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**Research Report**

## The european security and defence policy: A factor of influence on the actions of Romania in the field of security and defence

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# **European Institute of Romania**

## **Study no. 4**

### **THE EUROPEAN SECURITY AND DEFENCE POLICY – A FACTOR OF INFLUENCE ON THE ACTIONS OF ROMANIA IN THE FIELD OF SECURITY AND DEFENCE**

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# **1. The new international security environment from the European perspective**

## **1.1 The general context**

The unprecedented time of peace and stability Europe has been enjoying at the end of the 20th century and the beginning of the 21st has been made possible by the existence of the European Union. The EU has brought about not only a high level of economic prosperity on the continent but also a new approach in security issues, based on peaceful resolution of crises and on multilateral international cooperation within the framework of common institutions<sup>1</sup>.

There is no doubt that the United States played a crucial role in ensuring the security of Europe both by supporting the European integration and by security commitments to Europe undertaken within the NATO.

In contrast to these positive evolutions in the Western part of the continent, in other parts of Europe and especially in the Balkans a series of crises occurred after 1990 in the context of the geopolitical rearrangements following the end of the Cold War. An essential feature of these crises was that they were taking place more often within states than among them. European armed forces were sent abroad – including in regions such as Afghanistan, the Democratic Republic of Congo or East Timor – in this period more than in any other.

The end of the Cold War brought about a uni-polar world - at least military-wise – in which the United States enjoy a dominant position at great distance from any other state. However, the events that took place during the period 1990 – 2004 made it clear that no state, not even a superpower like the United States can tackle the global security problems by itself.

In this context, after 1990 and especially after 1998 the European Union stepped up its efforts of strengthening security and defining a European Defence dimension. Developing a common foreign and security policy included the idea of outlining a common defence policy, idea stated out explicitly in the Amsterdam Treaty.

At the same time, the European Union main concerns have been related to finalizing its internal institutional reforms, especially in the context of the enlargement, and also to finalizing the debates on the political structure of the future Europe. These debates, at least those regarding the Draft Constitution of Europe have reasonable chances of being closed during the first half of 2004.

Beginning with May 1st 2004, the European Union is defined as a union of 25 states with a total of approx. 450 million inhabitants and producing approx. 25% of the global GDP. Being thus a global economic player, the European Union will have to

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<sup>1</sup>Javier Solana, *A Secure Europe in a Better World*, Thessaloniki European Council, June 20, 2003, la <http://www.eu.int/oressdata/EN/reports/76255.pdf>.

define for itself a more substantial participation in the mechanisms for ensuring global security, even if the actual forms of this implication are not yet clearly stated.

Worldwide it can be said that the international security environment has evolved after 1990 towards an increase of the complexity and interdependences in international relations. Subsequently, international stability cannot be conceived otherwise than being based on cooperation in various fields and especially on dialogue within an institutionalised framework, by increasing the involvement of large international organisations in defining the world's security<sup>2</sup>.

During the 1990's cooperation and institutionalised dialogue were particularly manifest within the following organisations:

- NATO played an essential role in strengthening euro-atlantic security after the end of the Cold War. NATO initiated and developed the political and military partnership, cooperation and consolidated dialogue with former adversaries, including Romania; it opened up the possibility of receiving new members; it substantiated its commitment for conflict prevention and crisis management, also by peace-keeping operations (e.g. in the Balkans).
- UN, especially through the Security Council, proved to be an important actor in the international dialogue on global security and stability. This was reinforced by the awarding of the Nobel Peace Prize in 2001, to the United Nations Organisation and its Secretary General.
- OSCE which represented the most comprehensive regional security institution (including all European states, Canada and the United States) and played an important role in promoting peace and stability, in strengthening security through cooperation and in promoting democracy and human rights throughout Europe. The contribution of OSCE contribution was particularly manifest in diplomacy, conflict prevention and post-conflict rehabilitation.

Following the end of the Cold War the international environment has been characterised by an increasing openness in multiple directions. Consequent to the developing of international commercial and investment flows, to technological progress and the spread of democracy, a growing number of states, nations and peoples have enjoyed the benefits of liberty and prosperity.

However, these positive evolutions were somehow correlated with a greater involvement of non-stately groups and entities. At the same time, many previous problems remained unsolved and others became acute. Thus, regional conflicts continued to be a major source of instability and to negatively influence economic activities. Conflict areas such as those in Kashmir, the Korean Peninsula or the Middle East influenced the interests of the European Union both directly and indirectly.

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<sup>2</sup> See *The National Security Strategy of Romania*, the section on the international security environment, at <http://www.mapn.ro/strategiasecuritate/strategsecuritmediul.html>.

These international circumstances raise the need for new rules in international security. However, redefining those rules after the collapse of the bi-polar order poses numerous problems, not only practical but also conceptual, including for the United States currently in the position of sole super-power.

These difficulties are determined by current developments such as:

- The international environment has become much more dynamic and complex than in the Cold War period;
- The lack of consensus on approaching international security created an opening for various interest groups to manifest themselves at all levels, which prevented the elaboration of consistent policies;
- Due to real-time access to information (the so-called “CNN effect”), political leaders often have to make on-the spot decisions which do not allow for proper evaluation;
- The proliferation of specialised institutions at national and international level with specific ways of approaching problems and producing fragmented analyses and decisions;
- The lack of a reasonable “security model” acceptable for the majority of countries favoured ad-hoc reactions and local, uncoordinated approaches.

For all practical purposes the players with global impact on security at the beginning of the 21<sup>st</sup> century are the United States, Europe, Russia, China and Japan. An interesting perspective is that of Zbigniew Brzezinski in whose opinion the essence of the new world security structure lies in the relation between the US and Eurasia (which comprises, beside Europe, all the other countries mentioned above)<sup>3</sup>. Within this relation two triangles of Eurasiatic power can be identified:

- US, Europe, Russia;
- US, China, Japan.

The most pertinent observation concerning the two triangles of power is that, in each of them, one of the powers (Europe and Japan respectively) are clearly interested in stability and international security whereas one of the other powers (Russia and China respectively) remain open to and interested in potential geopolitical changes.

Another point of view, complementary to the previous one, considers that at the origin of the “new schism” there lies the tension developed between two “fields” of power, structured on opposing principles: on one side, the United States of America, supporting uni-polarity and on the other side, the other major players in the international arena – EU, Russia, China, Japan – supporting multi-polarity<sup>4</sup>.

From the perspective of the year 2004, the international security environment is also characterised by the disappearance of boundaries between internal and external threats.

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<sup>3</sup> Zbigniew Brzezinski (ed.), *The Geostrategic Triad – Living with China, Europe and Russia*, The Center for Strategic and International Studies Press, The CSIS Press, Washington, DC, 2001.

<sup>4</sup> See the Foreword by Adrian Pop to *Puteri și influențe*, Beaumarchais Center for International Research, Editura Corint, Bucharest, 2001, p. 7.

Globalisation, manifest in the form of increased interdependencies among states and of liberalised global flows of goods, services, capital and information has been causing internal and external risks to mutually generate and reinforce themselves.

On the background of increased complexity and unpredictability of international threats, improving the international security environment requires that internal measures of crisis management be better coordinated and that the exchange of strategic information among the states involved take place in real-time.

After September 11<sup>th</sup> 2001 and March 11<sup>th</sup> 2004 more than ever, the risks for the international security environment and particularly those connected to the spread of terrorism and proliferation of weapons of mass destruction must be combated by means of a flexible, multilateral, balanced and consistent cooperation among states, that includes measures for the gradual elimination of the causes for these threats.

## **1.2 Dynamics of international conflicts after 1990**

During the 1990 – 2000 period, a number of 56 major armed conflicts occurred worldwide in 44 different locations. Most of them took place between 1990 – 1994, when the annual number of major armed conflicts ranged from 30 to 33 and the least number of conflicts happened in 1996 and 1997: 23 and 19 conflicts, respectively<sup>5</sup>. (Figure 1)

Of the above-mentioned total for the 1990 – 2000 period, only 3 conflicts had states as protagonists: Iraq vs. Kuwait (1990); India vs. Pakistan (2000); Eritrea vs. Ethiopia (2000).

In the rest of 53 cases these were internal conflicts induced by *coups d'état* or by military expeditions aimed at conquering territories. In 14 cases there was foreign intervention in support of one party or the other.

The year 2001 was marked by the terrorist attacks on New York and the subsequent offensive of the US-led international coalition against Taliban religious groups in Afghanistan. The military operations continued in Afghanistan in 2002 and 2003 without any indication of their coming to an end. The year 2002 witnessed the occurrence of 37 wars, all civil wars in principle but often involving armed forces belonging to third-party states<sup>6</sup>.

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<sup>5</sup> See *Armed Conflicts Report 2001*, Project Ploughshares, Waterloo, Ontario, 2002.

<sup>6</sup> Ernie Regehr, *Introduction*, in *Armed Conflicts Report 2003*, Project Ploughshares, Waterloo, Ontario, 2004.





Figure 1.

2003 was the year of the pre-emptive strike on Iraq which was among the first applications of the concept of pre-emptive strike stated in the new National Security Strategy of the US, released on September 20<sup>th</sup> 2002. The war in Iraq put an end to Saddam Hussein's oppressive regime of military dictatorship. It also "inflamed" an already sensitive region and placed the tensions between the Muslim world and the West in a larger and more acute framework. Last but not least, the concept of "pre-emptive strike" created a potentially very dangerous precedent, as other states might invoke such an argument in the future to justify the use of force.

The above-mentioned conflicts all displayed a series of specific characteristics among which we mention:

- The occurrence of civilian casualties, apparently justified as "collateral damage". Approx. 4 million people died in wars since 1990, 90% of whom were civilians. Additionally, over 18 million people worldwide were forced to leave their home or country as a result of conflicts. In the armed conflicts after 1990 the percentage of civilian, non-combatant victims ranged from 65 to 90% (of which 35% were men and women below 16 years old or above 50);
- The escalation of armed confrontations between tribes, religious or ethnic groups, mainly resulting from the erosion of state structures. These confrontations led to implicit or explicit threats by certain groups of interests or even central authorities, the aim being not so much military as oriented towards goals and interests of particular local communities;
- The increased risk of children being armed and involved in military operations;
- The rise in trade of conventional weapons, especially small arms and light weapons, which thus "migrated" to new conflict agents who, more often than not, overlooked the rules of international arms trade;

- The increased risk of terrorist using of radioactive materials (“dirty bombs”) as well as biological or chemical substances;
- The proliferation of conflicts aimed at gaining control of oil and gas resources, access to limited sources of water crossing more than one country or monopoly on exporting raw materials and minerals;<sup>7</sup>
- The appearance of an explicit nuclear risk due to North Korea’s programme of nuclear armament.

### **1.3 The new threats to world security**

After 1990, with the end of the Cold War and the disappearance of the bi-polar structure of world power, an increasing number of countries or entities constituted on various criteria (ethnic, religious, historic etc) gained better and better access to more sophisticated armament, from missile-launching devices to chemical or bacterial weapons.

On the other hand, the end of the Cold War, the collapse of the Soviet Union and with it, of the Warsaw Treaty significantly changed the framework of conflicts and of the international arms trade. These changes made some governments and armed groups to seek to ensure their security independently, either by arms production and trade or by political and military alliances. At the same time, international terrorism became manifest in an unprecedented manner, the symbol of this being the attack on September 11<sup>th</sup> of the Twin Towers from the World Trade Centre, New York.

It can be said that the global armament market was “liberalised” and this led to an escalation of illegal arms trade. The “liberalisation” of market in defence and security also caused the decentralisation of leadership and control over the armed forces in many countries, as well as the artificial fuelling of armed conflicts in many regions of the world.

The growth in arms trade in the first decade of the 21<sup>st</sup> century is due, among other factors, to the existing arms surplus at the end of the Cold War.

After 1990 the new threats comprised a large scope of risks and tensions and also a wide range of manifestations for these risks and tensions, such as:

- ethnic tensions;
- traffic of drugs, radioactive materials, human beings;
- trans-border organised crime;
- political instability in certain areas ;
- re-arrangement of some spheres of influence;
- proliferation of weak state entities , the so-called “failed states”, characterised by inefficient and corrupt administrations, incapable of providing to their citizens the benefits of joint administration of political matters;

A new category of risks are the unconventional, asymmetrical ones, which may consist of armed or non-armed deliberate actions aimed at affecting the national security

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<sup>7</sup> Michael T. Klare, *The New Landscape of Global Conflict*, Henry Holt, New York, 2001; idem, „The Geography of Conflict”, in *Foreign Affairs*, Vol. 80, No. 3, May/June 2001, pp. 49-61.

by provoking direct or indirect consequences over a country's economic and social life. Among such risks are<sup>8</sup>:

- transnational and international political terrorism, including its biological and cybernetic forms;
- attempts upon the safety of internal and international transport systems;
- individual or collective actions of illegal accessing of IT systems;
- actions aimed at affecting a country's international image;
- economic and financial aggression;
- deliberate causing of ecologic catastrophes.

At the origin of many conflicts lay an inefficient administration, corruption, the abuse of power, weak institutions and lack of responsibility which eroded the credibility of states and led to regional insecurity. From this point of view, many regions and countries at present risk to be drawn into spirals of conflict, insecurity and poverty.

A new-type risk, of which the recrudescence has been signalled at the beginning of 2004<sup>9</sup>, refers to drastic climate changes foreseen by scientists for the next decades. These can determine social unrest or intensify migration, even leading to military conflicts in some scenarios.

Energy dependence may represent another risk factor. Europe is the world's largest importer of oil and natural gas, the majority of suppliers coming from the Persian Gulf, Russia or Northern Africa. At present imports make for 50% of Europe's energy needs – in 2030 this percentage will have raised to 70%.

#### **1.4 The new threats to security from the European perspective**

At present the European Union does not seem to be threatened by classic-type conflicts consisting of armed attacks on a large scale, yet there is a whole series of other threats looming on the horizon, each of them relatively diffuse and hard to predict - which makes them even harder to thwart.

From an European point of view, there are three such threats of particular concern:

- **International terrorism** which represents a strategic menace. This new type of terrorism is tied to fundamentalist religious movements with particularly complex causes. Beyond the immediate dangers, terrorism is threatening the very openness and tolerance specific to democratic societies. The new type of terrorism differs from that of previous decades in that it seems to make use of unlimited violence and aim to cause massive losses. From this derives its interest in weapons of mass destruction. To this type of terrorism, exemplified by the Al-Qaeda network, Europe is as much a target as it is a base for launching attacks.
- **The proliferation of weapons of mass destruction** represents the most serious threat to the peace and security of countries and peoples. Until the beginning of the 1990's the international treaties and the control on strategic exports managed to contain the spread of these weapons but at present they are proliferating in a most alarming manner, especially in the Middle East area. The dissemination of

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<sup>8</sup> *Strategia de Securitate Națională a României*, la <http://www.mapn.ro/strategiasecuritate>.

<sup>9</sup> Mark Townsend, Paul Harris, "Now the Pentagon Tells Bush: Climate Change Will Destroy Us", in *The Observer*, February 22, 2004.

the technology for carrier missiles will amplify instability and create a series of supplementary risks for Europe. The seriousness of these risks resides in the fact that a relatively small terrorist group can, by using WMD, cause losses which previously could only have been provoked by armies of national states.

- **Failed states and the growth of organised crime.** In some parts of the world (Somalia, Liberia, Afghanistan, Bosnia - Herzegovina, Serbia and Montenegro, Kosovo, etc), the existence of failed states, civil conflicts and the access to weapons caused the strengthening of organised crime. These situations represent threats to security in that they support trafficking of drugs and human beings. Many of these threats to the security of Europe lie in the Western Balkans or Eastern Europe or transit through the Balkans, Eastern Europe and Central Asia.

### **1.5 Possible solutions to the new threats**

In answer to these new dangers and threats, the states of the world and primarily those with significant military potential envisage new principles of organising regional and global security that will prove to be new opportunities for peace, based on:

- democracy;
- good governance;
- the rule of law.

The right to self-defence and self-determination are well-defined and supported by the international law and recourse to weapons in their defence has happened for thousands of years. Within the new approach on regional and global security, however, it is considered that there must be a close link between globalization and international security, on the one hand, and democratisation and the respect of human rights and rights of the minorities, on the other hand.

In answer to the increasing number of conflicts and risks of international terrorism it became clear that democracy in the 21<sup>st</sup> century must also allow for a worldwide framework of peaceful coexistence.

Democracy, good governance and the rule of law, as new principles of global security, require that in the framework of international relations, states must be able to acknowledge the existence of diverging interests without recourse to the use of force as method of solving the conflicts.

After 1990 and especially with the beginning of the 21<sup>st</sup> century, conflict prevention and securing world peace have been and continue to be priorities on the agendas of the UN, the G-8 Group, the EU and the OSCE. In the year 2000 alone the issues of global security were debated as priorities in three UN conferences and several international conferences.

The opportunities of defining a stable and peaceful framework for the development of world states are supported by several ongoing processes in which the balance of powers globally is being rearranged:

- the process of “crystallisation” of Europe as a centre of power and stability and its consequent actions;

- the defining of new dimensions in the relations of ensuring security among the EU and NATO, on the one hand and among the European allies and the US within NATO, on the other hand;
- the interdependence of strategic interests of democracies worldwide which cannot prosper but in a world without violence and conflict.

It is therefore becoming obvious that the security interests and objectives of states can only be achieved through international cooperation, manifest not only in crisis situations such as the aftermath of September 11 2001 or March 11 2004, but also in the current development of economic, social and financial relations.

Counteracting the new threats requires that the states of the world work together in all fields of activity, by establishing frameworks for joint action in which all nations sharing common interests and values can bring their contribution.

### **1.6 Strategic goals for European security**

Confronted with the new security challenges, Europe can prove to be an agent for stability, both directly and indirectly, as the risks of a classic military conflict on its territory have significantly diminished.

The explanation for this state of fact is twofold:

- the present security interests and objectives of European states are not conflict – inducing, on the contrary, they foster cooperation and solidarity;
- the international security environment is positively influenced by the European and euro-atlantic processes of integration, or better said by the expansion of the community of states which share and promote the values of democracy and market economy, within the framework of intensified regional cooperation;

There are three strategic objectives that the EU has assumed and can use to counteract the new security threats:

- **ensuring stability and good governance in the immediate neighbourhood.** This will imply extending the security area around Europe and seeing that the states in the region (Eastern Europe, Western Balkans, the Mediterranean) benefit from good governance. The attainment of this goal will also require the continuation and developing of Europe's contribution to ending the Arab – Israeli conflict.
- **the establishing of a world order based on effective multilateralism.** In a world defined by globalisation (global threats, global markets, global mass-media), security and prosperity depend on the existence of an efficient multilateral system. This is why one of the main objectives of the European Union must be the development of a powerful international system supported by effective international institutions and by an international order instituted by law - first and foremost, by the principles of the United Nations Charter. The quality of the international system depends on the quality of participating governments. The best defence for European security is a world of well governed democratic states. Thus, the best means for strengthening world order are the dissemination of good governance, fighting corruption and abuses of power, instituting the rule of law

and the protection of human rights. In this context, a fundamental element of the new world order is the transatlantic cooperation within NATO ;

- **preparing an answer to the classical or new threats.** This answer included the anti-terrorist measures taken after September 11 2001, supporting the non-proliferation of WMD and assisting failed or weak states in the Balkans, Afghanistan, East Timor and Africa (the Democratic Republic of Congo). Identifying solutions to the new threats must begin with considering their nature and conditions: they are often located at greater distances, are more dynamic and more complex than traditional dangers. Consequently, the lines of defence will have to be located abroad more often than not; the dynamic character will mean a shift of emphasis toward prevention of crises; complexity will require comprehensive action which will include export control, economic, political and even military pressure. The European Union has all the necessary tools for the adoption of such complex solutions.

In order to increase the effectiveness of the security and defence policy of the European Union it is necessary that it become more proactive in reaching its objectives by civil or military means, more coherent in coordinating its efforts and ensuring the unity of command in crisis situations, more powerful and efficient by allocation of greater resources, avoiding duplications, better coordination of the existing capabilities.

The pursuit of the European security and defence objectives will make it necessary that privileged relations be maintained with the United States. However, at the same time the EU will have to develop cooperation with other important players in the world security. Strategic relations will be established with Russia, Japan, China, Canada and India without any of these becoming exclusive. Furthermore, the European Union will have to remain open to involvement in active partnerships with any country sharing its goals and values and ready to act in their defence. By this approach the EU can bring a major contribution to the establishing of a multilateral security system that would allow the building of a more prosperous, fairer and safer world.

## **2. The European Security and Defence Policy – precedents, basic concepts and dynamic**

### **2.1 From the Treaty of Brussels to the European Single Act**

The first stage in the project of a common European defence began with the signing of the Treaty for Collective Defence in Brussels by five western European countries: France, Great Britain, Belgium, Luxemburg and the Netherlands, on March 17 1948. However, the subsequent development of the initiative was influenced and even shaped to a considerable extent by the founding, in April 4 1949, of NATO.

