

Zentrum für Europäische Integrationsforschung
Center for European Integration Studies
Rheinische Friedrich Wilhelms-Universität Bonn



Lothar Rühl

**Conditions and options
for an autonomous
"Common European Policy
on Security and Defence" in
and by the European Union
in the post-Amsterdam
perspective opened
at Cologne in June 1999**

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Prof. Dr. Lothar Rühl, born in 1927, is Professor of International Relations at the University of Cologne. Before he received his PhD from Sorbonne University in 1973, he was international correspondent for the German newspaper "Die Welt". In 1981, he joined the German government serving as Political Director-General in the Press and Information Office of the Federal Government and as spokesman for the Federal Government. Between 1982 and 1989, he was State Secretary at the German Ministry for Defense. Professor Rühl is a Senior Fellow at the Center for European Integration Studies (ZEI).

His most recent book is "Deutschland als europäische Macht" (1996).

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Conditions and options for an autonomous „Common European Policy on Security and Defence“ in and by the European Union in the post-Amsterdam perspective opened at Cologne in June 1999

1. Introduction

According to the European Council's Declaration on „the strengthening of the Common European Policy on Security and Defence“¹ issued at Cologne on June 4th 1999, which follows the direction given by the „British-French Joint Declaration on European Defence“, adopted at St. Malo on December 4th 1998, the European Union is to provide the institutional framework for a future „autonomous“ European military contribution to international security². The essential legal basis for such „action“ in international crisis and conflict situations, which would not correspond to „article 5 contingencies“ of the North Atlantic alliance treaty and therefore would not constitute a case for NATO „collective defence“ with the

1 The acronym would be CEPSD, but the German EU Presidency used „Common European Security and Defence Policy“, i. e. CESDP which corresponds with „Common Foreign and Security Policy“ CFSP.

2 See official document, British Embassy Bonn, 13.7.99.

commitment of all the allies including the US and Canada, is to be the Union Treaty of Amsterdam, effective as of 1999³.

The common security and defence policy is to be set into the framework of the CFSP as defined by the union treaties of Maastricht and Amsterdam and accordingly limited to the „Petersberg Tasks“ agreed upon in 1992 by the partners of the WEU and inscribed into the Amsterdam treaty. It should be conceived as a part of the latter. In the wording of the Cologne decisions and the report of the German presidency, adopted by the Council as expression of the agreement between the member-states⁴, the „development of a common European security and defence policy“ is meant to „strengthen the CFSP“⁵. To this end „capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and the readiness to do so“ and „appropriate“ organisms and procedures for decision-making are deemed necessary by the Chiefs of State and Government assembled at Cologne, „in order to respond to international crises“. In the „Declaration of the European Council“ on the „Common European Policy on Security and Defence“ the „intention“ is expressed to provide the EU with „the necessary means and capabilities“ for „conflict prevention and crisis management“ in order to „contribute to international peace and security in accordance with the principles of the UN Charter without prejudice to actions by NATO“. The „measures“ to be taken in such contingencies by the EU „irrespectively“ of NATO require „military as well as political and economic“ means.

3 See Annex III European Council: „Declaration on Strengthening of The Common European Policy on Security And Defence“, attached to „Presidency Conclusions Cologne European Council 3 and 4 June 1999.“ (In the Presidency Conclusions the term „Common European Security and Defence Policy“ is used); see i. p. under „3. Decision Making“.

4 See i.p. „Presidency Report on Strengthening of the Common European Policy on Security and defence“, Cologne, 3 / 4 June 1999, with reference to Article 17 of the TEEU, on page 32/36 of the document.

5 See document, 118. Guiding principles.

The Chiefs of State and Government singled out certain military instruments of a strategic-operational nature (see below in detail) and laid down as the base-line a „build-up of more effective European military capabilities, based on the existing national, binational and multinational capabilities“, which means: tied to the various military structures and assets, most of which are now either within the NATO military framework as forces or force components „assigned“ to Allied Command Europe or committed to NATO for defence in case of an „article 5 contingency“. The conclusions of the German presidency specify that in building up such European armed forces, „unnecessary duplications be avoided“ (see 120. Implementation), but also that „the availability for the EU of NATO planning capacities“, which can „contribute to the military planning of EU-led missions“, must be „assured“ as well as that of „NATO capabilities and common assets, identified in advance (pre-designated) for the use in EU-led operations“⁶.

For the „military capabilities“ required, the EU member-states „must develop armed forces (including Head Quarters) appropriate for crisis management operations“. Such forces are described by five „main qualities“: „deployability“, „sustainability“, „interoperability“, „flexibility“ and „mobility“. In support of these requirements specific capabilities are to be created for the EU, in particular: „situation analysis“ capacity, „access to intelligence“ and „the capability for relevant strategic planning“. For these purposes the European Council enumerated as „particularly necessary“ and „required“:

- regular or special (ad hoc) sessions of the „General Affairs Council“ of the EU, as appropriate including Defence Ministers,
- a permanent group in Brussels (called “Political and Security Committee) consisting of representatives (of each country) „with political/military expertise“ ,

6 See (German) Presidency’s Conclusions document, o. c.

- a „EU Military Committee“ consisting of „Military Representatives, who make recommendations“ to the “Political and Security Committee”,
- a „EU Military Staff „ including a Situation Centre”,
- „other resources, i. p. a Satellite Centre“ and an „Institute for Security Studies“.

EU-led operations without reliance on NATO assets and force structures could be conducted by „European national or multinational means, which are “pre-identified” (defined in advance or “pre-designated” in NATO terms) by the member-states”. In such cases „either the national command structures, which provide for a multinational representation in the Head Quarters, or existing command structures within the multinational forces“ would have to be used „for an effective conduct of EU-led operations“. In case of the use of „NATO means and capabilities, including European command & control“ by the EU for its operations, the decisions taken in Berlin in 1996 and in Washington in april 1999 by the NAC are to be carried out together „with further agreements, as sketched out at the Washington Summit“ and referred to in the Cologne EU presidency’s document (point 120. Implementation), adopted by the European Council on the „Common European Policy on Security and Defence“⁷.

