In terms of developing confidence in the United States about the future of ESDP, the European Council that convened at Nice two days after Cohen’s comments was important as much for what it did not do as for what it did. First, it accomplished several major steps forward in developing the institutions for the European Security and Defense Policy—designed “to enable the European Union to assume its responsibilities for crisis management as a whole.”¹ These steps focused on the elaboration of the Political and Security Committee (PSC), the Military Committee of the European Union (EUMC), and the Military Staff of the European Union (EUMS). The composition, structure, duties, and operations of each were spelled out in great detail—indeed, to a detail rarely seen even in descriptions of the workings of comparable NATO bodies.² To be sure, these elaborations were carefully embedded in what, since Helsinki a year earlier, was now-standard language about

where NATO as a whole is not engaged. . . . This does not involve the establishment of a European army. . . . NATO remains the basis for the collective defence of its members and will continue to play an


²Ibid. The document also made a number of other significant decisions, including for civilian aspects of crisis management. Notably, the EU “confirmed its intention of itself assuming the crisis-management function of the WEU.” This included the creation of a satellite center and an institute for security studies to incorporate existing WEU bodies. Ibid., “Annex VI, V. Inclusion in the EU of the Appropriate Functions of the WEU.”
important role in crisis management. The development of the ESDP will contribute to the vitality of a renewed Transatlantic link . . . lead[ing] to a genuine strategic partnership between the EU and NATO in the management of crises with due regard for the two organisations’ decision-making autonomy [etc.].

In noting the results of the Capabilities Commitments Conference on November 20, Nice also “signalled [the member states’] determination to make the necessary efforts to improve their operational capabilities further,” focusing on “command and control, intelligence and strategic air and naval transport capabilities”—three areas where, under Berlin and Berlin-plus, the Europeans would have to rely heavily on NATO (and also the United States).

Notably, as well, the Nice council meeting stressed the cooperation that had been built up with NATO during 2000, especially on “the principles for consultation, cooperation and transparency [sic] with NATO and the modalities for EU access to NATO assets and capabilities (Berlin plus).” But it also stressed that the burden of continuing effort lay with NATO: “The EU hopes for a favourable reaction from NATO so that these arrangements can be implemented on a mutu-

——

3Ibid., “Introduction.” The document also was careful to introduce a principle that had bedeviled NATO at the time of the Kosovo Conflict: “The efforts made will enable Europeans in particular to respond more effectively and more coherently to requests from leading organisations such as the UN or the OSCE” (ibid.). This related to the issue of “mandate” for action. NATO had faced the problem of embarking on what it considered to be necessary military action in regard to Kosovo, for moral as well as political reasons, but could not obtain the formal blessing either from the OSCE or the United Nations Security Council, under Chapter VII of the UN Charter. This was deeply troubling to many European countries, viewing the problem against the background of experience, in particular from the first half of the 20th century. In the end, NATO worked out a compromise whereby each member state decided for itself the juridical basis for the “mandate”; but few were happy with the compromise; and the language cited here, while not “prohibitive”—that is, it does not limit EU action through ESDP to “requests” from “leading organisations”—the implication is clear that that would be the preferred course. The point was reinforced with what, on other occasions, would seem to be just “boilerplate” language: “The European Union recognises the primary responsibility of the United Nations Security Council for maintaining peace and international security” (ibid.).

4Ibid., “I. The Development of Military Capabilities and the Strengthening of Civil Crisis Management Capabilities: (1) Elaboration of the headline goal and of the military capability goals established in Helsinki.”

5Ibid.

6Ibid., “IV. Permanent Arrangements for EU-NATO Consultation and Cooperation.”
ally satisfactory basis; and it laid a heavy emphasis on what NATO could provide:

The EU reiterates the importance which it attaches to being able, when necessary, to make use of the assured access to NATO's planning capabilities and to the presumption of availability of NATO's assets and capabilities. Further, the EU noted that member states concerned, i.e. NATO allies, will also deploy existing defence planning procedures, including, if appropriate, those of NATO and of the planning and review process (PARP) of the Partnership for Peace.

This—in the realm of what Nice did not do—was about as close as the European Council came to acknowledging both Secretary Cohen's criticisms of the ESDP’s potential planning mechanisms or his proposal for a European Security and Defense Planning System. Indeed, in one of the complex annexes to the Nice Presidency Conclusions, the EU member states clearly drew a distinction between situations where NATO assets and capabilities would be involved and where they would not be. In the former instance, "operational planning will be carried out by the Alliance's planning bodies," but "for an autonomous EU operation it will be carried out within one of the European strategic level headquarters." In the former case, non-EU European allies would be involved in planning according to NATO procedures. But in the latter case, where these non-EU NATO allies "are invited to take part," they (and candidates to join the EU) could send "liaison officers . . . for exchanges of information on operational planning and the contributions [by them] envisaged."