At the beginning of the 1950's, the US established a plan for the re-arming of the Federal Republic of Germany, which roused the strong opposition of France. In order to avert fears of restoring the German army only years after the end of the second World War and to strongly connect the re-arming of F.R. of Germany to the building of an integrated Europe, France presented a counter-plan to the American initiative in October 1950: the Pleven Plan; it proposed the establishment of a European Defence Community (EDC). It would have been the correspondent in the defence area of the European Community of Coal and Steel (ECCS), set up on April 18, 1951. After heated debates and intense negotiations, the Treaty that would have constituted the EDC was signed by the six founding states of ECCS – France, Belgium, Holland, Luxemburg, Italy and the Federal Republic of Germany. The EDC project stipulated the setting up of a fully integrated European army (with a unique uniform and flag), made up of 40 divisions (14 French, 12 German, 11 Italian and 3 from the Benelux countries), under the authority of a European Minister of Defence. Also, in September 1952 negotiations began for the implementation of Art. 38 in the EDC Treaty stipulating the institution of a consolidated democratic control over the new Community. This would have developed into a European Political Community based on a system of institutions for joint decision-making.

If the two foreseen Communities would have come into operation, the European integration would have been close to reaching the state of confederation. But on August 30 1954, the National Assembly of France (the French Parliament) refused to ratify the treaty instituting the European Defence Community, therefore causing both projects to become obsolete <sup>1</sup>.

Subsequently, on October 23 1954, following the conclusion of the Paris Agreements which modified the Treaty of Brussels so as to allow Federal Germany to participate in NATO under conditions acceptable to its neighbours, two more western-European states, former enemies during the Second World war joined the five signatories of the Treaty of Brussels: Italy and Federal Germany. The new organisation was named the Western Europe Union (WEU).

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<sup>1</sup> Charlotte Bretherton and John Vogler, *The European Union as a Global Actor*, Routledge, London and New York, 1999, p. 200. Vezi, de asemenea, Vitaly Zhurkin, *European Security and Defence Policy: Past, Present and Probable Future*, la <http://www.iip.at/publications/ps/0303zhurkin.html> și *New Historical Literature: European Defence Community, European Political Economy and the Beyen Plan (1950-1954)*, la <http://www.let.leidenuniv/history/rtg/res1/edc.html#epc>.

According to the Paris Agreements, the objectives of the newly-formed organisation were: promoting basic human rights and the other principles stated in the United Nations Charter; the defence of democracy; the strengthening of economic, social and cultural relations; the creation of a solid basis in Western Europe for the reconstruction of the European economy; the providing of military assistance to the member states if subject to aggression; the support of the unity and gradual integration of Europe. Art. V of the WEU founding Treaty states that “In case any of the Contracting Parties is the subject of a military aggression in Europe, the other Parties will provide, under the provisions of the United Nations Charter, aid and assistance by every means at their disposal, military and other”. However, Art. IV stipulated that “the Contracting Parties and the institutions nominated by them will work in close cooperation with NATO”. These two articles guided the participation of WEU members to the project of common defence and also to NATO activities.

In 1961, the French politician Christian Fouchet proposed the creation of a Political European Union functioning as an intergovernmental entity; coordinating the foreign policies of member states was to be the prerogative of a Political European Commission based in Paris. The Fouchet Plan was not endorsed by the European partners of France, being perceived as a Gaullist scheme to undermine the European Communities.

Immediately following the armed intervention of the Warsaw Treaty troops which ended the “Spring of Prague” (August 1968), the British Minister of Defence, Denis Healey, supported by the Minister of Foreign Affairs, Stewart, proposed the institution of a <<European core>> or a <<European entity>> within NATO, considering that Western Europe can provide for itself, at an affordable cost, “an adequate defence and discouragement factor (...) and gain a distinct identity”. Announced at the end of 1968 and beginning of 1969, the “European core” which was to be established within NATO should have been founded, in London’s view at the time, on the close cooperation between Great Britain and the F. R. of Germany.<sup>2</sup>

Eventually recognising that the project of the European construction would be incomplete without a foreign policy and security dimension, the heads of state and government of the European Community released the final Declaration of the Hague Summit (1-2 December 1969) which reaffirmed the imperative of political cooperation between member states. The following year, based on this Declaration, the Davignon Report was presented within the meeting of the Foreign Affairs Ministers of the European Community in Luxembourg (July 20 1970), marking the beginning of the European Political Cooperation (EPC). It was based on three fundamental principles: the materialization of the will for political coordination of members states; the establishment of an European policy in this direction similar to those already existent in other areas of integration; and the assuming by Europe of its global responsibilities stemming from its growing role and degree of integration. The cooperation referred exclusively to foreign policy issues and was meant to facilitate, at a time when American options dominated Western foreign policy, the exchange of opinions among the European Foreign Affairs Ministers and the harmonisation of their positions, thus consolidating the solidarity of

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<sup>2</sup> The archive of the Foreign Affairs Ministry, Problema 23/9V3, vol. 3/1969, f. 54-61.



member states on major topics of international politics<sup>3</sup>. The Davignon Report suggested, among others, that a second report be issued, evaluating the results of this process of political consultations. Indeed, the Declaration of the Paris Summit (October 21, 1972) solicited, in paragraph 14, the drawing up of this report by June 30, 1973. Consequently, a second Davignon report was submitted on political cooperation; it emphasised the need for Europe to present itself as a distinct entity on the world political arena, especially in international negotiations, to identify common positions on major international issues and to take into account their consequences on international politics. A decade later, the Declaration of the European Council Summit in Stuttgart (June 19, 1983) marked an important step forward of the EPC by a series of decisions regarding: the intensification of consultations among member states; the gradual development and definition of common principles and objectives as well as the identification of common interests; the coordination of the positions of member states on political and economic aspects of security; the closer cooperation among their diplomatic missions in third countries<sup>4</sup>. Overall, it can be said that during the 1970 – 1986 period, the Western European diplomacy performed an experiment, on the basis of informal agreements which did not necessitate the setting up of permanent structures.

The European Single Act signed in Luxemburg in 1986 officially sanctioned the European cooperation on foreign policy and set up a EPC Secretariat (Title III of the ESA). However, the Single Act did not make reference to a “common foreign policy”, but maintained a certain ambiguity concerning the division of competences in the matter between the European Communities and the European Political Cooperation.

## **2.2 The European Security and Defence Identity in NATO and the evolution of Western Europe Union**

The concept of European Security and Defence Identity (ESDI) emerged and evolved within NATO in the second half of the 1980's, as the Western Europe Union was being reactivated after a prolonged “hibernation” in the WEU Summit in Rome. The Rome Declaration reaffirmed the commitment of the seven members to cooperate within the organisation with a view to harmonising their positions on specific issues of European security. The Defence ministers of the seven states would be members of the WEU Council. Proposals concerned the enlivenment of the General Secretariat and the developing of relations between the Council and the Parliamentary Assembly. Considering NATO prerogatives, members decided to take on a rather political than military approach, which would harmonise their views on common defence, disarmament and armament control, the effects of East – West increased cooperation on European

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<sup>3</sup> “Davignon Report on Political Cooperation, Luxemburg, 20 July 1970”, in *European Union Foreign, Security and Defence Policy. Basic Documents. Compiled and Edited by Dr. Călin-Radu Ancuța and Zsuzsa Bereschi*, Romanian Institute of International Studies “Nicolae Titulescu”, Bucharest, 2003, pp. 20-21. See also, John Peterson and Helene Sjursen, “Conclusion: The myth of the CFSP?”, in John Peterson and Helene Sjursen (eds.), *A Common Foreign Policy for Europe? Competing Visions of the CFSP*, Routledge, London and New York, 1998, pp. 170-171.

<sup>4</sup> “The Solemn Declaration of Stuttgart, 19 June 1983”, in *European Union Foreign, Security and Defence Policy. Basic Documents*, pp. 26-27.

security, Europe's contribution to the strengthening of the North-Atlantic Alliance and the European implications of crises in other parts of the world. The new lines of action shaped the organisation's activity as well as the structure of subsidiary bodies within the WEU.

The enlivenment of the WEU was also given an impulse by the European Single Act in 1986. A first definition of the European Security and Defence Identity concept is explicitly included in the document, extending and applying to the sphere of security and defence, the European identity as stated in paragraph 14 of the *Document on the European Identity* released in Copenhagen on December 14, 1973. A more elaborate definition of ESDI is found in the "WEU Statement on European Security Interests" adopted on October 27, 1987 at the WEU Council of Ministers meeting in the Hague. The Statement voiced the determination of the European allies, members of WEU to establish a European trajectory in security and defence matters and to play an active role in the negotiations regarding the European security, dominated until then by the two super-powers, the US and the USSR. The preamble of the document stated the belief of the signatories that the "construction of an integrated Europe will remain unfinished until it includes security and defence". The document proper, divided in three parts, stated the conditions of European security, the aims of the European approach and the policies necessary for their attainment. Among the latter, a special mention needs to be made of the explicit determination of WEU member states to assume their responsibilities concerning common defence. This makes the Statement the most important document that paved the way to WEU being subsequently developed into the defence component of the EU, as it was defined in the Maastricht Treaty <sup>5</sup>.

A series of developments marked the process of consolidation of WEU in the first half of the 1990's: the accession of Spain and Portugal (in 1990) and Greece (in 1992); the integration, as associate members in the WEU Council, of Iceland, Norway and Turkey; the founding, under French initiative, of several permanent institutional structures: the Military Committee, the Institute for Security Studies in Paris (1990), the Satellite Centre at Torrejon (1991), the Planning Cell (1992), Western European Armaments Group (1992) and the Situation Centre (1995); the setting up of European multinational forces: EUROCOP (the European Corp), EUROFOR (the European Land Force), EUROMARFOR (European Maritime Force), the European Aerial Group, the Central Multinational Division, the British – Dutch Amphibian Force a.o.<sup>6</sup>

The first milestone in the post-Cold War evolution of WEU was the WEU Council meeting in Bonn, in June 1992 which extended the scope of missions the WEU could undertake beyond that stated in Article V regarding collective defence. Under the generic name of "Petersberg missions", after the title of the Declaration adopted on this occasion, these missions comprise three categories: humanitarian and rescue operations;

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<sup>5</sup> *A European strategic concept-defence aspects*, Working Paper submitted by Mr. Gubert, Rapporteur, Assembly of Western European Union, The Interparliamentary European Security and Defence Assembly, Defense Committee (Forty-ninth session), Paris, 6 October 2003, A/WEU/DEF (2003) 14, pp. 4-6.

<sup>6</sup> J. Bryan Colleser, "Cum s-a strecurat apărarea in PESC: Uniunea Europei Occidentale (UEO) și identitatea apărării și securității europene (IASE)", in Maria Green Cowles and Michael Smith, *Starea Uniunii Europene: Risc, reformă, rezistență, relansare*, Vol.5, CLUB EUROPA, 2002, p. 391. See also Giuseppe Spinelli, „EUROFOR. Una nuova forza per l'Europa”, in *Rivista Militare*, no. 3/1997, p. 57.

peace-keeping; and crisis management missions of combatant forces, including peace-making. A second important moment in the evolution of WEU was the adoption by the WEU Council of Ministers in Madrid, on November 14, 1995, of a document framing a common concept of European security for present and future WEU members –“European security: a common concept of the 27 WEU countries”. By virtue of the fact that the enlarged WEU (27 states) has the same members as the extended European Union after 2007 and also taking into account the validity today of threats to European security and stability and of European defence weaknesses emphasised in the 1995 document, it can be said that the common concept of European security adopted in Madrid is the true forerunner of the EU strategic concept<sup>7</sup>. Finally, a third decisive moment in the evolution of WEU was 1997 – 1998 when important steps were taken towards consolidating European cooperation in the defence industry. Two developments are being referred to here: the establishing, in October 1997, of the Western European Armaments Organisation, WEAO, of which the members were the same countries making up the West European Armament Group ( Belgium, Denmark, France, Germany, Great Britain, Greece, Italy, Luxemburg, the Netherlands, Norway, Portugal and Spain); and the founding by France, Germany, Great Britain and Italy of the Joint Organisation of Cooperation in Armament Issues (*Organisation Conjointe de Cooperation en matiere d’Armement*, OCCAR) in September 1998, having its headquarters in Bonn.

### **2.3 The Common Foreign and Security Policy and the European Security and Defence Policy**

The European Defence and Security Identity has evolved in close connection with two other concepts which developed later on: firstly, the Common Foreign and Security Policy (CFSP) which holds a separate title (Title V) in the Treaty of Maastricht and constitutes one of the three pillars of the European construction; and secondly, the European Security and Defence Policy (ESDP) or, respectively, the Common European Security and Defence Policy (CESDP) which is an intrinsic part of CFSP and has been gaining in importance in recent years.

The premises of CFSP and ESDP development were set in the Treaty of European Union (1992) which states in Article J.4 of Title V that “the Common Foreign and Security Policy encompasses all issues of European Security including the possibility of establishing a common security and defence policy which could lead to a common defence in the future”.

According to Art. J.1 of the Treaty, the objectives of the CFSP are as follows: the safeguarding of common values, fundamental interests and independence of the Union; consolidating the security of EU and member states in every possible way; preserving peace and strengthening international security according to the principles of the United Nations Charter, the Final Act in Helsinki and the Paris Charter; promoting international

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<sup>7</sup> *A European strategic concept-defence aspects*, pp. 3, 6-8. See also Charlotte Bretherton and John Vogler, *op. cit.*, p. 206.

cooperation; developing and consolidating democracy and the rule of law as well as the respect of human rights and fundamental freedoms.<sup>8</sup>

The provisions of the Maastricht Treaty on CFSP were later reviewed in the Treaty of Amsterdam. On this occasion a special position was instituted with the purpose of improving the efficiency, profile and visibility of the policy: the European Union High Representative for CFSP (Art J8). The High Representative's office consists of assisting the member states with the formulation, development and implementation of political decisions concerning CFSP and also representing the governments of EU members before third parties. The former NATO Secretary General Javier Solana was appointed as European Union High Representative by decision of the European Council in Köln; he is also Head of the General Secretariat of the Council and General Secretary of WEU.

A declaration annexed to the Treaty of Amsterdam stipulated the setting up of a Unit for political strategy and early warning, within the General Secretariat of the Council and under the authority of the High Representative, as a centre for expertise that would facilitate decision-making. Also, with the Treaty of Amsterdam, the CFSP benefited from new judicial instruments – the common strategies, meant to put into practice the common actions and positions. Furthermore, the decision mechanism of constructive abstaining was to be applied from then on to CFSP policies. This mechanism allows the adoption of proposals despite the abstaining of one or more member states, if their weighted votes do not exceed one third of the total number of votes.

A whole series of joint institutions is involved in the CFSP decision-making process: the European Council, the Council of the European Union, the European Commission (especially the Foreign Affairs Commissioner), the European Parliament, the Presidency, member states, the General Secretariat of the Council headed by the High Representative for CFSP (“Mister CFSP”), special envoys, the Committee of the Permanent Representatives (COREPER), the Political Committee, the Unit for Political Strategy and Early Warning – subordinate to the General Secretariat of the Council.

The concept of European Security and Defence Policy (ESDP) was formulated at the European Council in Köln (June 1999), immediately after the conflict in Kosovo and subsequent to the French – British agreement at St. Malo (December 1998); it gained further value by the EC decisions adopted in Helsinki (10-11 December 1999), Lisbon (23-24 March 2000), Santa Maria da Feira (19 – 20 June 2000), Nice (7-9 December 2000), Göteborg (15-16 June 2001), Laeken (14-15 December 2001), Seville (21-22 June 2002), Brussels (24-25 October 2002), Copenhagen (12-13 December 2002), Brussels (20-21 March 2003), Thessaloniki (19-20 June 2003) and Brussels (12-13 December 2003).

Essentially, ESDP has as its prime objective the development of an autonomous capacity of decision-making and, in case NATO as a whole is not engaged, the launching and coordination of military operations under EU authority in answer to crises; underlying the commitment of resources by member states in such operations are sovereign decisions. In this context it is important to emphasise that ESDP functions as an *intergovernmental process*, its political control being exercised by the heads of state and governments of member states and the financial control, by national Parliaments.

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<sup>8</sup> “Tratatul privind Uniunea Europeană”, in *Documente de bază ale Comunităților și Uniunii Europene*, Polirom, Iași, 1999, pp. 180, 182.

The Headline Goal of ESDP as it was established by the European Council in Helsinki (10-11 December 1999) is to mobilise by 2003, make operational in 60 days and sustain for at least one year, a maximum of 15 brigades – 50.000 to 60.000 troops<sup>9</sup>. These forces must be capable to carry out the entire scope of Petersberg missions.

Starting from the EC reunion in Helsinki, the question of EU institutional capabilities for facilitation of decision-making was addressed and member states reached an agreement for setting up several political and military permanent bodies – the Political and Security Committee, the Military Committee and the Military Staff.

The members of the Political and Security Committee (known by its French acronym - COPS) are national permanent representatives with rank of ambassadors, having thus a similar make-up to the North-Atlantic Council of NATO. The Ambassador of the country holding the Presidency of the European Council of Ministers presides over the Political and Security Committee; under the authority of the Council, COPS exercises the political control and strategic cooperation of the EU military operations, forwarding guides of action to the Military Committee. During crises, COPS is presided by the EU High Representative for CFSP.

The EU Military Committee (EUMC), which is similar to the NATO Military Committee, brings together the heads of defence or their military representatives from member states. The EUMC offers military counselling and forwards proposals to COPS as well as providing guidance to the Military Staff. During an operation, the EUMC monitors its adequate development.

In its turn, the EU Military Staff (EUMS) has responsibilities of early warning, evaluation and strategic planning for Petersberg missions – including identification of European national and multinational forces; it also implements, under EUMC guidance, the policies and decisions adopted within ESDP. In brief, the EUMS is the source of military expertise within the EU.

As supplementary transitory measure to implementing the decisions adopted in Koln, it was decided at the meeting in Lisbon to set up three interim bodies which started to function as such since March 1, 2000: the Interim Political and Security Committee, the Interim Military Council and a structure of military experts who were also Council *attaches*, which was to become the core of the future General Staff<sup>10</sup>.

The ESDP also includes the decision of the European Council at Santa Maria da Feira to set up a rapid reaction civil force made of approx. 5.000 police officers, of which 1.000 possible to be mobilised in a maximum of 30 days; its objective is crisis management in areas such as police operations, humanitarian aid, the restoring of administrative and judicial structures, seek and save operations, monitoring elections, respect of human rights a.o.<sup>11</sup>. The institutionalisation of activities in conflict prevention,

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<sup>9</sup> „Presidency Progress Report to the Helsinki European Council on Strengthening the Common European Policy on Security and Defence”, in *European Union Foreign, Security and Defence Policy. Basic Documents*, pp. 278-279.

<sup>10</sup> For details on the institutional details of the ESDP see Pierre Baudin, “Les aspects institutionnels de l’Europe de la defense”, in *Défense nationale*, nr. 12, décembre 2000, pp. 5-21. See also François Heisbourg (ed.), *European Defence: Making It Work*, ISS/WEU, Chaillot Papers No. 42, Paris, September 2000.

<sup>11</sup> François Heisbourg, “L’Europe de la defense dans l’Alliance atlantique”, in *Politique Etrangere*, no. 2, 1999, pp. 219-233. See also Adam D. Rotfeld, „Europe: The Institutionalized Security Process”, in *SIPRI Yearbook 1999*, Stockholm International Peace Research Institute, 1999, pp. 235-265 and Peter van Ham,

consolidation of peace and the internal stability of states, areas or regions in crisis or threatened by crisis was achieved by the establishment, before the la Feira Summit, of the Committee for Civil Aspects of Crisis Management as the fourth permanent ESDP structure. The CACM submits information, recommendations and opinions to the Political and Security Committee.

## **2.4 The NATO-WEU-EU relation**

The idea of a European pillar within NATO was not only accepted, but even encouraged by the North-Atlantic Alliance. If, on December 11, 1987 the North Atlantic Council was only prudently taking note of the fact that the WEU ministers “uphold the existence of a European security identity within the Northern Alliance”, the NATO Summit in Brussels (29-30 May 1989) was already emphasising that “the evolution of Europe towards a greater political union can result in a strengthening of the European component of our efforts for common security and its effectiveness”. The Northern Atlantic Council in Brussels (17-18 December 1990) stressed the idea of mutual benefits, both for the European States and the consolidation of the trans-atlantic relations, that the establishment of a European pillar within NATO would generate: “A European identity in the security area and a European role in defence, materialised in the formation of a European pillar within NATO, will serve the interests of the European states and also allow the strengthening of the Atlantic solidarity”. The official statement of the North Atlantic Council in Copenhagen (June 7, 1991) expressed the need for the elaboration of “practical means that will allow for transparency and the necessary complementarity between the Alliance and the European security and defence identity”. Also, the first post-Cold War strategic Concept adopted by the North Atlantic Alliance at the Council Summit in Rome (7-8 November 1991) reiterated the message that the European security and defence identity does not represent a counterpart to the euro-atlantic efforts of security and defence, on the contrary “the affirmation of a European identity in security and defence and of a European role in defence, reflected in the consolidation of the European pillar of the Alliance will serve not only the interests of European states but also strengthen the integrity and effectiveness of the Alliance as a whole”.

