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**THE DEVELOPMENT OF A COMMON EUROPEAN  
SECURITY AND DEFENCE POLICY (CESDP)  
BY THE EUROPEAN UNION  
AND ITS POSSIBLE CONSEQUENCES FOR SWITZERLAND**

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**Report prepared by**

Professor Philippe Braillard, European Institute, University of Geneva, and  
Professor René Schwok, European Institute, University of Geneva

**With the support of**

Dr. Pal Dunay, Geneva Centre for Security Policy, and  
Dr. Fred Tanner, Geneva Centre for Security Policy

**Mandated by**

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# **The Development of a Common European Security and Defence Policy (CESDP) by the European Union and its Consequences for Switzerland**

The adoption by the EU of a Common European Security and Defence Policy (CESDP) is going to be a major political challenge for Switzerland. It is the first time in history that all neighbours of Switzerland participate in a democratic organisation, which has developed a military dimension. This raises fundamental questions for a neutral country aiming at eventually joining the EU.

The purpose of this report is to clarify what is really at stake in CESDP, how it works, how it is interpreted by the EU “neutrals”, its relationship with NATO, its possible evolution, and its consequences for Switzerland.

## **I) Background**

The aim of CESDP is to develop the civil and military resources and capabilities required to enable the European Union to take and implement decisions on the full range of conflict-prevention and crisis management missions.

The crisis-management missions are called the **Petersberg tasks** and they include humanitarian and evacuation missions, peace-keeping missions and combat-force missions for crisis management, including peace-**making** missions (<http://www.weu.int/eng/comm/92-petersberg.htm>). Note that the EU never uses the expression peace enforcement, peace restoration or "rétablissement de la paix", (Martin Ortega, "Military Intervention and the European Union", *Chaillot Paper* 45, March 2001, p. 98).

Crisis management is defined as all actions aimed at preventing a horizontal or vertical escalation of a crisis as well as activities aimed at facilitating the return to a peaceful, stable and self-sustainable situation. The crisis management interventions must respond to the following six challenges:

- Saving human lives;
- Maintaining basic public order;
- Preventing further escalation;
- Facilitating a return to a peaceful, stable and self-sustainable situation;
- Managing adverse effects on EU countries; and

- Co-ordination.

**Table 1**

**CESDP or ESDP?**

Reference is made sometimes to CESDP (Common European Security and Defence Policy) and sometimes to ESDP (European Security and Defence Policy). Until June 2000 (Feira Summit), the EU was always using the first expression. Since then, the adjective ‘common’ has been dropped, since security and defence are covered by the second pillar, i.e. the intergovernmental sphere, rather than the Community pillar.

**Table 2**

**ESDI or (C)ESDP?**

There is some confusion over the acronyms ESDI and (C)ESDP. The first originated in the decisions taken by the Atlantic Alliance in Berlin (1996), aimed at giving the European members of NATO the possibility of using the resources and capabilities of the Atlantic Alliance for crisis management.

The second is a political project that the European Union has been trying to achieve. That said, these two different approaches share the same goal, i.e. to enable Europe to take on responsibilities on the international stage.

## **A) Motivations**

European defence is not a new idea: the basic texts date back to 1948 (Treaty of Brussels) modified in 1954 by the Paris Agreements establishing the WEU and, paradoxically, the Washington Treaty (1949) establishing the Atlantic Alliance. In 1952 the six members of the European Coal and Steel Community sought to establish a European Defence Community (EDC), but this came to grief in 1954 in the French National Assembly.

After the failure of the Fouchet Plans (1960-62) the debate on European defence was put on the back burner for nearly 30 years despite various - mainly French - proposals which were floated periodically throughout the 1960s, 70s and 80s for the European allies to create a “European pillar”.

The fall of the Berlin Wall in November 1989, the subsequent process of German reunification, the collapse of the Soviet Union in 1991, the Gulf War, the wars in the Caucasus and especially the wars in Yugoslavia combined to give new impetus to the process of European defence.

### **Poor European Performance in Bosnia and in Kosovo**

The experiences of the Bosnia and Kosovo wars played the role of a catalyst as they highlighted the Europeans' weaknesses or shortcomings in the areas of command and communications, intelligence gathering, precision-guided munitions, cruise missiles, heavy airlift capacity and in-flight refuelling. They had no electronic countermeasure aircraft, very few laser-guidance pods, etc.

The reason is that in Europe, many structures are redundant, equipment is not standard, the rate of modernisation is not the same, and there is little joint procurement, which results in the purchase of a wide variety of equipment, each country buying according to its budget and its own industrial circumstances. Consequently, Europe has less military output for the same amount allocated to defence.

### **British U-turn**

Prior to St-Malo (December 1998), Britain exercised an effective veto on any structured linkage between, on the one hand, defence issues, and, on the other hand, the EU as an institution. The UK feared that if the European Union demonstrated a capacity to manage its own defence affairs, the NATO would eventually collapse.

The British decision to end a fifty-year-old veto on European defence integration was stimulated by the American debate over burden-sharing in former Yugoslavia and facilitated by the French rapprochement with the Alliance (as Paris called the US in order to stop the Serbs in Bosnia, leading to the Dayton agreement). The British U-turn has also to do with the personal political feelings of Mr Tony Blair, the most pro-European British Prime minister since the early 1970s who wanted to place the UK back at the centre of the EU, without joining the too topical issues of the single currency or Schengen.

### **B) Main Steps: from Maastricht to Nice**

<b>The Maastricht Treaty (signed in December 1991)</b>
--------------------------------------------------------

Set the objective of a Common Foreign and Security Policy (CFSP) including a common defence policy, which might when appropriate lead to a common defence.

**The Treaty of Amsterdam (signed in June 1997)**

Anticipated a strengthened crisis-management role for the European Union. This was true in particular of the Petersberg tasks and the objective of integrating the WEU into the European Union.

**The Franco-British summit in St-Malo (December 1998)**

It was agreed that the EU was to be given the capacity of autonomous action, whilst at the same time enhancing the robustness of the Atlantic Alliance; new decision-making procedures were to be agreed upon, as well as plans to develop significant military means - to be placed at the disposal of the EU.

**The Cologne European Council (June 1999)**

Decided to give to the European Union the necessary means to assume its responsibilities regarding a common European policy on security and defence. Moreover, the Fifteen committed themselves to further develop a more effective European military.

**The Helsinki European Council (10-11 December 1999)**

Gave practical impetus to the process launched in Cologne. The European Council decided that: (a) Member States must be able, by 2003, to deploy within 60 days and sustain for at least one year military forces of up to 50 000-60 000 persons capable of carrying out the full range of Petersberg tasks; (b) new political and military bodies and structures will be established within the Council to enable the Union to provide the political guidance and strategic direction vital to such operations, whilst respecting the single institutional framework.

**The Feira European Council (19-20 June 2000)**

Continued the work on: (a) the institutional aspects, so that the Nice European Council can take the decisions required to establish the standing CESDP bodies; (b) the arrangements for the consultation of and participation by third countries (non-EU European NATO members, countries applying for EU membership, other third countries such as Russia and the Ukraine); (c) the principles governing consultation and cooperation with NATO.

**The Capabilities Commitment Conference in Brussels (20-21 November 2000)**

The Member States committed stated that they make up a pool of more than 100 000 troops, approximately 400 combat aircraft and 100 ships.

**European Council of Nice (4 December 2000)**

The main achievements agreed upon were:

- inclusion of most WEU functions and assets (except Article V commitments) into EU activities;
- cementing of new Council structures;
- arrangements for regular and deeper consultations between the EU and NATO;
- detailed proposals by the EU of ways in which NATO assets might be used by an EU-led operation; and
- arrangements with non-EU European NATO members and EU candidate countries to participate in a EU-led operation.

## **II) Content**

### **A) Military Capabilities**

#### **a) Main Features**

The Member States set themselves the headline goal of being able, by the end of 2003, to deploy within 60 days and sustain for at least one year forces up to corps level (60,000 persons). Note that efforts will continue beyond that date (2003) to achieve the collective capability goals.

