sufficient funding to enable them to discharge their monitoring activities, including those undertaken in the light of the new threats post September 11, and

ensuring that the funds provided are used in the most effective way;

2. Sustaining and expanding the OPCW capabilities to conduct effective inspections especially challenge inspections and investigations into alleged use. More realistic and frequent training exercises, especially practice inspections, provide an ideal mechanism to maintain and enhance such capabilities;

3. Supporting the statutory activities of the IAEA and strengthening its work to assist Member States to deal with the following:

- physical protection of nuclear material and installations;
- safe and secure management of radioactive sources including the implementation of the code of conduct on the safety and security of radioactive sources;
- illicit trafficking in nuclear and radioactive material.

D. Reinforce, where needed, the multilateral instruments, in particular by:

1. Working actively to fill identified gaps in the current pattern of multilateral instruments in the field of disarmament, arms control and non-proliferation;

2. Review and, if needed, strengthen national implementation measures of multilateral instruments in the field of disarmament, arms control and non-proliferation;

3. Continuing efforts to promote the universalisation of the draft International Code of Conduct against ballistic missile proliferation with a view to its adoption before the end of 2002;

4. Continuing the efforts to promote the strengthening of the IAEA safeguards system through the signature and ratification of the Additional Protocols;

5. Speeding up completion by EU Member States of the necessary formalities to bring the IAEA Additional Protocols into force for the EU;

6. Making a special effort to overcome the stalemate in the Conference on Disarmament and promote the commencement of negotiations of a Fissile Material Cut-off Treaty;

7. Drafting of an international instrument on marking and tracing of SALW (i.a. French-Swiss proposal) as well as an international instrument on brokering as a priority;

8. Working for the successful conclusion of a reconvened 5th BWC Review Conference in November 2002;

9. Working in favour of a successful and early conclusion of negotiations under way in Vienna to expand the scope and application of the Convention of the Physical Protection of Nuclear Material;

10. Strengthening the CCW, through the promotion of measures aimed at verifying compliance with the convention and its protocols, and through the development of legally binding instruments, especially on explosive remnants of war.

In order to achieve the aims contained in this Chapter, the EU and its Member States will exchange information about the results of demarches with a view to establishing a country focused database.

Chapter II - Export controls

The EU as such and its Member States will:

1. Assess appropriate ways of improving the existing export control mechanisms: Nuclear Suppliers' Group, Zanger Committee, Missile Technology Control Regime, Australia Group and the Wassenaar Arrangement, as a contribution in the fight against terrorism, in order to prevent the diversion by terrorists of any weapons or "dual use" items or technologies.
2. Establish or further develop EU co-ordinating mechanisms with the aim to improve information exchange practices in different export control regimes and arrangements, in order to provide accurate and up to date information on risks of proliferation involving non-state actors and states that support them.
3. Promote, within the regimes and arrangements, common understanding and strict adherence to their guidelines, principles and practices.
4. Promote the inclusion of "prevention of terrorism" in the objectives of all existing export control regimes and arrangements.
5. Promote, where applicable, in the framework of intensified out-reach activities, adherence to effective export control criteria by countries outside the existing export control regimes and arrangements.
6. Examine measures, in close co-operation with the Commission, to improve the enforcement of the common control system based on the Council Regulation (EC) No 1334/2000 on dual use items and technology and consider whether there are further regulatory measures that could be adopted to render the control system more effective regarding non-proliferation by, among others, the following measures:
 - more regular exchanges of information between Member States (e.g. in the co-ordination group);
 - examine implementation by Member States of controls on transshipment, transit and post-clearance, according to the provisions of the Community customs code.
7. Invite the relevant EU institutions to consider initiating a review of the denial notice system to ensure that is operating efficiently after more than three years since its inception.

Chapter III – International co-operation

The EU as such and its Member States will:

1. Improve preparation for international assistance in relation to the CWC and the BWC to protect states against the use or threat of chemical and biological weapons in consistency with the decisions agreed upon by the European Council of Ghent.
2. Provide, as appropriate, international assistance through the OPCW, in accordance with Article X of the Chemical Weapons Convention.