Since the North-Atlantic Council in Brussels, in January 1994, the North-Atlantic Alliance has been expressing its support for the consolidation of the European identity within NATO. At the NATO Summit in Brussels, the Alliance declared its willingness to place its collective goods and capabilities at the disposal of WEU for ESDP operations under the command of European allies; it also created a new instrument meant to consolidate WEU – NATO relations: the Combined Joint Task Forces (CJTF) for peace operations, an initiative by which the Alliance demonstrated its openness towards the Petersberg operations. Also, for planning the activities of the Combined Joint Task Forces and supporting the consolidation of the European Security and Defence Identity within NATO, a special planning unit was created within the organisation: the Combined Joint Planning Staff (CJPS). Formed of 70 officers from 17 NATO countries, it contributed to the planning activities of both SHAPE and the Atlantic Command of

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*Europe's New Defense Ambitions: Implications for NATO, the US, and Russia*, George C. Marshall European Centre for Security Studies, The Marshall Center Papers No.1, April 30, 2000, pp. 10-12.

NATO. By making available the resources and capabilities of the Alliance to the WEU for operations beyond the scope of NATO missions (“*out of area*” operations), the CJTF encouraged the manifestation of European initiatives within its framework and consolidated the partnership between the two organisations. The natural consequence of this was the setting up of the so-called Forces Answerable to the WEU (FAWEU) which include EUROCOP, EUROFOR and EUROMARFOR which nowadays serve both the EU and NATO. Also, the idea of the *separable but not separate capabilities* was launched, meaning that these capacities would answer to European needs but equally contribute to the security of the Alliance. At the same time, the Transatlantic Forum of WEU was founded in December 1995 for consolidating the transatlantic relation.

Subsequently, at the North-Atlantic Council in Berlin the Atlantic Command of NATO in June 1996, NATO undertook to agree with the WEU on practical arrangements meant to make the goods and capabilities of the Alliance available for operations carried out under the political control and strategic leadership of WEU (the Berlin Arrangements).

Towards the end of the 1990’s, NATO decision-makers became increasingly concerned with the consequences of a potentially autonomous evolution of the European concerted efforts in defence and security. Gradually, in certain NATO quarters the view developed that the ESDP represented a threat to the unity of the Alliance, an element undermining the transatlantic relation which had contributed for more than half a century to the reconciliation of the European continent and the development of the EU. This explains why NATO did not initially agree to automatically place the goods and capabilities of the Alliance at the disposal of the EU, insisting that the decision be taken on a case-to-case basis. It also accounts for the insistence of NATO officials in emphasising, within the programme documents of the Alliance, that the European Security and Defence Identity has developed and must continue to develop within NATO - its initiatives contributing primarily to the NATO-WEU cooperation and only as a last resort, to that between NATO and the EU. It is from this perspective that one must appreciate the provisions of the second post-Cold War Strategic Concept adopted on the occasion of the anniversary Summit in Washington (April 1999), according to which “the European Security and Defence Identity *will continue to be developed within NATO* (author’s underl.). This process will require increased cooperation between NATO, the WEU and *if necessary, the EU*. It will give the European Allies the possibility to make a more coherent and effective contribution to the Alliance missions and activities as an expression of common responsibilities; it will strengthen the transatlantic partnership and encourage the European Allies to act as needed for preparing the Alliance, on a case-to-case basis and by consensus, to make available its assets and capabilities for operations in which the Alliance is not engaged militarily and which are being carried out under the political control and strategic leadership of WEU or as agreed upon, taking into account the full participation of the European Allies, should they desire it ”<sup>13</sup>. However, on the other hand, the official statement of the NATO Summit in Washington stated that based on the Berlin agreement, the Alliance is ready to define and adopt “the necessary measures for an immediate access of the EU to the collective assets and capabilities of the Alliance for operations in which the Alliance as a whole is not militarily engaged”.

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<sup>13</sup> See *Reuniunea de la vârful de la Washington 23-25 aprilie 1999. Ghidul cititorului*, NATO Press and Information Office, Romanian edition, EURISC Foundation, Bucharest, 1999, p. 58

At the same time, following the decision of the European Union Summit in Maastricht to initiate an intense process of rapprochement between the WEU and the EU, the premises of the WEU Council and Secretariat were moved from London to Brussels during 1993. However, the actual transfer of competence from the WEU to the EU was operated by the Treaty of Amsterdam (1997) which transferred the responsibility for the carrying out of the Petersberg missions from the WEU to the EU. The Treaty also allowed for “a potential integration of WEU into the EU, should the European Council adopt a decision in this respect”, created the position of High Representative for ESDP and introduced the mechanism of “constructive abstention” for decision-making. The Protocol on Art. 17 of the Treaty, which stipulated the fact that the EU and WEU must work together for reaching a series of agreements for a better cooperation among them in the course of one year since the coming into force of the Treaty of Amsterdam on May 10, 1997; in this respect, the Council of European Union adopted a Decision regarding the practical arrangements necessary to consolidate the relation between EU and WEU; also, on July 22 1997, the WEU Council of Ministers meeting in Brussels adopted the Declaration on „The Role of Western Europe Union and its relations with the European Union and the Atlantic Alliance”. The EU-WEU Agreements stipulated a comprehensive and detailed *modus operandi* for the implementation of the Protocol on Art. 17 of the Treaty of the European Union, *modus operandi* which addressed the improving of mechanisms for consultation and decision-making, especially in crisis situations, the continuing of ad-hoc reunions of the EU-WEU group, the close coordination of the personnel activities in the General Secretariats of the EU and WEU, cooperation in armament issues within the West-European Armament Group for the future establishment of European Armament Agency, as well as the security rules needed for the management of classified information<sup>14</sup>.

Towards the end of the final decade of the last century, the process of WEU absorption into the EU accelerated. The Parliamentary Assembly of WEU proposed, on March 21, 2000, within the special session of the Parliamentary Assembly and the Permanent Committee of WEU in Lisbon, that the Parliamentary Assembly of WEU be transformed into the European Assembly for Security and Defence (recommendation 664 – “the European Security and Defence: the Parliamentary Dimension”). The European Council in la Feira in June 2000 decided to establish four NATO-EU ad-hoc working groups, one of them having as specific area of discussions the arrangements that would allow EU access to NATO assets and capabilities according to the decision adopted within the NATO Summit in Washington.

Meanwhile, the Ministerial Council of WEU decided, on November 13, 2000, that the Western Europe Union end its activity as a crisis management body, remaining only a keeper of the guarantee contained in Art. V of the modified Treaty of Brussels.

According to the decisions adopted by the WEU Summit in Marseille, starting from July 1, 2001, the European Union took over the active functions of WEU which existed at that time: the functioning of the Satellite Centre in Torrejon (Spain) and of the Institute for Security Studies in Paris, the training and counselling of police forces in Albania, the political dialogue with Russia and Ukraine, the Transatlantic Forum a.o. The

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<sup>14</sup> For further details see „Council Decisions of 10 May 1999 concerning the arrangements for enhanced cooperation between the European Union and the Western European Union (1999/404/CFSP), in *European Union Foreign, Security and Defence Policy. Basic Documents*, pp. 60-78.



WEU still remained a forum of debates on issues of security and defence, maintaining for this purpose a series of structures such as the WEU Parliamentary Assembly and the West-European Armament Group – the latter being meant to intensify the cooperation in the defence industry and act for the gradual emergence of an integrated defence market<sup>15</sup>.

The European Council in Nice (7-8 December 2000) decided that the necessary measures must be adopted so that European states member of NATO but not of the EU can contribute to the military management of crises by the EU. In its turn, the European Council of Goteborg (15-16 June 2001) instituted permanent mechanisms of consultation and cooperation between the EU and NATO in the areas of conflict prevention and crisis management. Subsequently, the European Council in Copenhagen of 12-13 December 2002 established a comprehensive framework for NATO-EU cooperation, which included: EU access to NATO collective assets and capabilities; the participation of non-EU member states in the ESDP; an agreement with Turkey which had solicited a guarantee from the EU that the European Rapid Reaction Force would not be used against its national interests, especially regarding Cyprus. In this latter issue, it was decided that participation to EU-led operations in which the collective assets of NATO are used be restrained to those states member of the expanded EU which are also members of NATO or participate in the Partnership for Peace, thus excluding Cyprus and Malta.

In line with the decisions adopted at the EU Summit in Copenhagen, the North-Atlantic Council in Brussels (December 13, 2002) decided that NATO would support the EU-led operations, ensuring immediate access to NATO planning capabilities – conventional arrangements known as “Berlin Plus”. This decision was supported and strengthened three days later (December 16 2002) by the EU-NATO Joint Statement on the ESDP, adopted in the spirit of the agreed-upon “Berlin Plus” arrangements.

Last but not least, in June 2003 in Athens, a further step in the EU-NATO cooperation was taken when the two organisations signed an agreement regarding the security of information which replaced the previous, transitory one, adopted on July 26, 2000<sup>16</sup>.

## **2.5 The evolution of the ESDP**

A first step in the establishing of the ESDP was taken at the informal summit in Pörtschach which marked a turning point in the traditionally reticent position of Great Britain regarding the consolidation of the European construction in the sphere of security and defence. The new positioning of London on the ESDP would be confirmed and sanctioned at the French-British Summit in St. Malo, December 1998. The French-British Joint Statement on European Defence adopted on December 4, 1998 expressed the political will of the EU to achieve “autonomous capabilities of action, founded on

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<sup>15</sup> Adrian Pop, *Strategii de integrare europeană*, Sylvi Publishing House, Bucharest, 2003, pp. 101-102.

<sup>16</sup> *Milestones along the road to European Defence*, Information Document Prepared by the Secretariat, Assembly of Western European Union, The Interparliamentary European Security and Defence Assembly, Paris, 26 August 2003, A/WEU/DG [2003] 4, p. 12. See also “Agreement between the European Union and the North Atlantic Treaty Organisation on the Security of Information”, in *European Union Foreign, Security and Defence Policy. Basic Documents*, pp. 79-83.

credible military forces for responding to international crises”. In order for the EU to be able to make decisions and authorise military operations when the North-Atlantic Alliance, as a whole, is not engaged, the Union must have at its disposal the necessary structures, capacity of analysis, sources of information and strategic planning capabilities without unnecessary duplications, taking into account the existent assets and capabilities of WEU and the evolution of its relations with the EU. Also, the Statement laid particular stress on the need for Europe to develop the capacity of rapid reaction if it was to provide an appropriate answer to the new security threats - a capacity which needed to be backed by a strong and competitive defence industry.

The main dynamic for the emergence of the ESDP was therefore Europe’s will to have at its disposal the military and civil resources necessary to make its voice heard and listened on the international arena. A series of casual events in connection with the European experience in the war in Serbia also played an important part in accelerating the evolution of the ESDP (we are referring to the minor role the EU member states played in the bombing of Serbia, the impossibility of mobilising on short notice enough troops for the NATO peace-keeping force which was later deployed in Kosovo a.o.)

This was the context for the reunion of the European Council in Köln (3-4 June 1999), which resolved to strengthen the CFSP by developing an European Security and Defence Policy that would have at its centre the Petersberg missions, and to adopt by the end of 2000 all necessary measures that would allow the EU to assume its new responsibilities in the area of security and defence. Subsequently, the European Council in Lisbon (March 2000) decided to include three member states in the EU efforts for crisis management, to set up three interim bodies with responsibilities of decision-making and to develop the cooperation with NATO. Last but not least, the European Council in la Feira (June 2000) adopted a resolution to set up a civilian mechanism of crisis management and the EC in Brussels (May 22, 2000) decided to establish the Committee for Civilian Aspects of Crisis Management.

A new stage in the consolidation of the EU military capabilities for crisis management with a view to accomplishing the Headline Goal set by the EC in Helsinki for the year 2003 was marked by the Brussels Conference for engagement of military capabilities (20-21 November, 2000). The representatives of the participant states (the EU members, the EU candidate countries, Iceland and Norway – 15+15) presented concrete proposals for participation with troops and other capabilities to the Rapid Reaction Force.

On the first day of the Conference the Declaration for engagement of military capabilities was adopted. The contributions to the “Force catalogue” presented on this occasion amounted to more than 100.000 troops, approx. 400 planes and 100 maritime ships. Although far beyond the Headline Goal set in Helsinki, the 100.000 troops did not make up the necessary total for the Rapid Reaction Force, estimated at between 120.000 – 180.000 troops, which included those necessary for the rotation of the Force so that the units could operate, train and recover adequately. Therefore, the participant states undertook to continue, within the on-going reforms of their armies, the strengthening of their individual capacities as well as the existent or pending initiatives for multinational solutions, including the common usage of resources. These initiatives are meant to: improve the performance of European forces in the areas of mobilisation, deployment, operational capacity and interoperability; the development of strategic capacities for

transport, leadership, information and communication; the strengthening of the operational capacity, which, in its turn, requires seek-and-save capabilities, of defence against ground-ground missiles, weapons of high technique and precision, simulation means a.o. The Declaration for engagement of military capabilities was annexed to the Report of the European Council in Nice in December 2000, thus gaining the legal status necessary for its implementation<sup>17</sup>.

Subsequently, on January 22 2001, the European Council decided to establish the Political and Security Committee, considered to be the “bridge” between the CFSP and ESDP on the one hand and the EU General Staff on the other hand.

Also, the EU Council in Brussels decided the setting up of a Rapid Reaction Mechanism that would allow EU member states to take action in a rapid, effective and flexible manner in situations of crisis or emergency which threaten law and order, security and safety of individuals, which are susceptible of degenerating into armed conflicts or destabilisation, which may affect the programmes and policies of assistance and cooperation, the effectiveness and/or the conditions necessary to their effective implementation<sup>18</sup>.

Important steps for the consolidation of the European defence were taken during the Swedish Presidency of the EU, the activity of which was analysed by the European Council in Göteborg, in June 2001. The priorities of the decisions regarding the ESDP within the EC in Göteborg concerned the development of the capacity for acting and cooperation with NATO, the international organisations, NATO states non-member of the EU, EU candidate countries and other potential partners. The stress was laid on areas of conflict prevention and crisis management; new concrete objectives were formulated for the civil aspects of crisis management, which needed to be achieved by 2003 through voluntary contributions of EU member states; the Exercise Policy of the EU was also adopted, identifying requirements, categories and types of exercises for crisis management which would be performed by the EU.

Towards the end of 2001 progress was made regarding the improvement of capacities for the implementation of ESDP. Following the Conference for Improvement of Military Capacities (November 2001) in Brussels, two important documents were adopted – the Declaration on the Military Capability of the ESDP and the European Action Plan concerning the Capabilities (December 2001). The latter focused on the achievement by ESDP forces of several major objectives: strategic mobility, foreseeing capability, sustainability, flexibility, interoperability and operational effectiveness. However, these programmatic documents did not succeed either in diagnosing nor in correcting the major deficiencies hindering the effectiveness of the ESDP: outdated command, control and communication systems (C3), reduced capacities of strategic transport mainly due to the acute lack of planes that can refuel during flight, limited capabilities of strategic information and intelligence, military troops consisting mainly of recruits and therefore non-professional, reduced standardisation and interoperability, the

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<sup>17</sup> *Military Capabilities Commitment Declaration*, Press Release No. 13427/2/00, Brussels, 20 November 2000. See also Wim van Eekelen (Netherlands), Rapporteur, *NATO and the European Security and Defence Policy*, Draft Report, NATO Parliamentary Assembly, Sub-Committee on Transatlantic Defence and Security Co-operation, AU 200, DSC/TC (01) 4, International Secretariat, 23 August 2001, pp. 5-7.

<sup>18</sup> „Council Regulation (EC) No. 381/2001 of 26 February 2001 creating a rapid-reaction mechanism”, in *European Union Foreign, Security and Defence Policy. Basic Documents*, pp. 96-101.

inexistence of a proper European defence industry<sup>20</sup> and not least, insufficient defence budgets often coming with bad management. Regarding this latter aspect, military analysts underlined the persistence, Union-wide, of a series of damaging practices: the imbalance between personnel costs and equipment expenses; the insufficient funds assigned for Research and Development (a fourth of those spent by the US); the lack of coordination of procurement policies (focused on national needs), the ad-hoc and exclusively inter-governmental character of the cooperation programmes in this area. It was also noticed that investments in defence, especially in equipment and R&D, are not only insufficient for the whole of the EU but also very unequally spread within it, which makes the budgetary issue not only a transatlantic problem but equally an intra-european one<sup>21</sup>.

One explanation for the existing gulf separating the European policy from the American one in the area of defence is the absence in Europe of a unitary perception of dangers and security risks and of the threats to security<sup>22</sup>. This theory seems to be confirmed by the EU reaction to the most serious contemporary threat – terrorism – before and after the terrorist attacks of September 11, 2001. Although on September 4, 2001 – only days before the terrorist attacks in New York and Washington – it had adopted a resolution on terrorism, the EU mostly referred to the “old-type” terrorism, *within* political entities and less to the “new” trans-national terrorism, based on active cells, affiliated groups and wide support networks, of which the main representative is the Al-Qaida organisation and the network surrounding it. A series of elements among which we mention the freedom of movement of persons throughout the integrated Europe, the lax and insufficiently monitored systems of immigration and asylum, the tradition of civic liberties, the easy access to European financial networks, the insufficiently coordinated police and judicial systems, all these and other factors rendered the EU extremely vulnerable to terrorism. Becoming aware of this danger, after September 11 the EU adopted a whole series of anti-terrorist measures which included: acknowledging terrorism as a top security threat, adopting a common definition of terrorism, a list of terrorist organisations and a comprehensive action plan aimed at: the consolidation of judicial and police cooperation, increasing the information exchange among national authorities involved in the fight against terrorism, improving and strengthening the asylum and immigration policies, adopting legal instruments meant to suppress the financing of terrorist activities and strengthen aerial security<sup>23</sup>. However, all these could

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<sup>20</sup> For aspects concerning the defence industry, see Burkard Schmitt, *From Cooperation to Integration: Defence and Aerospace Industries in Europe*, ISS/WEU, Chaillot Papers No. 40, Paris, July 2000.

<sup>21</sup> Antonio Missiroli, „Mind the gaps – across the Atlantic and the Union”, in Gustav Lindstrom, ed., *Shift or Rift: Assessing US-EU relations after Iraq*. See also René Schwok, Gianluca Maspoli, „Institutional Strategies in European Security: NATO and ESDP”, in *Proceedings of the 5th International Security Forum*, la [http://www.fsk.ethz.ch/documents/Studies/volume\\_12/documents/ls\\_vol12\\_chapii2.pdf](http://www.fsk.ethz.ch/documents/Studies/volume_12/documents/ls_vol12_chapii2.pdf)

<sup>22</sup> Alain Faupin, Andrey Karkoszka, „Europe. Organiser la perception des menaces”, in *Intelligence & sécurité*, no. 28, September 2003, pp. 6-7.

<sup>23</sup> Adela Gooch, *Europe's Foreign, Security and Defence Policy After Iraq*, pp. 8-9. See also “Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001” and “Declaration by the Heads of State or Government of the European Union and the President of the Commission Follow-up to the September 11 Attacks and the Fight Against Terrorism, Brussels, 19 October 2001”, in *European Union Foreign, Security and Defence Policy. Basic Documents*, pp. 224-229, Mario Fortini, “Foreign and internal security: one in the same”, in *Diplomatic News*, May-June 2002, pp. 45-46, and also *A European strategic concept-defence aspects*, pp. 9-10.

not prevent the carrying out in Madrid, on March 11, 2004, of one of the most tragic terrorist acts in the post-war history of Europe – a true European correspondent of the attack that had taken place two years and a half before, in the US.

Beyond a new strategic vision on fighting terrorism, establishing a direct link between the terrorist threat and the proliferation of weapons of mass destruction, September 11 2001 catalysed within the EU a general re-thinking and a new dynamic of the CFSP. This was the context and significance of the EU Foreign Affairs Ministers meeting in Brussels at the end of January 2002 which stated, by the measures adopted, the political will of the EU to consolidate the autonomy of its initiatives in relation to NATO in general and the United States in particular in the sphere of security and defence.

Among others, the ministers decided that the EU send a police force in Bosnia Herzegovina to replace the UN international police force which was due to leave at the end of 2002. The taking over from the UN police force from January 1, 2003 was *the first civilian operation* taking place under the aegis of the ESDP and a test of its capacity to carry out such missions. A test that was successfully passed judging by the announcement of the European Union that it intends to take over, in 2004, the mandate of the SFOR troops in Bosnia and Herzegovina.

Also, acting upon the decision adopted within the French-British summit in Le Toquet (February 4, 2003) to carry out military operations of crisis management in the Balkans, the EU launched its first military operation of peace-keeping in Macedonia starting from March 31 2003 (Operation Concordia), taking over the NATO mandate. Subsequently, starting from the end of August 2003, the EU carried out its first autonomous mission, without recourse to NATO logistics, in the town of Bunia, in the Democratic Republic of Congo (Operation Artemis). Also, starting from December 15, 2003, the EU military peace-keeping forces in Macedonia were replaced by police forces acting to re-establish the control of the authorities in the border areas with Kosovo, Albania and Serbia, which were dominated by networks of the organised crime. Comprising around 200 foreign police-officers and 150 Macedonians, the new EU mission in Macedonia, the “Proxima”, seeks to re-gain the trust of the Albanian ethnics in the Macedonian government and to reform the Ministry of Interior, by strengthening the multi-ethnic structure of police forces and creating a border police force. However, unlike the police operation in Bosnia, the officers participating in Proxima are not armed and do not hold executive powers<sup>24</sup>.