These forces should be militarily self-sustaining with the necessary command, control and intelligence capabilities, logistics, other combat support units and, as required, air and naval elements.

The Member States also decided rapidly to develop collective capability goals, particularly in the field of command and control, intelligence and strategic transport.

At the Capabilities Commitment Conference in Brussels (20-21 November 2000), the Member States definitely committed themselves and identified their national commitment.

The new European military force is not meant to duplicate current national forces. Instead, the Capabilities Conference served the purpose of earmarking national forces for EU use following much the same principle that is used for NATO allocation.

What will have to change is the ability of the EU states' national forces to effectively co-operate during EU-led crisis management operations. The Capabilities Commitment Conference heard calls for strengthened strategic capabilities to make the multinational force of the EU mobile and flexible with an effective command and control structure.



**Table 3****Capabilities Commitments**

<b>EU Country</b>	<b>Troops (ground Forces)</b>	<b>Ships</b>	<b>Air forces</b>
Germany	13,500	20	93
United Kingdom	12,500	18	72
France	12,000	15	75
Italy	12,000	19	47
Spain	6,000	NA	NA
Netherlands	2 battalions 1 brigade	1 frigate 1 task force	1-2 squadrons 1 battery Patriot missiles
Greece	4,000	NA	NA
Austria	2 battalions	NA	NA
Finland	1,430	1 mine-sweeper	NA
Sweden	1 battalion 1 MP company	NA	NA
Ireland	850	NA	NA
Belgium	1,000	NA	NA
Portugal	1,000	NA	NA
Luxembourg	100	NA	NA
Denmark	0	0	0
Poland	1000	0	0
Czech Republic	500	0	0
Norway	1 battalion	1 submarine	12
Turkey	1 brigade	NA	NA
Hungary	500	0	0
Slovakia	450	0	0
Estonia	1 battalion	0	0
Latvia	1 rapid reaction group 1 medical group	1 mine-sweeper	0

**b) Future Developments**

As EU countries recognise themselves, certain capabilities need to be improved both in quantitative and qualitative terms in order to maximise the capabilities available to the Union.

The shortfalls lie in following strategic and tactical areas:

- Strategic: Sea and air transport, communications, command-and-control and intelligence collection (C 3); and
- Tactical: combat search and rescue, cruise missiles, suppression of enemy air defence, precision-guided munitions.

Efforts still need to be made in specific areas such as military equipment, including weapons and munitions, support services, including medical services, prevention of operational risks and protection of forces.

In regard to **intelligence**, apart from the image interpretation capabilities of the Torrejon Satellite Centre, Member States offered a number of resources which can contribute to the analysis and situation monitoring capability of the European Union. Nevertheless, they noted that serious efforts would be necessary in this area in order to have more strategic intelligence at the disposal of the EU in the future.

As regards the **strategic air and naval transport capabilities** at the European Union's disposal, improvements are necessary to guarantee that the Union is able to respond, in any scenario, to the requirements of a demanding operation at the top of the Petersberg range:

- improving the performance of European forces in respect of the availability, deployability, sustainability and interoperability of those forces;
- developing “strategic” capabilities: strategic mobility to deliver the forces rapidly to the field of operations; headquarters to command and control the forces and the associated information and communication system; means of providing them with information; and
- strengthening essential operational capabilities in the framework of a crisis management operation; areas which were identified in this context were: resources for search and rescue in operational conditions, means of defence against surface-to-surface missiles, precision weapons, logistic support, simulation tools.

Some undertook to improve the Union's guaranteed access to satellite imaging, thanks in particular to the development of new optical and radar satellite equipment (Helios II, SAR Lupe and Cosmos Skymed).

**Table 4**

### **Defence or not Defence?**

In connection with the European Union the concept of defence may give rise to confusion, since defence is generally taken to mean the protection of national territory against any form of aggression.

However, at least at present, territorial defence is clearly excluded from the scope of CESDP. So why is the new policy called 'common European security and defence policy'? It is essential to grasp the fact that, in that title, the word 'defence' is synonymous with military resources placed in the service of security.

**Table 5**

### **Restructuring the European defence industries**

The gradual 'Europeanisation' of national industries has taken the form of mergers, co-production, joint ventures, the creation of consortia, and increasing reliance on foreign-produced components and subsystems. The merger of three major defence industry corporations, Daimler-Chrysler Aerospace (DASA), Aérospatiale-Matra and CASA into the German-French-Spanish giant EADS (European Aeronautic, Defence and Space Company), is just one example of this consolidating trend.

This process could help the EU States to develop a common military planning, to consider common research budgets and to adopt a common strategic concept. In other words, the industrial integration in the field of defence could accelerate the integration of European policy in defence issues.

## **B) Civilian Aspects of Crisis Management**

Civilian aspects of crisis management are an important part of the new European security and defence policy. In addition to the development of military capabilities, the European Union is strengthening a vast range of civilian means and instruments for crisis management.

The June 2000 Feira European Council established four priority areas in this field: (1) police, (2) strengthening of the rule of law, (3) strengthening civilian administration, (4) and civil protection.

### ***Police***

Regarding the development of police capabilities, Member States committed themselves to “providing by 2003, by way of voluntary cooperation, up to 5000 police officers, 1000 of them to be deployable within 30 days, for international missions across the full range of conflict-prevention and crisis-management operations”.

In order to identify capabilities required the EU developed two generic concepts based on experience in Guatemala, Croatia, Albania, El Salvador, Bosnia and Herzegovina, East Timor and Kosovo. These include a ‘Generic scenario for international police missions to strengthen local police’ and a ‘Generic police scenario for non-stabilised situations where international police plays an executive role’.

### ***Strengthening of the rule of law***

The EU wants to consider the following measures:

- (i) Member States could establish national arrangements for selection of judges, prosecutors, penal experts and other relevant categories within the judicial and penal system, to deploy at short notice to peace support operations, and consider ways to train them appropriately;
- (ii) the EU could aim at promoting guidelines for the selection and training of international judges and penal experts in liaison with the United Nations and regional organisations (particularly the Council of Europe and the OSCE);

(iii) the EU could consider ways of supporting the establishment/renovation of infrastructures of local courts and prisons as well as recruitment of local court personnel and prison officers in the context of peace support operations.

### ***Strengthening civil administration***

(i) Member States could consider improving the selection, training and deployment of civil administration experts for duties in the re-establishment of collapsed administrative systems;

(ii) Member States could also consider taking on the training of local civil administration officials in societies in transition.

### ***Civil protection***

It is necessary to draw a distinction between operations of civil protection within the framework of crisis management operations, and other types of disaster relief operations.

On 11 April 2001, the Commission issued its *Communication on Conflict Prevention*. This text sets out **long-term** measures and activities to project stability by promoting integration, mainstreaming conflict prevention in its co-operation programmes, and addressing cross-cutting issues such as small arms trafficking.