3. Continue its efforts to maintain and upgrade, where appropriate, a high level of physical protection on nuclear material and facilities, and to make use of the relevant provisions of the CPPMN regarding international cooperation in the case of misuse or theft of nuclear material.
4. Make full use, as regards sources and radioactive materials, of the provisions of the convention on assistance in the case of nuclear accident or radiological emergency.
5. Support and enhance, within the EU financial possibilities and building on already existing initiatives in the Russian Federation and other CIS, co-operation programmes for disarmament and non-proliferation with a view to:
 - assist in the destruction of weapons of mass destruction and their means of delivery;
 - assist in the disposition of the related released materials, including radioactive materials;
 - reduce proliferation risks, i.a. through ISTC/SCTU co-ordinated programmes;
 - improve the required legislative development and implementation (i.a. export control).
6. Study the possibilities for a targeted assistance programme on export controls for the Central Asian states.
7. Strengthen the co-operation in the field of destruction of SALW and other conventional weapons surpluses, as well as in facilitating the tracing of lines of supply.

Chapter IV - Political dialogue

The EU as such and its Member States will:

1. Intensify the political dialogue on disarmament, arms control and non-proliferation, in particular with countries in Asia and the Middle East.
2. Invite like-minded countries outside of the EU to join the effort to promote the universalisation of multilateral instruments.
3. Intensify and expand co-operation with candidate countries related to export control, with a view to improving their capacity to fulfil the requirements of common export control, and thus support in concrete terms their membership in all export control regimes. Raise more frequently export control issues with third countries in the context of political dialogue.
4. Promote the implementation of the relevant provisions of the UN Security Council resolutions and decisions.
5. Promote a strict implementation of UN, EU and OSCE arms embargoes.

The Council will consider the adoption of common positions and joint actions to assure the effective implementation of the listed measures.

(...)

European Council

Seville, 21-22 June 2002

PRESIDENCY CONCLUSIONS

(...)

ANNEX V

Draft Declaration of the European Council on the contribution of CFSP, including ESDP, in the fight against terrorism

1. The European Council reaffirms that terrorism is a real challenge for Europe and the world and poses a threat to our security and our stability. To this end, the extraordinary European Council meeting on 21 September 2001 decided to step up the action of the Union against terrorism through a coordinated and inter-disciplinary approach embracing all Union policies, including by developing the Common Foreign and Security Policy (CFSP) and by making the European Security and Defense Policy (ESDP) operational.
2. The European Council has noted the significant achievements accomplished in the implementation of the Plan of Action to combat terrorism and reiterates that the fight against terrorism will continue to be a priority objective of the European Union and a key plank of its external relations policy. Solidarity and international cooperation constitute essential instruments to fight this scourge. The Union will continue to maintain the closest possible coordination with the United States and other partners. The Union will seek to contribute further to these international efforts, both internally and in its relations with third countries and international organisations, such as the UN, NATO and the OSCE.
3. The Common Foreign and Security Policy, including the European Security and Defence Policy, can play an important role in countering this threat to our security and in promoting peace and stability. Closer cooperation among the Member States is being put into practice to take account of the international situation after the terrorist attacks of September 11.
4. The European Council welcomes the progress achieved since September 11 on incorporating the fight against terrorism into all aspects of the Union's external relations policy. The fight against terrorism requires a global approach to strengthen the international coalition and to prevent and contain regional conflicts. The Union is:

- strengthening the EU instruments for long-term conflict prevention,
- focusing political dialogue with third countries on the fight against terrorism as well as on non-proliferation and arms control,
- providing assistance to third countries in order to reinforce their capacity to respond effectively to the international threat of terrorism,
- including anti-terrorism clauses in EU agreements with third countries,
- re-evaluating relations with third countries in the light of their attitude towards terrorism and taking appropriate measures accordingly and
- implementing specific measures in the fight against terrorism in accordance with United Nations Security Council Resolution 1373, which laid down a wide range of comprehensive steps and strategies to combat terrorism, including financial measures.

5. The European Council also welcomes the progress achieved in the implementation of ESDP, following the Declaration on the operational capability of the European Security and Defence Policy. This progress has allowed the Union to take its first decision to establish a crisis management operation – the European Union Police Mission in Bosnia and Herzegovina (EUPM). The EUPM is one example of the European Union’s commitment to stabilise post-conflict regions, and to help establish the rule of law. By promoting stability, including by strengthening local law enforcement capabilities, norms and standards, the European Union helps to deny terrorist organisations the opportunity to take root. As indicated at the Laeken European Council, through the military and civilian capabilities developed by the European Union for crisis management, the CFSP will become stronger and better contribute to the fight against terrorism for the benefit of the populations concerned.

