



Balance of the Spanish Presidency of the European Union in the area of the European Security and Defence Policy (ESDP)

Enrique Pérez Ramírez
arepne@oc.mde.es
Ministry of Defence of Spain

CONFERENCE

The Spanish Presidency of the European Union

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Abstract

The Spanish Presidency of the Council of the European Union, during the first semester of 2002, came at a singular time for the development of the European Security and Defence Policy (ESDP). Despite the important progress achieved by previous presidencies, numerous challenges remained, and the work towards the achievement of the Helsinki Headline Goal by 2003 was obviously the most notable one. The declaration of the European Council at Laeken in December 2001, making ESDP operational, immediately encouraged some member states to put forward the need to commit in the shortest term the EU's crisis management capabilities in the Balkans. But the disagreement of some countries on the issue of the participation of NATO's European allies in ESDP continues to hinder progress in this direction. Nevertheless, Spain has conducted a very fruitful Presidency, achieving very substantial progress in many aspects and launching initiatives that complement the mandate received in Laeken.

Introduction

On the 4th and 5th of October, the Ministers of Defence of the Fifteen EU nations held an informal meeting in Greece. On the discussion table were issues such as the ongoing work towards the achievement of the Headline Goal, as well as the role that the European Union's newly acquired military crisis management capabilities can play in the Balkans.

It is very remarkable that the European Security and Defence Policy (ESDP), only three years after it was launched, has gone so far. Spain fully supports this process, because we share the firm conviction that the European Union must play a full international role in accordance with its economic and political weight in the world. Therefore, we believe that the development of ESDP must be pursued to the fullest possible extent within the provisions of the Treaty of the European Union.

In order to have a clear picture of the achievements of the Spanish Presidency in the field of ESDP, it is important to begin with a very brief description of the situation at the end of the Belgian Presidency.

The setting for the Spanish Presidency

The Spanish Presidency of the Council of the European Union, during the first semester of 2002, came at a key time for European Security and Defence Policy matters. Half way between the commitment to attain the Headline Goal, and the target date of 2003 to have it completed, Spain took over from the Belgian Presidency right after ESDP had been declared operational at Laeken.

The Laeken European Council stated that the EU was now capable to conduct crisis management operations. It mentioned, however, that the further development and availability of assets and capabilities would allow the Union to progressively undertake more complex and demanding operations.

Indeed, since June 1999 when the European Council at Cologne declared the intention of the EU to attain an autonomous and credible capability for crisis management, the Union had significantly progressed in achieving the means to realistically back such objective.

In November 2000, at the Capabilities Commitment Conference, the member states offered significant commitments of military assets and capabilities to respond to the needs quantified in the Headline Catalogue.

Following this, in the first semester of 2001, the newly created ESDP politico-military structures were declared operational: the Political and Security Committee, the EU Military Committee and the EU Military Staff.

Another important milestone took place just before the Spanish Presidency: the Capabilities Improvement Conference, in November 2001. The main purpose of this event, as it is well

known, was to improve the contributions of the member states to the Helsinki Force Catalogue in order to address the capability shortfalls that had been identified. However, at the end of the Capabilities Improvement Conference, certain shortfalls still remained in terms of military capabilities, which for the moment were not offered by any member state.

It was agreed at Laeken that a European Capabilities Action Plan (ECAP) had to be launched to address these shortfalls, and the Spanish Presidency was tasked to implement it.

Other unsolved matters were also committed to the Spanish Presidency. One of them was to continue discussions with NATO with a view to establishing arrangements to enhance EU-NATO co-operation in crisis management. The question of the participation of the non-European Union NATO allies in ESDP prevented then and still continues preventing today, the conclusion of these agreements.

As it is well known, a non-EU allied country demanded a certain degree of participation in ESDP matters, as some kind of compensation for her agreement to allow the EU to have access to the Alliance's assets and capabilities. Year 2001 was one of intense negotiations in this area, which resulted in the acceptance by that country of a preliminary agreement on third countries participation in ESDP, sponsored by the United Kingdom and known as the "Ankara paper".

This document was informally discussed at Laeken, but to no avail, due to the opposition of another country. The Spanish Presidency was then asked to continue discussions with a view to establishing, with a matter of urgency, the required arrangements with NATO.

The description of the situation at the beginning of the Spanish Presidency would be incomplete if we overlooked the events that shook the civilised world on September 11, 2001. The Spanish Presidency set in motion with the background of the worldwide campaign against terrorism waged by the US and its allies.

A broad action plan to fight terrorism was agreed by the extraordinary European Council meeting on September 21, but in it ESDP did not have a relevant role, most of the envisaged measures falling in the first and third pillars.