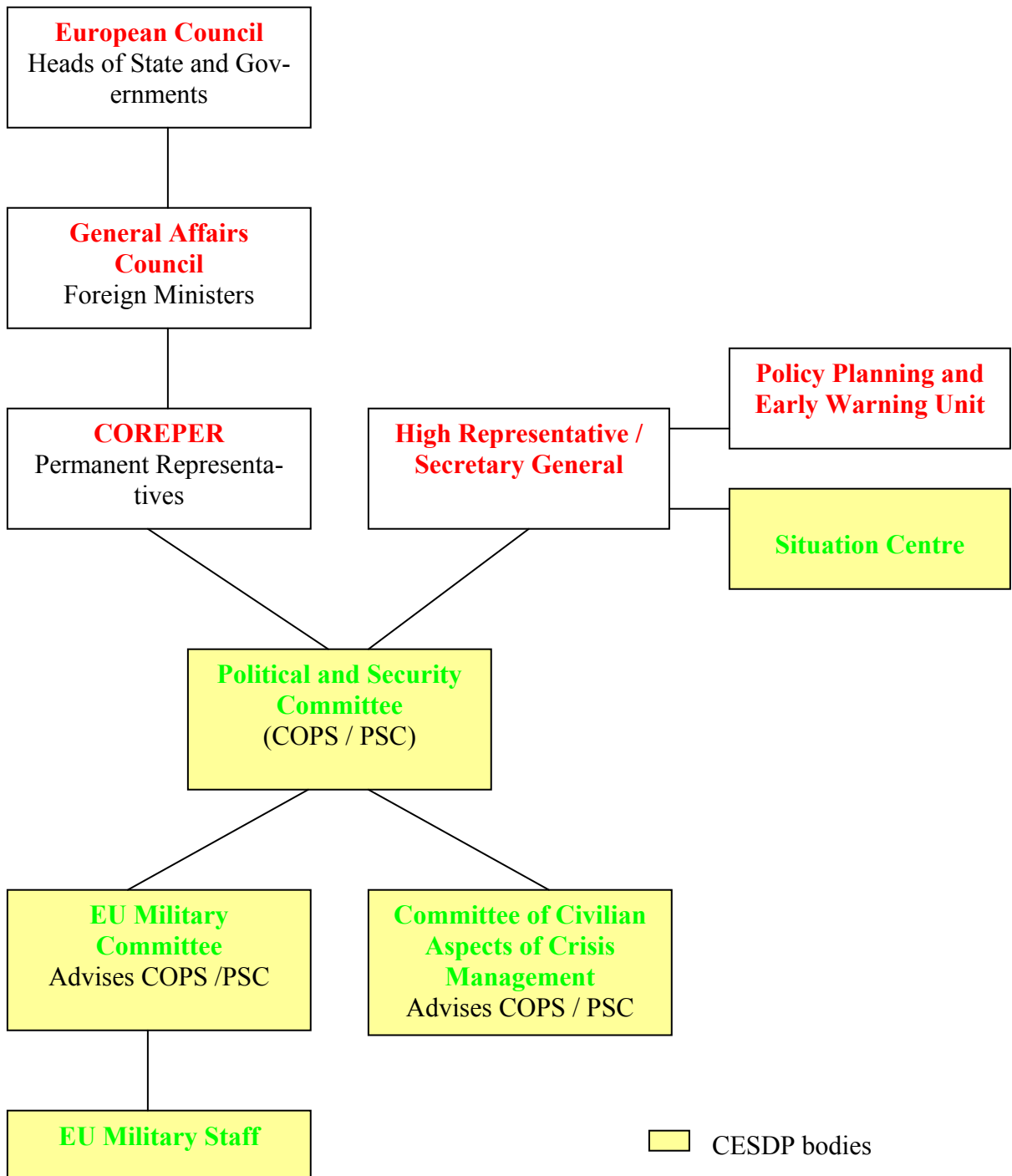
**Short-term** conflict prevention measures include optimising Community instruments, reacting rapidly to potential conflict situations, using the EU's political and diplomatic instruments, applying 'smart' sanctions, and adapting the EU's crisis management tools for conflict prevention.

On 26 February 2001 the General Affairs Council (GAC) adopted the Commission proposal creating the *Rapid Reaction Mechanism* (RRM), developed to make better use of existing EU capabilities for civil crisis management. The RRM will allow the Union to 'activate very rapidly and to disburse quickly Community funds in response to crises or emerging crises'. Any actions that make use of the RRM will be undertaken by the Commission in close co-ordination with the Council's Policy Planning and Early Warning Unit, the Situation Centre and other crisis management divisions to ensure coherence and complementarity of EU external action.

The experience of the last years and a half has demonstrated that some member-states are not so keen to carry out the Petersberg tasks and favour the development of defence capabilities. Some (at least Denmark and Ireland) would definitely prefer to put an emphasis on civilian crisis management, primarily international policing. This means that there will be phases when the civilian and policing aspects of CESDP will be emphasised.

### III) Crisis Management Decision-Making Structures

**Table 6: CRISIS MANAGEMENT STRUCTURES OF THE EUROPEAN UNION**



- *General Affairs Council (GAC)*

Composition: **ministers of foreign affairs** (possibly ministers of defence) who meet about once a month. The GAC will conduct crisis management. Its decisions are taken in unanimity.

- *Committee of Permanent Representatives (COREPER)*

Composition: the **ambassadors** to the EU. They prepare the meetings of the GAC and, in practice, make many of the decisions except when they cannot reach consensus at this level.

- *Political and Security Committee PSC*

Composition: **national representatives at ambassadorial level**. Representatives of the Commission, the Council Secretariat and the Military Staff (MS) also take part in the meetings of the PSC. The PSC receives assistance from a political-military working group, which prepares aspects of the meetings of the PSC and is advised by the Committee for Civilian Aspects of Crisis and the Military Body (MB).

The PSC will be the focal point for crisis management activities. It will agree upon day-to-day decisions in implementing a Council decision and will maintain political control and strategic direction of a crisis management operation. In other words, the PSC is responsible for setting an operation in motion, guiding it and deciding when it will finish.

- *Committee of Civilian Aspects of Crisis Management*

This committee will formulate recommendations and give advice on civilian aspects of crisis management to the PSC. It will probably develop strategies for international police deployment, strengthening the rule of law and civil administration.

- *Military Committee (MC)*

Composition: Member States' **Chiefs of Defence represented by their military delegates**. The MC will provide military direction for the Military Staff during crisis-management operations. It provides military advice to the PSC and to the High Representative of CFSP/Secretary General (HR/SG), Mr. Solana. A Finnish general, Gustav Hägglund from a non-NATO country, is the chairman of the Military Committee since April 2001.

- *Military Staff (MS)*



Composition: **military and civilian experts** seconded from member states and support staff. When it reaches its full capacity of around 100 officers plus civilian and support staff, the EUMS will be about half the size of NATO's international military staff. The EUMS will perform early warning tasks, situation assessment and strategic planning. It forms a department in the Council Secretariat, directly attached to the High Representative's office.

• *The Policy Planning and Early Warning Unit (PPEWU or Policy Unit, PU)*

The PU was already approved in the Amsterdam Treaty to provide a flexible policy planning instrument attached to the HR/SG in order to assist it in its tasks of monitoring developments, providing early warning assessments and producing policy option papers.

**Table 7**

**Development of an Operation \***

**Potential crisis situation :**

- The Political and Security Committee (PSC) asks the Military Committee (MC) to request an Initiating Directive from the Military Staff (MS).
- The MS draws up this Directive with a list of options for an EU-led operation.
- The MC evaluates this document, adds his own comments and submits this directive to the PSC.
- The PSC chooses the best option and authorises an Initial Planning Directive.

**Development of the crisis operation :**

- Consultations at all levels and with relevant parties.
- The option chosen is presented to the non-EU States, who determine the nature and volume of their contribution.
- A Committee of Contributors (limited to the States actively participating in the operation) will be set-up to run the day-to-day activities of the operation.

**End of the operation:**

Decision taken by the Council in consultation with all participating countries and organisations.

**Mechanisms to be set in place if the EU requests NATO assets to run a mission:**

To be determined (future discussions between EU and NATO).

\* Source : Centre for European Security and Disarmament. Briefing Paper, 18 December 2000.

**IV) Links with NATO**

The aim in relations between the EU and NATO is to ensure effective consultation, cooperation and transparency in determining the appropriate military response to crises, and to guarantee effective crisis management.

There will be a minimum of two ministerial and six ambassadorial meetings a year between the EU and NATO. Moreover, the NATO Secretary General, Chairman of the Military Committee and DSACEUR will be invited to EU meetings, and, on a reciprocal basis, the EU Presidency, the Secretary General/High Representative, as well as the Chairman of the EU Military Committee or his representative will be invited to meetings of the NATO Military Committee.