6. ESDP will strengthen further as Member States enhance their military and civilian capabilities for crisis management. To this end, the European Council underlines again the importance it places on the timely achievement of the Headline Goal targets. In this context, the development of ESDP must take fuller account of the capabilities that may be required, in accordance with the Petersberg tasks and the provisions of the Treaty, to combat terrorism.

7. Priority action for the European Union, including in the field of CFSP and ESDP, concerning the fight against terrorism should focus on:

- devoting greater efforts to conflict prevention;
- deepening political dialogue with third countries to promote the fight against terrorism, including by the promotion of human rights and democracy as well as non-proliferation and arms control, and providing them with appropriate international assistance;
- strengthening arrangements for sharing intelligence and developing the production of situation assessments and early warning reports, drawing on the widest range of sources;

- developing our common evaluation of the terrorist threat against the Member States or the forces deployed under ESDP outside the Union in crisis management operations, including the threat posed by terrorist use of weapons of mass destruction;
 - determining military capabilities required to protect forces deployed in European Union-led crisis management operations against terrorist attacks;
 - exploring further how military or civilian capabilities could be used to help protect civilian populations against the effects of terrorist attacks.
8. The European Council requests the Presidency and the Secretary-General/High Representative, and the Commission as appropriate, to step up their efforts in these priority areas by promoting coordinating work within Council bodies and with relevant international organisations, notably the UN and NATO, in order to increase the effectiveness of the contribution of CFSP, including ESDP, in the fight against terrorism, as well as to report to the General Affairs Council on this matter.

General Affairs and External Relations Council

Brussels, 22 July 2002

(...)

FIGHT AGAINST TERRORISM

EU external action against terrorism – Council conclusions

Further to the Sevilla Declaration, and in line with the European Union's Plan of Action of 21 September, the Council reiterates its commitment in the field of the fight against terrorism in all aspects of the EU's external policy, including CFSP. In this context, and consistent with the obligations established by UN Security Council Resolution 1373, the Council has agreed the following measures to take work a further step forward:

- reviewing and amending counter terrorism aspects of relations with third countries, including as appropriate contractual relations, following the systematic evaluation initiated by the GAC in October 2001;
- focusing political dialogue more sharply on particular countries, regions and multilateral frameworks, and on specific issues related to counter terrorism, and ensuring follow up;
- identifying specific actions to assist third countries in implementing their commitments under UNSCR 1373, and identifying a small number of countries to focus on, in consultation with the UN Counter terrorism Committee, for the purpose of launching a pilot project. The Council takes note of the ongoing Community assistance and invites the Commission to consider further action through the relevant programmes (MEDA, TACIS, CARDS, ALA, etc), also on the basis of work done by other competent bodies;
- increasing the effectiveness of existing instruments implementing UNSCR 1373 including by exchanging best practice;
- implementing and developing the targeted initiatives within the field of non-proliferation, disarmament and arms control adopted by the GAC on 15 April 2002;
- strengthening arrangements for sharing intelligence and developing the production of situation assessments and early warning reports, drawing on the widest range of sources;
- developing a common evaluation of terrorist threat against the Member States or the forces deployed under ESDP outside the Union in crisis management operations, including the threat posed by terrorist use of weapons of mass destruction;

- giving guidance to the appropriate bodies to ensure that the development of ESDP takes fuller account of the capabilities that may be required to combat terrorism, whether for the protection of forces deployed in EU crisis management operations in the scope of the Petersberg tasks as outlined in the Treaty, or as regards the protection of civilian populations against the effects of terrorist attacks. The military and civilian capabilities required for these tasks and the modalities of their co-ordination remain to be determined;
- enhancing co-operation with and within relevant international organisations, as well as with the United States and other partners;
- devoting greater efforts to conflict prevention.

To this end, the Council invites COREPER and the PSC to work on this basis and to examine the proper ways to enhance efficiency and coherence of all of the EU's action against terrorism. The Council will consider adoption of appropriate measures.

The Council will be kept informed on progress with a view to presenting a status report to the European Council in Copenhagen.

Terrorism – Follow-up to the Action Plan

The Council took stock of the update for July of the “road map” of all the measures and initiatives implemented under the action plan decided on following the events of 11 September 2001 (doc. 10773/2/02 REV2). These efforts are focused in particular on action in the area of CFSP and external relations, including strengthening relations with certain countries, support for a political and reconstruction process in Afghanistan and the implementation of UNSCR 1373, as well as legislative measures in the field of Justice and Home Affairs, such as the framework decisions taken concerning a European arrest warrant and the definition of terrorist offences, and operational measures such as increased mutual assistance between police and justice authorities in Member States and enhanced cooperation with the US.

