



EURODEFENSE SPAIN

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SOME CONSIDERATIONS ON THE IMPLEMENTATION OF PERMANENT STRUCTURED COOPERATION

These considerations about Permanent Structured Cooperation (PSC) on security and defence are based on Chapter 2, articles 42-6 and 46 and protocol 10 of the Lisbon Treaty and on several working papers prepared by different countries on the implementation of PSC. Among those papers especial attention has been given to the working paper of EURODEFENSE dated June 4, 2.009, Ref. A, and the paper of EURODEFENSE-FRANCE, dated 23 June 2.010, Ref. B.

BASIC FACTS

The Lisbon Treaty is already ratified and is being implemented in some areas such as the European External Action Service (EEAS). In fact, there has been a Council political agreement on setting the EEAS and the 8th of July 2.010 European Parliament consenting decision on its organization and working methods.

The Treaty of Lisbon lays also down the establishment of PSC in Chapter 2, articles 42-6 and 46 and Protocol 10, nevertheless PSC has not yet initiated its implementation.

It is common understanding that given past experiences on the development of the Common Foreign and Security Policy (CFSP), it is a must to find an effective way to develop the new Common Security and Defence Policy (CSDP) if we want to achieve success in our endeavour. The Lisbon Treaty gives us a new opportunity: To use PSC to develop the CSDP. In fact, the development of that policy has been so far slow and not very effective. To fully develop the CFSP, we need to advance in a significant way in the CSDP and to do it seems that nowadays implementing PSC is the most effective approach.

In order to progress in the development of the CSDP with solid foundations, it is a necessity to have a clear understanding on how all EU members and in particular nations participating on PSC, envision the relationship between EU and NATO. In fact, article 42.2 of the Lisbon Treaty recognizes that some member states consider that their common defence is provided by NATO. Furthermore, all nations than could participate in the PSC are members or partners of the Atlantic Alliance. To ignore these facts and to advance in implementing PSC without having well defined that relationship and a possible scheme of cooperation will be preposterous. Practical cooperation between EU and NATO is a success in the field and good examples are the cooperation between both organizations in Kosovo and the Horn of Africa. Nevertheless, in the last few years there has been no progress in the definition of the future relationship and cooperation. In fact in their meetings, senior officials of the Atlantic Alliance and European Union are not able to advance in that definition due to political reasons.

STRATEGIC SCENARIO

After more that 20 years since the Cold War ended, the EU is confronting an economic recession that is putting under stress its economic and political structures. In the last fifteen years the number of members of the EU has increased in a dramatic way and

many of the new members have increased their living standards in a significant way. However, today some EU members are having difficulties on achieving the goals imposed by common policy and European regulations. As a matter of fact, we can see that even some of the senior members are having significant economic problems. Furthermore, there are other countries that have aspirations to become new members. Any decision about those aspirations, especially in the case of big countries, will have a significant political and economic impact on the future of the EU and will affect EU-NATO relations.

POLITICAL CONSIDERATIONS

Article 42.6 it is mentioned that only states with higher military capabilities and that had subscribe stricter compromises in security and defence will establish a PSC in the framework of the EU. Article 46 specifies the way member countries could join the PSC and gives the Council, after consultation with the High Representative, the final say by qualified majority. Although the procedure could be considered clear cut, nobody ignores the political difficulties that are going to be found when rejecting any willing candidate to participate in the PSC. Ref A, EURODEFENSE paper, presents a "Participation Criteria" that covers "Operational and Financial Criteria". However, no clear conditions are established in that paper for participation in PSC. EURODEFENSE FRANCE paper, Ref. B, includes some considerations on the advantages of PSC over the "Enhanced Cooperation" (EC) that can be applied to Defence or any other sector of activity of the EU. EC is supposed to conduct specific projects with an established minimum of 9 participant states. In Ref. B there are interesting comments on questions made by some member states about what they are going to get from PSC and on concerns of other members about duplication of already existing NATO structures. In Ref. B is also mentioned the possible reluctance of the so called neutrals to increased defence expenditures as the present economic crisis that doesn't encourage new initiatives and probably new financial commitments. We can also read in Ref. B III: *The requirements in terms of defence and research budgets will have to be relatively broad based, reflecting the average range of defence spending of EU member states.* This approach is less strict than the one included in Protocol 10. In any case, in our opinion establishing criteria to participate in PSC is perhaps the most difficult and important issue to be resolved before advancing in the development of this new initiative. The so called gradual and pragmatic implementation approach towards PSC is a call for procrastination and uncertainty. Nevertheless, having in consideration actual economic situation a slow pace of implementation could be needed at the beginning of the process. In our opinion, the so called "established industrial cooperation" at multilateral level among governments and within the European Defence Agency (EDA), has not been a complete success. For that reason, it seems optimistic to assume that, as mentioned in Ref. B: *PSC as set out in the Lisbon Treaty could develop from that informal process and gradually become a reality.*

