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ESDP AND THE NON-EU NATO MEMBERS

KNUTSEN Bjørn Olav

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8) ABSTRACT <p>This report highlights challenges faced by the non-EU NATO members as the EU elaborates a common policy of security and defence. One conclusion is that the 6 non-EU NATO members have different security and defence approaches towards the EU, due to the fact that some of them will become EU members. As the only probable remaining non-EU NATO-members, Norway and Turkey will be particularly hit by NATO's "ESDP-isation". Another conclusion drawn is that NATO, for the first time in its history, will discriminate between EU and non-EU members. A two-tier, as well as a two-pillar NATO is being created implying that one of NATO's purposes in the future is to provide military services for missions in the European area.</p> <p>The present report is based upon a talk given by the author at an ESDP conference organised by the Royal Military Academy in Brussels on 8 March 2002.</p>		
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ESDP AND THE NON-EU NATO MEMBERS

1 INTRODUCTORY REMARKS

The elaboration of a common EU policy in the sphere of security and defence (European Security and Defence Policy; ESDP) is one of the most challenging and important integration moves by the EU at the beginning of the 21st century. It will contribute to a development that will change the security frameworks in Europe and lay the foundation for a new relationship with NATO. When studying ESDP it is therefore important to have in mind that ESDP, despite it being intergovernmental and not supranational in nature, is part and parcel of the ever more dynamic EU integration process. François Heisbourg has recently underlined that ESDP faithfully follows the “Jean Monnet” method of European integration: “first one establishes a *solidarité de fait* – the new defence and security institutions and the headline goal – and then, but only then, does one approach the issue of what it is for, the *finalité stratégique* as it were” (Heisbourg 2001a).

This report analyses the likely effect that the ESDP project will have upon the 6 non-EU NATO members. It is important to do such a study because the ESDP will inevitably influence relations between NATO countries, most likely by creating a two-tier organisation. To what extent will this new NATO discriminate between EU and non-EU members? This is one of the questions the present report tries to address.

2 ESDP AND THE SIGNIFICANCE OF INSTITUTIONS IN THE EUROPEAN CONSTRUCTION

Ever since the bilateral Franco-British summit in Saint-Malo in December 1998 Europe has been witnessing a true “Revolution in Military Affairs”. More has happened in European integration politics within the sphere of security and defence in the last three years than in the previous 50. What we have been witnessing is a development where “Europe” acquires new instruments for solving European security challenges and problems, while at the same time, a new foundation for the transatlantic relationship is being laid out. NATO has proved itself to be an extremely viable institution with a high degree of legitimacy in European affairs. A new foundation for NATO is now being created on the basis of the fight against international terrorism and through NATO’s enlargement process. The Prague summit in November this year will hopefully make the necessary decisions concerning an eastward enlargement of the Alliance. In a few years 5-7 countries will be able to accede to the North Atlantic Treaty and become part of a larger Euro-Atlantic security community based upon shared democratic values. As an integral part of this process, NATO is striving for a comprehensive partnership with Russia and Ukraine, so as to build a co-operative security regime in the Euro-Atlantic area. One of the main challenges we are facing in today’s Europe is how to integrate these

countries into the main security providing institutions in European affairs, namely the EU and NATO. With Russia and Ukraine integrated, both the EU and NATO will be in a position to meet the security challenges now facing us. As underlined by Lord Robertson, the Secretary General of NATO: “September 11 created an entirely new context for NATO-Russia relations. It highlighted the fact that NATO and Russia share common interests and concerns – and that they need to address these concerns together”.