The second Gulf War influenced to a great extent Europe’s aspirations of becoming an important actor on the international political arena. The crisis in Iraq confirmed the fears that had already been circulating in certain Western-European circles regarding the American unilateralism but it also generated critics regarding the timing Europe had chosen to accelerate integration in the sphere of security and defence<sup>25</sup>. The war divided the old continent in two camps which the American Secretary of Defence

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<sup>24</sup> Jean-Eudes Barbier, “European Soldiers Make Way for Police in Macedonia”, *AFP*, 9 December 2003.

<sup>25</sup> Anand Menon, „The Foreign and Security Policies of the European Union”, in *Romanian Journal of European Affairs* vol. 3, No. 3, 2003, pp.15-16. Pentru opinii critice la adresa comportamentului european in general și a celui francez și britanic in special in contextul crizei euroatlantice prilejuite de războiul din Irak vezi J. Howorth, „France, Britain and the Euro-Atlantic Crisis” și M.E. Sangiovanni, „Why a common security and defence policy is bad for Europe”, in *Survival*, Vol. 45, No. 4, Winter 2003, pp. 173, 193.

Donald Rumsfeld named (not in the most inspired moment ) the “old” and “new” Europe. In this context, a true milestone in the evolution of the ESDP was the Summit on defence issues of heads of state and government from France, Germany, Belgium and Luxemburg which took place in Brussels in April 2003. Considering that it was time for new steps to be taken towards building an European defence and security, the leaders of the four European states (the most manifest in opposing the war in Iraq) signed a Joint Statement comprising a series of proposals – including some revolutionary ones – to be adopted in the final text of the future European constitution <sup>26</sup>: the possibility of strengthened cooperation; the possibility of member states which so wish, to accept supplementary responsibilities within the strengthened cooperation, without this incurring any obligations for the other member states; the re-formulation of the Petersberg missions so that the EU can use civilian and military means for conflict prevention and crisis management; the institution of a European agency for research, development and procurement relating to military capabilities, with a view to increasing them and consolidating the interoperability and cooperation among the armed forces of member states; the setting up of a European College for Security and Defence that would contribute to the development and dissemination of the European security culture; and promoting the concept of European Security and Defence Union which would bring together those member states willing to advance faster in their cooperation on issues of defence. The states member of the ESDU would undertake to provide mutual support and assistance in dealing with risks of any nature, to systematically seek to harmonise their positions in matters of security and defence, to coordinate their efforts of defence, to develop their military capabilities and increase the investment in military equipment. Participation in ESDU would imply the increase of defence budgets, the involvement in major acquisition projects such as the A400M carrier plane built by Airbus consortium, the common use of military capacities for training and exercise and the acceptance to take part in peace-keeping operations under the aegis of the United Nations.

Regarding the strictly military aspect, the four states forwarded seven concrete proposals meant to increase the integration of EU member states in this respect: the creation of an European rapid reaction capability available for EU, NATO or UN ( and EU-led ) operations, of which the core will be the already existent French-German brigade that would integrate the Belgian commandos and the reconnaissance capabilities of Luxemburg; the setting up, by June 2004, of a European Commandment for strategic air transports and of a unit for such transports, on the long term, under the authority of the Commandment ( the possibility of establishing a common Commandment for all types of strategic transports – maritime, aerial and terrestrial – by the interested states was also taken into account ); the setting up of a European system for humanitarian aid in disasters: EU-FAST - European Union First Aid and Support Team; the establishing of European training centres for pilots of air forces, as well as for the crews on the strategic carrier planes A400M, helicopters and maritime fleets; the setting up by the summer of 2004, in Tervuern, a suburb of Brussels, of a centre for planning and operational

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<sup>26</sup> *Joint Statement of the Heads of State and Government of Germany, France, Luxemburg and Belgium on European Defence*, Brussels, April 29<sup>th</sup> 2003, la <http://www.elysee.fr/actus/dep/2003/etranger/04-brussel/0304EUDFang.htm>

command of the EU missions carried out without recourse to NATO capabilities; and the establishing of a multinational headquarters for common operations by 2004.

Undoubtedly, the initiative of the four nations attempted to correct some of the deficiencies of the CFSP which had long been signalled by political-military analysts on both sides of the Atlantic. However, the announced intention to create a separate centre for planning EU operations marked a “passing of the Rubicon” regarding the tacit understanding which had existed for almost half a century that economic and political integration may take place in Europe but security would remain a transatlantic issue; this understanding was now broken. Also, the “initiative of the four” challenged another taboo matter – the avoidance of the “three Ds” (decoupling, duplication, discrimination) by which Madeleine Albright had formulated the American concerns on the project of European defence as early as 1998<sup>27</sup>. Indeed, just as American, British and other European allied countries officials had cautioned, a European centre of planning and command could duplicate the NATO SHAPE (Supreme Headquarters Allied Powers Europe) in Mons (Belgium), despite the assurances given by the German Chancellor Gerhard Schroeder and the French President Jacques Chirac that there is no intention of creating a European SHAPE<sup>28</sup>. Furthermore, the analysts drew attention on the credibility of the initiatives launched in Brussels, given the fact that, with the exception of France, the four states are among NATO members which spend the smallest percentages of GDP on defence: Germany allocates a mere 1.5%, Belgium – 1.3%, Luxemburg – 0.9%, France alone spending more than the European average of 1.9%: 2.5%.

The proposals of “the four” not only caused great irritation on the other side of the Atlantic, but were received with little enthusiasm by Great Britain, Italy, Spain, Denmark, Holland and other European allies which supported the American campaign against Iraq (Greece alone manifesting its unconditioned support for the initiatives).

Of all the proposals put forward by “the four”, the one regarding an independent headquarters for planning of EU operations produced the greatest concern within the American administration, the US Ambassador at NATO considering it to be “the most serious threat to the future of the Alliance”. Eventually, as a result of the mediation of Great Britain between the US and the EU, a compromised was reached in the sense that Germany and France would renounce the idea of an autonomous headquarters in Tervuren and Great Britain accepted the establishing of an autonomous centre for planning EU operations *within* NATO, at the SHAPE headquarters. However, not even after the adoption of this solution at the summit in Berlin (which brought together Germany, France and Great Britain) in September 2003, not even then did the tensions ease off. The US perceived the British position as a dangerous yielding in of London and renewed their accusations against the European allies that they intend to undermine

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<sup>27</sup> Adrian Pop, *Strategii de integrare europeană*, pp. 109-113.

<sup>28</sup> “Will A Quartet of Euro-Enthusiasts Undermine NATO?”, in *The Economist*, 3 May 2003. See also Paul Ames, „Chirac, Schroeder Agree to Stronger European Defense Plans at Four-Nation Summit”, *Associated Press*, 29 April 2003.

NATO, this in turn generating repeated official denials from Germany, France and Belgium<sup>29</sup>.

Meanwhile, however, the meeting of EU Defence Ministers on March 19, 2003 and the Joint Council of EU Foreign Affairs and Defence Ministers took important steps forward in improving the military capacities of the CFSP, by the adoption of the Helsinki 2003 “Catalogue of Forces” and its Supplement (referring to the capacities of candidate countries) and also by finalising the EU Military Rapid Response Concept. Furthermore, on May 27 2003 the Organisation of Joint Cooperation in Armament Matters (OCCAR) and the Airbus consortium signed a contract for the acquisition of 180 A400M carrier planes.

Also, the summer of 2003 marked the maturity of the EU strategy of combating the proliferation of WMD. Adopted at the EU Council in Luxemburg on June 16, 2003, the strategy formulated ten basic principles: militating for a world-wide reach of the conventions for disarmament and non-proliferation, at the same time with emphasising the importance of their observance at national level; ensuring that non-proliferation commitments are being fulfilled, by use of inspection and control mechanisms; strengthening the policies of export control; emphasising non-proliferation obligations in relations with certain partners; promoting dialogue with countries suspected of carrying out proliferation activities and with those which are crucial for implementing effective non-proliferation policies; extending assistance programmes and cooperation initiatives for reducing the threat; providing the necessary resources and adequate support for the organisations and active agreements for non-proliferation; promoting a close cooperation with the US; militating for the signing of an international convention for prohibiting the production of fissionable material for nuclear weapons; and considering coercion, including, as a measure of last resort, the use of force, in respect of the UN Charter, when political and diplomatic measures have failed. With the exception of a few amendments, such as the potential use of force, the principles were all sanctioned by the European Council in Thessalonica?

Overall, the European Council in Thessalonica? (19 – 20 June, 2003) limited its agenda to discussing only those CFSP proposals that could meet consensus: the development of EU military capabilities, with reference to the entire scope of the Petersberg missions and the Rapid Reaction Force; moving forward the EU Programme for the Prevention of Violent Conflicts, with an emphasis on Western Balkans; setting up a database, on a voluntary basis, for the fight against terrorism; the adoption of a Declaration on the non-proliferation of WMD; and the founding, by 2004, under the authority of the Council, of an intergovernmental agency dealing with military capacities, development, research, procurement and armament.

However, more relevant than these decisions was the presentation in Thessalonica by the High Representative for the ESDP and WEU Secretary General Javier Solana, on June 20 2003, of the document entitled “A secure Europe in a better world” which

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<sup>29</sup> John Tagliabue, “Europe Weighs Joint Defense, with a Nod to U.S. Concerns”, in *The New York Times*, 18 October 2003; Philip Shishkin, „U.K. Aims to Heal EU Defense Rift. Britain Seeks to Placate U.S., Europe Over Plans for Independent Military”, in *The Wall Street Journal Europe*, 20 October 2003; „Belgian FM Insists No Plans to Undermine NATO”, *AFP*, 26 October 2003; John Vinocur, “Germany Says EU Planning Unit Should Be Attached to NATO”, in *International Herald Tribune*, 27 October 2003; „Germany Reassures U.S. on Prime Role of NATO”, *Reuters*, 9 December 2003



actually constituted *the first draft of a strategic concept for the future expanded European Union*<sup>30</sup>. The document performs an analysis of the security environment, identifies strategic objectives and proposes policies in answer to the main challenges and threats to security. In this latter category are included regional conflicts, poverty, famine, epidemics, refugees and massive migration, corruption, dictatorships, climate changes and energy dependence as well as “the new threats” represented by international terrorism, proliferation of WMD, failed states and organised crime. The strategic objectives that the Union undertakes are three: “contributing to stability and good governance in our immediate vicinity”; instituting “a new international order founded on an efficient multilateralism”; and providing an adequate response to the old and new threats. Referring to this latter issue, the document lays particular stress on the fact that “the first line of defence” will often be outside the EU and that Europeans “must be prepared to act before the occurrence of a crisis” – ideas which subscribe the European strategic concept within the logic of the pre-emptive action stated in the new National Security Strategy of the US, in September 2002, even if, unlike in the American document, the possibility of pre-emptive strike is not explicitly mentioned. Not least, the document emphasises the need for Europe to undertake an enlarged scope of missions that would include, besides the Petersberg missions, joint operations of disarmament, support for third countries in fighting terrorism and the reform of the security sector.

## **2.6 The ESDP, CFSP and the future European Constitution**

The Draft Treaty establishing a Constitution for Europe presented by the President of the European Convention, Valéry Giscard d’Estaing, to the European Council in Thessaloniki (June 20, 2003) and to the Italian Presidency of the EU in Rome, makes reference to both the CFSP and the Common Security and Defence Policy (CSDP) as components of the CFSP. In the Draft Treaty therefore, the new concept of CSDP replaces the former concept of European Security and Defence Policy (ESDP) and its “expanded” version – the Common European Security and Defence Policy (CESDP).

The Draft Treaty establishing a Constitution for Europe assigns a special Title (Title V) to the foreign relations of the European Union. These include a series of interdependent elements such as:

- the common trade policy;
- the common Foreign Affairs policy;
- the Common Security and Defence Policy;
- development of cooperation;
- humanitarian aid<sup>31</sup>.

Within each of these components, the main objectives of the external actions of the EU respect two fundamental principles:

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<sup>30</sup> „A European strategic concept-defence aspects”, pp. 10, 12-15.

<sup>31</sup> *The Future of Europe – debate, Title V: External Action of the Union*, European Commission, General Secretariat, Document TF-AU/3, 2003.

- the external actions must be guided by the principles which governed the founding, evolution and expansion of the European Union;
- the external actions must seek to maximise cooperation among member states in all fields of international relations.

Regarding the first of these rules, it is not without importance to review the principles which have governed the founding, evolution and expansion of the European Union as they will provide the basis for any solutions and lines of action for the ESDP.

These principles are:

- democracy;
- the rule of law;
- the universality and indivisible nature of human rights and fundamental freedoms;
- the respect of human dignity;
- equality and solidarity;
- the respect of international law in accordance with the principles of the United Nations Charter.

The objectives of common EU external policies and actions are aimed at:

- safeguarding the common values of the European Union, its fundamental interests, its security, independence and integrity;
- consolidating and supporting democracy, the rule of law, human rights and international law;
- peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter;
- supporting sustainable development from an economic, social and environmental perspective in the developing countries, with a view to eradicating poverty;
- encouraging all countries to become integrated into the global economy, including by abolishing restrictions in international trade;
- promoting international measures with a view to maintaining and improving the quality of environment and the sustainable management of resources, in order to ensure a sustainable development;
- providing assistance to populations, countries and regions confronted with natural or human-provoked disasters;
- promoting an international system based on a strengthened multinational cooperation and good governance world-wide<sup>32</sup>.

The capacity to act in a Union of 25, 27 or more states will depend to a great extent on the ability of the political leadership to define strategic goals and to promote their implementation within the current policy-making mechanisms. From this point of view, the Draft Treaty establishing a Constitution for Europe makes clear progress by instituting the permanent positions of President of the European Council and Minister of Foreign Affairs of the EU.

The President of the European Council would be elected by the heads of state and government by qualified majority for a two and a half years mandate, with the possibility of being re-elected only once. This replaces the practice of exercising this position by rotation, every six months. The role of the President will be to preside over and lead the

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<sup>32</sup> *Draft Treaty Establishing a Constitution for Europe*, Article III-193, Office for Official Publications of the European Communities, Luxembourg, 2003, pp. 183-184.

proceedings of the European Council, ensuring its well-functioning and continuity and also to represent the European Union, in external affairs, at his level. This new position will confer continuity, visibility and coherence to EU representation both externally and internally. Also, the profile of foreign policy was consolidated by instituting the position of Minister of Foreign Affairs. The Minister will be one of the vice-presidents of the European Commission and as such, member of the Commission College. He will lead the Common Foreign and Security Policy, and be responsible of external relations as well as of coordinating other aspects of the EU external activities, including the presiding over the Foreign Affairs Council, as structure of the Council of Ministers<sup>33</sup>.

Regarding the CSDP, the Draft Treaty will provide for a gradual formulation of an EU common defence policy which will lead to a common defence when the European Council reaches consensus on this matter. Until then, however, the CDSP will have to acknowledge the peculiarities of security and defence policies of member states, to respect the commitments undertaken by certain EU states in their quality of NATO members and to ensure its compatibility with the security and defence policy of the North-Atlantic Treaty Organisation<sup>34</sup>.

The Draft Treaty for the European Constitution also states five new important elements for the CSDP:

- the extending of Petersberg missions;
- the decision to establish an European Agency for Armament, Research and Military Capabilities;
- the recourse to structured cooperation in international missions;
- the possibility of closer cooperation among EU members in mutual defence;
- the introduction of a solidarity clause in the event of terrorist attacks and natural or human-provoked disasters.

### ***The extending of Petersberg missions***

One of the new elements introduced by the Draft Treaty is the extending of Petersberg missions, which will include:

- common disarmament operations;
- rescue and humanitarian missions;
- providing military assistance and expertise;
- conflict prevention and peace-keeping operations;
- operations of crisis management performed by military forces, including peace-making and post-conflict stabilisation.

It can be noticed that the new approach, characterised by the interweaving of military and civilian resources reflects with greater accuracy the crisis management operations which were actually carried out by the EU in 2003 in Bosnia Herzegovina, Macedonia and the Democratic Republic of Congo.

Another new development is the explicit provision in the Draft Treaty, regarding the possibility of EU participation in military or civilian operations for peace-keeping, conflict prevention and strengthening the international security *outside* the borders of the

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<sup>33</sup> *Ibidem*, Article 21, Article 27, pp. 23, 27.

<sup>34</sup> *Ibidem*, Article 40-2, p. 36

EU – an approach in full agreement with the EU strategic concept and initiative of “Wider Europe-New Neighbourhood”.

### ***The European Armaments, Research and Military Capabilities Agency***

The Draft Treaty for establishing a Constitution for Europe stipulates the establishing of the European Armaments, Research and Military Capabilities Agency (EARMCA), open to interested member states and that would provide a common framework for all forms of cooperation already existent in this field:

- The Organisation for Joint Cooperation in Armament (Organisation Cojointe de Cooperation en Matiere d’Armement, OCCAR), bringing together France, the United Kingdom, Germany and Italy;
- The Letter of Intent ( LOI), with France, Germany, Italy, Spain, the United Kingdom and Sweden as members;
- The West European Armaments Group, (WEAG) with 19 European states as members of which 14 members of the EU.

The statute, membership, number of seats and the functioning of the Agency would be decided upon by the European Council with a qualified majority.

The Agency would act to:

- Identify the objectives to be attained regarding the military capacities of member states and evaluate the fulfilment of the commitments undertaken by them;
- Promote the harmonisation of operational needs and adopt effective and compatible measures regarding procurement;
- Propose multilateral objectives that would lead to reaching the targets assumed in terms of military capacities;
- Support research in defence technologies, plan and coordinate joint activities of research and analyse future operational needs;
- Identify and if necessary, implement any measures that can lead to strengthening the industrial and technological infrastructure of the defence sector and improving the efficiency of military expenses<sup>35</sup>.
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Although this decision attempts to correct one of the major shortcomings in the functioning of the ESDP, not all member states support it, some pronouncing themselves (at the date of this study) clearly against, e.g. the United Kingdom. Also, it is not clear whether the establishing of the Agency would mean connecting the armament industry to the conditions of the Common Market and to competition. The reactions of member states to this possibility can be considered, at least for the present time, as cautious.

### ***The structured cooperation***

The structured cooperation comes as a response to previous problems which had arisen within the ESDP, more precisely the fact that it would often function on the basis

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<sup>35</sup> *Ibidem*, Article III-212, p. 193

of ad hoc coalitions of states interested to participate ( including states from outside the EU ).

This situation reflected the fact that only a limited number among the large member states effectively had the capacity to carry out Petersberg missions. Taking these considerations into account, the Draft Treaty establishing a Constitution for Europe makes it possible that certain missions for the safe-guarding of EU values and the protection of its interests be entrusted to a group of member states with the capacity and willingness to carry out those missions.

The structured cooperation is therefore addressed to those member states with high standards for their military capabilities and which concluded more binding commitments within the context of the new Petersberg missions<sup>36</sup>.

However, the Draft Treaty does not elaborate on the specifics of these cooperations generating more binding commitments, mentioning only, in a general and rather vague manner, that they will be undertaken by those states which can and will undertake them.

### *Closer cooperation in mutual defence and the solidarity clause*

Unlike NATO which does not make a distinction between armed aggression and terrorist attacks ( on September 12, 2001 the North-Atlantic Alliance acting for the first time on Art. V regarding collective defence and declaring war on terrorism ), the EU does distinguish between the two in its Draft Treaty. Closer cooperation in defence applies to armed aggressions and is governed by Art. 51 in the United Nations Charter, while the solidarity clause becomes operational in the event of terrorist attacks and natural or human-provoked disasters. More precisely, the solidarity clause stipulates the mobilisation of all EU resources, including military ones, for:

- preventing terrorist threats on the territory of the EU;
- protection of the civilian population and institutions from terrorist attacks;
- providing assistance to member states which suffered a terrorist attack or a disaster on their territory.

It is important to mention that according to the Draft Treaty, the closer cooperation in mutual defence will imply that the EU member states will work closely together with the North-Atlantic Alliance. However, the provisions in this respect are somehow ambiguous, reflecting different, if not divergent opinions, among those states which are pro-Atlantic, pro-European or neutral. In the present formulation, the decisions concerning mutual defence depend to a considerable extent on the decisions of the European Council, therefore not bringing any substantial changes to previous practices.

Both the “closer cooperation” in “mutual defence” and the solidarity clause received serious criticism by the Parliamentary Assembly of the WEU<sup>37</sup>. The solidarity clause, which stipulates that “should any of the member states participating in this

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<sup>36</sup> *Ibidem*, Article 40-6, p. 37.

<sup>37</sup> *Prospects for the European Security and Defence Policy-Contribution to the Intergovernmental Conference*, Draft Report submitted by Mr Gaburro, Rapporteur, Assembly of Western European Union, The Interparliamentary European Security and Defence Assembly, Political Committee (Forty-ninth session), Paris, 13 October 2003, A/WEU/POL [2003] 16, pp. 3-5.

cooperation be the victim of armed aggression on its territory, the other participant states will provide aid and assistance by all the means at their disposal, military or other, according to Art. 51 of the United Nations Charter” was rejected as unjustified not so much because it rivals with Art. V on collective defence in the Treaty of Washington, but because: it offers less security guarantees than the modified Treaty in Brussels; the existing security guarantees lack credibility being founded on a mere declaration and not a Protocol; it does not specify the minimum number of participant states, leaving room for potential division among the signatories of the modified Treaty of Brussels; the process of consultation previous to its implementation might lead to delays in situations of emergency.