According tho the Cologne documents, decisions on EU international security support operations, in particular those with military consequences and implication for defence policy are to be taken according to article 23 of the Treaty on the European Union, while the member-states „will in all cases reserve for themselves the prerogative of deciding, if and when

7 See Presidency’s Conclusions, o.c. In the official German text of Chancellor Schröders Conclusions for the Presidency of the EC, the term chosen is “Gemeinsame Europäische Sicherheits- und Verteidigungspolitik” which translates liberally into English as “Common European Security and Defence Policy” or CESDP: The logic of the German version is compelling, when compared to the language of the Amsterdam TUU “Common Foreign and security Policy” or CFSP for the larger framework in which the Defence Policy has been set.

their national Armed Forces will be engaged“. EU-Decisions on security and defence policy are to be associated with „the necessary measures for assured political control and strategic direction of EU-led Petersberg operations, in order to enable the EU to decide on and conduct such operations effectively“ (point 119. of the Conclusions of the Presidency).

Three political principles for the „modalities of participation and co-operation“ (point 121.) have been set forth at Cologne as foundation of a „successful“ creation and implementation of CEPSD or in the English translation from German CESDP:

- the „possibility for all EU member-states, including those members, which are not alliance partners, to participate in full and with equal rights („in vollem Umfang und gleichberechtigt“ in German) in EU operations“ ,
- „satisfactory arrangements, based on existing agreements on consultations within the WEU, to assure that European NATO members, which are not members of the EU, be included as far as possible in EU-led operations“ ,
- „agreements ensuring equal rights for all participants in EU-led operations in the conduct of the operation“; this rule shall apply „irrespective of the principle of the autonomy of decision of the EU, in particular without prejudice to the right of the Council, to deliberate and decide on matters of principle and on political questions“⁸.

In its Cologne Declaration on the CESDP the European Council commissioned the „General Affairs“ council of the EU „to create the conditions and take the measures“ in order to meet these objectives and in particular „to determine the modalities of the inclusion of the WEU tasks, which will be necessary for the Union to assume its new responsibilities in the

8 All decisions in such matters having military or defence implications, must be taken in accordance with Article 23 of the TEU, as referred to in the Annex III, o.c. p. 33/36.

domain of the Petersberg missions. The Council stated, that in this case and if the political objective (to pass the necessary resolutions by the end of the year 2000) were attained, „the WEU would have fulfilled its purpose as an organisation“. It is further stated, that „the different status“ of the (EU) member-states with respect to „guarantees of collective defence is not affected“ and that „the alliance remains the foundation of the collective defence of its members“. This would seem to mean that for the purpose of a common „European defence policy“ membership in NATO is not a criterion and politically not even relevant. The terms „the alliance“ and „collective defence“ could refer to either NATO with the Treaty of Washington (1949) or to the West European Treaty of Brussels (1948 in its modified and enlarged version of 1955). It could, of course, refer to both treaties, since these form the „Euro-Atlantic“ alliance and security system. While it is not clear, which alliance and collective defence the formulation of the Cologne texts refers to - NATO or WEU or both - it can be assumed by implication that the ambiguous wording refers to both, since the entire CESDP seems to be set into the alliance framework of NATO and since the WEU is mentioned in the EU treaties. WEU being in fact a regional political-military substructure of NATO and having been recognized by the treaties of Maastricht and Amsterdam as an „integral“ component of the EU with the „Petersberg tasks“ or missions of 1992 for the WEU the only defined object of the CESDP, it stands to reason that EU member-states, which are members of either NATO or WEU or both (which is the case for most of them) are not impeded by the CESDP obligations in their participation in „collective defence“ of both „alliances“ and that non-NATO and non-WEU members of the EU are not obliged to participate in any way in NATO-led or WEU-led security operations, in which the EU participates or other EU members are included: Every member's sovereign rights as a nation-state, are formally respected as is every states' right to belong or not to belong to an alliance for collective defence. The commitment of the EU to international security simply spans the alliance relationships in the West and CESDP is to be organized between member-states, some of which are still „neutral and

non-aligned“ (Austria, Ireland, Sweden and, to a degree, Finland) while most are members of both NATO and the WEU. The CESDP of the EU therefore is partly inside NATO and the WEU, partly only within NATO (Denmark) and partly outside NATO and the WEU (the above mentioned partners). The whole geopolitical configuration is narrower than NATO with Norway and Turkey inside NATO but outside both WEU and EU. It is less coherent in geopolitical-strategic terms with Sweden, Finland, Austria and Ireland outside the core territory of the „Euro-Atlantic“ alliance and the combined collective defence treaty areas. On the other hand, it is wider than the old WEU part of NATO both in Northern and in Central Europe, and while Austria is bordered to the West, North and East by three NATO countries, Germany, Czeckia and Hungary with the larger part of Central Europe inside NATO since 1999, the north-eastern flank of the EU is uncovered and stretching from the North Cape to the Baltic Sea along a common border in Finland with Russia over 1300 km. Military security and common defence, therefore, are not a theoretical question in the North: neither Finland nor Sweden or Norway can simply disregard potential security risks possibly arising in Russia in the future. The problem is compounded by the unsettled security in the Eastern Baltic Sea with the three former Soviet republics Estonia, Latvia and Lithuania between Finland and Poland still outside the „Euro-Atlantic“ security system, even if they are close to the north-eastern boundaries of the enlarged NATO, somehow associated with the US across the Atlantic Ocean by the „Baltic Charter“ and part of the Baltic Sea co-operation with EU members, Poland and Russia. The security situation in the North and the Baltic area is, in strategic terms, a zone of transition with the Western-oriented countries all forming a „Euro-Atlantic“ sphere of interest, while Russia still considers the Eastern Baltic Sea a ‘glacis’ for national defence and for access to the West by its trade, but also by its (now much smaller) fleet. Whichever way one may look at the Northern region of Europe - it presents itself as an area of ambivalence in strategic and geopolitical terms. ‘Swedish neutrality’ ostensibly upheld in the post-confrontational situation of Europe with the Warsaw Pact gone since 1991, ideologically

even re-inforced by the renewed political doctrine in Stockholm after the Carl Bildt interlude, reflects this ambivalence of North European security between NATO and Russia with the Northern wing of the EU in between as are the three Baltic countries.