There will be arrangements also for EU-led operations with full responsibilities for DSACEUR. NATO has also accepted to provide access to NATO planning capabilities. This is regarded as “assured” and the Atlantic Alliance has emphasised that “assured” means that the arrangements might provide greater certainty of availability and enhanced flexibility.

One has to note that it was one of the few matters strongly opposed by the U.S. that the Europeans shall not develop autonomous planning capabilities as this would result in more divisions. In order to prevent this, NATO should provide planning capabilities. The contacts have increased on every level between the two organisations concerning security and defence.

The management of a crisis to take place upon a EU decision but led by NATO seems impossible. If the Alliance expresses its interest to carry out the operation it will implement it. This stems from several documents that speak about “NATO as such being uninterested”.

In December 2000, Turkey blocked parts of the process of rapprochement between the EU and NATO. This stance has been due to the dissatisfaction of Turkey with the perspective offered by the EU. Even though NATO sources deny that Turkey wants to gain control over some EU activities and get in “through the backdoor” others give a different impression. “...we should establish a mechanism where all NATO and EU governments concerned could be represented throughout the critical stages of defence planning. ... non-EU European Allies should be able to discuss their contributions to the Headline Goal in the presence of all the countries concerned ... This means participation in the planning, preparation, implementation and review processes of Headline Goal itself.” (Amb. Sadi Calislar, Director General , Ministry for Foreign Affairs, Turkey, 18. 1. 2001)

## V) The Legal Basis of Intervention of the EU Military Capacity

➤ **Is the EU a regional security arrangement** or organism according to articles 52 and 53 of the UN Charter? There could be some problems as the EU does not have any international legal personality and does not aim at defending the territory of its member states.

It is, however, not a real problem to call it a regional arrangement for at least three reasons:

- the UN expression “arrangement” is sufficiently vague to integrate any kind of mechanism;
- the article 52 does not mention any particular form of organisation; and
- the EU fits well to the UN objective of keeping and promoting international security.

➤ **Out of area operations** raises serious legal problems. Does the European Union have any right to launch peace-keeping or peace-making operations outside the territory of the Member States?

According to article 52 of the UN Charter, regional arrangements such as the EU can act only on the territory of its own members. One solution would be to put the Petersberg tasks under OSCE responsibility. Such a possibility has not been, however, envisaged by the Nice Conclusions.

To be sure, international practice and the UN instances have been forced to tolerate the geographic extension of the NATO operations, i.e. “out of area” of the Atlantic Alliance. But, so far, this “tolerance” affects only NATO, not the EU. Paradoxically, the EU could act only with the support of the NATO forces but not without it.

Finally, one has of course to remember that this new doctrine (or interpretation) regarding NATO out of area operations is not accepted by everyone, certainly not by Russia and China.

➤ What does the expression “The Union recognises the **primary responsibility** of the United Nations Security Council with regard to peace-keeping and security” mean? Does this imply that a decision on a military intervention could be taken without a mandate of the Security Council (e.g. NATO in Kosovo)?

## **VI) Implications for Non-NATO EU States (former Neutrals)**

### **A) “Neutrality” in the Post-Cold War Era**

Austria, Finland, Sweden, and Ireland have a specific status regarding their security and defence policy due to their experience of neutrality. However it would be far too simplistic to draw a strong divide based on neutrality between those countries and the EU-NATO countries.

The transformation of the international system during the last ten years put into question the traditional concept of neutrality and constrained the neutral countries to adapt their foreign and security policies to the new international environment.

The participation of those countries (often called today “post-neutrals” or “non-aligned states”) in the CESDP process is a strong evidence of this change. In addition, the development of a cooperation between those “neutral” countries and NATO, especially through the participation of PfP clearly shows the rapid evolution of the foreign and security policies of neutral countries.

### **B) Attitudes of the “Neutrals” in the CESDP Process**

In Sweden, neutrality is deeply rooted in national identity, much longer than in Austria, Finland and Ireland. It is seen as a positive element that contributed to Swedish independence and prosperity in the 19<sup>th</sup> and 20<sup>th</sup> centuries. In the Cold-War era, the Social-democratic governments used the concept neutrality as an instrument to boost Sweden's international prestige.

The official Swedish neutrality doctrine slightly changed after the Cold War. Officially, in 1992, the definition was rephrased from “non-aligned in peacetime aiming at neutrality in wartime” to: “a non-aligned position which would make it possible to be neutral in case of war in the neighbouring area”. More recently, in the context of adaptation to CESDP, the Swedish Social-Democrat prime minister Göran Persson said that Sweden is no longer a neutral country but that it remains militarily alliance-free (*Financial Times*, November 28, 2000). It is planned that in 2001 the Social-Democratic party will review the current doctrine. Sweden is also moving closer to NATO—by integrating some of its defence planning with that of the Atlantic alliance. (*The Economist*, June 7, 2001).

In Finland, neutrality was an instrument of security policy imposed by the Cold War framework. Neutrality was not always seen as a positive concept in the Finnish minds as it was often assimilated with neutralisation. Today, most Finns have dual feelings towards neutrality. On the one hand, they remember that neutrality was not totally a free choice, but, on the other hand, they also tend to like it as it coincided with the best periods of their history.

After the Cold War, the Finnish government also redefined neutrality in 1992, reducing it to the “core of neutrality”: staying outside military alliances in order to permit neutrality in war. The Finns are nevertheless traditionally pragmatic and soft-spoken. They prefer to avoid “big statements” about international affairs in order to avoid tensions with Russia. Practically, Finland, more than Sweden, considers the EU as part of its security policy. To be within the hard core of the EU is often considered as a means to boost Finland's position in the world, to get more “Western” political commitment and to take distance from Russia. As a matter of fact, Finland joined the Economic and Monetary Union, (contrary to Sweden), for economic, as well as for **political reasons**. And Finland continues to be very active, together with Germany, to transform the European Union into a much more integrated institution.

Today, the public opinion in Finland as well as in Sweden supports the development of civilian and military crisis management of the EU but is opposed to the idea of EU's common defence. Regarding NATO, the same attitude prevails: in both countries, a majority of the public opinion supports participation in the collective security activities of NATO but is opposed to membership in NATO (collective defence).

The Austrian attitude towards neutrality is lying somewhere between Sweden and Finland. As in this latter country, neutrality was imposed on Austria by the Cold War context although, as in Sweden, it contributed to the Social Democratic government's international prestige during the East-West tensions. Officially, according to their political platforms, the two parties of the ruling coalition (ÖVP, FPÖ) support Austria's membership into NATO, i.e., the end of neutrality. On the other hand, the important opposition Social-Democratic party (SPÖ) remains ambivalent about this issue. Practically, the Austrian government is not engaging any process of joining NATO, partly because it needs a 2/3 majority in the Austrian Parliament (i.e. the support of the SPÖ) to change the constitution.

In Austria, the majority of the population remains in favour of maintaining a status of neutrality and is against NATO membership. However, a large part of the Austrian population is aware of

the contradictions related to the Austrian foreign and security policy. And a majority of Austrians supports the idea that their country should participate in the crisis management activities of the EU but is opposed to a common European defence.

People from the other neutral countries are often ironic about the Irish concept of neutrality although it is much more cherished by the population than it is usually believed abroad. Neutrality remains a popular policy and is a reflection of the success of that policy for the Irish state from its foundation up to the end of the Cold War. The Irish government is not prepared to join a mutual defence, nor is any Irish political party advocating such a change (Daniel Keohane, *Realigning Neutrality? Irish Defence Policy and the EU*, Institute for Security Studies of the EU Occasional Paper 24, March 2001).

Ireland held 5 referenda about European integration (1972, 1986, 1992, 1998, 2001) where the government reaffirmed its commitment towards neutrality. In June 2001, the refusal in a referendum by a majority of the Irish people to authorise the ratification of the Nice Treaty is partly due to anxieties about the future of Irish neutrality. Although this is ironic as the Nice Treaty *per se* does not mention CESDP, it is expected that the Fourteen EU partners of Ireland will have to publish a solemn statement about Irish neutrality in order to appease some anxieties on this issue and maximise the chance of a "yes" vote in the next Irish referendum on the ratification of the Nice Treaty.

