Following the initiatives taken at Helsinki, by the time of the European Council summit at Santa Maria da Feira (June 19–20, 2000), the EU had made major strides toward developing the modalities of the new ESDP, especially in a variety of areas designed to develop "a military crisis management capability as well as a civilian one." Two efforts, however, stand out: the ESDP’s relationship to third parties in Europe (NATO members and aspirants to join the EU) and its relationship directly with NATO. Throughout, the Portuguese Presidency Report to the council is careful to reiterate “the decision-making autonomy of the EU.”


2 The Santa Maria da Feira European Council Presidency Report also dealt with provisions for civilian crisis management, focusing especially on

- acting to prevent the eruption or escalation of conflicts; consolidating peace and internal stability in periods of transition; (and) ensuring complementarity between the military and civilian aspects of crisis management covering the full range of Petersberg tasks. . . . (Furthermore, this process could be built outwards step-by-step to cover a wide range of limited as well as complex civil crisis management operations (ibid., “Appendix 3, Study on Concrete Targets on Civilian Aspects of Crisis Management,” paragraph A).

Particular attention would be paid to creating a police capability (5,000 officers by 2003) and strengthening the rule of law, civilian administration, and civil protection (ibid., paragraphs B–D and Appendix 4).
Regarding ESDP’s relationship to third parties, the EU at Santa Maria da Feira set out a number of formal processes “to identify . . . arrangements for dialogue, consultation and cooperation on issues related to crisis management ensuring the decision-making autonomy of the EU.” As a matter of principle, “exchanges with the non-EU European NATO members” would be “when the subject matter requires it, such as on questions concerning the nature and functioning of EU-led operations using NATO assets and capabilities.” During the “interim period”—until final arrangements were made, slated to be agreed upon at the Nice summit in December 2000—there would be two meetings during each EU presidency between the EU and the 15 candidates for membership; and also two meetings with the 6 non-EU European NATO members. And for the “permanent phase” of ESDP, there would be EU+15 and EU+6 meetings during any “routine phase”—i.e., when there was no crisis to be considered. During an “operational phase,” the non-EU European NATO members could take part when there was “recourse to NATO assets and capabilities,” but they would have to be invited by the council to take part “when the EU does not use NATO assets.”

Other countries—candidates for EU admission—may also be invited . . . to take part in EU-led operations . . . [Every country taking part in an operation,] by deploying significant military forces, will have the same rights and obligations as the EU participating Member States in the day to day conduct of that operation, [although termination of an operation would be done solely by the council, after consultations with those other participating countries].

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3 Ibid., paragraph C.
4 Ibid., “Appendix I. Arrangements to Be Concluded by the Council on Modalities of Consultation and/or Participation That Will Allow the Non-EU European NATO Members and Other Countries Which Are Candidates for Accession to the EU to Contribute to EU Military Crisis Management,” paragraph 6.
5 Ibid., paragraphs 8–12.
6 Ibid., paragraphs 14–16.
7 Ibid., paragraph 19.
8 Ibid., paragraph 20.
9 Ibid., paragraph 22.
This tightly drawn “lawyer’s document” is notable for three features: The EU reserves control over all key elements of ESDP activities; non-EU European NATO members are ensured of participation only if NATO assets are used—thus potentially creating a political fissure among European states, however minor it might be in practical terms in view of the limited likelihood of any significant EU military operation under ESDP; and there is no mention in the document of any consultations with the United States or Canada. That lapse, in itself, was not confidence-inspiring in Washington; the message seemed clear—this effort is about Europeans, not about broader associations with the transatlantic world.

By the same token, according to the agreements at Santa Maria da Feira, EU “consultations and cooperation” with NATO were again premised on “full respect [for] the autonomy of EU decision-making.” But there was a useful—and virtually essential—bow to the importance of the Defense Capabilities Initiative: “EU-objectives in the field of military capabilities and those arising, for those countries concerned, from NATO’s [DCI], will be mutually reinforcing.”

The method chosen here was to propose to NATO four ad hoc working groups . . . [on] security issues, capabilities goals, modalities enabling EU access to NATO assets and capabilities and the definition of permanent arrangements for EU-NATO consultation.

They would tackle each of these issues:

- **Security:** The ad hoc working group should reach an agreement, especially regarding “information exchange and access by designated officials from the EU and its Member States to NATO planning structures.” This should lead to a EU-NATO security agreement.

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11 *Ibid., paragraph 2.
12 *Ibid., Annex I, paragraph D.
13 *Ibid., Annex I, Appendix 2, paragraph A.1.; also paragraph B.2(a).
• *Defining capability goals:* The group would devise modalities for the relationship to DCI, cited above, to “permit the EU to draw, as needed, on NATO military expertise.” Furthermore—as implicit testament to the practical value EU/ESDP seeks to gain from NATO—

Member States would use existing defence planning procedures including, as appropriate, those available in NATO and the Planning and Review Process of the PfP [Partnership for Peace].

• *EU access to NATO assets and capabilities:* The group would focus on two variants: when the EU would use NATO assets and when it would not, with the goal of drawing up an “agreement,” to “be ready by the time the EU becomes operational.” Notably, the document identifies where the EU thinks the difficulty lies: “The EU looks forward to substantial progress within NATO” [emphasis added].

• *Defining permanent arrangements:* The group would work out the nature of EU-NATO relations, “which would formalise structures and procedures for consultation between the two organisations in times of crisis and non-crisis.”

Given that these procedures were drafted by the EU, it is not surprising that they are very much focused on what the EU would want and expect from NATO, as well as on the means for the EU’s keeping control over its own processes, especially in regard to non-EU NATO members: Good drafting but not necessarily good politics. Except for a ritual bow to the importance of the Defense Capabilities Initiative, there is nothing offered in these modalities to reassure NATO (meaning Washington, in particular), including on issues relating to the avoidance of a bifurcation of security responsibilities between the two institutions, the possibility for NATO’s oversight of transferred assets, its right of recall of those assets, the importance of preserving the integrity of NATO’s command structure, etc. Indeed,

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14 Ibid., paragraph A.2.; also see paragraph B.2(b).
15 Ibid., paragraph A.3.; also see paragraph B.2(c).
16 Ibid., paragraph B.2(d). and paragraph A.4.
nowhere in the Feira *Presidency Conclusions* does the stock phrase “where NATO as a whole is not engaged” appear—although it could be argued that this was a “modalities” rather than a “policy” document; nevertheless, much policy lurks in modalities. A process was to begin; but its very presentation did not show the kind of sensitivity that the United States—and some other allies—had been looking for; it had too much of the “Europe-firsters,” and not enough leavening by countries on which the United States was relying to protect NATO interests. This illustrates some of the irony of the entire NATO–EU/ESDP process: Since fully 11 of the 15 ESDP members are also members of NATO, it must seem strange that so much of what is drafted by the EU appears as though no NATO-friendly hand had touched it.