The situation in the North is but one of the West European security problem areas. The situation in the South-East is even more complex and in addition it is explosive - a high risk area, as the Kosovo War has shown after the Bosnian War with several countries on the outskirts of both NATO and the EU in unsettled internal conditions and difficult relations with their neighbours. The South-East is the typical „Petersberg task zone“ in Europe. But neither the WEU nor the EU have been particularly active there in real terms of ‘hard security’. If a change were to take place in the EU in favour of an active common security and defence policy to serve both a common foreign policy of the EU member-states in a crisis and international order, then it would have to occur on this mined terrain.

However, in the South-East both the WEU and the EU are particularly weak and exposed to danger from across their outer boundaries as is the case in the third problem area of Western Europe: The Mediterranean Sea-Black Sea region with the Balkans to the West, the Levant and the Caucasus to the East and the „Wider Middle East“ behind, stretching from Central Asia in the North and the Gulf to the South with Iran, Irak, Saudi-Arabia across Asia minor and the Near East with Turkey, Syria, Jordan, Israel and Palestine to Egypt and North Africa close to Greece, Italy, France and Spain on the Southern seaboard of Western Europe. In this vast region of great political-economic and ethnic-cultural diversity but also with considerable armed forces, an as yet uncontrolled spread of nuclear, chemical and biological means of mass destruction, missile technology and longer range vectors, and several conflicts of historical dimensions with deeply rooted hostilities between peoples, fragile or even failed states, authoritarian or dictatorial governments, unsettled quarrels over borders and pieces of territory such as East-Jerusalem and continu-

ing rivalries in the regional power games, the EU as NATO is confronted with latent threats and permanent explosive dangers to their security. The North Atlantic Council, on which most EU governments are represented by their Heads, foreign and defence ministers, has twice pointed to these security risks, adding that of terrorism and that of barriers to access to the oil&gas reserves in the Middle East, in Rome 1991 after the Gulf War and in Washington in 1999 in the middle of the Kosovo War, while the 'peace process in the Middle East' remained blocked and the situations on the Southern border of Turkey, in Irak, in Lebanon and in Algeria as unsettled as eight years before. The same can be said of Cyprus and of the relations between Turkey and Greece with a maritime field of tensions between them and their alliance in NATO frozen at zero point. Where then is the common ground between the EU member-states vis-a-vis this new „Oriental Question“ for Europe, concerning the relations with Turkey, but also those with Iran and Irak, with Israel and Palestine, with Egypt or with Algeria? How could a common understanding be defined and promoted in dealing with such challenges as 'Islamic fundamentalism' or simply with mass emigration to Europe? What could be the meaning, the scope, the range and the means of the CESDP in this 'strategic direction' of European policy in the European interest, if there were one? What does the „Southern flank“ of Europe's security and defence mean if it is not resting on Turkey as its natural geopolitical corner-stone and a „strategic partner“? - as three consecutive US Presidents since 1981 have defined the American-Turkish relationship in NATO, demanding of the EU to take this quality of Turkey's value for „Euro-Atlantic“ security interests into account and to treat the Turkish ally accordingly with more understanding for Turkey's difficult internal problems. How could the problems of the Southern flank be solved without Greek concessions to Turkey as a long-standing candidate for membership in the EC/EU? And how could Cyprus be admitted to the EU, unless there were a Turkish-Greek accord and a consolidated détente between the Turkish and Greek Cypriote populations? How could the EU „transfer“ or „project stability“ into the Black Sea area and stabilize all of „South Eastern Europe“ with-

out Turkish active co-operation, Turkey being part - if only by a small territorial margin - of South Eastern Europe and at the same time the main Black Sea country since the end of the Soviet Union with the independence of Moldova, Ukraine and Georgia? As long as Turkey remains outside the EU and WEU, „Europe“ will have both wings for its own defence clipped by self-inflicted amputation of the ‘flank country’ in the South and a lack of attractiveness towards the ‘flank country’ in the North, Norway, while NATO includes both, but does not attract Sweden and Finland on the Northern flank, who participate in the CFSP, may participate in the new CESDP, if they so wish, but stay, so far, out of the WEU, which is to be somehow incorporated or even absorbed in the security & defence structures of the EU. These contradictions cause a vast incongruency in the geopolitics of the „Atlantic Europe“ and in those of the „European integration“ in the EU.