At the same time, the eastward enlargement of the EU so as to include as many as 10 countries in 2004 will contribute immensely to European security and thereby lay the foundation for a European “*Friedensordnung*” within the framework of pan-European co-operation, as advocated by the late German chancellor Willy Brandt in the early 1970s. NATO and the EU will therefore in the coming years still be the main vehicles for a European security order where *co-operative security* will prevail. What does such a development imply? Co-operative security could be defined as a situation where stable expectations on peaceful settlements of conflict are the main norm, and which furthermore is underpinned by strong institutions. According to Robert Keohane, the role of institutions in this context is first of all to create persistent and connected sets of rules that prescribe behavioural roles, constrain activity and shape expectations (Keohane 1989). Furthermore, institutions are supposed to provide for fairness and predictability, and in the context of European integration, to inspire EU countries with a set of purpose and belonging (Andreáni 2000). In this context, it is fair to underline that the US does not always understand the importance of institutions in the process of building a more integrated EU. In the transatlantic debate on ESDP the US has always underlined the importance of enhancing European capabilities, while at the same time neglecting to some extent the need for institutions that provide the necessary legitimate framework. In a speech held in May 2001 the US ambassador to the North Atlantic Council, Mr. Alexander Versbow said that “U.S. support for the ESDP is tied directly to our understanding that it will lead to improved European capabilities”. However, as emphasised by Gilles Andréani in an article in the IISS journal “Survival” in 2000, a focus on institutions is necessary: “Far from being a distraction, the institutional dimension has always been and remains a key to any attempt at developing a EU security and defence policy. This has always been the way European integration has moved forward. Institutions matter for the EU in a unique way: the process of European integration is a joint exercise in norm setting and institution-building. Since the 1980s, each new step in European integration, each new common policy, has brought along its own set of institutional requirements: the single market stimulated the extension and the effective use of qualified majority voting; economic and monetary union, and the justice and home affairs policies called for their own specific arrangements and bodies. Defence will inevitably do the same, all the more so because the EU is currently devoid of any defence culture: only in a specialised institutional setting will such a culture hopefully emerge, and solidify” (Andreáni 2000: 83).

3 WHY A STRONG RELATIONSHIP BETWEEN THE EU AND NATO IS NECESSARY

In such a setting, a strong relationship between NATO and the EU is deemed necessary. It is necessary because part of NATO's role in the future will be as an essential provider of military services for missions in the European area. This is what Antonio Missiroli calls NATO's "ESDP-isation". François Heisbourg has also made this point explicitly: "NATO is no longer a defence organisation, but a security and defence-services institution" (Heisbourg 2001b). Although all external actors to the EU accept the EU's right to make "autonomous" decisions, ESDP must, in such a perspective, be a catalyst for more effective civil-military crisis management with participation from all European countries wishing to contribute to that effort. Therefore, the legitimate interests of the non-EU European NATO member countries, as well as those of the US and Canada needs to be accounted for in the decision-making process within the politico-military bodies of the EU.¹ Within this context the EU and NATO has, among other things, established four EU-NATO Ad Hoc Working Groups on Security, Modalities for EU access to NATO assets, Capacity Goals and Permanent Arrangements. These institutional arrangements relates further to the so-called "Berlin-plus" configuration. Generally speaking, the content of the "Berlin-plus" arrangements falls into four categories (Nordam 2001):

1. Assured EU access to NATO planning capabilities able to contribute to military planning for EU-led operations;
2. The presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations;
3. Identification of a range of European command options for EU-led operations, further developing the role of D-SACEUR in order for him to assume fully and effectively his European responsibilities;
4. Further adaptation of NATO's defence planning system to incorporate more comprehensively the availability of forces for EU-led operations

With respect to assured access to NATO planning capabilities NATO's work has been hostage to the participation issue. How can we then understand the status and the role of the current 6 non-EU European NATO members?

4 ESDP AND THE NON-EU NATO COUNTRIES: NO COMMON APPROACH FROM THE NATO-6

First of all it must be underlined that all the six non-EU European allies have offered forces and assets to the "Helsinki Headline Goal-plus", although none as many as Turkey. Nor have any of them – with the temporary exception of Poland, which until the spring of 2000 insisted on adopting all decisions on ESDP at 15+6 – tried to raise as many difficulties and as

¹ See Document A/1735, 19 June 2001 of the Assembly of the Western European Union: *Contribution of European non-EU countries to military crisis management in Europe.*

stubbornly as Turkey. In other words, and as underlined recently by Antonio Missiroli in an article in the journal “Security Dialogue”, no common “six-pack” approach on EU-NATO military/security co-operation seems to exist (Missiroli 2002). Secondly, it must be emphasised that the Czech Republic, Hungary and Poland will become members of the EU by 2004/5 so in reality it is the problems facing the other three— Iceland, Norway and Turkey – that are of importance. However, Iceland has no military forces of its own; it relies instead upon a defence agreement with the US, signed in 1951. According to this agreement, the US is obliged to defend Iceland on behalf of NATO if the country is attacked. In reality, therefore it is the Norwegian and the Turkish cases that are of real importance in this context.