The solidarity clause was challenged in its turn because the Draft Treaty does not define what qualifies as a “terrorist attack” (which would activate the clause) and, respectively, an “armed aggression” (which would activate “closer cooperation” in “mutual defence”), such imprecision being likely to generate confusions with unpredictable consequences in practice.

Not least, criticisms formulated by the Parliamentary Assembly of the WEU regarding the provisions on the CFSP and ESDP remarked the insufficient development of the parliamentary dimension of the two interdependent policies<sup>38</sup>: the fact that, despite the overall consolidation of the role of the European Parliament, there is no provision stating the obligation of the Council to report to the European Parliament, as the WEU Council reports to the WEU assembly; also, no collective responsibility is given to national parliaments, despite the purely intergovernmental nature of this policy, the sole reference to such a collective role being made in the Protocol on the role of national parliaments in the EU according to which the so-called Conference of the European Affairs Committees (COSAC) can organise parliamentary conferences on different topics, especially to debate issues of the CFSP and ESDP, yet no institutionalised dialogue being established between this body and the Council.

## **2.7. The Euro-Mediterranean Partnership and the ESDP**

The South and East of the Mediterranean as well as the Middle East represent vital strategic areas for the European Security and Defence Policy and constitute priorities of the EU Foreign Affairs.

The present policy of the European Union towards the extended vicinity of the Mediterranean is governed by the Euro-Mediterranean Partnership (also known as the Barcelona Process), launched at the Conference of the Foreign Affairs Ministers of the EU and other twelve Mediterranean states which took place in Barcelona, between 27-28 November 1995.

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<sup>38</sup> *Security policy in an enlarged Europe – a contribution to the Convention*, Supplementary Report submitted on behalf of the Political Committee by Mr Nazaré, Rapporteur, Assembly of Western European Union, The Interparliamentary European Security and Defence Assembly, Forty-ninth session, 3 June 2003, Document A/1818, p. 5.

The twelve Mediterranean signatories of the Partnership were Morocco, Algeria, Tunisia, Egypt, Israel, Jordan, the Palestinian Authority, Lebanon, Syria, Turkey, Cyprus and Malta. At present, Libya has the statute of observer in the Partnership but can become a member if it fully subscribes to its guiding principles. With the expansion of the EU at May 1, 2004, some of the Mediterranean signatories became members of the EU (Cyprus and Malta).

The main objectives of the Partnership are:

- establishing a Mediterranean area of peace and stability based on the fundamental principles, which include the respect of human rights and democracy (the political and security partnership);
- fostering an area of prosperity by the gradual implementation of a free trade area between the EU and the partner countries, also by providing a substantial financial support from the EU to the signatory states;
- the development of human resources and promotion of understanding among the cultures and peoples of the Euro-Mediterranean area.

### ***The Middle East peace process***

A process complementary to the Euro-Mediterranean Partnership is the Middle-East Peace Process. In this context, the EU makes use of the Euro-Mediterranean Partnership as a catalyst for regional dialogue. It is important to emphasise that the EMP is the only multilateral forum, except for the UN, in which all parties in the Middle-East conflict meet.

At the reunion of the Foreign Affairs Ministers of the EMP in Dublin, 5-6 May 2004, the usefulness of the Partnership was particularly underlined, as framework of cooperation for common threats caused by international terrorism. At the same time, it was reiterated the possibility to enhance the EU policy regarding the extended vicinity on the basis of the Barcelona Process<sup>11</sup>.

The Euro-Mediterranean Partnership also represents a departure point for the Strategic Partnership for the Mediterranean and the Middle-East which the EU intends to conclude with the countries in the area.

## **2.8. European perspectives on governing security risks by space activities**

### ***2.8.1. The general context***

The European Union is becoming increasingly active in the international geopolitical arena and seeks to gain for itself the status of major “global player” in terms of both economic potential and political and military resources. This is the context for paying special attention to the consolidation of the Common Foreign and Security Policy and the European Defence and Security Policy.

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<sup>11</sup> Presidency Conclusions, Euro-Mediterranean mid-term meeting of ministers of foreign affairs (Dublin, 5-6 may 2004), [www.europa.eu.int](http://www.europa.eu.int)

“As a union of 25 states, with over 450 million citizens, producing a quarter of the global GDP, the European Union is, whether we like it or not, a global player; and it needs to be ready to assume its responsibilities to global security.”<sup>1</sup> (Javier Solana).

The last few years witnessed a series of significant institutional and political developments within the EU, regarding these responsibilities, and no matter how satisfactory these developments are, they remain open. Given the dimension and complexity of challenges facing the EU, the progress was gradual and it probably could not have been faster.

At present, Europe has already numerous capabilities for developing the services and programmes that would support the policies of the European Union. Space systems of operational and meteorological communications have been put in place and an ambitious program for navigation, synchronising and positioning was adopted – GALILEO.

At the beginning of 2004 the EU presented its own plan of implementing the Global Monitoring for the Environment and Security (GMES). This system will provide significant support to civilian policies of risk governance and will make a decisive contribution to the achieving of the objectives of the ESDP Committee and the CFSP Committee.

Europe needs an extended space policy capable of using the benefits of space technologies to fulfil its political, economic and social objectives<sup>2</sup>. To this purpose, the European Commission proposed the implementation of an European space policy with the aim of supporting these political and security goals of the European Union and of achieving the status of “global player”.

The EU, European Space Agency (ESA) and the member states of ESA with their national agencies and research centres are the active players which contribute to creating a Europe with a key role in space issues.

The European common space policy will be implemented within a European Space Programme (ESP) which will set priorities, formulate objectives, allocate responsibilities and draft annual budgets.

The priorities of the ESP will be Research and Development, developing infrastructure, services and technology. The Programme will be revised on an annual basis.

The implementation of the ESP will be achieved in two phases.<sup>3</sup>:

- 2004 – 2007, when the focus will be laid on the implementation of activities included in the recently concluded Framework Agreement between the European Commission and the ESA;
- post – 2007, after the coming into force of the Constitutional Treaty of the European Union, when space as a resource will be explored separately by the EU and the member states.

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<sup>1</sup> Javier Solana, *A secure Europe in a better world*, Thessaloniki European Council, June 20, 2003, la <http://www.eu.int/oressdata/EN/reports/76255.pdf>

<sup>2</sup> Commission of the European Communities, *Space: a new European frontier for an expanding Union. White Paper*, Brussels, 11 November 2003, p.6.

<sup>3</sup> *Ibidem*, p.11



### **2.8.2 The strategic reasons for risk governance by satellite**

For forty years Europe has been accumulating equipment and know-how in the launch of space rockets, satellite technology, sciences and space applications with the purpose of becoming an important “space player”.

Although taking actions for the implementation of a common European space policy must wait for confirmation from the future Constitutional Treaty of the EU, it is considered that the key elements of an extended space policy can already be put in place before the coming into force of the Treaty. Implementing the relevant space technologies does have a number of legal instruments which can provide the necessary basis for the first steps towards a common European policy (according to art. 70, 154, 157 and 163 – 173 in the Treaty on the European Union)

Several European states (France, Germany, the United Kingdom, Austria etc.) are developing separate space programmes and continue to act on an individual basis for achieving national goals in this respect; at the same time, they benefit from European funding within the European Space Agency, which already attributes them an European dimension.

The benefits of a common European space policy are:

- Economic growth, job creation, increase of industrial competitiveness;
- Contributing to the successful expansion of the European union;
- Dynamic and sustainable growth;
- Strengthened security and defence;
- A better effectiveness of the fight against poverty and increased aid<sup>4</sup>.

The European space policy will help Europe be a better neighbour and a respected global partner. It will increase its capability of acting in defence of the fundamental values of democracy, rule of law, sustainable development and peace keeping through dialogue and diplomatic means.

The EU will be better equipped to potentially assume a role of global leader in politics, economy and science.

The new member states of the EU will benefit in terms of better conditions for faster progress in their political, economic and scientific development. An extended European space policy can accelerate the achievement of their cultural and social prosperity at the highest standards.

One of the most important strategic reasons for a European space policy is the role the EU plays in the international arena in terms of a strengthened CFSP, founded on the ESDP.

During the next few years the EU will have to achieve “ the Helsinki targets “, developing communication capabilities able to ensure permanent contact with the rapid reaction forces and its intelligence services at a global level.

In order to be credible and efficient, any decision of the Committee for the CFSP and the Committee for ESDP must be founded on free access to global reliable information, so that governments have permanent access to correct information.

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<sup>4</sup> *Ibidem*, p.6

Space technology and infrastructure provide access to information and knowledge. The military land forces must be able to launch, develop and operate with satellites and have access to the appropriate technologies of rapid processing and interpretation of the information provided by the global systems of communication, positioning and surveillance.

In this way, space systems can ensure better security levels for the population, allowing, for instance, a better control at the frontiers and maritime lines as well as identification and prevention of natural disasters or humanitarian crises.

To conclude, technology, infrastructure and space systems represent an essential support for the European security and defence.

### **2.8.3 Potential pillars of the European space policy**

#### **2.8.3.1 GMES - Global Monitoring for Environment and Security**

At the European Council in Göteborg in June 2001, EU member states formulated the need for the implementation, by 2008, of a system of Global Monitoring for Environment and Security. The project is to be carried out in two stages: the first includes the forwarding of proposals for the implementation of the initiative; the second, of acting upon the proposals adopted by the European Commission and the European Space Agency<sup>5</sup>.

The aim of this project is to “provide independent, operational and relevant information in support of a range of policies serving sustainable objectives such as environment, agriculture, fisheries, transport, and regional development”<sup>6</sup>.

Also, this European capability will be relevant to the CSDP and the ESDP for purposes of early warning of natural disasters and damage assessment.

The Global Monitoring for Environment and Security will be an infrastructure of collecting and processing information at European level aiming to co-opt all institutions (European but not only) with an interest in obtaining such data.

The basis for GMES will consist of the systems of information gathering. The technologies of aerial observation will be backed by terrestrial monitoring capabilities, the information being corroborated by means of communication and IT systems.

#### ***Participants***

GMES is intended to be a complete system of obtaining, processing and dissemination of information in which a series of European and international organisations will take part. Thus, in addition to the organisations actually **obtaining** satellite information – ESA, EUMETSAT -, GMES will also suppose the implication of and communication among a series of **beneficiaries** of information, such as EU agencies ( the European Environment Agency ), services (RTD, INFSO, JRC, ENV, EUROSTAT,

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<sup>5</sup> For further details, see [http://gmes.info/action\\_plan/index-init.html](http://gmes.info/action_plan/index-init.html)

<sup>6</sup> Commission of the European Communities, *Space: a new European frontier for an expanding Union. White Paper*, Brussels, 11 November 2003, p .12

DEV, ECHO, RELEX etc.) as well as non-governmental organisations - EuroGOOS, Eurogeosurvey, Eurogeographics, Eumetnet etc.

All these organisations will be co-proprietors in implementing and maintenance of GMES. Therefore, a “critical mass” will be created able to influence policies or decisions which would seek to restrain the obtaining of information.

### ***Use of the information***

The above-mentioned actors will have to implement a system of communication of information able to provide access to each beneficiary in the shortest possible time. This requires the integration of existing systems of managing information as well as putting in place? Supplementary capacities where needed. To this purpose, standards regarding procedures and mechanisms will have to be introduced in order to ensure the interoperability of different systems of managing and processing information.

### ***A permanent dialogue***

The number and diversity of participants in the GMES system as well as the demonstrated inefficiency in the flow of information, of systems which lay emphasis on the technical side, of obtaining data make it necessary that a permanent dialogue exists among the actors participating in the system. The circuit of communication must include feed-back for a better satisfaction of the end-user.

Therefore, it is expected that by 2008 the GMES system be operational in the following directions:

1. producing and dissemination of information in support of the EU policies for environment and security ( including the inauguration of the GALILEO system );
2. implementing the necessary mechanisms for ensuring a permanent dialogue among all participants in the system and especially between suppliers and end-users;
3. establishing the legal, financial, organisational and institutional framework that will ensure the functioning and maintenance of the system.

At present, from an institutional point of view, there is the Framework Agreement signed between the European Union and the European Space Agency. Within the cooperation between these two institutions, the European Commission undertakes to act as necessary for adopting the legal framework and mobilising the political will for cooperation in this direction, whereas the European Space Agency acts as executive body with a role in financing and obtaining the equipments and systems for gathering information. In the White Paper on Space (November 2003), the Commission recommends that within the framework of this Agreement, the EU and ESA cooperate in order to:

- implement a management structure that will bring together all parties involved in GMES;
- prepare a plan for the harmonisation of observation systems, spatial infrastructure and services that will be included in GMES.

### **2.8.3.2. GALILEO**

GALILEO is intended to be the European Global Positioning System drawing on information transmitted by a number of satellites orbiting the Earth. To this purpose, 30 satellites will be launched and the system will be completed with ground centres for control and data receiving<sup>7</sup>.

The project is co-financed by public and private institutions, being the first large scale initiative to benefit from what is emerging as a new scheme of financing in European space policy: the Public-Private Partnership.

In May 2003, the implementation phase of the system was initiated, planned to last until 2008. It is taking place under the authority on the Joint Undertaking formed of the representatives of investors.

### **2.8.3.3. GMOSS – Global Monitoring for Security and Stability**

The Global Monitoring for Security and Stability, GMOSS, is by definition connected to the Global Monitoring for the Environment and Security system, more precisely to its civilian security aspects. GMOSS is a network of excellence which resolves to bring together the European research capabilities in view of “an enhanced European capability in monitoring for civil security applications through a joint program of research of which the priorities are agreed with end-users”<sup>8</sup>.

The network is made up of research centres, private NGOs, space agencies, satellite centres, mapping agencies, representatives of the space industry, SMEs acting in this field, academic institutions. All these actors pool infrastructure, personnel and software, focusing their efforts in the following directions:

- humanitarian operations, including disaster prevention, assessing vulnerabilities, ensuring the flow of information between the field personnel and the headquarters;
- reconstruction, including assessment of disaster damage;
- assessing compliance with non-proliferation agreements;
- police operations.

The aims of the actual research are:

- to develop and evaluate aerial and satellite sensors as well as ground and communication systems necessary for the images and transmissions to be processed as fast as possible;
- to develop and evaluate methods and algorithms by which the processing, interpretation, cataloguing and archiving of images can be automated, including operations of classification, detail enhancement, change detection, mapping and visualisation;

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<sup>7</sup> For more details, see [http://www.esa.int/export/esaSA/GGGMX650NDC\\_navigation\\_0.html](http://www.esa.int/export/esaSA/GGGMX650NDC_navigation_0.html).

<sup>8</sup> European Commission Joint Research Centre, *Global Monitoring for Security and Stability: GMOSS – A Network of Excellence*. March 2003, p.3.

Also, the network carries out research regarding the transmission of information and the establishing of decision-making mechanisms with application in defence.

Also, the network undertakes research on communication channels and establishing mechanisms of decision-making with applications in the area of defence.

The network thus resolves to become “a first contact point for organisations interested in consultancy on civil security matters”<sup>9</sup> in the four fields we mentioned before: humanitarian operations, reconstruction, assessing compliance with non-proliferation agreements and police operations.

To this purpose, the EU is expected to provide an important share of the necessary funds, considering the synergy of European research capabilities that would result, on the one hand, and the plea of the White Paper on Space for supplementary funds in this field, on the other hand.

The network aims to prepare the implementation of the GMES system, planned to take place by 2008. The activities of GMOSS already observe and are structured on three major sequences of circulation of the visual data. These are:

A. Supplying information – this category comprises primarily the GMES system, including GALILEO and other means of obtaining information from airborne sensors and ground equipment, as well as mapping operations;

B. System technology – the equipment all end users must have in order to ensure a minimum processing of information;

C. The use of information by the end-user – this refers to services of processing and integrating information coming from different sources to serve the needs of a certain beneficiary<sup>10</sup>.

#### **2.8.4 The provisions of the future European Constitution**

In the Draft Treaty establishing a Constitution for Europe, space issues are included under the heading of Research and Development. As general statement, the EU undertakes to coordinate technological research and development activities so that the general European policies are coordinated with those of member states. To this purpose, the Commission is charged with producing a multi-annual framework plan that establishes:

1. the scientific and technological objectives necessary to be achieved and the priorities within those;
2. the general lines of action;
3. the maximum total amount that constitutes the contribution of the EU and their allocation per projects.

The multi-annual framework of action would be implemented by adopting the necessary legislation European-wide. The Council of Ministers has the responsibility of taking the necessary steps in each field of action. The European Space Policy would obviously be one of these lines of action. The Constitution reaffirms the strategic reasons

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<sup>9</sup> *Ibidem*, p.11.

<sup>10</sup> *Ibidem*, p.22.

underlying it: promoting the technical and scientific progress, industrial competitiveness and support for a whole range of European policies.

As for the legislation necessary to implement this policy, the text of the Draft Treaty reads that it “can take” the shape of a European Space Program.

The prudent phrasing in the Treaty as well as the provisions according to which “supplementary agreements” can be signed during the implementation of the multi-annual framework of action, to which only some member states would participate can constitute as many indications of the reticence on the part of states more advanced in this field to pool their existent capacities for the common use.

On the other hand, however, as the White Paper for Space argues, the costs of supporting a competitive space industry can no longer be paid mainly by the market nor by a single state. It therefore remains to be seen how the final version of the Constitution will address this issue.

### **3. Romania’s security and defence policy from the perspective of the CSDP and ESDP**

#### **3.1. Romania’s position towards the Common Foreign and Security Policy (CFSP)**

*The External Relations* (Chapter 26) and *Common Foreign and Security Policy – CFSP* (Chapter 27) were among the first negotiation chapters opened by Romania after the start of the accession negotiations with the European Union, on February 15, 2000. These chapters were temporarily closed in June 2000.

According to the position papers presented, Romania stated that the *acquis communautaire* for both chapters will be accepted and applied upon the 2007 EU accession, without any transition period.

Romania’s Position paper for Chapter 27 regarding Common Foreign and Security Policy states that: *„Romania is ready to accept and to apply the European Union’s acquis in the field of Common Foreign and Security Policy (CFSP). The necessary structures for its implementation have been created, and Romania’s foreign and security policy is based on the same principles and has the same orientation as the one promoted by the European Union”*<sup>12</sup>.

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<sup>12</sup> Position paper Chapter 27: Common Foreign and Security Policy , in Vasile Pușcaș, *Negociind cu Uniunea Europeană*, Volumul 1: *Documente inițiale de poziție la capitolele de negociere*, Editura Economică, Bucharest, 2003, p. 796; For the English version of the document see „Romania’s Position Paper Chapter 27: Common Foreign and Security Policy”, in Vasile Pușcaș, *Negotiating with the European Union*, Vol 2: *The Initial Position Papers for Chapters of Negotiation*, Edit. Economică, Bucharest, 2003, pp. 784.

The above mentioned statement is sustained by the fact that Romania adheres to the fundamental values of the European Union and its member states: democracy, state of law, respect for fundamental human rights and liberty, minorities' protection and religious tolerance, development of the free market economy and assuring the social cohesion.

Romania also supports the non-proliferation of nuclear, biological and chemical weapons and is part of all the relevant international agreements in this field. Romania has introduced and exercises a strict control of the double usage products and technologies and is part of all the international treaties regarding arms control.

In September 2002, the National Agency for Controlling the Strategic Exports and Forbidding Chemical Weapons (ANCESIAC) published its first Report on controlling the exports of conventional weapons. ANCESIAC introduced a computerised system of controlling the exports in the specific industrial fields and developed a series of industry specific alert applications. For benefiting from the best international practices in the field of exports control, sustained international contacts have been developed.

Romania is member of the United Nations Organisation, of the Counsel of Europe, of NATO and some other international organisations. Romania is as well an active promoter of the regional co-operation through participation to various regional groups or organisations such as Black Sea Economic Co-operation Organisation (BSECO), The Central European Initiative (CEI), Central European Free Trade Area (CEFTA), South Eastern Europe Co-operation Process (SEECP), The Royaumont Process, South Eastern Co-operation Initiative (SECI), and The Stability Pact for South Eastern Europe.

Romania is now in an advanced stage of settling all the aspects of its relations with the neighbouring countries, based on international law and is part of a trilateral agreement network with these states, meant to ensure peace and stability in the Central and South Eastern Europe.

Within this context, in June 2003, Romania and Ukraine signed a treaty regarding the regime of the state border and agreed to continue the negotiations for achieving a mutual reasonable solution regarding the limits of the continental plateau. Romania's relations with the Russian Federation have also substantially improved, a bilateral friendship and co-operation agreement being signed in July 2003.

Romania continued to develop the relations with the Republic of Moldova by proposing a "Partnership for Europe", and the economic relations with the Former Yugoslav Republic of Macedonia (FYROM), Bosnia and Herzegovina and Croatia have been improved.