In the four "neutral" countries, there are discussions about organising a referendum before either joining NATO and/or a future putative EU territorial defence. From a legal perspective, lawyers give diverging interpretations. From a political perspective however, those very democratic countries have developed a concept of consultative non-legally binding referendum which is morally and politically binding!

In the elaboration of CESDP (from Helsinki to Nice), the position of the "neutral" countries did not differ very much although we do not have all the details about their positions. Broadly speaking, the "neutrals" were satisfied as they were guaranteed full decision-making rights, as well as the possibility to take part in military co-operation for crisis management without any obligation to deploy national forces or to sign a defence treaty.

Finland and Sweden expressed, however, their opposition to Mr Javier Solana's nomination as WEU secretary general. A double-hatting could have meant that Mr CFSP' in his WEU role also

takes care of questions linked to common defence (Article V tasks). Thus, in a sense, common defence enters the EU by the back door.

Sweden, seemingly more than the other “neutrals”, would have liked to see the UN Security Council mandate mentioned explicitly in the Helsinki Presidency Conclusions (December 1999).

In the presentation of CESDP to their populations, the “neutral” governments have generally tried to show its “softer” dimensions. Their rhetoric, with some variances, was to point out the following elements:

- Unlike NATO, CESDP does not entail any commitment to the mutual defence of the EU partners;
- The deployment of troops, moreover, will be subject to the sovereign decision of the government on a case-by-case basis;
- Any involvement would be limited to operations mandated by the UN Security Council and in accordance with the UN Charter; and
- Participation in EU operations is put as a continuation of UN activities to respond to humanitarian crises. Just as the UN Standby Arrangements System, UNSAS, does not create a UN army, neither does the EU Headline Goal create an EU army.

In our view, some non aligned EU Member States governments have, however, tended to downplay five elements vis-à-vis the public opinion (see for instance: *Sunday Independent*, 26 Nov. 2000):

- The Petersberg tasks include the peace-**making** dimension;
- The EU missions could be implemented without a proper UN Security Council mandate (see infra);
- The EU will be dependent upon NATO for all its operations;
- There is a risk of creeping escalation from a peace-keeping operation to a peace-making operation, and from a peace-making operation to war; and
- The EU is not a universal organisation as the UN.

## VII) Association of other States

The EU does not conceive the CESDP project with sharp contours: with members and non-members. It aims to establish grey areas of involvement, short of EU membership, similar to the PfP of NATO and the association agreements of the EU. It does differentiate between various categories of European countries, like non-EU NATO members, candidates for EU membership and those European countries that have no prospect either for NATO, or EU membership.

### **A) Non-EU NATO States**

The EU is offering several incentives to the six countries which are members of NATO and not of the EU (the Czech Republic, Hungary, Iceland, Norway, Poland and Turkey). Firstly, these countries would have a say on any EU operation using alliance assets - and almost all EU actions are expected to use NATO assets such as planning processes, operational headquarters or surveillance. Secondly, non-EU members would join a military/political committee of contributors on any operation in which they could be involved, though the EU would make the formal decision to go ahead. Thirdly, non-EU NATO members would have a say on potential operations in their own regions.

The non-EU NATO States have very little in common concerning their relationship to the EU. Four of them (Cz, H, P, T) are candidate countries whereas the other two are not. The time horizon to become members of the Union varies for the four *declared* candidates. The three East-Central European states can count on membership in this decade; Turkey cannot. Consequently, it is essential for Turkey to intensify its relationship with the EU in an area where it has a lot to offer. Turkey has the second largest armed force in Europe after Russia, and is located in a region where instability may make crisis management necessary. Turkey can contribute to ESDP on the implementation side positively.

Turkey, due to its apparent dissatisfaction that it has no "droit de regard" over activity under CESDP and thus its position seems to have weakened compared to the associated member status it enjoyed in the WEU considered to disagree with the idea that NATO assets and capabilities will be readily available to the EU. This could have weakened the link between the EU and NATO and could have resulted in the development of autonomous operational planning in the EU.



It is important to stress that Turkey's position was opposed by the Union as such as well as every other NATO member state, **including the U.S.** When Turkey noticed that its obstructive attitude does not bring it closer to the EU it revised its position and in Spring 2001 expressed its readiness for a compromise solution. Consequently, it will be possible to access Turkish assets and capabilities with a certain involvement of Turkey. The precise wording of the compromise is to be drafted for the Göteborg and Brussels summits of the Summer 2001.

The five other countries of the group (three candidates, two tacit aspirants) have very similar interests in the process:

- None of them want its NATO commitment undermined or weakened in any manner. See the 1999 Hungarian position paper: “NATO’s collective defence commitment constitutes the key guarantee for Hungary’s security.” (Hungary’s position on European security and defence, 25 October 1999) “Such arrangements, aimed at developing a European crisis response capability, should reinforce the transatlantic link and the USA presence in Europe and thereby stability and security on the continent. That makes it essential to see that they reflect the role of the Atlantic Alliance in the security sphere and its pivotal significance for the defence of the whole North Atlantic area ...” (Polish position on the Development of European Security and Defence Policy, p. 1. / Similar quotations can be found in every other country.).
- Each country accepts the leading role of the United States in current international security and each regards the U.S. as the pivotal actor. Consequently, none of them wants to do anything that could be interpreted by the U.S. as weakening the transatlantic link. Consequently, it of utmost importance for them whether the U.S. attitude is supportive of CESDP or not. If the U.S. unequivocally supports the project, these countries, particularly the CEECs, increase their commitment.
- Each of them, either the country as such, or its political establishment, wants to use this vehicle to foster its interaction – later membership in the EU. Each country wants to establish “inclusive and transparent consultation arrangements as well as involvement in planning and decision-shaping”. (European Security and Defence Policy – Norwegian Views, p. 1/).
- Each country has been of the view that a multilateral mechanism is to be established through which their views could be expressed more clearly.
- Each of them wants to base co-operation in this framework on “both political and military/operational pillars”. (Foreign minister Bartoszewski of Poland at the 14 September 2000 New York meeting of the foreign ministers of the 6 and High Representative Javier Solana).

There are important dissimilarities as well:

- Some of the countries made certain offers before the Feira EU Council meeting to contribute to the improvement of European capabilities, one (Hungary) did not.
- The East Central Europeans offered a reasonable contribution to the achievement of the Headline Goals in the process of the Capabilities Commitment Conference (Autumn 2000). The offer by Norway was one of the most significant. This is an apparent reflection of the fact that Norway opted for a different way than Turkey. It has chosen to gain influence on the structure of the EU's new defence and security policy through contributing forces. For its part, Iceland promised to soon announce national contribution to possible crisis management operations.

In sum, one can conclude that the countries in this group, though with somewhat different levels of commitment, have all attributed great importance to the transatlantic link. Some of them have threat perceptions based on history or the current environment. Consequently, they do not want to see their interest jeopardised through a de-coupling between the U.S. and its European partners. Their commitment towards the European project will increase if it becomes clear that their NATO commitment will not be weakened through CESDP. Many members of this group are policy-taker countries and want to avoid getting into a situation where they would be obliged to choose between two systems of commitment.

## **B) USA**

The US has always welcomed the idea of more European muscle and burden-sharing for western defence as long as it can control it.

The outgoing Clinton administration went, however, a long way towards the CESDP. It started with reservations, emphasising the three “d”-s : no decoupling, no duplication and no discrimination. It also feared that the EU could weaken the alliance's ability to deal with major crises if it creates a rival planning unit.