The Norwegian and the Turkish cases are obviously very different. Norway, on the one hand, has voted down its own EU-membership application twice in its recent history. Turkey, on the other hand, has actively pursued a policy whose overarching goal has been, and still is, EU-membership. The 1999 Helsinki summit, when the EU-leaders finally accepted Turkey as a future EU-member, was in this respect, as seen from Ankara, a step in the right direction. As a consequence, these countries have pursued very different policies toward the ESDP. Norway has underlined its strong Atlantic orientation, emphasising the role of NATO as the main linchpin for European and Euro-Atlantic security at large. Traditionally Norway has been a country whose overarching aim has been to maintain the *status quo*, and whose policies have reflected a strong degree of scepticism towards security co-operation in Europe outside the frameworks of the Atlantic circles, such as for example the idea of a EU-WEU merger.

However, the launching of the ESDP-project at the Helsinki summit in December 1999 marked a rather significant change in the Norwegian policies towards European security and defence. Two months before the EU summit the Norwegian Government issued a PM (Pro Memoria) to all members of the EU and NATO, in which it stated that “Norway strongly supports the ongoing efforts to strengthen European security and defence in general and capabilities for crisis management in particular. Our security is interwoven with the security of the member states of the European Union and that of the Union itself. Thus, we have common security interests and challenges”. This was the first time a Norwegian Government ever stated its support to a security arrangement in Europe outside the Atlantic circles of co-operation. What makes this even more remarkable is the fact that this happened during a time when the Government consisted of three parties who actively opposed EU-membership. In reality, therefore, the ESDP project has contributed somewhat to an increased understanding in Norway of the role of the EU as a security provider as well (Knutsen 2000). However, behind this formal support to ESDP lay the view that the ESDP should develop as close connections with NATO as possible. Thus, the original Norwegian view was that the 6 non-EU allies should be involved in the decision-making procedure of the EU. What the Norwegian Government did propose was “day-to-day consultations and activities relating to security and defence, in the [...] Political and Security Committee and in the subsidiary working groups [...] Non-EU European allies would have the right to speak and make proposals, and access to all relevant information and documents. This format would also be the basis for regular consultations in the [...] Military Committee”. Furthermore, the PM underlined the necessity

of inviting the non-EU European allies at an early stage to take part in EU operations not drawing on NATO assets and capabilities: “Once their participation in an operation was confirmed, non-EU European allies would have the same rights in respect of preparation and conduct of the operation as participating EU member states. Their effective contribution to operations presupposes full participation in planning and other preparations. Transparency and timely information at all stages will be necessary in order for the required national decisions on contributions to military operations to be made, and the non-EU European allies would meet their EU counterparts at political level, including ministers of defence as appropriate, to discuss European security and confirm participation in EU-led operations”.

When comparing these Norwegian aims with the final outcomes of both the Helsinki and the Feira European Councils, it must be said that Norway, like the other non-EU European allies felt a degree of disappointment. The institutional designs constructed by the EU at Helsinki and Feira implied an organisational structure that clearly downgraded their status as compared with their former status as Associated Members of the WEU. As underlined by Antonio Missiroli, between 1995 and 1999, Associate Membership of the WEU awarded European NATO members – and especially Norway and Turkey – privileged access to and generous participation rights in WEU activities. Therefore it would be fair to argue that the decision taken by the European Council in Cologne in 1999 to scrap the WEU by the end of 2000 marginalized the non-EU European allies, and especially Norway and Turkey.