The question then arises: Where is the „European Security and Defence Identity“ to be found - inside NATO or outside or perhaps - in a ‘half-way house’ of European security? The same observation applies to the notion of a ‘European pillar’ of common defence in the alliance: Since the EU treaty territory is partly inside, partly outside NATO, as it is, in 1999, only in part congruent with the treaty territory of the WEU, the foundation of this pillar has to reach beyond alliances boundaries - at least for the WEU, since its binding alliance clause for armed support of a member-state under a threat of aggression, according to article 4 of the 1948 Brussels Treaty, cannot be automatically applied to the non-allied states of the EU: Ireland, Sweden, Norway, Finland and Austria. Once „the WEU as an organisation will have fulfilled its purpose“ in the words of the Cologne summit text, this incongruency will have to be dealt with by the EU, if a coherent and contiguous common defence is to be organized, covering the treaty territory of the EU - even if not all EU members take part in a common defence or even in the CESDP, based on the Amsterdam Treaty. For this purpose of re-arranging and optimizing Western Europe’s institutional security policy, the core of the Brussels Treaty must be preserved for the wider EU if a „European defence“ is the finality of

the common effort, since article 4 of the WEU treaty is more binding and compelling in terms of military assistance than article 5 of the North Atlantic treaty (see below, II./3.). Since the CESDP is distinct from „collective defence“ and from „alliance“ policies and since it is oriented towards the WEU „Petersberg missions“ of 1992, for which its efforts and assets seem to be reserved, in order not to „duplicate“ investments in structures, forces, efforts and assets for NATO, the question about a suitable division of labour between EU/WEU and NATO has to be answered for the intermediate ‘grey area’ contingencies, such as in the Balkans, and the issue of ‘interlocking’ versus ‘overlapping’ has to be addressed. Until this task has been accomplished, a measure of ambiguity will remain as to what the „strengthened“ CESDP can and will achieve by its own military means, with or without NATO assets.

II. Conditions

This ambiguity and the basic condition of limitation ask the question of the nature of the „autonomy“ of EU military actions in pursuance of aims, defined by the organisms of the CFSP as the frame of reference for all operations of the CEPSD or (in the liberal translation from the official text of the German Presidency) CESDP in an international crisis or armed conflict. Given the limitations on defence budgets, arms procurement on authorization by national parliaments, legal constraints and international arms control by contractual ceilings on forces and heavy conventional arms in Europe from the Atlantic to the Urals within the CFE treaty area, obvious problems for European security and defence policy arise from the declaration of intent, issued at Cologne, but above all from the scarcity of resources and the ensuing competitive demands on these limited resources for different purposes and different political commitments as well as for different force structures and military capabilities. For this reason, the Chiefs of State and Government introduced the qualification „progressive framing“ (in the German text „step by step“) for the envisaged „common defence policy“ (in the framework of the CFSP), insisted on „continuing

sustained defence efforts with the necessary adaptations, i. p. the strengthening of (the) capabilities for strategic reconnaissance, strategic transport as well as command & control of armed forces“, adding the requirement for joint exercises and joint structures of national and multinational European forces. The „strengthening of the industrial and technological defence basis“ is another admonition in the Cologne text of June 4th 1999⁹.

The required conditions for effective solutions to the problems posed by the state of security policy in Europe and for the implementation of the CESDP project, are:

- economic-industrial,
- organizational-financial/budgetary (allocation and management of resources),
- political-institutional (decision-making, political control and strategic orientation),
- strategic-operational (planning, preparing options for contingencies/force components).

1. The economic-industrial basis exists in bits and pieces, some national, some multinational or bi-national on the pattern of interallied defence cooperation with joint armament projects. It has yet to be assembled on a European scale.

One precondition is a clear executive responsibility with a proper budget in the EU Commission. Only if the Commission is responsible for taking defence needs into account in formulating its policy on technology and industrial development, but also on competitive bidding and concentration in arms production for a truly European procurement, ip. in the aerospace domain, in missile technology and for naval constructions, will the EU acquire the capacity of dealing with the problem of standardized

9 See Presidency's Conclusion, o. c.

equipments and standardized procurement of arms and military matériel for European forces by agreement between the EU partners. It has to be understood, that in competition with American firms, already advantaged by the US military procurement policies and by US arms exports policies, European producers are not ahead even in Europe itself, unless their national governments support them by their procurement policies and by subsidies to State-owned companies or companies with large State shares.

Concentration is a European requirement in competition with US firms and it must be multinational between EU members with armed forces. Therefore the EU Commission must not put so-called „anti-trust“ or „anti-monopoly“ considerations above the inevitable concentration in the European interest in building the CFSP and CESDP (or CEPSD) into a common European defence and security effort within the North Atlantic alliance, and the EU budget must provide for support of multinational concentration in defence industries for this purpose.

A second requirement is privatization of the defence industries. This is paramount for business-like dealings between the various companies, i. p. across national borders and a *conditio-sine-qua-non* for the formation of bi- or multinational companies in Europe as elsewhere. The most formidable obstacle to joint technological development and production of weapons systems between France and Germany has been, at all times and under all circumstances, the political interest of the French government in protecting specific production capabilities, individual plants or factories, testing installations and the jobs there-in. Here lies the main reason for the failure since the 1960ies of building a Franco-German main battle tank and one of the reasons for the difficulties encountered over 15 years for the concept and realization of the Franco-German combat helicopter. In aircraft production, the French combination of powerful private and public companies' interests with the government directly involved, has proven an unsurmountable barrier for the ill-fated project of a Franco-German fighter aircraft or later the „Eurofighter 2000“ with French participation. The largely negative experience with France has led German

industries to look across the Channel for British co-operation and, of course, across the Alps to Italian partners. It is in the best European interest for economically sound procurement of costly technologies and weapons systems or high-value equipments, to encourage and help privatization and its results: private companies, i. p. multinational ones. National producers, whether corporate or public, will often fall behind foreign competitors - this is usually the case in competing with large US corporations. Privatization should therefore be seen as a pre-condition for multinational corporations, which are inevitable, if European industries are to stand their ground and to preserve their chances to participate in technological progress and international business - especially in the aerospace domain.

A third necessity is for the EU Commission to encourage and advantage national policies of members aiming at European solutions for the standardized equipment of European forces and for European joint ventures in the US market, including jointness with US producers and joint exports to countries, which can be considered useful partners in international security and for the promotion of regional stability (such as Saudi-Arabia, Israel, Australia, Argentina, Brazil, Taiwan or Egypt, Turkey being entitled to receive Western arms as a NATO ally).