It is important to point out the need to elaborate the idea expressed the paragraph in Ref. B III in which it is stated that *PSC to be created is in fact a virtual one.* In the same paper is also mentioned that *the host organization for such cooperation can be none other than the European Defence Agency.* It seems necessary to reconcile the ideas mentioned in Ref. B with the actual Lisbon Treaty. In fact, in Article 10f of Protocol 10 it is established that PSC will be opened to all member states that commit themselves since the date of application of the Lisbon Treaty a) *to impulse in a more intense way the development of their defence capabilities.....*b) *to be ready not later than 2010.....* . Furthermore, in Article 2 there is a definition of the

compromises that member states participating in the PSC will make to achieve the goals of Article 1. Finally Article 3 establishes the role of the EDA in the process. In our opinion, the facilities and services of the EDA could be used in the development of PSC. However, the Agency with its actual structure and organization is not prepared to cope with the implementation of PSC. The European Defence Agency could be the host of the staff in charge of implementing PSC and cooperate with that staff in some specific aspects of that implementation. Military staff officers with expertise on defence planning and some civilians with experience on defence matters will be required to take over defence planning and related aspects of implementing PSC. As a matter of fact the EDA will have to be ready to accomplish the very demanding task of supporting the staff developing PSC. Some of the staff officers working on the development could be personnel assigned to EUMS in Brussels.

PLANNING CONSIDERATIONS

Any advanced in common defence should start in a common planning that gives member states the guidelines for their contribution to common defence. This principle and a clear definition of the EU goal for industrial and operational capabilities to be obtained through PSC could be the basis for the first steps of its implementation. The ideas in references A and B could be used to find a middle way that makes possible that PSC advances in a gradual but sure approach.

Planning for defence is a very demanding, complex and cumbersome process that needs to be addressed in a comprehensive way. First of all it is a must to clarify the difference between Planning for Defence and Defence planning. Following NATO model, we can consider that the Defence planning disciplines are: Force planning, Resource planning, Armaments planning, Logistics planning, Nuclear plans, C3 planning and civil emergency planning. There other related disciplines closely linked with Defence planning: Air defence planning, Intelligence, Operational planning and Force generation. We can see that Planning for Defence has a wider scope than Defence planning as defined in NATO. Planning for Defence has to have a comprehensive approach to planning that intends to cover all activities related with Defence. However, Defence planning, as understood in NATO, is already quite complex and its disciplines are mentioned only as a reference.

In EU Planning for Defence we can take a different approach and even different disciplines. In any case the EU should avoid situations in which, as happens in NATO, some planning disciplines although nominally under the North Atlantic Council (NAC) are in fact controlled by separate bodies. That undesirable situation can be seen quite often in Resources planning, Armaments planning, Logistics planning, C3 planning and Civil emergency planning. In our model of EU Planning for Defence all its disciplines should be directed and coordinated by a single body with proper advice from specialized bodies.

Within the scope of the EU Planning for Defence, creation of permanent forces, projection capabilities and contribution to EU missions should be considered. In order to implement PSC we should have in mind the above mentioned considerations and to try to simplify planning processes but without avoiding the necessary steps to have a sound planning.

OPERATIONAL ISSUES

The fundamental task of PSC will be to implement a flexible and credible operational capability for the EU. However, as a matter of fact, the EU has already some capabilities and structures with the same purpose. Furthermore, NATO is the real

reference on common defence for some EU member states as recognized in Article 42 point 2. The complexity of the situation is for some experts a great obstacle to advance in the development of PSC.