Like Norway, Turkey has stated its strong support to the ESDP project, but the Norwegian and the Turkish strategies have been quite different. While Norway has pursued a policy of accommodation, with a clear view of keeping the bonds between the EU and NATO as strong as possible so as to prevent any development where we end up having a dual set of military planning structures, Turkey has pursued a policy of confrontation by blocking from the NATO side the EU’s so-called “assured access” to NATO planning capabilities. The Turkish view is that the decisions taken at the NATO summit in 1999 should be the steering guide for the relationship between the EU and NATO. The Washington summit decided that the military relationship between NATO and the EU would be built on mechanisms existing between NATO and the WEU and within WEU. These WEU mechanisms allow for the participation in EU military operations by non-EU NATO members. According to the Turkish foreign minister Ismail Cem, the Nice summit in December 2000 ignored the decisions made by NATO in Washington (Legrand 2001). Cem stated that “NATO is being asked to reject the decisions it reached at its own summit and instead accept rules that were later drawn up by the EU ... Turkey is not trying to raise new conditions or objections to the EU’s autonomous decision-making, or its demand for assured access. The country is simply asking its fellow NATO members to abide by the decisions taken in Washington”. The criticism towards the EU is also related to the EU’s “assured access” to NATO. According to the Turkish view, assured access implies, that the EU, despite being a recipient, wants to define the rules for access to NATO assets. In essence, the EU’s proposals oblige NATO to accept a arrangement that, for the first time in its history, would discriminate between NATO members, categorising them as EU and non-EU members.

5 A TWO-PILLAR NATO?

The question is then whether this is a correct description of NATO today. The answer to that question must be yes. ESDP implies a development where NATO more or less becomes a two-pillar alliance, between the US on the one hand and the EU on the other, thus marginalizing the non-EU European allies. For Norway such a development must imply that the country must stop looking upon itself as having some sort of an “alliance within the Alliance”-perspective with regard to the US. Norway should instead realise that the “road to Washington” in the future must go through the EU. As long as EU-membership is impossible, due to domestic restraints, the result is a “double marginalisation” vis-à-vis NATO and the EU. Furthermore, the process of marginalisation will gain further momentum as a result of the enhanced “Brusselisation” of European foreign policies, implying that the institutional set-ups like the PSC, the Military Committee, and the Military Staff will produce a European foreign- and security policy “culture” that excludes the non-EU members. The need for rapid decision-making and efficient implementation in crisis management operations will reinforce the process of European based foreign policy formulation (Howorth 2001). Again, as emphasised by Gilles Andréani, Brussels-based institutions will strengthen such a process and give the European foreign policy implementation the necessary institutional legitimacy (Andréani 2000). In relation with the 6 (soon to be 3 or 2)² non-EU NATO members, such a development will inevitably fortify a development towards a two-tier NATO, between those countries with EU-membership and those countries who for some reason or another choose to stand outside as non-members. However, it is important to note that although countries like Norway and Turkey for the moment stand outside the EU, they also participate in the process of EU integration. Nevertheless, the “logic of integration” implies a development where the higher the level of integration, the greater the difference between EU- and non-EU membership.

In such a situation Norway and Turkey have pursued different sets of policies. The Turkish line could result in a situation where Turkey antagonizes the US administration and the EU, finding itself politically isolated within NATO and fatally weakening its case for EU membership (Missiroli 2002). Norway on the other hand finds its “room of manoeuvre” as regards the ESDP so narrow that it has chosen to follow the EU and support the process as long as the ESDP enhances the transatlantic link (Knutsen 2000). The Norwegian Government has underlined on several occasions the need to find a pragmatic *modus operandi* between the EU and the non-EU members. The overarching aim for the co-operation should, according to the Norwegian Government, be “inclusiveness and partnership” between the EU and the non-EU members. The Norwegian aim is obviously to minimise the difference between EU and non-EU membership. One might say that this view reflects a lack of understanding in Norway for the EU’s need for an autonomous decision-making process. Turkey on the other hand has in its more “confrontational” policy so far practically vetoed EU’s “assured access” to NATO planning and capabilities. In the Laeken Declaration from December 2001 the EU stated that it “intends to finalize the security arrangements with NATO and conclude the agreements on

² The Icelandic foreign minister Mr. Halldor Asgrimsson has on several occasions stated that Iceland, on certain conditions, could apply for EU membership. The main problem for Iceland is the common fisheries policy of the EU where substantial changes have to be made before Iceland could apply for EU membership.

guaranteed access to the Alliance's operational planning, presumption and availability of pre-identified assets and capabilities of NATO, and identification of a series of command options made available to the Union. These agreements are essential for the ESDP and will substantially increase the Union's available capabilities".