(...)

One year after

Brussels, 11 September 2002

DECLARATION BY HEADS OF STATE AND GOVERNMENT OF THE EUROPEAN UNION, THE PRESIDENT OF THE EUROPEAN PARLIAMENT, THE PRESIDENT OF THE EUROPEAN COMMISSION, AND THE HIGH REPRESENTATIVE FOR THE CFSP

EU Action in response to 11 September 2001: one year after

The Central and Eastern European countries associated with the European Union, the associated countries Cyprus, Malta and Turkey, and the EFTA countries, members of the European Economic Area align themselves with this declaration.

Today marks the first anniversary of the terrorist attacks against the United States of America. Thousands of innocent people, many citizens of Europe among them, became victims of terrorism in New York, Washington and Pennsylvania on 11 September 2001. Many died in a selfless and heroic effort to save the lives of others.

It is with deep sorrow that we remember that tragic day. Our thoughts and prayers go to the bereaved families and friends in the United States and throughout the world who were stricken by the violence unleashed a year ago.

11 September reminded all of us that security and democracy can never be taken for granted but must be defended actively and ceaselessly. It also made clear that the scourge of terrorism, in itself a denial of common democratic values and principles, must continue to be met through steadfast international cooperation. Those who perpetrate and sponsor terrorist acts will be brought to justice and punished.

The terrorist attacks of 11 September have given rise to the most comprehensive international cooperation in decades. Countries all over the world have united in the common cause against the kind of cynical contempt for human lives that lies behind it. This unique solidarity must be sustained and supported, also through dialogue of cultures.

11 September underlined how inextricably intertwined our destinies are. The EU will not slacken its resolve to contribute to the international community's fight against terrorism. We will continue to stand side by side with the United States and all the other countries in this endeavour and seek to build a just international order that promotes peace and prosperity for all.

EU-Russia summit

Brussels, 11 November 2002

JOINT STATEMENT ON THE FIGHT AGAINST TERRORISM

1. The European Union and Russia, meeting in Brussels on 11 November 2002, reiterate our condemnation of all acts of terrorism as criminal and unjustifiable, irrespective of their motivation, forms and manifestations. We declare that we stand united in the fight against terrorism with due regard for the rule of law, for democratic principles and for the territorial integrity of states. Together we are part of the nucleus of the global coalition against terrorism.

2. We strongly condemn the hostage taking in the theatre on Melnikov Street in Moscow in October 2002 and agree that taking innocent civilian people hostage is a cowardly and criminal act of terrorism, which cannot be defended or justified for any cause.

3. We welcome the initiatives already taken in the fight against terrorism in the framework of EU-Russia co-operation on the basis of the EU-Russia Summit held in Brussels 3 October 2001 and the statement on international terrorism adopted at that meeting as well as the EU-Russia Summit held in Moscow 29 May 2002. The European Union and Russia reiterate our determination to combat in close co-operation by all appropriate means threats to international peace and security caused by terrorist acts.

4. We agree that the fight against terrorism is for the long haul, and emphasise that the challenge stemming from terrorism is global in nature, and that the response of the international community will also have to be global. The fight against terrorism requires a comprehensive approach by the international community, comprising political, economic, diplomatic, and military means. Together we will oppose all those who seek to impose their will through acts of terrorism, anywhere in the world.

5. We note with concern the connection between international terrorism and transnational organised crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movements of nuclear, chemical, biological and other potentially deadly materials. In this regard, we emphasise the need to enhance co-ordination of efforts on national, sub regional, regional and international levels, in order to strengthen the global response to this serious challenge and threat to international security.

6. We declare our commitment

■ Individually and together to continue our international efforts in the fight against terrorism in all its forms and to underpin the broadest possible global coalition against terrorism,

■ To bring to justice the perpetrators, organisers and sponsors of terrorist attacks and to make sure that those responsible for hiding, supporting or harbouring such persons will be held accountable in accordance with international law, in particular on the basis of the principle *aut dedere aut judicare*.

■ To strengthen our co-operation to prevent and suppress terrorist acts including by full implementation of the relevant international anti-terrorism conventions and Security Council resolutions, in particular Security Council Resolution 1373 (2001).