The situation gradually changed to a position that: “The United States actively supports European efforts to increase and improve their contribution to collective defence and crisis response operations within NATO (through the ESDI), and to build a capability (through the ESDP) to act militarily under the EU where NATO as a whole is not engaged.” (Meeting the Challenges to Transatlantic

Security in the 21<sup>st</sup> Century: A Way Ahead for NATO and the EU. Remarks of Secretary of Defence William Cohen at the Informal Defence Ministerial Meeting, Birmingham, 10 October 2000, p. 4).

Two months later, the Secretary of Defence, William Cohen, outlined some of the expectations of the U.S. towards its European partners: “The United States would remain committed to the alliance and European security if the Europeans commit their resources to developing capabilities outlined in the DCI.... These include more sealift, airlift and more precision-guided munitions. It also calls for developing a better command and control apparatus”. Furthermore he proposed a common defence planning process involving all 23 NATO and EU countries “as the only logical cost-effective way to ensure the best possible coordination of limited forces and resources”.

He also used the meeting of NATO defence ministers to warn that NATO may become “a relic” unless some conditions are met (Cohen Says Allies Must Invest or NATO Could Become ‘Relic’, *Defense Link*, 5 December 2000). The message was clear and the somewhat alarmist formulation “relic” has certainly reached those European countries that have been worried about eventually undermining the transatlantic link through CESDP. The position of the Secretary of Defence had a major advantage for the European allies: It outlined clearly what direction of the evolution of CESDP would not be welcome by the United States.

The opinion that the Bush administration will be less supportive of the CESDP than its predecessor was only common wisdom before he took power. It was based on different statements and analyses made by prominent American Republicans. Their arguments were that CESDP would:

- undermine the American commitment to NATO and risk the loss of fragile public support in the United States;
- duplicate the entire NATO politico-military bureaucracy from scratch. Either it will be an entirely spurious paper exercise, since the EU has no professional military knowledge of its own; or it will siphon off the same scarce military expertise and resources from NATO; and
- strengthen French plans to get a command position and to set up a European Union planning unit independent of NATO.

This opinion has not been substantiated yet. On 12 June 2001, the American President said on the contrary that he would "support the concept as long as it doesn't undermine Nato, so long as the notion of ESDP is one that is added value to Nato". ("We'll back Euro-force if it doesn't harm Nato", *Daily Telegraph*, 12.6.2001). It is also important to observe that the US put all its power

in support of the EU in order to push Turkey to accept CESDP. This is the clearest concrete sign of the Bush administration commitment for CESDP.

Finally, maybe the real danger of CESDP is that the U.S. may, on the basis of independent European capabilities, or their declared existence, become selective and arbitrary in its engagement to contingencies in Europe and on its periphery. In the case where the EU declares its ability to address a crisis and remains unable to carry out the task of crisis management, the gradual reduction of U.S. commitment may present a major problem.

### **C) Association of Non-EU Non-NATO States**

The EU calls “other potential partners” those states that are neither NATO Allies nor EU Candidates (mainly Russia, Ukraine, Belarus, Moldova, Switzerland). It has proposed to them to “step up dialogue, cooperation and consultation on security and defence issues ...”. *A priori*, Switzerland belongs to this “category”, although Russia is the main member. Russia has some difficulties with CESDP that stem from the following factors:

- Russia is certainly of the view that a Europe less influenced by the U.S. gives greater room for manoeuvring for Russia in European matters. This view is based on a decade long consideration basically trying to separate the U.S. from Europe;
- On the other hand, Europe with a strong involvement of the U.S. is a known quality with high level of stability;
- NATO has been portrayed as the adversary of Russia for more than fifty years and the Kosovo operation has provided additional arguments to this position. The EU has always received lukewarm reactions in Russia. This may change in case it acquires independent military capacity and then energetically starts its eastern enlargement process;
- A complex integration that extends to economical, political, population movement and defence matters poses a challenge for Russia. Russia would like to co-operate with the EU in the modernisation of its economy, benefit from the European managerial experience, etc. Simultaneously, it would dislike if the EU would also develop its effective regional defence system and would then expand to, e.g. the Baltic States;
- Russia might hope to be able to participate in some European armaments projects, as the history of the large transport aircraft demonstrated; and
- Russia is certainly under pressure to understand NATO, it has fairly little idea about European integration and that represents an even further problem for Russia.

Russia, as an undeniable great power, could contribute a lot, as was demonstrated in solving the Kosovo conflict and through her contribution to IFOR/SFOR and KFOR. It seems, however, this will be received by the EU as a matter for “further study”. No special commitments will be established to engage Russia in the system of formation beyond case by case co-operation. Russia, in its turn would probably be a somewhat troubled partner of CESDP. It would raise the point that it is associated with "foreign policy and security matters, where Brussels is still comparatively weak" and probably would insist more association with the first pillar as tit for tat. (See Sergei Karaganov, "Building bridges with Brussels", *Financial Times*, 18 May 2001)

The dilemma Russia has been facing ever since CESDP has been launched can be summarised in a statement by President Putin who said: “I hope the EU will be transparent about the use of its rapid reaction force. This kind of approach ... we can go along. These processes are developing in Europe regardless of whether Russia wants it or not. It is not our intention to interfere.” (AP Report on the Capabilities Commitment Conference, November 2000)

### **VIII) Participation of Switzerland in EU Operations (as a Non-Member)**

CESDP is – in addition to the OSCE and NATO Partnership for Peace (PfP) – another important initiative that strengthens the soft security system in Europe. The development of CESDP can, therefore, not be considered as a self-contained process. It is rather a new policy instrument that has an impact on the European security space and beyond. This is why the development of CESDP is also relevant for Switzerland’s foreign and security policy.

As CESDP is only an instrument for crisis management outside the European Union, it has no direct implications for Swiss territorial defence. It does not effect either Swiss force planning or procuring policy. This does, however, not prevent Swiss efforts to become more interoperable with the EU Crisis Management Force. The reform of the Swiss army under Army XXI will prepare the necessary conditions for this.

CESDP – in the sense of crisis management (Petersberg tasks) – will provide Switzerland with additional options to collaborate in two categories:

- Rescue operations, and humanitarian emergencies (such as the Swiss involvement in assisting Turkey after the earthquake of 1999).
- “Medium”-conflict prevention, peace operations: peacekeeping, monitoring, preventive deployments.
- It is, however, unlikely that Switzerland will in the near future opt to participate in the third option (“heavy”): separation of rival factions if necessary with the use of force.

If Switzerland contributed to a Petersberg mission, the question would arise as to how extensively Switzerland would be involved – from the beginning – in the EU crisis decision making process and its implementation.

Switzerland's involvement in these various contingencies under the Petersberg tasks will not oblige her to substantially modify the security policy directions as adopted under “Security through Co-operation”<sup>1</sup> and “Foreign Policy Report 2000”<sup>2</sup>. Both reports clearly reflect contributions to multi-national forces in crisis management within the national interest of Switzerland.

Participation in Petersberg tasks may represent a more explicit Swiss contribution to European crisis management, similar to commitments that Switzerland may undertake anyway in situations of crises, such as joining the EU common position in its sanctions policy.

The Swiss involvement in CESDP will have, however, to overcome political and organisational problems.

- The political problems entails the current uneasy domestic situation, where campaigns against EU membership and against armed peace operations could also bedevil CESDP, even though the most likely Swiss involvement would be on the civilian side. This is why the outcomes of the referenda on Europe (4 March) and revision of military law (June) will influence the political parameters within which the Swiss government will be able to act towards CESDP.
- The organisational problems rest on the necessity that the various Swiss involvement in disaster relief, humanitarian assistance, peace-keeping and peace-building will have to be conducted by a coherent national policy. For this purpose, it is necessary to establish both a new conceptual basis for Swiss planning and decision-making and bureaucratic

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<sup>1</sup> “Security Through Co-operation” Report on the Security Policy of Switzerland; Department of Defence, Civil Protection and Sport; Bern, 2000; <http://www.vbs.admin.ch/internet/SIPOL2000/E/active.htm>.