However, as long as Turkey vetoed EU's assured access to NATO, such an agreement was impossible. It was against this background that negotiations took place last year, between Turkey on the one hand, and the US and Great Britain on the other, so as to find a solution to the problem. The outcome of these negotiations has so far been two documents, the first of which was labelled the "Istanbul agreement", while the other one has been called "Ankara/Istanbul II". The latter was agreed upon in December 2001, two weeks before the Laeken summit. At the Laeken summit however, Greece raised some serious concerns regarding the EU's ability to make autonomous decisions, as well as the modes in which these negotiations were conducted. The Greek view was that it could not accept an agreement that had been negotiated outside the EU's decision-making procedures.

6 A SOLUTION BASED UPON ANKARA/ISTANBUL II?

The formal title of the Ankara/Istanbul II is "ESDP: Implementation of the Nice Provisions on the Involvement of the non-EU European Allies".³ It must be emphasised that this document relates not only to the bilateral relationship between the EU and Turkey, but also to all the non-EU European NATO members as such. By doing it this way, an essential Greek demand was being met. The Ankara/Istanbul II states that "in whatever crisis, ESDP will not be used against any ally" and "will respect in every case the obligations of EU member States towards their NATO allies". In addition, the document commits the EU to holding more frequent consultations with the NATO-6, to creating opportunities for them to provide "input" into the ESDP and be "associated" to decisions and actions, to making them "permanent interlocutors" of the PSC, and to assigning "representatives" to the EU Military Committee. If a crisis occurred in the "geographic proximity" of the European allies and affected their "national security interests", the EU Council would engage in "dialogue and consultation" with them and "take into consideration" their positions so far as allowed by Article 17 of TEU. Finally, the NATO-6 would take the role of "observers" in those operations they do not participate in if planned and coordinated by SHAPE. As for the "EU-only" operations they are "invited" to join, the "Committee of Contributors" would become "the main forum" for management of such an operation once launched, with the PSC retaining political control as necessary.

According to Antonio Missiroli's assessment, the Ankara/Istanbul II appears to be a viable basis for a final deal, even with the Greek reservations.⁴ This will make a formal agreement

³ The references to the Ankara/Istanbul II can be found in Antonio Missiroli (2002): "EU-NATO Cooperation in Crisis Management: No Turkish Delight for the ESDP"; *Security Dialogue*, Vol. 33(1): 9-26. The presentation of this document is based upon the assessments made in Missiroli's article.

⁴ The Greek view as regards the Ankara/Istanbul II is that it cannot accept an agreement that was negotiated outside the EU's decision-making procedures. According the Greek Defence Minister Mr. Yannis Papantoniou: "Greece does not accept the fact that the EU should find itself under the jurisdiction of NATO for operations that

possible no later than the European Council meeting in Seville in June 2002. Such an agreement between the EU and NATO will take the form of an exchange of letters between the High Representative for the CFSP, Javier Solana, and NATO Secretary General Lord Robertson. The main reason behind such optimism is that an agreement is in everyone's interest: It will firmly anchor Turkey to the West and contribute to a future Turkish membership in the Union. NATO will also benefit, and somewhat revitalise the Alliance since the September 11 setbacks. Furthermore, the EU will become fully operational by 2003 so as to fulfil the Laeken Declaration, which says that it will be in "... a position to take on progressively more demanding operations, as the assets and capabilities at its disposal continue to develop".

do not depend on Alliance installations." Furthermore, Greece refuses that the "problem of bilateral relations between Greece and Turkey with regard to the Aegean Sea should be transferred to the heart of European defence". In an interview with the German daily, *Handelsblatt*, Greek Foreign Minister George Papandreou specified that "Turkey, as a member of NATO, has the right to be consulted on questions relating to European military might and its interests should be taken into account, but decisions can only be taken by EU members, and no-one else". For references, see *Atlantic News*, No. 3365 1 March 2002.

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