7. Drawing on our common aims, we have decided further to develop the strategic partnership between the European Union and the Russian Federation, especially in the fight against terrorism. We will in particular:

■ Finalise the agreement between EUROPOL and the Russian Federation on the exchange of technical and strategic information in order for the Director of EUROPOL and the Russian authorities to be able to sign it as soon as possible.

■ Explore ways of further strengthening judicial co-operation to respond to terrorist and organised crime offences, including in due course examining the possibility of co-operation agreements.

■ Intensify our work under the aegis of the UN.

Protecting our populations from the threat of international biological, chemical, and radio-nuclear incidents is a shared goal. We will further strengthen co-operation to this end.

8. In order to intensify EU-Russia co-operation related to counter-terrorism, we have agreed on areas of EU-Russia co-operation in the fight against terrorism

AREAS OF EU-RUSSIA COOPERATION IN THE FIGHT AGAINST TERRORISM

At the EU-Russia Summit on 3 October 2001 a joint statement on international terrorism was adopted.

As part of this statement it was decided to consider the conditions and detailed procedures for an exchange of information on:

■ the activities and movements of individuals or groups belonging to terrorist networks or maintaining links with such networks;

■ tickets of dubious authenticity;

■ supplies of arms, explosives or dual-use goods;

- financial transactions likely to be used in support of terrorist intrigue;
- new forms of terrorist activity, including chemical, biological or nuclear threats.

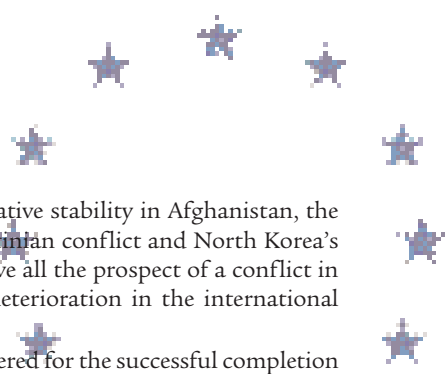
To further deepen the co-operation in the fight against terrorism between the EU and Russia, we have agreed to increase co-operation on the following issues:

- enhanced co-operation in all relevant international and regional fora;
- early signature and ratification of relevant counter-terrorism conventions and protocols, and smooth and rapid implementation of relevant UN Security Council Resolutions;
- early finalisation of the UN Comprehensive Convention against International Terrorism and the international convention for the suppression of acts of nuclear terrorism;
- enhancing common efforts to stop the financing of terrorism, including freezing of funds and other financial assets of terrorist;
- Strengthening co-operation with and support to third countries in implementing UNSCR 1373 (2001), including reinforcement of technical co-operation to third countries for their capacity buildings in the field of counter-terrorism.

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The year 2002 was characterised by relative stability in Afghanistan, the implacable impasse in the Israeli-Palestinian conflict and North Korea's declared nuclear proliferation, but above all the prospect of a conflict in Iraq. There was thus an appreciable deterioration in the international environment.

For the Union, 2002 will be remembered for the successful completion of two processes whose consequences for common security and defence are significant. First, the enlargement decided at Copenhagen considerably modifies the significance and scope of European security. Its new frontiers open up previously distant horizons, and at the same time the dividing line between internal and external security has become blurred. This new dimension is a major challenge: flexible solutions to the problems of decision-making and reconciling diversity will have to be found if the Union is to act effectively and legitimately. Next, the 'Berlin-plus' agreement gives the Union access to NATO's planning and logistics facilities in operations where the Alliance is not engaged. This crucial accord opens the way for EU military operations in the Balkans. The Union, which has been conducting police missions in Bosnia since 1 January 2003 and will take over in Macedonia this spring, has announced its readiness to replace SFOR in Bosnia in 2004. These are the first, albeit limited operations to be conducted under ESDP.

In parallel, the work of the Convention on the Future of Europe began last year. The final reports of the External Action working group, chaired by Jean-Luc Dehaene, and the Defence group, led by Michel Barnier, closed the first series of studies by the 'Conventionists'. Important elements of the discussions on ESDP included a redefinition of the 'Petersberg tasks', inclusion of a clause on solidarity among member countries, the creation of an autonomous armaments agency and the prospect of enhanced cooperation. Discussion of these fundamental issues has attracted growing interest that will continue during 2003.

This *Chaillot Paper* has three parts. The first consists of documents on the development and implementation of ESDP. The second brings together significant texts and contributions to the Convention concerning CFSP and ESDP, and the third documents connected with the fight against terrorism.

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