During the Kosovo and FR of Yugoslavia conflict Romania's position was intended to sustain the regional and European security and stability. This position was sustained within the Stability Pact for SEE also regarding the support towards the EU and NATO efforts for integrating the former Yugoslav republics into the predominant European values system. Similar objectives and principles have been promoted during Romania's Presidency of the SEECP (March 1999 – March 2000) and in 2001, when Romania hold the Presidency of the OSCE.

Romania has fully committed and aligned with the four fields of the *acquis* regarding the Common Foreign and Security Policy:

- Respecting the restrictions regarding the relations with Yugoslavia during the Milosevic regime;
- Respecting the restrictions regarding the relations with Taliban regime in Afghanistan;
- Respecting the embargo regarding the supplying of weapons and military equipment to Ethiopia and Eritrea;
- Applying the visa restrictions towards the members of the military junta from Burma/Myanmar.

Taking into consideration the above mentioned facts, Romania estimates that there will be no difficulties in implementing the Common Foreign and Security Policy acquis.

The European Commission's regular report regarding Romania's progress towards accession, issued on November 5<sup>th</sup> 2003, also states that "Romania continued to align its position with the European Union's decisions and statements and, when invited, it has associated to common EU positions. Romania continued to apply the international sanctions and the restrictive measures imposed by the United Nations, the European Union, OSCE and others resulted from the Wassenaar Agreement regarding the control of the exports of conventional weapons and double utilisation products".

Romania also considers that upon accession there will be no difficulties in applying the acquis regarding the consular and diplomatic protection.

It has also been stated that Romania will respect and implement the future requirements of the CFSP acquis. In the Position Paper on Chapter 27 Romania has undertaken to subscribe to the objectives described in the article 2 of the European Union Treaty, upon accession. According to the same commitments, Romania will subscribe and implement the CFSP objectives stated in the provisions of the Title V of the European Union Treaty.

In 2002 Romania ratified the Statute for the creation of the International Penal Court in Rome, but it also signed a bilateral agreement with the United States regarding the non-applicability of the Statute for the citizens of the two states. Conciliating the two documents is a very difficult task, but Romania cannot afford to postpone this. The ratification of the bilateral agreement with the USA is currently suspended following the European Union Common Position of June 2003.

### **3.2 The EU evaluation regarding Romania's position to CFSP**

The most recent regular Report regarding Romania's progresses towards accession<sup>13</sup> state that "Romania has confirmed the positive process in subscribing to the CFSP .... and has been active in promoting the regional security issues". Romania is considered an active participant to the political dialogue established through the Association Agreement and there is recognition for the constructive role within the Common Foreign and Security Policy (CFSP), including high level meetings, such as Policy Directors, European Correspondents and Working Groups.

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<sup>13</sup> The European Commission, the report regarding Romania's progresses towards EU accession, November 5<sup>th</sup> 2003.



The Report shows that Romania continued to play an important role as regional leader of the efforts for enforcing stability and security in South Eastern Europe, and the public servants from the Romanian Foreign Affairs Ministry are capable to successfully implement the European requirements regarding CFSP.

It also emphasised that Romanian Foreign Affairs Ministry already has a European correspondent but had not yet appointed a permanent Policy Director. This is why the Report recommends the finalisation of the administrative structures for participating to CFSP. The Foreign Affairs Ministry is connected to the information system of the Correspondents Network in the associated countries through which the European Union permanently communicates with its associated partners in the CFSP field.

Even though the Report is appreciative towards the progresses in the arms exports control, it also points out that the complete implementation of the EU Code of Conduct regarding the arms exports and the fight against unauthorised arms transfers requires more attention. The completion of the arms control legislation is necessary in order to allow the direct economic sanctions.

### **3.3 Romania's position towards the Common European Security and Defence Policy**

Romania's positioning towards the European construction in the field of security and defence is based on the presumption that this represents a superior necessary stage in the process of developing European Union's capacity of managing, through military and non-military means, the crises emerging on the European continent and its neighbourhood. At the same time, Romania considers that it is necessary to maintain the simultaneity of this process with that of developing the North-Atlantic Alliance so that the European defence should not evolve into a counterweight of the Euro-Atlantic defence efforts.

Romania's Position Paper for Chapter 27 regarding the Common Foreign and Security Policy, adopted by the Romanian Government on March 23 2000, states that: "Romania greets the decisions adopted in the field of Common European Security and Defence Policy (CESDP) by the European Councils in Köln and Helsinki, and the setting up of the interim policy and security structures designed to implement those decisions. It also expresses its willingness and special interest in being actively involved in the arrangements that will be convened upon for co-operation between third party states and for fully participation to CESDP after the EU accession"<sup>14</sup>.

The position expressed by Romania was correctly received by the European Union, who later stated that: "Romania showed a special interest in the development of a European Security and Defence Policy (ESDP) as part of CFSP and participated to the ideas exchanges on this subject with the European Union in the EU + 15 format (non UE European NATO member states and the EU candidate countries)".

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<sup>14</sup> „Position Paper for Chapter 27: Common Foreign and Security Policy Securitate”, *ed.cit.*, p. 798; For the English version see „Romania's Position Paper Chapter 27: Common Foreign and Security Policy”, *ed.cit.*, pp. 785-786.

Romania considers that the early participation to the Common Foreign and Security Policy (CFSP) is an important opportunity for our country in preparing for EU accession in a pre-accession stage, and the participation to ESDP, a natural continuity deriving from the participation to CFSP.

Romania is in favour of reducing the redundancy of the NATO – EU relation in the field of security and defence, and against the creation of separate structures within the North-Atlantic Alliance. In Romania's view, the framework for developing the ESDP should be based on the co-operation principles NATO-WEU-EU adopted by the North-Atlantic Councils in Berlin (1996), Washington (1999) and Brussels (2002).

From the Romanian perspective, ESDP should lead to a strengthened European Security and Defence Identity within NATO and, in the same time on a long term, to an important instrument for assuring the credibility of the European Union's change into a responsible global power.

Romania also considers that participation to ESDP can and should mean participation also to the activity of the Western-European Armament Group and to that of the future European Agency for Armament, Research and Military Capabilities.

According to the Romanian opinion, the chances for crystallising the European security and defence project grow as the European construction in this field is coagulating as a result of the common efforts of all member or candidate states of the European Union. At the EU level there is a tendency of consulting the candidate countries both before and after taking decisions in this field, and they can participate, up to the desired extent, to the implementation of ESDP related decisions from the same position as the member states. Taking this chance, Romania wishes to be an active part of ESDP, as a good opportunity for enrolling to the European efforts for achieving peace and security. From this point of view, there is now a need for using the opportunities offered by the preliminary project of recommendation of the WEU Parliamentary Assembly on the ESDP perspectives addressed to the Intergovernmental Conference (13 October 2003) to take into consideration the interests of those WEU states that will not be invited to the elaboration of the final document, which are, Bulgaria, Island, Norway, Romania and Turkey<sup>15</sup>.

Both in the pre-accession phase and after Romania's accession to the European Union, a sensitive issue related to ESDP will be for Romania its positioning towards the three existent groups among the present members of the European Union regarding the elaboration of a common defence policy:

- The pro-Atlantic group (United Kingdom, The Netherlands, Portugal and until recently, Spain);
- The pro-European group (France, Germany, Belgium, Luxembourg and, recently, Spain);
- The neutral group (Austria, Finland, Ireland, Sweden, Denmark).

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<sup>15</sup> *Prospects for the European Security and Defence Policy-Contribution to the Intergovernmental Conference*, Draft Report submitted by Mr Gaburro, Rapporteur, Assembly of Western European Union, The Interparliamentary European Security and Defence Assembly, A/WEU/POL [2003] 16, Paris, 13 October 2003, p. 6.

Romania will have to choose between adhering to the pro-Atlantic group and to the pro-European one, depending on purely pragmatic criteria, relevant to its medium and long term interests.

The ways and means Romania can use for integrating into ESDP are multiple: periodic consulting on European security; participating to the decision making process on issues regarding the management of military and civilian aspects of the crises; involving into the current activities of the EU organisations dealing with security issues (General Affairs Council, The Policy and Security Committee, The Military Committee, The Chief of Staff, EU Security Studies Institute, etc); participation to the WEU Assembly sessions, to the sessions of the Inter-parliamentary Security and Defence Assembly; participating to the UE lead crises management exercises and operations, a.o.

From a military perspective, Romania's experience as part of the Partnership for Peace can be instrumental for achieving the ESDP objectives. The relations with the WEU can also constitute an important experience asset in the ESDP implementation process. Starting with 1994, as an associated WEU partner, Romania has been developing information exchanges with this security structure in the fields of achieving the European Security and Defence Identity, of the common WEU and associated partners' security concept, of the increase of WEU's operational role and participating to peace keeping operations. When invited, Romania has also been a constant presence at the WEU reunions both through representatives of the NATO and WEU Liaison Missions in Brussels and through representatives of the Romanian authorities. From this perspective, Romania has constantly advocated for a integration of the WEU „acquis” for the relations with associated partners (at the WEU Permanent Council, formed by 28, the associated partner countries effectively participating to the debates and decisions) taking into consideration a WEU integration into EU. At the WEU Ministerial Council reunion from November 23 1999, together with the other six associated partners to WEU (Bulgaria, Latvia, Lithuania, Estonia, Slovakia and Slovenia), Romania signed a common Statement that underlined the need for assuring the inclusive character of the ESDP elaboration process. The initiative was renewed at the WEU Ministerial Council in Porto, from May 15-16 2000, when the seven WEU associated partners adopted and presented a new common Statement regarding ESDP that re-minded the need for their involvement in the EU activities and debates on this process<sup>16</sup>.

Adding credibility to Romania's interest in assuming an active role within ESDP, at 21 November 2000, on the second day of the Conference for engaging the military forces, the representative of our country presented the forces that Romania could place under the command of the European Union for creating the Rapid Reaction Force.

The forces and means offered by Romania are designed for peace keeping, search-rescue and humanitarian missions. According to this commitment from the autumn of 2000, the forces supplied by Romania have a different structure, according to the type of mission to be fulfilled, as it follows<sup>17</sup>:

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<sup>16</sup> Adrian Pop, *Strategii de integrare europeană/ European Intergration Strategies*, Ed, Sylvi, Bucharest, 2003, pp. 114-116.

<sup>17</sup> Ioan Mircea Plângu, “Romania's position at the Conference for engaging the military capacities, Brussels, 20-21 November 2000”, in *Monitor Strategic*, year I, no. 2, 2000, p. 43.

- For peace support missions: starting with 2001, an infantry company, a group of divers (COSAR), a monitor (a fluvial ship with artillery) and a military police platoon; starting with 2002, a military engineering battalion; starting with 2003, an infantry battalion, a military police company, a mountain hunters company and an intervention ship with divers („Grigore Antipa”) – the last can be used for search-rescue missions;
- For search-rescue missions: starting with 2003, the maritime trailer „Grozavu”.

The forces offered by Romania have different operability levels. From the moment the intervention request is received they can be mobilised as follows: 15 days, the diverse group, 30 days, the land forces and 60 days, the navy forces.

Later on, with the occasion of the Conference for the Improvement of the Capabilities, held in Brussels, in November 2001, the Romanian Government offered a new package of forces, of about 3700 militaries and 75 de police officers for improving the military and civilian crises management capacities of the EU<sup>18</sup>.

In March 2003, Romania has reaffirmed its willingness to contribute with forces both to the EU Rapid Reaction Force and to the civil EU instruments for crisis management. In May 2003, at the UE and third party countries defence ministers reunion, Romania has detailed the national contribution to the EU Rapid Reaction Force.

Taking into consideration that, on one side Romania's offer for the European Rapid Reaction Force is actually identical with the one for the peace keeping operations under NATO command and, on the other side, starting with mid October 2003, the NATO Reaction Force – the Rapid Reaction Force of the North-Atlantic Alliance has become operational – composed of integrated land, maritime, air and special forces – Romania will have to make different offers for the two organisations if the expressed interest of being an active part of both rapid reaction forces is to become reality.

Now, looking at the 2005 horizon, according to the agreements assumed as NATO member Romania envisages to create a reaction and protection capacity of the forces that will allow the enrolment of six fighting brigades with the afferent combat and logistical support, of two-three combat air-squads, a transportation squad, four-five combat ships multi-use frigate type and the simultaneous deployment of 5 000 militaries. The goal is that in 2005 Romania should be able to send abroad an air-mobile brigade, an air-transport flotilla, infantry units, mountain rangers and paratroopers, as well as combat and logistical support structures.

From a military perspective, Romania can potentially constitute an important ESDP pillar in the Central and South-Eastern Europe, a fact proven by its participation to the Multinational Peace Force from South Eastern Europe (MPSEE), to the Multinational High Combat Capacity Brigade of the UN Forces (SHIRBRIG), to the Black Sea naval co-operation Group (BLACKSEAFOR), to the creation of a peace keeping brigade of the Central European countries (CENCOOP) and of the mix military units – a Romanian-

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<sup>18</sup> George Tibil, “The challenges of the European integration in the security and defence sector”, in Ilie Bădescu, Ioan Mihăilescu, Elena Zamfir (coord.), *Geopolitica integrării europene/ The geopolitics of the European integration*, Ed. Bucharest University, Bucharest, 2003, p. 490.

Hungarian peace keeping battalion, a land/mines Romanian-Ukrainian-Hungarian-Slovak unit and a Romanian-Moldavian battalion.

On regional level also, Romania actively participated to the Working Table 3 on security issues of the Stability Pact for South Eastern Europe and chaired the Defence Ministries Committee for Co-ordinating the Co-operation Process in South East Europe, as well as the Politic and Military Committee of the Multinational Peace Force from South Eastern Europe. Romania has also accepted to host in Constanta the headquarters of the South Eastern European Brigade (SEEBRIG) in 2003-2006.

The international military co-operation willingness of Romania is also sustained by hosting regional military training institutions such as the Romanian-British Regional PfP Training Centre within the High Military Studies Academy in Bucharest and the Regional Defence Resources Management Centre from Brasov.

The participation of the Romanian army to peace support missions is another element that underlines the viability of the Romanian military organism on the international level. Starting with 1991 Romania participated to many operations of this kind, namely to IFOR/ KFOR commanded by NATO in Bosnia and Herzegovina (203 militaries), ALBA and MAPE in Albania (one police officer), UNMIK in Kosovo (46 police officers, 4 civilian experts, one liaison officer). Romania is also part of the police forces missions of the European Union (EUPM) from Bosnia and Herzegovina and to the European Union's Concordia military operation in Macedonia.

The European Commission appreciated<sup>19</sup> as „notable” Romania's efforts for supporting the international peace keeping missions. Thus, Romania contributed with troops to the International Security Assistance Force and to the „Enduring Freedom” operations in Afghanistan. In the same time, Romania took part to various UN, KFOR, SFOR and OSCE peace keeping and surveillance missions.

The total Romanian forces available for peace keeping missions is relevant to the credibility of the country's military action abroad: four infantry battalions, one military engineering battalion, one military campaign hospital and other combat and support sub-units.

Within the Partnership for Peace (PfP) the Romanian army proved that it has the required qualities for implementing the European security and defence policy: the projecting capacity, sustainability, inter-operability, flexibility and mobility

### **3.4 Basic documents of the Romanian security and defence policy**

The basic documents regarding the current Romania's security and defence policy are: *The Governmental Program for 2001 – 2004*, *The National Security Strategy*, *The National Military Strategy* and *the White Book of the Government*. We will continue by presenting the main ideas contained by these documents with the purpose of highlighting the current approaches in Romania's security and defence policy. Based on the analysis

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<sup>19</sup> The European Commission, *The periodic report on Romania's accession progresses*, 5 November 2003.

of the fundamental ideas of these core documents it is possible to establish the degree of harmonisation with the ESDP approaches of the European Union.

#### ***3.4.1. The Provisions of the Governmental Program for 2001 – 2004 in the field of national defence***

According to the Governmental Program<sup>20</sup>, the strategic objective in the national defence field is represented by the achievement of a satisfying level of the military structures, in terms of figures and endowment of the forces, that should ensure an operative capacity at the NATO requirements level, simultaneously offering the capacity of participating to conflicts prevention, crises management and collective defence on a regional scale.

The Governmental Program affirms that the Euro-Atlantic integration activity cannot be resumed only to the army, but it aims to the whole of the Romanian society. This is why the Governmental Program envisages that for the integration within the Euro-Atlantic structures there is a need for joint effort from other institutions too, especially the Ministry of Foreign Affairs.

A distinct point of the Governmental Program refers to Romania's international military tasks. In this light, the Government should take the necessary measures for guaranteeing the fulfilment of Romania's current military obligations within SFOR, KFOR, SEDM, SEEBRIG, the BLACKSEAFOR negotiations, for signing the CENCOOP agreement and an active participation to SHIRBRIG.

A prospective provision of the Governmental Program is the increase (within the existent financial limits) of the international co-operation on the military level, based on the fact that a strong involvement of our country can contribute to ensuring regional peace and stability and to materialising Romania's role as security provider on the regional level.

#### ***3.4.2. The National Security Strategy***

Romania's National Security Strategy was drafted based on the law regarding the planning of the national defence. According to this law, Romania's National Security Strategy is defined as "the core document that sets the parameters of the defence planning at national level"<sup>21</sup>.

The successive versions from 1999 and 2002 of Romania's National Security Strategy prove the limits of Romania's approach to the ESDP, from a programmatic point of view. The 1999 version, approved in the meeting of the Supreme Defence Council

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<sup>20</sup> *The Governmental Program for 2001 – 2004*, Chapter VIII, National defence, public order and citizen's safety, Bucharest, 22 December 2000.

<sup>21</sup> *Romania's National Security Strategy*, Bucharest, 2002.

(CSAT) from 18 June 1999, is limited to simply mentioning, in the “actions for ensuring Romania’s national security” chapter, “Romania’s participation to the process of achieving the European Security and Defence Identity” (within NATO); concepts as CFSP and ESDP and Romania’s referring to them are not even mentioned<sup>22</sup>. The 2002 version of the Strategy, despite the obvious progresses in defining Romania’s fundamental interests and the objectives for their achievement, was also limited to re-phrasing the formulas of the Maastricht and Amsterdam Treaties, namely: the CFSP “includes the progressive defining of a common defence policy”, which “is to be compatible with the common security and defence policy empowered through the Washington Treaty”. Subsequently, Romania’s accession to the European Union was still seen as „*a necessary process, first of all, from the internal point of view, from that of the Romanian economic and social life*” (author’s underlining), even though – the document adds – this process has, “obviously, direct influence on our national security”<sup>23</sup>.

The national security system groups “the ensemble of means, regulations and institutions of the Romanian state that have the role of realising, protecting and affirming Romania’s fundamental interests”.

Starting from this definition, the structure of Romania’s National Security Strategy, adopted in 2002 has the following chapters:

- defining the national security interests;
- determination of the objectives that lead to the protection and affirmation of these interests;
- evaluation of the international security environment;
- identification of the internal and international risk factors;
- main action guidelines and means for ensuring Romania’s national security.

The text of the actual Romania’s National Security Strategy begins by admitting the enlargement of the spectrum of the non-conventional risks, the diversification of the crises and conflicts typologies that requires multidirectional reactions, based on mobility, diversity, coherence and simultaneity, both internally and on the international level.

This new context leads to a multiplication of the national security concept dimensions, including the political, economic, financial, military, civic, social and environmental sides; this aspect requires identifying new internal and international resources that can be mobilised for defending Romania’s fundamental interests.

According to the National Security Strategy Conform the defence and promotion of Romania’s fundamental interests will be realised in accordance with the international law principles, through dialogue and co-operation with all the international organisations and states interested in achieving stability and security at European and global levels.

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<sup>22</sup> *Romania’s National Security Strategy – Democratic stability, sustainable economic development and Euro-Atlantic integration*, Bucharest, 1999, pp. 8-9.

<sup>23</sup> *Romania’s National Security Strategy*, Bucharest, 2002, pp. 11, 15.

These fundamental national interests derives from Romania's general objective on this stage, namely: consolidating Romania as a democratic, politically stable, economically and socially prosperous country, integrated in the international economic flows and actively involved in the European and Euro-Atlantic integration processes.

In this respect, according to Romania's National Security Strategy, **the fundamental national interests** are:

- maintaining Romania's integrity, unity, sovereignty and independence;
- guarantying the fundamental democratic freedom and rights, assuring the well being, safety and protection for Romania's citizens;
- the economic and social development of the country and the accelerated decrease of the discrepancies with the developed European states;
- fulfilling the conditions for the effective integration of Romania into NATO and EU structures. The two organisations are now the only suitable way for assuring Romania's independence and suzerainty that will lead to a economic, politic and social development comparable with the cu consolidated democratic regimes;
- affirming the national identity and promoting this as part of the democratic values community;
- protecting the environment, the natural resources, the quality of the environment factors at international standards level.

The effective achievement and promotion of Romania's fundamental national interests is realised through the implementation of the national security objectives. These objectives cover multiple fields that actually define the entire Romanian society.