However, less than a month later, Spanish Prime Minister Aznar, addressing the National Parliament, stated the need to review the strategy of ESDP in order to include the fight against terrorism among its main objectives. As a consequence, the fight against terrorism, including the ESDP contribution, was included as a key priority in the programme "Más Europa" ("More Europe") of the Spanish Presidency.

Alongside with these objectives, the other main priority of our Presidency, in accordance with the mandate received at Laeken, was to progress in the building of the European capabilities for crisis management in order to enable the Union to carry operations over the whole range of Petersberg tasks.

Therefore, as we will now see, the development of military capabilities, the refinement of the crisis management procedures and the definition of military concepts became subjects of special attention and work.

With this panorama in front of us, how did we perform to comply with these so ambitious objectives in the short period of six months?

Progress towards the first EU crisis management operation

In order to comply with the mandate received in Laeken to work for the completion of the Helsinki Headline Goal, the Spanish Presidency gave priority to work in those areas that would enable the European Union to conduct crisis management operations effectively.

Indeed, these efforts proved to be made in the right moment, given the fact that the Fifteen began to consider the convenience of committing the EU in the near term, to undertake its first

crisis management operation. Once the approval of the police operation in Bosnia, the execution of a military crisis management operation was also considered necessary and urgent.

The purpose of this envisaged operation is, as it is well known, to take over from NATO the protection of international observers in the Former Yugoslav Republic of Macedonia (FYROM), known as operation "Amber Fox". The European Council of Barcelona declared the availability of the European Union to take responsibility for this follow on operation.

Since then, the Union has actively undertaken the necessary preparations in this regard, but the engagement of the EU is subject to certain conditions. These were also stated in Barcelona: first, the invitation of the Macedonian Government to the EU, and second, the approval of the co-operation agreements with NATO (Berlin Plus package). None of these conditions have yet been fulfilled.

Development of military capabilities towards the HHG

In the area of military capabilities, the Spanish Presidency started the implementation of the European Capabilities Action Plan (ECAP), to address the military shortfalls identified in the Helsinki Progress Catalogue (HPC). On February 12, the ECAP was officially set in course, and currently up to 18 panels have been created and are actively assessing as many as 25 military shortfalls.

The enthusiastic response of the nations to the launching of the ECAP can be regarded as a great success. At the end of the Spanish Presidency only two out of the twenty shortfalls categorised as critical for the achievement of the goals of the HHG, were still not under study.

Different ways to address these shortfalls are being considered. Among these, the practicality of asking for additional contributions to the HFC, the need to launch new projects, or alternatively the recourse to ad-hoc solutions in the short term while the final targets are met. Ideas such as the improvement in the efficiency of current assets by joining them under a centralised management or by pooling have also been suggested.

Obviously, the timeframes involved in this process largely exceed the scope of one Presidency, and the first results cannot be anticipated at least until the end of this year. In this sense, the EU Military Committee is continuously assessing the progress of the ECAP.

However, we believe that now that the ECAP process is well under way, the effort should be reoriented to the procurement phase, ensuring that the most feasible options are selected and, much more important than that, that they are successfully implemented.

In this sense, after the first few months of work, we got to the conclusion that maintaining the ECAP under the control of the Military Committee, could be a constraint to the overall success of the process. It must be kept in mind that the identification of viable solutions for the military shortfalls is not only driven by military factors, but rather it is a multidisciplinary task where financial and procurement expertise are particularly vital.

Consequently, our Minister of Defence, Mr. Federico Trillo, proposed during our Presidency the creation of a Military Capabilities Experts Working Group that would directly report to the Political and Security Committee (PSC). This Working Group would take over responsibility from the Military Committee once the different ECAP panels have put forward their proposed solutions, in order to facilitate their implementation.

This Working Group would also support the PSC in staffing all military capabilities related issues in preparation for the General Affairs and External Relations Council when meeting in configuration of Ministers of Defence.

This proposal is still under study by the other member states.

Agreements on co-operation with NATO and Third Countries

In the area of EU-NATO relations, a lot of effort was invested by the Spanish Presidency. Some examples of this are the renewal of the mandate for the Headline Task Force Plus (HTF Plus) for the first semester of 2002, and the reactivation of the meetings of the EU-NATO ad-hoc Group on military capabilities.

The agreement on a mandate for the EU Presidency to pursue negotiations on the security agreement for the exchange of classified information with NATO should also be mentioned.