<sup>2</sup> Foreign Policy Report 2000; Presence and Cooperation: Safeguarding Switzerland’s Interests in an integration world; Bern, November 2000; [http://www.eda.admin.ch/eda/e/home/recent/rep/forpol.Par.0003.UpFile.pdf/rp\\_001113\\_foreignpol\\_e.pdf](http://www.eda.admin.ch/eda/e/home/recent/rep/forpol.Par.0003.UpFile.pdf/rp_001113_foreignpol_e.pdf)

institutional preconditions similar to those that were established for the Swiss participation in Partnership for Peace.

## IX) Legal and Political Implications for Switzerland in the assumption of EU Membership

Swiss neutrality evolves. The concept of integral neutrality, which prevailed during the Cold War, was adapted in 1990 when Switzerland joined the economic sanctions imposed by the UN against Iraq. Since then, it always joined the sanctions of this type, for example against Yugoslavia in 1992, Libya in 1992, Haiti in 1993, Sierra Leone in 1997, Angola in 1998, and Afghanistan in 2000.

Switzerland also took part in sanctions decided by the European Union, like those of 1998 against Yugoslavia. At the time of the Gulf crisis, Switzerland had not wanted to take part in military sanctions and had not placed its airspace at the disposal of the international forces. It has, however, showed its solidarity by joining the UNPROFOR in Yugoslavia in 1993, SOEC in Kosovo in 1998, and the KFOR in Kosovo in 1999.

On the other hand, when NATO intervened against the federal Republic of Yugoslavia in Spring 1999, Switzerland did not open its airspace, because they were not missions under cover of a UN mandate.

In addition, during the nineties, Switzerland did not cease reinforcing its engagement as regards its policy of security: participation in the Partnership for Peace since 1996, engagement of yellow berets in Bosnia, engagement of Swisscoy in Kosovo.

In other words, neutrality adapted. It was centred on the requirements of international law, which are of a strictly military nature. But at the same time, the public opinion does not seem to be aware of this evolution.

At first sight, from a legal perspective, Switzerland could join the EU and keep its neutrality. This has to do with the following reasons:

- The adoption of a **resolution** by the **Security Council** before any peace-keeping or peace-making operation is a **condition** in order to validate it. And the EU recognises the “primary responsibility of the UN Security Council” when conducting military peace-making operations.
- The EU has refused, without any ambiguity, to be transformed into a defence alliance. Its military capabilities will only be employed outside the Union’s territory, never inside. There is no mechanism of common assured support in case of an attack on one of the



member States. Clearly, it has been reaffirmed that only NATO could be such an organisation of collective defence. And joining the EU does not mean joining NATO.

- Any EU country could decide each time whether it wants to participate and in which way. No EU State can be forced to take part in military operations without its consent.
- A final guarantee is that all decisions about defence have to be taken by unanimity. In other words, any EU Member State could block a military crisis management decision. So, from a purely theoretical legal perspective, a country such as Switzerland could veto any EU military decision.

So, legally speaking, a neutral country such as Switzerland could participate in the EU's military structure without giving up its neutrality.

Now, from a practical point of view, the situation would be more subtle:

On purpose, the EU uses the expression the “primary responsibility of the Security Council” instead of the “authorisation of the UN Security Council”. To be sure, this means that it would prefer to act with its authorisation. It means nevertheless that it could also act without its authorisation if it does not get it, as was the case with NATO in Kosovo. "The TEU (Treaty on the European Union) in its present form does not explicitly impose an obligation to obtain Security Council authorisation for crisis-management operation" (Martin Ortega, "Military Intervention and the European Union", *Chaillot Paper* 45, March 2001, p. 108).

- Would Switzerland endorse military actions taken by the EU without a UN mandate? Indeed, much of the debate about intervention argues that countries shall not be prevented from intervening because the Security Council can not agree to give the green light.
- The EU will remain dependent upon the United States and NATO for decades. The EU is militarily much smaller and less effective than the U.S. For the foreseeable future, EU military action will be heavily dependent on access to NATO and American resources, be it airlift capacity, coded communication systems, various types of intelligence, satellite surveillance, etc. *De facto*, future EU military operations will be partly NATO operations. And in which respect would it be possible to avoid entering into the NATO framework, leading *de facto* to joining a military alliance?
- A humanitarian or peace-keeping mission may develop into a peace-making intervention. These processes have their own “Eigendynamik”. Solidarity is an important concept here. Let's assume for instance that Switzerland would only take part in humanitarian and peace-keeping operations. One fundamental question is the following: at what point does peace-keeping turn into warfare? Imagine that Switzerland were to participate with a number of other states in a EU military operation somewhere and the country/party against which it is directed takes up arms against it. If Swiss troops are attacked would Switzerland not legitimately expect that the other EU countries come to their rescue? Would Switzerland be able politically to decide to withdraw should another EU country's

troops be attacked in the same operation - a situation which means international war, whether declared or not? Or, if Swiss soldiers are killed in an operation far away, how would the government refuse the solidarity with those it started out the mission with?

- Being realistic again. It is hard to imagine that Switzerland would veto a decision of military intervention adopted by all the EU member States, plus the United States, (as the EU cannot act without NATO approval). The only alternative for Switzerland would be to opt out, i.e., let the others send their troops without being militarily committed. However, Switzerland has an important army and is a rich country. It is not in the situation of Luxembourg, Malta or Iceland. Opting out is never free of charge from a political and moral point of view.

## **X) Questions for the Future**

Many issues are still not clear with regard to the future of CESDP, as is more generally the case with the whole future of the European Union. This necessitates further research. Among many issues, we will mention the most salient:

- Will CESDP increase the pressure on the EU to develop a more cohesive and less declaratory (less “smallest common denominator”) type CFSP? Would it be a step towards a political grand strategy?
- Is CESDP a virtual or a real force? Will the EU in next years have the equipment to carry out much more than minor rescue or humanitarian missions? Is there a danger if politicians start to think and behave as if they have a military capability when they don’t?
- How to ensure that all NATO members participate as fully as possible in EU-led operations? How to dovetail the planning capability of the EU with existing NATO planning capabilities so that the EU can automatically access NATO assets?
- What will be the geographical scope of CESDP operations? Are they limited to “Europe’s back-yard”? Or can one envisage EU military interventions in the Middle East, Caucasus or in Africa?
- Does Turkey have the capacity to continue to block the future relationship between the EU and NATO?
- Will the “neutrals” use their participation in CESDP in order to join NATO by the back door?

## **XI) Proposals**

- Switzerland should try to obtain a statute similar to the candidates towards EU membership (and not be assimilated with the category of relatively marginalised countries such as Russia and Ukraine). For this purpose, the Swiss government should:
  - rapidly explore the options with the EU as to whether it still can work out a special statute for itself;
  - make sure that Swiss liaison officers with NATO and PfP in Brussels will be “accredited” with the new European Military Staff.
  
- Switzerland’s contributions to Petersberg tasks could be offered in numerous areas of engagement in crisis management and peace building operations:
  - In cases of **civilian emergencies** in the context of natural or man-made disasters, Switzerland could offer the services of the Swiss Rescue Chain and Swiss Disaster Relief Corps. Domestically, it should not raise any political uproar. It is also likely that Swiss-based NGOs would be involved in one way or another;
  - **Disaster relief with military support:** Swiss relief and humanitarian contributions would most likely fall within a broad multinational and multi-task effort that would also rely on military logistical support such as air lift and ground transportation by headline forces. Swiss military units (logistic support elements or other units, such as AC specialists) could be involved as well; and
  - **Military contribution of Switzerland to multinational peace forces in crisis area** – similar to SWISSCOY in Kosovo. Swiss peace forces could be attributed to Petersberg missions based on the experience of the Swiss involvement in other task forces contingents such as CENCOOP where Switzerland is already a member since 1999.
  