Fourth requirement is a European arms and military technology export policy, if European armaments production is to prosper on a high technology level, since the size of forces in Europe is too small for a self-supporting European market for defence equipments. Such a policy must be associated with arms export controls and has to be conceptualized not as a barrier against exports or as a strategy of denial of European armaments options, but rather as a part of a co-ordinated international security strategy for crisis-stability and co-operative security, by which vulnerable and valuable overseas partners of Europe outside NATO can be effectively supported by arms deliveries and logistical co-operation (which often offers influence, even if it always creates mutual dependance in political decisions). The lack of such a European policy in the EU has led to

the wide-ranging anarchy in the competition between European firms and governments, trying to sell their arms abroad, outbidding each other and hence loosing control entirely both of the terms of trade and of the use made of their exports (as in the case of Irak). In times of small European defence budgets and smaller forces arms exports become a major element in every decision on arms production and procurement, even on research and development projects. Therefore, the export option cannot be simply denied to the European producers. Such national policies of self-denial, as in the case of Germany, always were a problem for inter-allied co-operation. The problem could only be solved by exemptions and juridical artificialities, allowing e. g. the British partner to sell „Tornado“ fighter-bombers to Arab or Asiatic countries with all their components made in Germany, while the German partner and provider of essential parts was not allowed to export. A European policy, laid down by the EU with the assent of the European Council, would have to avoid such absurdities, mostly created by ideological approaches in domestic politics. Whether this will be politically possible, remains to be seen. But there will be no European „industrial and technological basis for defence“ to support a „European defence“ or even an active CESDP (or CEPSD), unless an overall European policy with regulating power enhances defence industrial co-operation by joint procurement and a European armaments budget with rules on expenditure binding for all, authorizes and controls exports and chooses the countries, into which European arms may be exported and under which conditions for use and arms control to be agreed upon with the external partners.

A fifth precondition is acting in accord with NATO requirements, standards and interoperability requirements between allied forces, which is essentially interoperability of European and US forces in NATO and outside NATO for „peace support missions“ (crisis management, conflict limitation and termination, peace consolidation) with military forces, which have sustainability, flexibility, mobility and fire power for peace enforcement against armed opposition.

This NATO requirement can be at cross-purposes with European objectives, since standardization in the NATO military co-operation framework means procurement of equipment which meets the US/NATO standards and can be used by both US and European forces with logistical support from either side or from common sources: NATO depots. A case in point was the ammunitions supply for the US forces in Saudi-Arabia during in the Gulf conflict 1990/91 from Germany, both from US/NATO stocks and German national stocks. Standardization can be limited to items of common use by different weapons systems, such as fuel, munitions, electrical components, batteries, electrical aggregates or mechanical devices for filling petrol into vehicles or pumping water. This kind of standardization is essential for common logistics and for facilitating joint operations in the field. But it is only marginal by comparison with the main weapons systems such as tanks, armoured fighting vehicles, artillery pieces, helicopters or technical command & control sets, mobile head quarters, battle information systems and communications, not to speak of aircraft, missiles, satellites, surveillance and observation systems and ships. For any partner in any alliance the first question is about „autonomy“ (as proclaimed by the EU Cologne summit in June 1999 for the CEPSP (or CESDP) of the EU member-states vis-a-vis the US and NATO), unless all allies were truly „integrated“ in one single „command and force structure“ with unified multinational armed forces. This ideal military „integration“ never exists in any coalition or alliance force. It does not exist in NATO. Therefore, the various national contingents to „Allied Command Europe“ in NATO form a coalition force, which is coherent but equipped with different arms and matériel within a minimum standardization framework for limited interoperability of US forces in Europe with European NATO forces. This system does not include the non-NATO member-states of the EU Sweden, Finland, Austria and Ireland.

But it does not include France either, since France is on her own since 1967 and has not really returned to the system of allied military co-operation. However, France has several military equipments in common

with fully „integrated“ NATO partners such as Germany (combat helicopters, transport aircraft, anti-air missile systems, naval missile systems). Spain has limited cooperation and standardization as well but certain weapons systems in common with the US as do other NATO partners, i. p. combat aircraft and air-to-ground missiles, ship missiles and command & control equipments. Germany has a large across-the-board joint procurement of major weapons systems both with the US (combat aircraft, air-to-ground missiles, ship missiles and ground-based anti-air missiles) and with France. There is the example of tripartite armaments co-operation between Britain, Germany and Italy (the „Tornado“ combat aircraft for various functions) or between these three countries and Spain (the not yet deployed „Eurofighter 2000“).

In conclusion it can be said that a variety of bi-national, tri-national or multinational co-operation agreements for arms development, production and procurement have been successful in Europe by all standards: technical, economic, operational, logistical and political. The consequence for a ‘European arms procurement agency’ or ‘armaments pool’, which have been talked about in Europe for the last 40 years but never materialized, are not obvious: Exclusive European arms development, production and procurement may or may not serve European security and economic interests better than transatlantic ones. But they have never ever, so far, served standardization and interoperability in NATO between European and US forces. They have been more or less compatible with NATO standards and logistical requirements as have US products and standards. But there is no doubt that a „European armaments pool“ with exclusivity, i.e. an obligation for all EU partners to procure only „European“ or „Europeanized“ equipment for European armed forces would not tend to promote alliance unity across the Atlantic and that it would not serve NATO standardization with the US. It is questionable that it would promote European military technology and contribute to reach a competitive level with US technologies. There is a case to be made for transatlantic technological-industrial co-operation versus an exclusive European one for European industries and forces only. Equipment of European air

forces in NATO gives some indications: Smaller European air forces have always, since the creation of allied forces, tended to procure American combat aircraft, missiles and associated technology for target acquisition and weapons release, for Radar systems and command & control equipments, as well as for ground-based anti-air missiles. The smaller the number of items to be used, the more economic procurement by a large provider becomes. This rule even applies to larger demands: The FRG ordered 750 F-104 fighter-bombers to equip its air force. The aircraft's safety and performance remained in doubt, but the procurement proved to be mutually advantageous in the end and it provided the first technological base for the new West German aircraft industry after the war: By which criteria should one evaluate the F-104 „Starfighter“ procurement, which was not exclusively German in NATO?