For the current development stage the **national security objectives of Romania** are:

- Maintaining the independence, sovereignty, unity and territorial integrity of the Romanian state, under the specific conditions of the NATO and European Union accession;
- Guaranteeing the constitutional order, the consolidation of the law state and of the democratic functioning mechanisms of the Romanian society;
- Re-launching the national economy based on the market economy control mechanisms, combating poverty and unemployment;
- Developing the civil society and the middle class;
- Assuring the stability of the financial-banking system and the social equilibrium;
- Modernising the institutions dealing with defence, public order and citizens' safety;
- Optimising the national defence capabilities according to the NATO standards;
- Improving the capacity for participation to international actions for combating terrorism and organised crime;



- Improving the health situation of the population and child protection, as well as developing the education, research and cultural institutions;
- Reforming the public administration and developing the regional co-operation according to the European Union's practices and regulations;
- Harmonising the inter-ethnic relations and consolidating the multicultural civic status, with social participation, intercultural integration and subsidiarity in governance as guarantees of the security;
- Diplomatic actions and a creative, dynamic and pragmatic foreign policy, based on respecting the international treaties and agreements signed by Romania and of the United Nations Charter's objectives and principles;
- Diversifying and strengthening the relations with the Romanian Diaspora;
- Active participation to the international co-operative actions for combating terrorism and trans-border organised crime;
- Developing the good neighbourhood relations and regional participation to consolidating the stability and crises management;
- Ensuring ecological security ;
- Involving the civil society in achieving the objectives of the national security strategy.

The conclusion of the above mentioned statements is that most of these objectives are related to Romania's economic and social life and in the same time represent EU accession criteria. Thus we can say that achieving a state of a dynamic equilibrium, under sustainable development conditions, will ensure for Romania not only the fulfilment of the European Union's standards but also will provide a sufficient level of national security.

An increased relevance for the study of Romanian's security and defence policy, from the ESDP perspective, is brought by the action directions established for the foreign affairs and national defence fields.

According to the National Security Strategy, **in the field of foreign affairs policy** Romania will focus in the following directions:

- Ensuring the fulfilment of Romania's obligations as a full North-Atlantic Alliance member, a direction entirely justified by the 2004 accession;
- Intensifying the negotiations and accelerating the preparations for European Union integration, including the involvement into the process of creating a security and defence European policy;
- Ensuring the fulfilment of the obligations derived from the intensified strategic partnership with the U.S.A., as well as developing the bi and multilateral privileged relations with NATO and EU member states;

- Consolidating the relations with the neighbouring countries and with Romania's traditional partners;
- Developing the co-operation with the states within the region, including through participation to regional, sub-regional, trans-border and Euro-regional co-operation projects;
- Developing, with pragmatism, the special relations with the Republic of Moldova;
- Supporting the consolidation of the OSCE role as a dialogue forum in the field of security, as well as the development of its capacity for conflict prevention, crises management and post-conflict reconstruction;
- Diplomatic support of the participation to UN peace keeping operations and to other actions meant to ensure the stability and the increase of trust at regional and global level;
- Strictly respecting the international agreements in the field of non-proliferation and the control of arms, exports of strategic products and double utilisation technology;
- Promoting an active policy on bilateral level or on the international level for ensuring the security and stability in the South Eastern Europe, South Caucasus, the entire Danube and Black Sea region;
- Supporting the Romanian communities from abroad for preserving the national, cultural and spiritual identity and identifying their support potential in sustaining Romania's diplomacy objectives;
- The constant interest for improving the judicial status and treatment of the Romanian minorities from other states, according to the international law regarding the rights of the minorities and the arrangements assumed through bilateral agreements and treaties.

**In the field of national defence**, the main action directions, subsumed to the national interest, will focus on the Euro-Atlantic structures integration:

- Fulfilment of the objectives assumed as NATO member and ensuring the full inter-operability with the North-Atlantic Alliance's forces;
- Increasing the participation to the Partnership for Peace and the development of the military co-operation on bi- and multilateral base for achieving the partnership objectives assumed by Romania;
- Constituting and consolidating the necessary capabilities for fulfilling the obligations undertaken by Romania, for participating to peace keeping, rescue, crises reaction, terrorism combat and humanitarian assistance operations at sub-regional and regional level;
- Restructuring and modernising Romanian Army, especially the structural modernisation of the forces and of the training systems and continuing the harmonisation of the national legal system in the field of defence with that of the NATO and European Union member states;

- Adapting to the contemporary conditions the mobilisation and integrated planning defence system and assuring the concordance between the proposed objectives and the allocated resources;
- The operationalization of the forces designed to participate to the European Unions' missions, within the European security and defence policy, and NATO, UN and other forums / sub-regional initiatives;
- The efficient human resources management and the restructuring of the forces, together with the increase of the professionalism of the Army personnel and the modernisation of the military education;
- Assuring the equipment stocks, the combat technique, ammunition and materials;
- Improving the co-operation between the specialised services for operative intelligence exchange on potential risk factors to the internal security and stability;
- Re-sizing the command level to the level of the forces which currently undertake a decrease, restructuring and modernising process;
- Regulating the military personnel retirement and applying the professional re-conversion plans for the disposed Army and defence industry personnel;
- The coherent planning of the acquisition activity, through co-ordination with the economic policies, the privatisation and restructuring of the national defence industry; developing and acquisition of new equipment, inter-operable with those used by NATO;
- Improving the parliamentary monitoring of the defence sector;
- Supporting the public authorities in case of civil emergencies, disasters or natural hazards

From the action guidelines presented here we can conclude that Romania has the political resources and the necessary social support, proved in numerous occasions, both by unanimous support for the European and Euro-Atlantic integration from all the political forces and public institutions, and through the large support of the Romanian society of the European integration efforts. Naturally, there are some limits regarding the financial resources for implementing all these action guidelines but, the allocated amounts from the state budget are reasonable and could allow the achievement of the undertaken obligations.

### ***3.4.3. Romania's Military Strategy***

Romania's Military Strategy represents the core document of the Romanian Army, comprising the objectives and fundamental options regarding the achievement, through military means and actions, Romania's defence policy. Romania's Military Strategy establishes the place and the role of the Romanian Army within the efforts for

achieving the objectives provisioned by the National Security Strategy and the Government's White Book on security and national defence.

The Army's main mission is to guarantee to Romanian citizens' the strict respect of the human rights in a sovereign, independent, united and indivisible state, actively engaged into the European and Euro-Atlantic integration process, with a political regime based on constitutional democracy, under a strict democratic control over the armed forces. For fulfilling this mission the Army is, and will be, subordinated exclusively to the will of the Romanian people.

The present military strategy of Romania is a defensive – active strategy and has been elaborated based on the following facts:

- Romania has no current declared enemy;
- Romania has peaceful relations with its neighbours;
- the probability of a major military threat to Romania's security is very low on the medium and short term.

The essence of Romania's military strategy is based on four strategic concepts, namely:

- **credible defence capacity** implying a permanent reaction capacity to the existent and probable risks form the security environment;
- **restructuring and modernisation** meant to achieve a structure with reduced dimensions, able to be rapidly dislocated, as well as the increase of the quality of army's endowment;
- **increased operational partnership** intended both for the current special, bilateral and multilateral, partnerships and for developing others that will increase the national security;
- **gradual integration** consisting in accelerating the military European and Euro-Atlantic structures accession and integration process and materialised in ensuring the gradual inter-operability of the Romania's Army with those of the member states. This concept is based on the fact that a collective security environment is now the best way to protect the national interests.

The implementation of Romania's military strategy should reflect the phenomena manifested in the area of military strategic interest for our country. From this point of view, Romania is seen as situated at the interference area of four strategic spaces:

- The Central European area where a future regional prosperity pole is envisioned;
- The South Eastern European area, seen as a future instability generator;
- The Independent States Community area, facing an identity crises;
- The Black Sea area, with a strategic position for the southern NATO flank, but also as a transit area for the energy resources coming from the Central Asia.

Defining Romania's military strategy and, from this, the approach of the partnership relations and integration within the Euro-Atlantic structures starts from the conclusion that the risk of the outbreak of a major military conflict is currently low.

Nevertheless, there are regional and local risks, military or non-military, which are not easy to predict and might become threats. These risks can be classified:

- Regional risks;
- Asymmetric risks;
- Trans-national risks;
- Unpredicted events.

**Regional risks** include: strategic imbalances within the military potentials from Romania's strategic interest area; the presence of military tensions and conflicts with potential for escalation; the prolonging of some economic-social difficulties that directly influence the military potential and undermines the authority of the national institutions that lead the state; the possible non-functionality within the financial, IT, energy, communications and telecommunications systems of the states, as well as the politico-military rivalries among these.

**Asymmetric risks** include those strategies or actions deliberately targeted against the Romanian state, strategies or actions that use procedures different from the classic combat, aimed to attack of the vulnerabilities of the civil society, but can directly or indirectly affect the armed forces too. These refers to: the expansion of the terrorist networks and activities; the proliferation and uncontrolled dissemination of the nuclear technologies and materials, of the weapons of mass destruction, of the armament and other non-conventional lethal weapon; the cyber war and the information war; Romania's isolation in the global society, based on information, due to the lack of the specific infrastructure. This type of risks include the interruption of the essential information flow, promoting a deformed image of the Romanian society, the way Romania fulfils its international treatise and agreements, limiting the access to the strategic resources, the degradation of the environment and the existence of high risk objectives in the proximity of the national borders.

**Trans-national risks** comprise those risks that overlap the states' borders. This type of risks can be generated by groups that promote separatism or extremism, by the inter-ethnic disputes, the religious rivalries and human rights abuses. To this category belong a series of new risks too: organised crime, illegal drugs, weapons and strategic materials traffic, the massive flows of refugees.

**Unpredicted events** refer to risks deriving from incertitude: the negative evolution of certain international relations, the probability of natural disasters in the region: flows, dries, earthquakes.

#### ***3.4.4. The White Paper of National Security and Defence***

The White Paper of National Security and Defence<sup>24</sup> is the most recent document in the security and defence policy of Romania (adopted in 2004). It is structured in nine chapters and outlines the present and future perspectives and options in the following fields of interest:

- the security policy of Romania;
- the Defence component of the national security system;
- the Foreign Affairs component of the national security system;
- the national system of control of armaments and strategic exports;
- internal security, public order and national security;
- the Justice component of the national security system;
- the industrial, research, infrastructure and communications component of the national security system;
- the development perspectives of Romania;
- the perspectives of reform in the security sector.

The above enumeration shows clearly that this document represents the most extensive framework of reference in Romania's security and defence policy.

The White Paper of National Security and Defence ensures the coordination of politics and policies, objectives and plans, strategies and resources and provides an overview of the internal reform with its achievements and weaknesses. This overview is meant to support Romania's capacity to consolidate internally its democratic political regime and the market economy mechanisms as well as its capacity to act at a regional and global scale for the promotion of its interests and the interests of its allies.

According to the White Paper, ensuring Romania's national security is a continuous and complex process, of reform and adaptation which promotes the interests and security objectives of the state, society and of the citizen. This is why the White Paper of National Defence and Security can only take in a limited temporal scope of an ample process.

The reform of the security sector in Romania took place at the same time with a process of political democratisation and a transition to the rules and mechanisms of a market economy. The former development led to the establishment of a dual security system in which the President decides upon the main courses of action and the Government has the role of developing and implementing the concrete sectoral policies.

It must also be mentioned that the new concept of national security makes a fundamental priority of the definition and substantiation of the partnership citizen-civil society-state.

Romania has gained a new strategic profile by participating with armed forces in multinational operations, by transforming traditional defence concepts into expeditionary policies and by enlarging the role and missions of the Army.

After 1990, Romania has witnessed a fundamental transformation of its defence policies: from an approach centred on ensuring the country's own security and the protection of the national territory, to assuming first an important role in the security of South Eastern Europe and later on to articulating coherent policies at multi-regional level.

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<sup>24</sup> The White Paper of National Security and Defence, the Government of Romania, Bucharest, 2004.

which comprise elements of reconstruction and stabilisation in areas far from the European continent, such as Central Asia and the Middle East.

According to the White Paper, the security of Romania as a European state can only be defined and promoted within NATO and the European Union, in accordance with the specific policies of the two organisations and this premise has been and is being taken into account even before becoming full member of the two organisations (Romania became member of NATO in March 2004 and is expected to join the European Union in 2007).

**At a global level**, the role of Romania is circumscribed to its new status as a NATO member as well as to commitments and policies in relation with other states, which define common means of action and promotion of mutually shared security interests. In the same context, initiating and implementing sub-regional forms of cooperation in the political, diplomatic, military or economic field, as well as developing trans-border projects support the national policies within a joint framework of action.

In the light of the above, the national strategy of Romania is positioned at the intersection between the super-national, the multi-national and the regional - at the same time in which it reflects the whole of internal aspects and processes of the Romanian state and society.

**At a European level**, Romania fully supports the decisions adopted by the European Councils in Köln, Helsinki, Feira and Copenhagen which established the basic landmarks and elements of the European Security and Defence Policy and which led to the political concord with NATO regarding the enforcement of the "Berlin +" agreement.

Within the permanent dialogue taking place in the "15+15" format, Romania has put forward a series of proposals for the establishment of a consistent framework for dialogue with the EU on ESDP matters. One of these proposals concerns the relation of the EU with other international organisations, such as NATO and the OSCE. The successful NATO-EU-OSCE cooperation in managing the crisis in Macedonia could become the basis for a future joint participation of the three organisations in promoting security and stability on the continent. With a view to optimizing the efforts of NATO and the EU in crisis management, Romania supports the harmonisation of the exercise policies of the two organisations, taking as a departure point the experience accumulated within the WEU-NATO relation.

Since the security and defence dimension is one of the instruments which can make a direct contribution to the strengthening of the external actions of the EU, Romania is receptive to any undertaking which aims to enhance the role of the EU in the international arena.

In case a special chapter will be included in the Constitutional Treaty of Europe, Romania maintains that any initiative in the sphere of European security and defence must take into account the trans-atlantic context, with NATO as a central element, and must therefore consolidate the European pillar within the Alliance, providing it with a real capacity of action.

It is in the interest of Romania to take action before the structuring of the final institutional formulae of the ESDP and to connect itself to the nuclei which will evolve into the new mechanisms of integrated cooperation. A first step would be the involvement in programs and projects of cooperation in the fields of armament industry and research, promoted within European initiatives such as OCCAR or LoI and which

will probably be incorporated into the European Agency for the Development of Defence, Research, Acquisitions and Armament Capacities.

### ***3.4.5. Changing the Romanian Constitution in the process of joining the European Union and the adoption of a European Constitution***

The process of accession to the European Union and, in a larger context, to the euro-atlantic structures is a historical development and is extremely comprehensive, practically affecting every field of activity. Beyond the immediate economic reality of increased trade and cooperation between Romania and the EU which is by far our country's main economic partner, joining the EU also entails the adoption of the *acquis communautaire*, understood as a whole made of two inseparable components: the *acquis* itself and its enforcement.

The adoption of the *acquis* is far from being a mere transposition into the national legislation of the entire body of primary and secondary EU legislation and of the ensemble of policies and institutions created to ensure the enforcement, the respect and the necessary and continuous development of this legislation. It requires an in-depth analysis of realities and regulations in the EU, assessed in their continuous dynamic, followed by a creative interpretation of those so that they correspond to the realities and problems of Romania in the present and future.

As the French Minister of Foreign Affairs Dominique de Villepin noticed in June 2003, each candidate country makes for Europe in its own rhythm but the EU forms a whole and as such cannot be chosen „a la carte”<sup>25</sup>. Joining the EU cannot be reduced to a series of technical formalities: this is a question of assuming the European project, of a Union of states and peoples becoming increasingly integrated.

In the light of the above, one of the most comprising actions and bearing the most profound implications nationally was the setting of the Romanian Constitution in line with the requirements of the country's integration into the EU and the euro-atlantic structures.

This revision was objectively necessary because in the initial Constitution of 1991, some issues had been dealt with in a contextual or emotional manner (the definition of Romania as national state, regulating property, the right of Romanian citizens with double citizenship to hold high public positions, the buying of land by foreign citizens etc.). Other matters had been completely ignored at the time, having no correspondent in the reality of that moment (the compulsory military service or the direct applicability of European law). All these issues were approached in a different light after 2001, from a different historical perspective, in a different geopolitical context and particularly within a predictable and already tangible membership of the large family of the European Union.

On the other hand, from an exclusively internal perspective, it must be noticed that after the year 2000 Romania would have had to operate changes in the Constitution anyway, given its numerous imperfections revealed within the course of more than a decade of transition.

Thus, the time for correcting these flaws and adapting to the new realities brought about by the transformations in the Romanian society was fortunately synchronised with

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<sup>25</sup> Dominique de Villepin, “*Ambiția europeană a Balcanilor*”, in *Adevărul*, June 23, 2003.



that of aligning to the legislation of the EU (themselves in full process of redefinition) and with those determined by the invitation of Romania to join the North Atlantic Organisation<sup>26</sup>.

Indeed, it would not be exaggerated to speak of a threefold synchronisation in the same period of time: firstly, among EU member states; secondly, of candidate states and thirdly, the debate regarding the adoption of the EU Constitution, a debate which Romania will undoubtedly take into consideration when finalising the text of its own Constitution.

*Constitutional changes required by the harmonisation with the *acquis communautaire**

The legal basis for harmonising the constitutional text with the *acquis* are the explicit provisions of the European Association Agreement between Romania, on the one side and the European Communities and their member states, on the other, ratified by the Law 20/1993, according to which our country has undertaken to harmonise its present and future legislation to that of the European Communities. It must be emphasised that the parties to the Agreement recognise this harmonisation as an important condition of Romania's integration into the EU (see Title V, Chapter 3, art. 69 of the Agreement).

A framework provision on changing Romania's constitution according to the requirements of the integration process has also been included in the "Legislative Programme of the Government of Romania for 2001-2004", prepared on the basis of "The Governing Programme of Romania for 2001 – 2004". The Governing Programme was adopted by a vote of trust given to the Government by the Parliament, within its plenary session of the House of Deputies and Senate on December 28, 2000.

There are no explicit provisions in the European law soliciting the harmonisation of national constitutional norms to European ones<sup>27</sup>; however, the *acquis* contains provisions with constitutional vocation the adoption of which requires the amending of existing constitutional norms different or contrary, in the candidate states. Commitments in this respect stem from the accession negotiations, the Accession Partnership and the criteria set by the European Council in Copenhagen in June 1993.

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<sup>26</sup> Cristian Pîrvulescu, „Reforma constituțională - Așteptări publice și (re)construcție politică”, in *Forumul Constituțional – Raport Final*, Bucharest, 2003.

<sup>27</sup> To this date, there is no official, legally valid definition of the *acquis*. In practice, the institutions of the EU (the Parliament, Council of Ministers, the European Commission and the Court of Justice) refer to the *acquis* as the whole of legal texts and decisions of the Court of Justice adopted after 1952 and still in force. In this interpretation (which is the sole official one), the *acquis* consists of the primary European legislation (the Treaties of the Union, the international agreements and the decisions of the Court of Justice) but also the secondary and tertiary legislation (regulations, directives etc.) as well as the whole of policies and institutions set up to ensure the enforcement, respect and appropriate and continuous development of this legislation.

On the other hand, according to some opinions<sup>28</sup>, it would have been necessary to add a separate constitutional acquis as part of assessing the candidate countries' progress towards accession, and therefore to introduce an extra chapter to the already existent 31. However, the experience of the 10 candidate countries which joined the EU in 2004 validated the solution of the voluntary action of each state in taking the necessary measures to adapt the national Constitution to the acquis before joining the EU.

In the case of Romania, according to studies carried out by Romanian specialists<sup>29</sup>, the fields in which the Constitution needed to be revised were:

- the international treaties on human rights;
- the direct applicability of European Law and the accession to the EU;
- the protection of private property;
- equality of rights for the citizens of Romania and of the EU;
- the right of EU citizens who do not hold Romanian citizenship to vote and be elected in local elections;
- extradition and expulsion.

The actual changes resulting from the six topics mentioned above were as follows:

- sanctioning by the Constitution the principle of the supremacy of European law;
- the right of foreigners to own land;
- equality of rights for Romanian and EU citizens regarding the right to elect and be elected in certain public positions;
- the extradition of Romanian citizens to the EU member states.

We will now be referring to the changes relevant (directly or indirectly) for the European Security and Defence Policy.

#### *The international treaties on human rights*

In this respect, the following changes have been operated in the Constitution:

#### Article 20, paragraph 2 is changed as follows:

“In case of discrepancies between pacts and treaties regarding basic human rights in which Romania is a signatory and internal laws, the international regulations have priority, unless the Romanian Constitution or laws contain more favourable provisions”.

#### *The direct applicability of European Law and the accession to the European Union*

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<sup>28</sup> Alfred Kellerman, Jaap W. de Zwaan, Jeno Czuczai et al (editors), *EU Enlargement: The Constitutional Impact at EU and National Level*, Asser Press, The Hague, 2001.

<sup>29</sup> *Raportul Național privind impactul aderării la Uniunea Europeană asupra ordinii juridice din România*, Bucharest, 2003.

In this respect, the changes and adaptations introduced in the new Constitution were as follows:

In art. 11, a new paragraph was introduced:

“In case a treaty to which Romania is going to be a signatory contains provisions contrary to the Constitution, it can only be ratified after the constitution has been adequately altered”.