- Swiss contributions to the Petersberg tasks would require a minimum degree of interoperability with EU operations. Several potential Swiss involvement in the Petersberg tasks are currently already in the Swiss planning and training process for interoperability in the context of PfP. Switzerland would have to extend its efforts to become interoperable (on a civilian and military level) within a EU-led multinational response to complex emergencies.
  
- Regardless of which scenario would be chosen, all contributions of Switzerland (Swiss Rescue Chain, Swiss Disaster Relief Corps, Army, Police, Border Control etc.) will have to be coordinated on a national level through a coherent and inter-departmental preparation process in terms of decision making, coordination and deployment.
  
- In case of negotiations on EU membership, Switzerland should explore the possibility of obtaining a clause of military opting out *à la danoise*. This could reduce the fears of some sectors of the population. The fact that Denmark’s opting out is legally not extensible to a new EU member should not deter Switzerland to try to benefit from such a *political acquis*.

## **XII) Some Guidelines on Resources on Internet and on the Bibliography**

The most important document on CESDP has been adopted on December 4, 2000. It is called the *Presidency Report on the European Security and Defence Policy*, Nr: 14056/2/00. This document includes all previous agreements by the European Council in 1999 and 2000:

<http://ue.eu.int/Newsroom/LoadDoc.cfm?MAX=1&DOC=!!!&BID=75&DID=64256&GRP=3020&LANG=1>

Contrary to a common misinterpretation, the *Treaty of Nice*, adopted at the same time, does not refer properly to CESDP: <http://ue.eu.int/cigdocs/en/cig2000-en.pdf>

The above mentioned *Presidency Report* should also not be confused with the *Presidency Conclusions* of the Nice European Council which are almost silent on CESDP:

[http://europa.eu.int/council/off/conclu/dec2000/dec2000\\_en.pdf](http://europa.eu.int/council/off/conclu/dec2000/dec2000_en.pdf)

Most major documents, statements, speeches and web links on CESDP are located on:

<http://www.eurunion.org/legislat/Defense/esdpweb.htm>

*The Institute for Security Studies* of Western European Union publishes very interesting studies on CESDP:

<http://www.weu.int/institute/index.html>

Studies by the Centre for European Security and Disarmament are also very useful and updated:

<http://www.cesd.org/>

Articles and documents on the evolution of the debate on CESDP in the Nordic countries can be found on the web site of the Finnish Institute in London:

<http://www.polarities.net/polarities.html>

There is a comprehensive bibliography on CESDP in Jolyon Howorth, "European Integration and Defence: the Ultimate Challenge?" *Chaillot Paper*, Nr 43, 2000, pp. 107-108.

# **The Development of a Common European Security and Defence Policy (CESDP) by the European Union and its Consequences for Switzerland**

## **EXECUTIVE SUMMARY**

- The EU decision to set up an armed force for crisis management is historic. It comes after 50 years of repeated failures.
- This U-turn has been made possible thanks to the lessons drawn from the poor European performance in Bosnia and in Kosovo, to the new British stance by the pro-European Tony Blair, and the goodwill of the Clinton administration.
- The Union will be able to decide and apply the so-called Petersberg tasks: humanitarian missions, peacekeeping missions and combat-force missions for crisis management, including peace-making missions.
- The EU nevertheless gave up any attempt to set up a territorial common defence. It reaffirmed that only NATO has to be the structure of security in the hypothesis of external attack against its members.
- The EU will remain mainly a civilian power while gradually developing a military identity and boosting its international posture.
- By 2003 the UE will have a rapid deployment force of 60,000 men ready to be active in 60 days and having approximately 400 aircraft and 100 ships. This number should further increase thereafter. The EU will also get police forces as well as other civil instruments.
- This dynamics should also generate further military development in the strategic as well as in the tactic fields, as well as a rationalisation of its defence industries and an increased professionalisation of its armies.
- All the civil and military decision making structures are already functioning without notable difficulty.
- The EU will operate militarily only if NATO does not intervene itself directly. In order to carry out operations, the EU will need the support of NATO, mainly of the United States.
- The definitive structure of the relations between the EU and NATO could not be established during the first part of 2001 because of opposition not from the US, but from Turkey, which feared to be marginalised.
- The new Bush administration does not express any opposition to the EU force because it fits well to its concept of burden-sharing and since it excludes territorial defence and is dependent upon NATO.

- The EU clarified relatively well how the European non-EU NATO States (Turkey, Norway, Poland, etc.) could take part in its operations. It also developed concepts of association for the applicant countries (Slovenia, Bulgaria, etc). It remained on the other hand much fuzzier for non-NATO non-EU countries such as Russia and Ukraine.
- Switzerland is never mentioned and does not seem to fit to any category.
- On the one hand, it could add to Switzerland's marginalisation, on the other hand, it leaves some margin of manoeuvre.
- EU operations should be carried out, in theory, according to the principles of the United Nations, as the primacy responsibility of the Security Council is mentioned. Nevertheless, on the assumption of the lack of a Security Council mandate, the EU does not exclude the right to act, having in mind the NATO military intervention in Kosovo.
- The “neutral” countries (Austria, Finland, Ireland, Sweden) have adopted all these EU concepts as they were decided unanimously. *Vis-à-vis* their public opinion, however, the governments of these countries tend to hide the ambiguities with regards to the Security Council and stress the rather soft aspects of security at the expense of the most delicate notion of peace-making.
- To be sure, from a legal point of view, a country can still maintain its neutrality as the EU is not transforming itself in a military alliance aiming at territorial defence. Moreover, all decisions are taken by unanimity and a State can always veto them. Lastly, no State will be obliged to take part in a military operation against its wishes.
- The main difficulty will be therefore to avoid being taken in a spill-over process due to the necessary solidarity with the EU partners and the internal dynamics of any conflict.

## Proposals

- Switzerland should try to obtain a statute similar to the candidates towards EU membership (and not be assimilated with the category of relatively marginalised countries such as Russia and Ukraine). For this purpose, the Swiss government should:
  - rapidly explore out options with the EU as to whether it still can work out a special statute for itself;
  - make sure that Swiss liaison officers with NATO and PfP in Brussels will be “accredited” with the new European Military Staff.
- Switzerland’s contributions to Petersberg tasks could be offered in numerous areas of engagement in crisis management and peace building operations:
  - In cases of **civilian emergencies** in the context of natural or man-made disasters, Switzerland could offer the services of the Swiss Rescue Chain and Swiss Disaster Relief Corps. Domestically, it should raise less political uproar. It is also likely that Swiss-based NGOs would be involved in one way or another;
  - **Disaster relief with military support:** Swiss relief and humanitarian contributions would most likely fall within a broad multinational and multi-task effort that would also rely on military logistical support such as air lift and ground transportation by headline forces. Swiss military units (logistic support elements or other units, such as AC specialists) could be involved as well; and
  - **Military contribution of Switzerland to multinational peace forces in crisis area** – similar to SWISSCOY in Kosovo. Swiss peace forces could be attributed to Petersberg missions based on the experience of the Swiss involvement in other task forces contingents such as CENCOOP where Switzerland is already a member since 1999.
- Swiss contributions to the Petersberg tasks would require a minimum degree of interoperability with EU operations. Several potential Swiss involvement in the Petersberg tasks are currently already in the Swiss planning and training process for interoperability in the context of PfP. Switzerland would have to extend its efforts to become interoperable (on a civilian and military level) within a EU-led multinational response to complex emergencies.
- Regardless of which scenario would be chosen, all contributions of Switzerland (Swiss Rescue Chain, Swiss Disaster Relief Corps, Army, Police, Border Control etc.) will have to be coordinated on a national level through a coherent and inter-departmental preparation process in terms of decision making, coordination and deployment.
- In case of negotiations on EU membership (today not on the agenda), Switzerland should explore the possibility of obtaining a clause of military opting out *à la danoise*. This could reduce the fears of some sectors of the population. The fact that Denmark’s opting out is legally not extensible to a new EU member should not deter Switzerland to try to benefit from such a *political acquis*.