In Ref. A, article 2, there is a clear position on some issues on the operational field such as command structure: *Sans négliger les options actuelles de mise en oeuvre des chaînes de commandements d'opérations de l'UE (Berlin Plus, Nation Cadre, OPCEN) il apparaît indispensable de compléter le QG des Opérations civiles de l'UE par un QG d'opérations militaires permanent à Bruxelles*¹. Furthermore, according to that paper there will be also a *Permanent Operational European Military Staff* that will work directly with the existing European Union Military Staff.

The direct and ambitious approach of EURODEFENSE paper of 2009, is very different to the one presented in Ref. B, II: *Thus the difficulties and shortfalls identified in the process of setting up a complete chain of command will lead sooner or later a permanent structure for the planning and conduct of military operations that will one day become a component part of PSC*. This approach is easy to present but difficult to implement and postpones for an unknown future some decisions that need to be taken as soon as possible, although they could be gradually implemented. In our opinion the approach in Ref. B is not in accordance with the provisions for PSC contemplated in article 46 and Protocol 10 of the Lisbon Treaty.

Although Operational planning and Force generation are supposed to be part of the EU Planning for Defence, it is a must they need to have a small specialized operational staff. In case of operations an Operational headquarters or at least an Operational cell will have to be created or adopted for high level control of operations. Furthermore there will be Theatre Headquarters which size and organization will be determined in relation with the size of the Force, place of deployment etc. There are several choices when considering an Operational Headquarters. One of them is a *Permanent Operational European Military Staff* as contemplated in Ref. A. Other choice could be to create within the facilities of EDA an Operational Planning cell that in case of operations could be enlarged as necessary. A new agreement for cooperation with NATO's Allied Command Operations (ACO) could be a third possible way of arranging the planning and conduct of EU operations. This third option can only be implemented if there is a fluid relationship established between NATO and EU.

Any outstanding initiative such a Space Initiative and other particular issues related with Defence should be considered within the framework of the planning process as required by nations participating in PSC. It is understood that Nuclear issues are not going to be considered in PSC

DEFENCE MATERIAL CAPABILITIES

The role of the EDA in this matter is stressed in article 7 of Ref. A, where we can read that: *The work in progress in the framework of the ESDP to identify necessary capabilities for the extended Petersberg tasks must be led by the EDA and be supported by the Participating States of the Agreement*.

Identification of Capabilities is the first step in the field of Defence Equipment Material and is basically a Planning discipline. However, without a clear financial scenario and a proper industrial capacity it will be impossible to plan and to identify capabilities in a realistic manner. The preliminary study on Futures and Capabilities prepared by EWG-14 is a good start to advance in the essential task of identifying capabilities and obtaining them following an educated process having in mind the need of a vigorous

¹ This paragraph is not accurate in the English version of REF A.

European Defence industry and the European Defence Market. Without that industrial base it will be impossible to have ESDP with sound foundations and proper and independent European defence capabilities.

Mutualisation of capabilities, harmonization of needs, procedures for new developments and in general close cooperation of member countries involved in PSC should be taken in consideration within the disciplines involved in EU Planning for Defense.

FINANCIAL ISSUES

Proper funding for the staffs and structures supporting the development PSC and for sustaining CSDP and in the longer term common defence has to be assured. In any case, financial resources and funding for launching PSC will have to be available at the initial steps of the process. The EU Planning for Defence process could give an educated guess of the cost of CSDP. In any case, EU institutions should provide the funding to initiate the process. Following iterations of the planning process will adjust the funding within reasonable limits.

DOCUMENT ON THE IMPLEMENTATION OF PSC

The document presented in ANNEX A pretends only to be used as a guideline for the actual implementation of PSC. Most articles are presented for discussion and future agreement on their content. There is a tentative draft for other articles. In any case the document tries only to facilitate a check list that covers possible steps needed for a successful implementation of PSC.