But of course the main effort was directed towards the issue of the participation of third countries in ESDP. It must be said that a tremendous effort in terms of contacts and negotiations at the highest level, both diplomatic and technical, was conducted throughout the Spanish Presidency.

After much staffing, the Spanish Presidency's final proposal, presented just in time for the European Council at Seville, envisaged only some minor changes to the "Ankara paper" (paragraph 2). The proposed package also comprised an EU declaration on third countries participation in ESDP, and a letter of the Secretary General – High Representative to NATO's Secretary General.

It is not in the scope of this paper to go into the details of this long time standing subject, but as it has already been mentioned the negotiations on this issue are still under way.

Thus, the so-called Berlin Plus arrangements are still awaiting a political breakthrough in this issue. In the meantime, both organisations continue working on their own to as much as possible advance the work concerning the conditions of the access to the Alliance's assets and capabilities for EU-led operations, in prevision of a near term agreement.

Agreement on a Capabilities Development Mechanism

Other aspect of the Berlin Plus arrangements, in which the Spanish Presidency has been deeply involved, is the adoption of a permanent defence planning system in the EU which substitutes the present ad-hoc procedure based in Capabilities Commitment Conferences. For obvious reasons, it is intended to make this planning system compatible to the largest possible extent with the one in NATO.

This was to be done through the so-called Capabilities Development Mechanism (CDM). Strenuous and prolonged work to achieve an agreement on the CDM among the Fifteen had proven very disappointing until the beginning of the Spanish Presidency. Spain, as mandated by the Laeken European Council, took over the task of trying to unlock this long time standing issue.

Agreement was finally achieved among the EU members on Parts 1-3 of the CDM which define the internal EU procedures, but Part 4 which deals with the interrelation of the EU process with the Alliance's defence planning mechanism, remains subject to the general deadlock in which EU-NATO relations presently are.

It must be said that the fact that the whole CDM package was not finally approved was received with a fair deal of disappointment by the Spanish Presidency. Consensus had actually been reached over the whole range of technical issues that had been a source of dispute among member states and allies.

And indeed it is felt that the CDM package that will be eventually approved, will not be far away in its contents from what was agreed at the technical level during the Spanish Presidency.

Military concepts for crisis management operations

On the issue of the definition and development of the different military concepts for EU crisis management operations, a very important work was conducted during the Spanish Presidency.

The progress in concepts such as the Rapid Reaction Elements foreseen in the Helsinki Headline Goal, and the Multinational Headquarters and Command and Control arrangements must be underlined. Also to note is the development of other concepts such as Information Operations, Use of Force, Medical and Health Support, Strategic Transportation and Movements, Force Generation and Deployment, and Host Nation Support.

All these and other concepts will constitute the doctrinal and procedural basis for the execution of the EU's military crisis management operations.

Crisis management procedures

Ample work was also conducted in the field of crisis management concepts and procedures for EU-led operations. The existing version of the document on the crisis management procedures was thoroughly reviewed during the Spanish Presidency. A particular issue was the co-ordination of military and civilian elements in crisis response operations.

But the most remarkable activity in this respect, was the conduction of the first EU crisis management exercise, called CME-02, which took place in May. Crisis management decision-making procedures, undertaken by all the concerned bodies of the EU and nations, and the co-ordination of all the range of civil and military instruments available were the main subjects of evaluation. Exercise CME-02 was rich in terms of the lessons learned, and has set the way for further work and exercises in 2003 and beyond.

Financing of crisis management operations

Closely linked with this issue is the work conducted in the area of financing of military crisis management operations. The Spanish Presidency was quite pleased that an agreement was finally reached on the general framework and principles that should regulate such financing.

Two main cost categories were established: those costs that will be commonly funded (communications, administration, transportation, lodging, and others) and all others, which will be regarded as individual costs, following the rule that "costs lie where they fall".

As it is quite well understood, this was a key issue for the actual operability of ESDP. And it is certainly an urgent one, if the EU wants to launch military operations in the short term, like the follow on to Amber Fox in the Former Yugoslav Republic of Macedonia.

Co-operation in the field of armaments

Concerning co-operation in the field of armaments, a meeting of National Armaments Directors was held on the 29th of April in Madrid, with a main subject in the Agenda: the proposal of the Spanish Presidency to adopt a decalogue of principles, as a basis to promote a European Armaments Policy. The Spanish "non-paper", though it was not welcomed with a great deal of enthusiasm by some member states, contained ideas that were finally adopted by the Fifteen. These were included in a document of the Presidency denominated "Orientations on the reinforcement of co-operation in the field of armaments".