---

7Ibid. It went on to say: "When the Union examines options with a view to an operation, the establishing of its strategic military options can involve a contribution by NATO's planning capabilities."

8Ibid., "EU Review Mechanism Goals," paragraph 5.

9Ibid., "Annex VI to Annex VI, Arrangements Concerning Non-EU European NATO Members and Other Countries Which Are Candidates for Accession to the EU, III. Arrangements During Crisis Periods: (B) Operations Phase." The European Union Military Staff Organisation would have "three main operational functions: early warning, situation assessment and strategic planning," On the last named, "It carries out the military aspects of strategic advance planning for Petersberg missions." And in crisis management situations, it defines initial broad options, among other things: "drawing as appropriate on planning support from external sources which will analyse
This one formulation carried a double worry for various NATO allies. For the United States (and others concerned about the coherence of NATO and its relations with the EU/ESDP), the operational planning functions were clearly to be contingent on the type of operation being undertaken, and in particular whether NATO assets were or were not to be requested: a step, it could be argued, that would or would not be taken well down the line after serious planning had already taken place. From NATO’s point of view, the process was backwards: It should be joint planning first, then deciding who would undertake an operation (NATO or the European Union), then considering whether NATO assets would be needed and hence transferred, and then undertaking any subsequent planning—but again, from NATO’s point of view, not done by any body not fully, regularly, and consistently “transparent” to NATO planners and procedures. To put the point even more directly: This issue of the locus of planning could create a serious impediment to making decisions on the basis of the agreed principle of “where NATO as a whole is not engaged.” That bridge could not be crossed until NATO had a chance to review a situation, plan for it, and then judge whether it would or would not be engaged; the ESDP proposal for a bifurcated planning system presupposed that the “NATO engaged” issue had been decided even before the locus for planning could be agreed upon.10 Furthermore, by EU reasoning, there was to be a one-way street in practice:

In the field of operational planning, the Military Staff of the [NATO] Alliance with responsibility for handling EU requests will be accessible to experts from the Member States who also wish without discrimination.11

and further develop these options in more detail” (ibid., “Annex V to Annex VI, European Union Military Staff Organisation, 4. Functions”).

10 The EU proposals for consultations with NATO in the event of a crisis also have a highly cumbersome quality that raised questions about whether they could work in “the real world” or would exist more for show than substance. See ibid., “Annex VII to Annex VI, Standing Arrangements for Consultation and Cooperation Between the EU and NATO, III. NATO/EU Relations in Times of Crisis, (A) and (B).”

There was nothing about a reciprocal right for NATO in regard to any EU planning, including that conducted by national headquarters. In all, no serious military strategist or planner could endorse such a set of procedures for two institutions that sought to be able to work together.

This ESDP planning formulation at Nice also had particular implications for “non-EU NATO members,” of which Turkey was most concerned and most vocal. By the same logic as that above, the decision about whether a country like Turkey were to be engaged in an EU-led operation would come relatively late in the day, in terms of the overall process. Thus,

once the EU begins to examine in depth an option requiring the use of NATO assets and capabilities, particular attention will be paid to consultation of the six non-EU European NATO members.\footnote{12Ibid., “(A) Pre-Operational Phase.”} [Furthermore, it would only be after] . . . the Council has chosen the strategic military option(s) \footnote{13Ibid., “(B) Operational Phase.”} [that] the operational planning work will be presented to the non-EU European NATO members . . . to enable them to determine the nature and volume of the contribution they could make.\footnote{14Ibid.}

Only then might the outsiders be invited to take part in an operation;\footnote{15Ibid., “(C) Committee of Contributors.”} they would be able to take part in a committee of contributors, to “play a key role in the day-to-day management of the operation,”\footnote{16Ibid.} although it would be the Political and Security Committee that would exercise “the political control and strategic direction of the operation,” but which would “take account of the views expressed by the Committee of Contributors.”\footnote{17One of the most torturous related to the review mechanism for military capabilities (ibid., “Appendix to Annex I to Annex VI, Achievement of the Headline Goal . . . Principles”).}
the European Union (despite having notionally been put on the list of prospective entrants at the Helsinki European Council summit meeting in December 1999), these arrangements smacked very much of another form of exclusion—by bureaucratic process. Furthermore, without full engagement in what the EU was doing, Turkey might find that an operation were being conducted in a contiguous region, affecting its interests, but without its active participation in all phases. Thus, as noted earlier, at the NATO foreign ministers’ meeting in Brussels on December 14–15, 2000, Turkey placed a hold on completing work within NATO on developing cooperative arrangements with the EU, under ESDP. Although a wide range of these arrangements were in fact agreed upon and pledges made about completing permanent arrangements between NATO and the EU,18