IMPLEMENTATION OF PERMANENT STRUCTURED COOPERATION

SECTION 1 – ORGANIZATION AND PROCEDURES

Article 1 - Permanent Structured Cooperation. Guiding principles

Article 2 - Participation Criteria

Article 3 - PSC and CSDP

Planning staff and facilities

Relationship with existing bodies: EUMC, EUMS and other EU defence organs

Article 4 – Relationship with external organisations

EU PSC and UN

EU PSC and NATO

EU PSC and other international organisations

Article 5 - Management of PSC

As a rule for PSC we should use as much as possible existing structures. Nevertheless some new bodies will be needed. The management structure proposed by EURODEFENSE in Ref. A, is copied below as an example: *A Council for Permanent Structured Cooperation (COPSC) will be set-up at the level of the Participating States' Defence Ministers. This Council will be chaired by one of them, in the alphabetical order of the participating states, for a period of 2 years. He will ensure the objectives of this agreement are respected and take all necessary measures for their execution. This Council will meet every 6 months.*

The Council will be supported by a Committee of Participating States' Chiefs of Staff for the follow-up of operational actions and a Committee of National Armament Directors for the follow-up of actions related to defence equipment. These Committees meet as required and at least every 2 months. These Committees are chaired and led by the authority representing the State in charge of the COPSC presidency.

A (small) permanent Secretary is created to prepare and implement the decisions of the COPSC. As far as possible, this specific team, which will be funded solely by the Participating States, will be located in the EDA building.

NOTE: For executing EU Planning for Defence, essential for the process of developing PSC and future CSDP, there is a need for a vigorous planning staff that could be located in the EDA building. In any case, EDA structure needs to be adapted to support the duties related with PSC and CSDP.

Article 6 - Decision making within PSC

Article 7 - Operating budget for PSC

Ref. A, EURODEFENSE proposal: *The Permanent Structured Cooperation's yearly operating budget detailing the expenditures by chapters of the PSC will be prepared by the Secretariat and approved by the Council. It will be funded by the Participating States in proportion of their GDP.*

Article 6 - Funding for CSDP

Article 7 - Agreement approval

This Implementation Document is submitted for approval to the EU Council. This approval will also authorise the reorganization of the EDA to address new tasks in relation with PSC and CSDP. The new organization will be submitted within 6 months to the EU Council for approval.

SECTION 2 – EU PLANNING FOR DEFENSE

Article 8 - Planning organization and disciplines

Article 9 - Planning process

Article 10 - Planning considerations

SECTION 3 – OPERATIONAL CONCEPT

Article 11 - Operational structure

Existing options for the implementation of the EU operational command chains are Berlin Plus, Framework Nation and OPCEN. Other options could be considered among them a new arrangement with NATO and an operational cell in the EDA.

Article 12 - Operational planning and Force generation

Article 13 - EU structure of forces

Permanent and on call forces

See Battle groups, Helsinki Headline Goals and other initiatives.

EUROFORCES, the French-German Brigade, the BENELUX Admiral , the Franco-Belgian pilots training, the common training of the UK-Dutch Marines, international structures for the command of the Army Corps of Battle groups 1500 and other.

Proper arrangements should be made to avoid duplication with the approaches decided by NATO.

Article 14 - Projecting forces and in theatre operational structure

Article 15 - Contribution to the European Union missions

Ref. A, EURODEFENSE proposal: *To achieve a capacity to fulfil the whole spectrum of Petersberg missions, the ESDP capabilities must progressively evolved from the “soft power” status to stronger and more coercive capabilities.*

Article 16 - Logistics in operations

Article 17 - Sharing costs in operations

SECTION 4 –DEFENCE MATERIAL CAPABILITIES

Article 18 - Identification of Capabilities (EWG-14)

Article 19 - Harmonisation of requirements

Ref. A, EURODEFENSE proposal: *The Participating States agree to submit all new equipments requirements expressed by their Joint Military Staffs. The EDA will coordinate this harmonisation in liaison with the proper planning body.*

Article 20 - Futures and capabilities (EWG-14)

Article 21 - European Defence industry and the European Defence Market

Article 22 - Funding of EDA's programmes

Article 23 - Initiatives with special procedures

Article 24 – Guidelines for Research and development.