The German Air Force has maintained ever since that it succeeded to become one of the three best performing air forces in NATO thanks to the F-104 co-operation with the US in spite of the shortcomings of the „German version“ of that aircraft. The tripartite „Tornado“ heavy fighter-bomber and armed reconnaissance penetrator, that has been a paramount success so far, both in the Gulf War in 1991 and in the former Yugoslavia in 1995 and 1999, has not been procured by the smaller European NATO countries simply for economic reasons: Comparable American aircraft come cheaper, even if their performance is no match for the „Tornado“ or simply not better. This may happen to the „Eurofighter 2000“ - but it is not really important in and for NATO. Is it important for „a European defence“ in the EU framework? The EU policy-makers will have to answer this question. Does an effective CEPSD (or CESDP) really need „European arms“? Or could an armaments mix between US and European systems and components be more advantageous for NATO standardization and interoperability as well as for alliance coherence in a larger „transatlantic partnership“? The EU governments will have to answer the question and establish the „trade-offs“ between economic, technological, logistical, operational and political advantages and disadvantages for the optimal solution. This task demands expertise and objectivity in choosing

between realistic options. The answer will hardly be: „Buy European“. The re-inforcement of the „technological-industrial base“ for a „European defence“ is both necessary and difficult to achieve in transatlantic economic and political terms - quite apart from the operational-logistical considerations for interallied military co-operation. But it stands to reason that the EU must develop its own arms procurement and military technology policies, if a solid European base for a common security and defence policy and a possible „European defence“ in the future are to be prepared. It is essential that the common “European” purpose match the common NATO purpose and hence the requirements of standardization and interoperability in “Allied Command Europe”.

2. The complexity of the economic-industrial tasks requires an optimal management organisation in the EU within the framework of an organized joint planning for European defence production and procurement, not necessarily within the EU Commission. It is even preferable to farm out this task to a European armaments and procurement agency under the political authority of a EU Defence Ministers Council, that could be assisted by the „Military Committee“ for the definition of the requirements and by a committee of the Armaments Directors in the Defence Ministries of the participating member-states. The experience so far has shown that it is extremely difficult for the national armaments directors to reach a solid agreement on anything, i. p. between more than two or three. Therefore, the armaments directors cannot be counted upon to decide in common on major projects, involving national interests in terms of previous investment into development and production, active plants and jobs, new implantations and new technologies. All European defence ministers are armaments ministers and armed forces ministers (even if in some governments as in the British case there are divisions of political responsibility between several politicians within the defence ministry). Therefore they must be obliged to answer both the questions of military requirements and budgetary constraints, the combination of which determines planning and procurement. The EU needs a defence ministers council anyway if the a common defence policy is to become a reality. This coun-

cil must act as the force planning and armaments committee of the EU, taking into account the NATO obligations for the NATO members and the NATO force planning goals. The main responsibility must be the budgetary outlays for defence, on which they cannot decide but on which they can and must make joint recommendations in view of the military necessities and their own national defence budgets for their forces.

This is a capital point: The European Council of the Chiefs of State and Government must decide on broad orientations for a truly common defence policy as well as for the application of the CFSP in general and on specific policy objectives. It cannot decide on force structures, operational capabilities and military options in defined contingencies unless it is provided with a common European force planning and budget structure including all national inputs as well as with a common force structure including all equipments and logistical supplies available over time: No national government can make forces ready for use in conflict or prepare such forces unless it has a precise knowledge of the resources, the budgetary outlays and the financing of the expenditure as well as the force goal and procurement planning cycle, which is in general a continuing one over five years as in NATO. The defence ministers council must submit the same document to all governments involved. The budget, personnel and armaments directors of all the concerned national defence ministries as well as all the General Staffs of the national Armed Forces of the participating EU member-states must be associated in preparing the 'Joint Defence Ministers' Report on Armed Forces, Armaments and the Planning Cycle' to the European Council, which would have to be the basic document for making political decisions on strategic orientations and the commitment of EU forces in crisis and conflict, always taking into account the commitments to NATO and the NATO force planning cycle as well as the various international commitments of forces to the UN (or the OSCE).

This procedure would mean that the defence ministers would have to work together on force planning and budgets as well as on armaments

planning. The result over time would be a synergetic effect leading to a convergence of the various national armed forces in the EU - always under the rule of the NATO commitments of the various partners - and to a growing multinational organisation of these armed forces in multinational force structures, for which the JCFS between NATO and WEU within the NATO framework are an example. Coherence needs co-ordination and the Defence Ministers Council of the EU would have to offer this advantage, measuring at each point in the progressive process the trade-offs with NATO inputs and the compatibility between EU and NATO efforts.

There should not be a quasi-independent EU/WEU force planning authority, which would develop its own international bureaucracy, committed to jointness and supranational objectives but isolated from national planning and politics. „Subsidiarity“ should rule the co-ordination and the relations between the national defence ministers as a committee on the governments' side and the European authority: The defence ministers must represent both. If this could not be achieved, then any EU Defence Ministers Council or armaments committee and even the Military Committee would go down the same way as the Ministers of Agriculture or other EU ministerial councils where there is nothing more than the sum of national interests on the lowest common denominator. This is not a matter of idealism: Either this convergence of national interests and means in the domain of defence and armaments can be achieved over time or the project of a common defence policy is dead.