Concerning relations with third countries: (1) the mechanism will ensure that the contributions of European States which are members of NATO but not part of the EU, and of the application countries, are taken into account, in order to enable an evaluation to be made of their complementary commitments which contribute to the improvement of European capabilities, and to facilitate their possible participation in EU-led operations in accordance with the Helsinki and Feira decisions.

However, any such contributions of forces by states such as these “will be examined, in conjunction with the nations concerned, on the basis of the same criteria as those applying to Member States’ contributions” (ibid., “Relations with Third Countries”).


Subject to this [principle that nothing is agreed until everything is agreed], we intend to put in place arrangements for: assured EU access to NATO planning capabilities able to contribute to military planning for EU-led operations; the presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations; the identification of a range of European command options for EU-led operations, further developing the role of Deputy SACEUR in order for him to assume fully and effectively his European responsibilities; and the further adaptation of the Alliance’s defence planning system, taking account of relevant activities in and proposals from the European Union. Allies will be consulted on the EU’s proposed use of assets and capabilities, prior to the decision to release these assets and capabilities, and kept informed during the operation.

Also, ibid., paragraph 31:

Furthermore, [regarding permanent arrangements on meetings and consultations, etc.] to ensure full transparency, consultation and co-operation between NATO and the EU . . . , the Alliance agrees that these proposals
NATO “proceeded on the principle that nothing will be agreed until everything is agreed—the participation issue is also relevant in this context”;19 and the issue of EU access to NATO planning was the linchpin. The practical effect was that the complex efforts to elaborate—or overly elaborate—ESDP institutions had produced a political setback in relations with at least one NATO country, which probably had more covert support among other allies than its apparent isolation indicated. Notably, the EU’s silence on Secretary Cohen’s proposal for workable planning cooperation could be expected to color U.S. thinking about a supposed Turkish “obstruction.”20

Furthermore, the United States could not be oblivious to internal differences within the European Union. Thus, the French continued to nibble at the edges of existing agreements. At Nice, for instance, President Chirac reportedly argued that the Headline Goal Task Force “should be independent from NATO’s military headquarters.” But, according to the same sources, under British pressure he later said that “EU efforts were intended to ‘complement’ NATO.”21 Notably, from the perspective of a U.S. government seeking to line

constitute the basis for the permanent NATO/EU agreement. We stand ready to work to finalise this agreement without delay.

19Ibid. The communiqué stated further that:

We underline, as we did at the Washington Summit and subsequent Ministerial meetings, the importance of finding solutions satisfactory to all Allies to the issue of participation. We note the provisions agreed by the European Council at Nice for dialogue, consultation and co-operation with non-EU European Allies on issues related to security and defence policy and crisis management and as well as the modalities for participation in EU-led military operations. We welcome the commitment to intensify consultation in times of crisis, which will also enable non-EU European Allies to raise their concerns when they consider their security interests might be involved. It is particularly important in this context that non-EU European Allies can request meetings with the European Union and submit proposals for agenda items (ibid., paragraph 32).

20However, at the EU-U.S. summit in Washington, D.C., on December 18, the communiqué said simply on this point that “the U.S. notes with appreciation the arrangements offered by the EU for its relationship with NATO European allies.” See European Union, Highlights of EU-U.S. Cooperation Under the New Transatlantic Agenda, December 18, 2000, www.europa.eu.int/comm/external_relations/us/summit12_00/nta.htm.

up European support for its position, it was perhaps fortuitous that the British Conservative Party took on the Blair government over ESDP, thus seeming to stiffen the position of the British government in tilting toward its American connection as opposed to that with France.\(^{22}\)

\(^{22}\)See, for example, Sir John Weston, “EU Defence Force ‘Could Lead to the Break-up of NATO,’” *Daily Telegraph*, January 11, 2001; Alexander Nicoll, "European Force ‘No Rival to NATO’," *Financial Times*, November 30, 2000; and Ben Fenton and George Jones, “Pentagon Chief Sends for Tory,” *Daily Telegraph*, February 17, 2001. This last article is remarkable less for its reportage on concerns expressed in the Pentagon and on Capitol Hill about ESDP than for what it says about the *Telegraph’s* part in British party politics on this issue.