This document reflected the agreement on the need to foster co-operation in order to meet capability shortfalls under the European Capabilities Action Plan, and that any such co-operation should respect the principles of voluntary compliance, transparency and avoidance of duplication. Also addressed was the importance of the role and experience of National Armaments Directors in advising and participating in the ECAP, and the need to brief the European industries on the objectives and progress of the ECAP.

I must say that we still look forward to achieving in the near future much more ambitious progress in the area of armaments co-operation. We believe that the member states have yet to realise the importance of greater industrial synergy in defence as the only way to address most of the standing critical military shortfalls that have been identified in the Helsinki Forces Catalogue. The European Convention is actually analysing the possible benefits of creating a European Armaments Agency for these purposes.

Formal meetings of Ministers of Defence

Turning into another institutional objective of our Presidency, I must underline the celebration of the first formal meeting of Ministers of Defence within the framework of the General Affairs Council.

Upon the initiative of Spain, the Ministers of Defence of the Fifteen met formally for the first time on the 13th of May, in a separate session of the General Affairs Council, chaired by the Spanish Minister of Defence. The scope of their meeting was to discuss and decide on matters pertaining to the development of the military capabilities of the Union.

The GAC Defence meeting of May 13 has set a precedent. In fact, during the current semester another formal meeting of Defence Ministers will take place, in Brussels on November 18.

We understand that Ministers of Defence have found an adequate place within the institutional framework of the EU, to appropriately deal with the development of the European Security and Defence Policy.

Fight against terrorism

Of course we cannot overlook the efforts of our Presidency in order to give a proper place within ESDP to the fight against terrorism. We have permanently defended the idea that the fight against terrorism must find a clear-cut expression, also within the Second Pillar of the EU.

More specifically, we firmly believe that the military capabilities developed for ESDP must take into account the current terrorist threat. We don't think that the European citizens would easily understand how the Union could develop a security and defence policy, which does not take into account a manifest threat such as international terrorism.

In that line, Spain proposed that the European Council of Seville issue a Declaration on the contribution of CFSP, specifically including ESDP, in the fight against terrorism. The Declaration adopted in Seville lists several main courses of action in which the European Union must focus, including:

- Strengthening arrangements for sharing intelligence and developing the production of situation assessments and early warning reports, drawing in the widest range of sources.
- Developing a common evaluation of the terrorist threat against the member states or their forces deployed under the scope of ESDP in crisis management operations, and developing the military capabilities required to protect such forces against terrorist attacks.
- Exploring further how military or civilian capabilities could be used to help protect civil populations against the effects of terrorist attacks.

The European Council requested the Presidency, the Secretary General – High Representative and the Commission as appropriate to step up efforts in these priority areas. From the Spanish Presidency we felt that this is a very good step in the desired direction.

At the same time, Spain has put forward a more ambitious proposal for the European Convention, in line with the objectives of our Presidency. Our proposal implies amending Article 17 of the Treaty of the European Union, to include the fight against terrorism and other related activities, including the use of weapons of mass destruction, in the scope of ESDP tasks.

In fact, the European Convention is analysing the possibility to include within the Treaty provisions matters related to defence and not to security alone. This goes in the direction of what Article 17 of the Treaty states on the progressive definition of a common defence policy, which could eventually lead to a common defence if so decided by the European Council.

Other activities

Finally, I would like to mention several other areas of activity where we have also conducted our work.

On the Mediterranean Dimension of ESDP, a Seminar was held in Barcelona with attendance of EU member states and most of our Mediterranean neighbours. The aim of the meeting, which will find a follow on in the coming weeks under the Greek Presidency, was to foster dialogue and mutual understanding on areas of common interest related to ESDP.

Other seminars with participation of representatives of the member states and other key actors were organised in the areas of Public Opinion and ESDP, and International Humanitarian Law.

In the field of the Parliamentary Dimension of ESDP, a meeting of Chairmen of the Defence Committees of the National Parliaments of the member states was organised in Madrid, the 4-5th of February.

Conclusion

The Spanish Presidency of the EU has worked enthusiastically in the area of ESDP, and we believe that quite remarkable results have been obtained, in terms both of the specific

objectives that have been achieved and of the enormous work carried out to progress in ongoing activities. This effort has been openly acknowledged by the other member states.

Substantial progress has been achieved in areas such as the ECAP, the CDM, the military concepts, procedures and exercises on crisis management, the financing of operations and the formalisation of the GAC in the Ministers of Defence format.

Also, the initiatives launched by the Spanish Presidency to complement the mandate of Laeken in the areas like the fight against terrorism or the Mediterranean dimension of ESDP also provide for significant development by the following presidencies.

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