The national defence ministers have the personnel and the data for organizing a European defence and armaments co-operation, but they do not have necessarily the political authority and domestic political support needed to decide and to enforce decisions taken in common. This is the supreme task of the Chiefs of Government (it is not certain how and to what end a „Chief of State“ can really contribute to such decisions, but the French case can be put aside since France has a Prime Minister and since the French Constitution declares that „the Government conducts the nation's policy“ and is „responsible for national defence“). For manage-

ment reasons the question has to be answered whether the defence ministers of the EU and the WEU should meet alone as a defence and armaments committee apart from the joint ministerial council with the foreign ministers. There are good reasons for joint sessions in the domain of policy-making, but the management of common armed forces or force structures, armaments or arms procurement, budget requirements and division of labour within the EU for defence as well as the liaison with NATO force planning should be left to the defence ministers as the political managers of the armed forces, the armaments and the defence budgets of their governments.

There is, of course, a 'third dimension': the ministers of finance. The national treasuries rule the expenditure of the governments. Chiefs of Government usually side with their ministers of finance on the budget. Therefore the finance ministers should be directly associated with defence and force planning as they had been at the beginning in NATO. It was a capital mistake to release them from the obligation to assist in the NAC and hereby to assist force goal planning at the creation, assuming political responsibility for military expenditure in international terms and in an international body. It is doubtful whether the finance ministers will allow themselves to be recruited again for defence and force planning, committing them to expenditure. But they should be made to send high officials from their departments as their representatives and to order those to contribute to the work of defence and force goal planning. In the German case this has been extremely difficult in the NATO context: The bureaucracy of the treasury departments of all governments tries not to engage itself for general policy objectives and not to commit resources early in the game. This is natural. But the European Council has to decide whether it is itself committed to an effective active common defence policy or whether it wishes only to add another rhetorical exercise to the European „acquis“ in the field of security and defence.

3. These considerations lead to the institutional-political issues posed by the Cologne project.

At issue is above all the unity of action of either the EU as an association of states or of a „core“ group of member-states, a permanent ‘coalition of the able and willing’. The Franco-British initiative of St. Malo in December 1998 observes on this critical point „Europeans will operate within the institutional framework of the EU. The reinforcement of European solidarity must take into account the various positions of European states. The different situations of countries in relation to NATO must be respected“. The objective, according to the St. Malo text, is double: a) to give to the EU „the capacity for autonomous action, backed up by credible military forces“ with „the means to decide to use them and the readiness to do so, in order to respond to international crises“; b) to preserve „the collective defence commitments to which member states subscribe (set out in Article 5 of the Washington Treaty, Article V of the Brussels Treaty)“ and „acting in conformity with our respective obligations in NATO“. In fact, the collective defence commitment in the WEU treaty is in the original text embedded in article 4, which stipulates that in case of „an armed attack in Europe“ against a member, all other members „will give assistance and support with all military and other means within their power“, which is more than the signatories of the North Atlantic treaty of Washington undertook one year later in April 1949 by agreeing to article 5 on this treaty, since it does only require the allies to give „assistance“ by taking those measures in unison with the other partners, which they consider necessary to maintain or restore the security of the North Atlantic treaty area, „including by the use of armed forces“. This was a long way from giving support and assistance „with all military and other means within their power“. For this reason, NATO was based on common military structures with alliance forces in permanent readiness by binding commitments of specific „pre-designated“ forces to be „assigned“ to „Allied Command Europe“ in a joint force and defence planning cycle, in order to make up for the relative loose commitment of military forces to the defence of an ally according to the treaty language. The WEU partners abdicated their common European defence and armed forces to the care and control of NATO (as far as military integration went, with the

national sovereignty over the armed forces remaining intact). But their treaty remains after 50 years and with it the far-reaching 'casus foederis' of its article 4. In 1986 the members of the then re-activated, newly organized and enlarged WEU specified in their political guidelines document „Political Platform“, adopted at the Hague, that each member country would be defended by all on its outer borders - meaning collective forward defence for all of Western Europe within the WEU boundaries. This was not to mean that the European NATO allies associated with each other in the WEU would go beyond military NATO commitments or develop separate European defence structures. But the Hague text reaffirmed their political commitment to common defence and security. Whatever the EC of the Union may have had in mind at Cologne, when declaring that the WEU would have „fulfilled its purpose“, once the new project CESDP would have been implemented, the Brussels treaty goes far beyond the scope of CESDP and the 1992 „Petersberg missions“ for the WEU. There is no other contractual commitment by the EU partners on security, similar to the alliance clause of this treaty and the political philosophy of the Hague platform. Therefore, the question has to be asked and answered: what is to become of the WEU with the Brussels treaty after 1999-2000 in the perspective of the CESDP and of the union treaties, envisaging the absorption of the WEU into the EU? Will there be strong European mutual commitments for collective defence in a „European alliance“ within the North Atlantic alliance with the US and Canada, Turkey and Norway? Or will the European defence treaty be simply abandoned by its members in favour of the unequal couple NATO/EU?

If the latter were the case, several political and institutional as well as military consequences would follow:

- First. The EU or at least the former WEU members of the EU would have to maintain the Combined Joint Force Structure and Combined Joint Task Force arrangements between NATO and the WEU on the use of NATO command and force structures, operational procedures and military assets, including US assets, if and when the US does not participate

but consent to an all-European operation for „peace support missions“ outside the North Atlantic treaty area. These members would also have to discharge the responsibilities for joint efforts in support of NATO forces, readiness, sustainability, deployment capability, flexibility and mobility of European forces in NATO as well as for the implementation of European NATO programmes, which the WEU assumed from the former „Euro-group“ in NATO it has replaced.

The defence ministers of those countries would have to carry these tasks and responsibilities into the organisms of the (CEPSD) CESDP within the EU structures of „strategic planning“ and political decision-making.

