

Working Group VIII

Working document 17

WORKING GROUP VIII « DEFENCE »

Subject : Note by Mr Puiu Hasotti: "A New Momentum for the ESDP"

Members of the Working Group will find attached a note by Mr Puiu Hasotti, member of the Convention.

A New Momentum for the ESDP

Contribution by Mr. Puiu Hasotti, MP (Romania), Member of the Convention, to the Working Group “Defence”

I. Despite some certain steps forward in the field of the CFSP, in particular in the field of the ESDP, in the last years, the European foreign and security action is still determined by the lowest common denominator.

However, increasing both internal (more than 70 per cent of the EU citizens want the Union to play a more relevant role in the international arena) and external demands ask for the EU to take more responsibilities in the world.

The Convention offers an excellent opportunity to debate and to make proposals in that direction. I consider that **the successful outcome of the Convention will very much depend on the advance realized in the field of CFSP.**

As an integrated part of the CFSP, the ESDP should also be improved. We should integrate security and defense more effectively into the broader framework of the Union’s external action. The ESDP should be institutionally and politically integrated into the existing structures of the EU external action.

It is necessary to provide an adequate capacity, including a military one, in order to promote a genuine external policy.

The new security context after 11 September has made the ESDP a necessity, not only a simple option for the EU, for at least two reasons:

1. for security reasons: either the Europeans will be obliged to carry the future burden of peacekeeping and crisis management, at the request of the US, or the Europeans will be bound to address the new threats (terrorism and weapons of mass destruction, notably chemical and biological ones) that will make them more exposed.
2. for political reasons, that is to remain enough relevant to the USA in order to influence American policy.

At the same time, the events of 11 September reminded us that the internal and external security are very close connected. Fighting terrorism requires a broad range of instruments including policies in the fields of security and defense.

II. The ESDP is not only a military issue and therefore different aspects of the ESDP should be treated with different instruments:

1. For the **research, production and procurement of the armaments** the **Community instrument** is the most appropriate. The Union should be more efficient in respect of the armaments by pooling the capacities. A common research and industrial base would allow the EU to produce arms at lower costs. In this respect, one should revise article 296 ECT to allow armaments to be subject of the single market.
2. The EU should also develop a **common policy** in the **arms exports**.
3. For the **crisis management** a **combined instrument** is the most appropriate. One should also develop the **civilian crisis management** along with the military one. The Commission should play a major role in the implementation and coordination of civilian crisis management. The Commission should get the right of initiative in the field of crisis management.
4. For **prevention of conflict** there is a large range of instruments that could be used in order to meet the objectives (diplomacy, common trade policy, development aid, etc.). In this respect, the UE should encourage strengthening global security by non-military means such as respect for international law, cooperation within international institutions, and trust in multilateral agreements.
5. For **military operations** the most appropriate instrument is the **intergovernmental cooperation**. In this respect, the provisions of **enhanced cooperation** provided by the Treaty should be extended to the area of ESDP. We should guarantee through the Treaty a certain flexibility to allow creating the “**coalition of the willing**”, notably for the “out of area” military actions. Defense will have to continue to require **unanimity**, corrected by allowing **constructive abstention or enhanced cooperation**.

Strengthening the ESDP requires other Treaty revisions as follows:

1. A **mutual defense commitment** should be taken in consideration for incorporating it into the Treaty or as a Protocol to the Treaty. For the countries that are unable to adhere to such a commitment, the Treaty should give them the possibility of opting-in at a later stage.
2. A **commitment to closer cooperation on the planning of national armed forces** should be taken in consideration for incorporating into the Treaty.
3. We could define a **Pact of convergence for the defense expenditures**, a target that could be established in the Treaty or in a Protocol to the Treaty.
4. **The pillar structure should be abolished.**

At the same time other measures beyond the constitutional revision could be employed to improve the EU' s action in respect of the ESDP:

1. The **defense budgets should be increased**. Along with this, the national efforts in defense matters should be harmonized and common approaches should be encouraged **to make the best use of the money invested in defense**. Better coordination and mutual support are key requirements for European defense.
2. The EU should create a **specialist unit with responsibility for gathering and analysing information from national intelligence channels**. This unit should be placed under the control of Mr. ESDP/HR (see below).
3. **A European arms agency** should be established to develop a common policy in terms of research, production and procurement. Such a EU body, building on the existing agency for managing joint weapons programmes, OCCAR, could set priorities for equipment purchases for the various European armed forces. In this way the competition among defense suppliers will be stimulated and it will also help promoting a Europe arms market. The agency could work under the control of Mr. ESDP/HR (see below).
4. The **common training in military field** should be improved. In this respect the setting up of a **European Military Academy** should be taken in consideration.

III. At present the ESDP is part of the mandate of the HR for CFSP. There is a need to have a unified representation of the EU in the world and more cohesion and continuity in the field of CFPS. Among the conventionalists the idea of **merging the two posts - the HR and the Commissioner for External Relations** - has been gaining an increasing support. I also favor the idea. In my view, the new high official should become the **Vice-President of the Commission and at the same time the Chairman of the Council of Foreign Ministers**. He/she will be in fact the **European Ministry for Foreign Affairs**. The person will have two mandates, one from the Commission and one from the Council.

However, the person will be overstrained and he/she needs **a deputy to focus on the ESDP** and to assure at the same time that the latter is fully integrated in the CFSP. **The HR's deputy " - Mr. ESDP - will also have a double mandate, one from the Council and one from the Commission**. The person in charge with the ESDP will be the Chairman of the **new established Council of Defense Ministers** and the **new Commissioner for crisis management and armaments industries or the deputy of the Commissioner for External Relations** (the solution depends on the outcome of the reform of the Commission).

The tasks of the Mr. ESDP should be as follows:

- Mr. ESDP should chair the new created Council of Defense Ministers.
- Mr. ESDP should manage the EU' s military staff.
- As a deputy of HR, he/she should assist his/her leading role in crisis management policies.
- The deputy of the HR should sit on both the EU Military Committee and the Political and Security Committee.
- He/she should have the right of initiative in the common armament policy and in promoting a European defense market.
- Mr. ESDP should manage the relationship between the EU and the NATO and should establish close ties to the NATO' s Secretary General.
- Mr. ESDP should evaluate the suitability of the EU's military doctrine and institutions for the challenges it will face. In this respect he/she should make the case for change of the Petersberg tasks to the defense ministers (for example: fighting terrorism and combating the proliferation of weapons of mass destruction).
- Every year Mr. ESDP should publish a progress report on the EU's military assets.
- Mr. ESDP should also formulate the Strategic Concept of the ESDP that would define the circumstances when it is possible the use of force.