Following art. 145, a new title was added -Title V: “European Integration”, consisting of two paragraphs 145-1 and 145-2 reading as follows:

Art. 145-1, “Accession to the European Union”

(1) “Romania’s joining the founding Treaties of the EU with the purpose of transferring certain prerogatives to the European institutions and of exercising jointly with the other member states the competences regulated in these treaties, is sanctioned by law adopted within the common session of the House of Deputies and Senate with a two thirds majority of the number of deputies and senators.”

(2) “Consequently to the joining, the provisions of the founding Treaties of the EU as well as the other binding EU regulations have priority over contrary provisions in the internal law, as stated in the treaty of accession.”

(3) “Paragraphs 1 and 2 also apply, within the specific context, when joining the agreements which revise the founding treaties of the EU.”

(4) “The President of Romania, the Parliament and the Government guarantee the fulfilment of obligations resulting from the treaty of accession and the provisions of paragraph 2”.

(5) “The Government presents the bills of binding legislation to the two Chambers of Parliament before they are submitted for approval to the institutions of the European Union”.

Art. 145-2, “Accession to the North Atlantic Treaty Organisation” reads as follows:

“The accession of Romania to the North Atlantic Treaty Organisation is sanctioned by law adopted within the common session of the Chamber of Deputies and Senate with a two thirds majority of the number of deputies and senators”.

### *Extradition and expulsion*

A new paragraph was added to art. 19 after the existing paragraph 1, reading as follows:

“By impairment of paragraph 1, Romanian citizens can be extradited according to the international agreements Romania has adhered to and on a reciprocal basis.”

### **3.5 Inter-agency cooperation in crisis prevention and management**

The terrorist attacks of September 11, 2001 and March 11, 2004 demonstrated once more – if such proof was still needed – that the unconventional threats to world security are multi-directional, difficult to foresee, analyse and avert.

The new post-Cold War security environment imposed new demands on the organisation and functioning of crisis management systems. These refer in particular to:

- elaborating preventive (instead of reactive) strategies;
- promoting flexible (instead of centralised) systems, permanently open to innovation, which facilitate horizontal (instead of vertical) cooperation and are easily adaptable to the specifics and evolution of crises;
- the founding of decisions on a set of generic (instead of ad-hoc) guidelines which are part of a pre-established general plan;
- taking into consideration the political and military dimension of crises.

Apart from this common denominator, at a national level crisis prevention and management systems are characterised by a great diversity. Some have a well developed military component whereas others lay emphasis on civilian structures. Some consider as priorities the crises outside national borders, others are oriented primarily towards ensuring national security.

Institutional-wise, crisis management structures in some states are gathered under a special ministry (such as in the Russian Federation) whereas others have an inter-departmental organisation (the US) or are under direct presidential authority. Also, some states have separate institutions for managing natural and, respectively, man-caused disasters.

The European Union has developed an integrated concept regarding crisis management by introducing in the Draft Treaty of the European Constitution, a solidarity clause for instances of terrorist attacks and natural or man-caused disasters. However, the proposal to create an European system for humanitarian aid in cases of disaster (EU-FAST - *European Union First Aid and Support Team*), put forward by Germany, France, Belgium and Luxemburg at the mini-summit on European defence issues in April 2003, did not receive the support of the other EU member states at the Thessaloniki summit.

Crisis management has come to be approached as the succession of three moments: prevention; management of the crisis proper; post-crisis management. For putting into practice this integrating concept it is necessary that an institutional framework be created which will ensure both the carrying out and the planning and providing of resources necessary for crisis management. The optimum institutional framework for the achievement of this is the inter-agency cooperation. The concept reflects the horizontal cooperation among various governmental agencies with responsibilities in this area, cooperation aimed at elaborating an integrated strategy for prevention and management of crises. The efficiency of inter-agency cooperation is given

by the degree to which the three directions making the object of cooperation are rendered operational: joint strategic decision-making, implementation and application.

The institutions called to participate within this new integrating concept are: the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Administration and Interior, (Police, the Gendarmerie), the intelligence services (the Romanian Intelligence Service, the Service of External Intelligence), the Service of Special Telecommunications, the Ministry of Environment, the Ministry of Justice, the Ministry of Finance and the General Secretariat of the Government.

For rendering operational and implementing the measures of crisis prevention it is useful:

- to develop bilateral relations with the neighbouring countries in cross-border cooperation for crisis management;
- to elaborate a program for non-governmental organisations of promoting the security culture;

For the management proper of crises it is necessary:

- to set up a National Centre for Crisis Management;
- to achieve the objectives laid out in the National Plan for Accession to the EU which have direct relevance for the rendering operational of the Rapid Reaction Force;
- to support those political-military agreements which have crisis management among their objectives;
- to analyse the possibility that within the Stability Pact for South-East Europe, a Regional centre for conflict prevention and crises management be set up in Bucharest, which would benefit from the already existent agreements and infrastructure in communication and information of the SECI Centre, as well as from UNDP financing;
- to intensify cooperation with the organisations and states from the international coalition against terrorism.

For the strategy on post-crisis management it is necessary that:

- a set of laws be adopted which regulate the providing of logistical and material support to persons and institutions affected by such situations of crisis.

### **3.6. The Importance of the Intensified Operational Partnership**

As stated above, in the view of the integration within a collective security environment, the best method for preparing the Romanian Army is through the partnerships system.

Within this context, Romania is actively developing the military relations with NATO member states, mainly using the opportunities offered by the Partnership for Peace, the Strategic Partnership with the United States and the special partnerships with the United Kingdom, Germany, France and Italy. In the same time, increasing the bilateral co-operation with the other new NATO members is part of this strategy.

As part of the bilateral and multilateral co-operation, the Romanian Army is present to military exercises as well as to peace keeping missions. In these situations Romania's contribution is represented especially by dedicated peace keeping, support, logistic units and civil-military relations specialised officers.

Through these partnerships Romania can continue the improvement of the crises management system. Within the sub-regional co-operation, Romania is actively participating to:

- The Multinational Peace Force from South Eastern Europe (MPF-SEE), together with Albania, Bulgaria, FYROM, Greece, Italy, Turkey;
- The Central European Co-operation Initiative (CENCOOP), together with Austria, Hungary, Switzerland, Slovakia and Slovenia;
- The Multinational Brigade with High Combat Capacity of the UN Forces (SHIRBRIG);
- The Black Sea Naval Co-operation Group (BLACKSEAFOR), with the participation of Bulgaria, Georgia, Russian Federation, Turkey and Ukraine.

### **3.7 Gradual integration**

In order to achieve the national security objectives Romania will have to integrate within the Euro-Atlantic and European institutions and to consolidate its role in other security structures. The NATO accession is a priority and represents Romania's best option for advancing towards a collective security environment.

Related to Romania's accession to NATO the main action directions of the Romanian army are:

- fulfilling the objectives established through the annual national Plans for integration preparation;
- the full commitment to Operational Partnership for Peace;
- addressing the security issues and the defence planning process according to the new NATO strategic concept;
- the progressive increase of the participation to common structures and actions, especially in the field of strategic and operational planning, of the command systems, control, communications and IT, the management and defence of the air space, the training and infrastructure systems, as well as of the movements co-ordination;
- ensuring real capabilities for collective defence and for implementing other decisions of the Northern-Atlantic Alliance;
- achieving standardisation and inter-operability.

Romania is willing also to support and take part in planned crises management exercises, including crises reaction operations, to peace keeping and search-rescue missions and humanitarian assistance.

### **3.8 The OSCE and United Nations peace keeping operations**

Romania will continue to participate to peace keeping operations, proving thus that it is fully engaged in the construction of the new architecture of the regional and European security. The commitments will be materialised through Romania's army participation to the military co-operation initiatives for creating the multinational military forces designed especially for peace keeping and humanitarian missions, under UN or OSCE mandate. In the case of participating to OSCE missions, Romania will especially support the preventive diplomacy, the conflicts prevention and the European initiatives for post-conflict rehabilitation.

### **3.9 Arms control**

Within Romania's integration strategy an important role is allocated to the armament control. Romania is part to many international treaties regarding arms control, treaties that contributed substantially to the decrease of tensions in Europe and to limiting the proliferation of conventional weapons and of those of mass destruction.

In the field of arms control, from Romania's point of view, the current priorities refer to:

- Consolidating and developing the measures for strengthening the trust and transparency in Central and Eastern Europe;
- Increasing the efficiency of the bilateral and regional agreements;
- Increasing the contribution to solving the tensions and conflicts in Romania's neighbourhood (in the ex-Yugoslavian area, in the European side of the ex-URSS region);
- Implementing the adapted CFE Treaty, which is one of the core elements of the new European security architecture.

Romania also supports and contributes to other arms control initiatives for and pursues the strengthening of the national control capabilities.

### **3.10 The Romania – ESDP relation from the perspective of transatlantic relations**

The analysis of the perspectives of the Romania – ESDP relation should start from a series of unquestionable facts:

1) Romania has been accepted, as member state with full rights, on March 29, 2004, into the North-Atlantic Alliance, an alliance objectively dominated from political and military point of view by the USA.

2) Romania will become member of the European Union on January 1<sup>st</sup> 2007, but this is still just a desired target in the future. Therefore Romania will have to prove a subtle difference in attitude between the politico-military alliance, to which it already belongs as a full member state, and the organisation to which it wishes to adhere, whose security and defence dimension is still insufficiently consolidated.

3) In the last three decades the military power and technological gap between USA and the EU member states (with the relative exception of the United Kingdom and France) had an ascendant trend<sup>30</sup>. Starting from this fact, the situation gradually changed to the support of the American administration of the ad-hoc or á la carte alliances option, as well as of the solitary interventions<sup>31</sup>.

3) After 9/11/2001, within the fight against terrorism context, the USA, the undeniable military superpower of the moment, adopted the orientation towards willing and able partners thesis, placing on a secondary level the appeal to traditional security mechanisms (the UN Security Council or even NATO). There is, of course, an explanation for this American attitude, that can be found in the lack of capacity for most of the NATO members that are also EU members (with the notable exception of the UK and, to some extent, of France) to effectively and efficiently engage on the military operations field.

4) The European Union has not yet, as an entity, the political unity required for building up a common armed force.

5) At the same time, the European Union does not dispose, as an entity, of the necessary material resources for building up military force capable of rapid intervention at global level, simultaneously on more operation theatres. The most predictable is that the EU will be able to engage in some limited peace keeping operations (as those in the Balkans). It is worth mentioning that between 1992–2000 the percentage of the community budget allocated to defence and defence related research activities decreased, and the expenses related to defence decreased in real terms with 22 %. More than this, the expenses related to the European Rapid Reaction Force will be covered from the existent budgets, through re-allocations and not through new, supplementary allocations.

6) Despite its growing global economic and financial power, the European Union as an entity, cannot have yet a significant global military presence in case a conflict emerges, even a diffuse one as the fight against terrorism is, and less probably in a war situation.

The current period, despite the lack of classic war type conflicts, is still not a peaceful time. This is why it is very likely that NATO will remain, at least on medium term, the main European politico-military organisation, and the European Union, through

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<sup>30</sup> The so-called „Revolution in Military Affairs” (RMA) has determined in the US completely new approaches, without an operational equivalent in the European Union’s countries, both at the military technologies developed and at the non-conventional ones, based on new principles of the physics.

<sup>31</sup> Darie Mircea Dasu, „NATO and USA – reconsidering a relation”, in *Studii de Securitate*, vol. 2, no. 1/2004.



CFSP/ESDP will support NATO's „heavy-handed” interventions through „soft” actions, especially related with crises prevention and post-conflict reconstruction and rehabilitation<sup>32</sup>.

### **3.11 Possible scenarios regarding the ESDP and the evolution of the transatlantic relations and Romania's position to this**

Referring to Romania's position towards the ESDP evolution and the future transatlantic relations, the following scenarios are foreseeable on short term:

1. EU will continue to be the natural rival of the USA in the economic and monetary spheres, but will not manage to compete with USA and NATO in the field of security and defence, with the lack of consensus among the old European NATO members and with the preponderant pro-Atlantic attitude of the new Central – Eastern European members of the North Atlantic Alliance. NATO will preserve its global role in the security and defence area, while the EU will assume a pre-eminent regional role on the European continent and its neighbourhood, in concordance with the strategic concept of “Extended Europe”. The scenario is *favourable* to Romania, in the sense of preserving the NATO-UE complementarities and offering premises for continuing the Romania's positioning within the current transatlantic relations.
2. Encouraged by the ESDP's success, the new American administration will reject the present tendency of the actual administration towards unilateralism and gradual dis-engagement on the European continent (especially the Balkans), in order to maintain the influence over the European policy. This scenario is *partially favourable* to Romania, in the sense that the present Bucharest's option dilemmas will continue to exist, though in a less dramatic manner.
3. The current transatlantic tensions will continue, without chances for their solutioning. In order to avoid their degeneration into an end of the strategic dialogue between Europe and the USA, both within NATO, and within EU, the present US preference towards *à la carte* or ad-hoc coalitions will grow and become general. This is an *unfavourable* scenario for Romania because this will dramatically increase the present option dilemmas for Bucharest.
4. By continuing to insist in their messages addressed to Europeans on the fact that EU should not turn into a politico-military entity autonomous towards NATO, the United States risk to create *by default* rival in the security and defence area. On the other hand, the aggravation of the transatlantic tensions will increase the confusion and contradictory debates about the political end of the European security and defence project. The combined results of these two evolutions will consist in the gradual de-coupling of the USA and Europe, up to the possibility of USA leaving the North Atlantic Alliance (in the view of the “Lugar doctrine”) and minimising the chances of materialising ESDP, the Rapid Reaction Force thus

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<sup>32</sup> Ovidiu-Adrian Tudorache, „Conflicts of interests in Europe: NATO – OSCE”, in *Studii de Securitate* vol. 2, no. 1/2004.

transforming into a “tiger on paper”. The scenario is *very unfavourable* to Romania.

The Romanian diplomacy, both civil and military, should act through pro-active methods in order to favour the first scenario, so that the complementarity relation between NATO and EU in the security and defence area should be preserved and consolidated.

The most important of the objective elements advocating in favour of consolidating the complementarity of the NATO – European Union relation and gradually establishing an operational strategic partnership between NATO and the European Union are the following:

- The crystallisation and implementing process of the European Security and Defence Policy, a process aiming to strengthen the military capacity of the European Union and to ensure the crises management, includes, as a distinct component, the creation and consolidation of the European Security and Defence Identity within NATO.
- Due to objective reasons related to the limited resources and military potential of the EU member states, this process should not lead to a separation between the European union and NATO; on the contrary it require a close co-operation between the two entities.
- It is predictable that NATO will remain the central European security and collective defence element in the Euro-Atlantic area. The achievement of the European Security and Defence Policy should therefore be tackled based on the principles committed to at the North-Atlantic Council reunion in Berlin, 1996.
- In 2004 ten new states became members of the European Union, increasing the number of both EU and NATO member states to 19. The Declaration for the European security and defence policy, adopted at the European council in Copenhagen, on 12 December 2002, states that the “Berlin plus” measures will be applied only to those European states that are both EU members and NATO or Partnership for Peace members.
- The Common Declaration of the European Union and NATO from 16 December 2002 agreed that NATO will remain an important pylon in crises management and conflict prevention, and the European Union will undertake the responsibility for those cases where NATOP does not intervene.
- The formula used in the Common Declaration from 16 December 2002 allowed a separation of the attributions in the European security sector, a delimitation that implies an increase of the European Union’s responsibilities, mainly by taking over former NATO tasks through EU’s Rapid Reaction Force.
- The terrorist threat, as well as the recent (March 2004) outbursts of conflicts in Kosovo, can speed up this process of defining the complementarities between NATO and the European Union because is hard to expect (at least from the view of the historical experience) the Occident to be divided when facing a common threat.

It is likely that this possible and desired complementarity between NATO and EU will crystallise and consolidate in time, going through grouping and re-grouping moments for the older EU members (the 15) in front of the United States' approaches of the international security.

In the case of successfully achieving the operational NATO– UE strategic partnership, the European security strategy would be characterised by the following aspects:

- ensuring the European Union's involvement in the NATO planning operations;
- the existence of the military co-operation between the European Union and NATO;
- adapting NATO's operational framework for collective defence in order to be involved into the military operations initiated by the European Union.

This evolution would allow Romania too a differential approach, namely a profound orientation towards the EU security and defence structures for all the issues with European impact, correlated with a full participation to NATO's initiatives, established mainly by the USA.

## **Conclusions**

Taking into consideration the above mentioned aspects we can conclude that:

- The CFSP was the result of the objective necessity of offering to the major economic role played by the EU in the international arena a natural counterpart on the political level. Different from other domains, in the security and defence sector the EU has not yet managed to enforce an authentic "common" policy, comparable to the Common Commercial Policy or the Common Agricultural Policy.
- In the Middle East Europe needs to make a substantial contribution to the resolution of the conflict by supporting the project of two separate states, by restoring its credibility to the Israeli state and using its influence in the Arab world to foster a positive attitude among moderate Arab states.
- In finding a solution to problems in the Middle East an important role can and must be played by the Barcelona Process, as sole forum reuniting the Israelis and Palestinians and aiming to redefine the Mediterranean.
- A political role of Europe in the fight against terrorism could be to draw on its side moderate Islam.
- Leaving aside the special case of the second war in Iraq, the dichotomy of the "old" versus the "new" Europe is false.
- Judging by the experience of previous EU expansion waves occurring after the Cold War, it can be expected that the new member states bring their own contribution to shaping the Common Foreign and Security Policy. A relevant case in this respect is that of Finland, which following its accession in January 1995, promoted the Northern Dimension of the EU.
- ESDP, as an intrinsic component of the CFSP, is intended to consolidate the European capacity for crises management in the military and civil

sectors, and to complete the economic, diplomatic and political mechanisms, already used by the EU.

- The process of defining and structuring the ESDP is not over, a series of facts regarding the evolution of the transatlantic relations and, subsequently, the rapport between the main European and Euro-Atlantic institutions requiring further clarification. The debates about ESDP and its implications over the EU reform and integration processes, at the state and public opinion levels, in the member and candidate states are currently underway.
- In the field of the security and defence policy Romania should count on certitudes (the NATO member statute and the Intensified Strategic Partnership with the USA), without any ostentation or exclusive attitude in this respects;
- Romania is situated in Europe and will become a member of the European Union. Therefore Romania should encourage and participate to ESDP.
- The option of the majority of EU member states concerning the NATO-EU relation in the field of security and defence is maintaining complementarity. However, this will only remain an option as long as the ESDP proves able to prevent and manage crises and conflicts in the EU immediate vicinity.
- The most feasible and, simultaneously, most desirable scenario for Romania of the evolution of the NATO-EU relation is that of maintaining the complementarity. The risk of an interest or loyalty conflict in the Romania - USA/NATO and Romania – ESDP relations is low because ESDP will not have, in the predictable future, the capability of effectively engaging in big military operations. Under these circumstances Romania could participate, for instance, to peace keeping operations within ESDP and any other type of military operations together with NATO/USA.
- Consequently to the EU expansion after 2007, the Eastern neighbours of Romania (Ukraine, the Republic of Moldova) will become both western frontier of Russia's "near vicinity" and Eastern frontier of the "new vicinity" of the EU. The new geopolitical context will require a pro-active involvement of Romania in the policy of the "new vicinity" of the EU, including in the management of "frozen conflicts" in the CIS, as the one in Transnistria.
- Romania should become firmly and clearly involved in the fight against terrorism. This position could be later on used for justifying any pronounced support of the NATO/USA pole that might not necessarily reflect the European Union's position. It is also true that under the fight against terrorism aegis Romania could develop military co-operation relations with states from other geographical areas (Japan, China, and Latin America).
- Romania can act as an active ESDP implementation factor, through the existent human and logistic resources as well as through the experience gathered in peace keeping missions and regional military co-operation.

- In order to enhance the chances for a relevant contribution to the ESDP, Romania must promote and act upon the concept of inter-agency cooperation in crisis prevention and management. From an institutional point of view, the main priority remains the setting up of a National Centre for Crisis Management.
- Starting from the structural co-operation concept presented in the project for the European Constitution, Romania will have to identify those countries willing to assume more binding commitments, such as the new type of Petersberg missions, and try a closer approach in the military co-operation with them. A closer relation with the United Kingdom (the USA natural ally) might be envisaged, plus a European Union member state with Latin origin (Spain or Italy). Up to its capabilities Romania should constitute military forces especially dedicated to Petersberg type missions (others than those dedicated to the relation with NATO) or to supplement the number of the militaries dedicated to NATO operations). We consider that the consistent participation of Romania to military operations under ESDP auspices would create a favourable attitude towards Romania amongst the other European countries;
- Romania should support the creation of the European Agency for Armament, Research and Military Capacities (EARMCA), without crossing the level of support showed by other significant EU members (Germany, France, and Great Britain). In case the agency is not rapidly brought into action, Romania could try to participate to the existent similar organisations. Any specialisation in the armament industry, at European level, would be beneficial for Romania, even limited to classic components and technologies;
- It is an imperatively necessary that specialised departments be established within the Ministry of Foreign affairs and the Ministry of Defence, to monitor the evolutions of the ESDP and to provide the necessary expertise for adequate decision-making.

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