The WEU, based on the Brussels Treaty in its version of 1955, is mentioned in this text only in one narrow context on the EU as an organisation:... „the Union must be given appropriate structures and a capacity for analysis of situations, sources of intelligence, and a capability for relevant strategic planning, without unnecessary duplication, taking account of the existing assets of the WEU and the evolution of its relations with the EU“....

The European Council's Cologne Declaration of 1999 repeats the key phrases of St. Malo without mentioning the „collective defence“ quality of the WEU Treaty of Brussels and its Article V, the alliance clause with the mutual obligation of military support in case of a threat of aggression. While this omission privileges NATO and the EU-NATO relations, which do not exist as yet, it begs the question of the continuation of the Brussels treaty and the use, that could be made of it in the future by the EU members. It also raises the question of European military co-operation in NATO and whether the European allies are to continue as a European group in NATO, once the WEU would be discontinued or simply deactivated. Since 1985 the WEU has been progressively reinforced in its organisation as have its links with NATO and its competences in the field of military planning for international security operations outside collective defence, (for the so-called „non-article 5 contingencies“) in which the European allies could respond without the US and NATO to a crisis. If

the WEU did disappear, absorbed by the EU, a special EU group would have to be created for the purposes, now served by the WEU inside NATO and parallel to NATO, e. g. with the Combined Joint Task Forces and Force Structures.

It can be assumed that the WEU military committee could serve as the military committee for the CEPSD or CESDP group in the EU as could the military staff. But the commanders of European forces for acting on behalf of the CESDP would have to be either in the NATO command structure, as is the case since 1996 with the European Deputy SACEUR as the pre-designated Commander of European force components serving outside NATO for peace support missions, or he would have to be appointed by the EU independently from NATO, which would mean with no command authority over NATO forces and no assured recourse on NATO command & control or force structures and military assets. This does not seem to be the preferred choice as far as the Franco-British St. Malo declaration and the Cologne CESDP Declaration by the EU Council are concerned. If this assumption is correct, then the EU must decide to either commission the WEU group of its members to carry on and assure the organic links with NATO, that is to act for the entire EU as the political decision-making authority on NATO matters and international crisis response, i.e. deal with the entire security and defence policy, or to set up a new permanent core group of participants in both CEPSD or CESDP and the older CFSP in order to provide the councils of the Union with the expertise and guidance, required for swift crisis response and „relevant strategic planning“ (as the Cologne text reads on this point), but also to establish a political crisis management organism and an authority to control European forces, to be commissioned by the EU for international security and peace support missions.

As long as only very small and short contingencies for crisis management with military forces, as in Albania, arise, some European allies could act together with a small mixed force and an autonomous commander, as was the case in Albania in 1997 for French, Italian and some other na-

tional contingents under French command. For greater simplicity, speed and flexibility, but also to avoid political complications, this operation was not given to the WEU. Hence, it is an untypical case. But what, if the emerging Civil War in Albania had spread and lasted, and a much larger force had been required to contain and end it? In that case, either NATO or the WEU would have had to intervene and then the CJTF would have been called upon - unless the allies had simply decided (with US consent and participation) that a NATO response was the right answer to the situation as had been the case in Bosnia in 1995 or in the Kosovo in 1999.

The consequences of such possibilities are obvious and inescapable:

- a) The EU needs a Defence Ministers Council with political authority over armed force contingents, made available by member-states for use by the EU in application of common decisions and over both the military committee and international military staff, last not least over a military commander of EU forces, either within the NATO command structure or outside in an independent EU framework. The latter would mean „duplication“ and also separation from the common alliance structure. It follows that the best solution - in truth the only sensible one - would be the confirmation of the existing NATO/WEU set-up and its adaptation to the new situation in the EU with its common security and defence policies, linked in the more general objectives of the European foreign policies, agreed upon in the EC..
- b) All decisions taken on the use of armed force and the engagement of forces committed to the EU for operations must be reached by a majority of member-states, which are also active participants in the NATO military co-operation system. Otherwise the link to NATO and to the US could be weakened or become inoperable.
- c) The European Council must issue its political guidelines and strategic directions for the implementation of both the CFSP and the CEPSD or CESDP to the foreign ministers and the defence ministers. It should regularly hear the reports and advice of the military committee and in-

struct the defence ministers to deal with the implications, reporting back to the EC.

d) The foreign ministers must take possible military consequences of their policies into account, including the financial and personnel requirements in the perspective of changing situations, escalation of crises and conflicts and mounting costs, risks and losses. This requires joint meetings of the foreign and defence ministers both on a regular routine basis and ad hoc for dealing with extraordinary events or issues. It also required discussions with the military committee and, if appointed, with a European commander-in-chief for European forces outside NATO - again the advantage of making use of the present organisation with the combined joint command and force structures between NATO and the WEU becomes obvious.

In all, an organized European defence policy and crisis response by the EU raises inevitably the issues of concentration and of political solidarity between all EU member-states for unity of action outside collective defence in the field of international security.

In order to rise to the challenge, the institutional response by the EU must cover four main domains:

a) the ultimate decision-making authority of the EC of Chiefs of State and Governments on all principal matters concerning the common foreign, security and defence policies, preferably by a qualified majority of NATO members, but with the rule of free participation in decision-making, notwithstanding NATO membership or an independent status outside NATO, on the basis of participation in the measures to be taken, including the use of military means and armed force; it has to be taken into account, however, that decision-making for CESDP as for the more general CFSP is to rest „on an intergovernmental basis“, at least in the common view of Britain and France, expressed in the St. Malo declaration „on European Defence“, and this applies also to other major members of the EU, i. p. to Germany and Spain, Denmark and Greece. It certainly applies to non-NATO/WEU countries such as Sweden and Austria. This reality points to

the deeper problem of European unity in the field of international military security even outside the existing alliance frameworks of collective defence, national control over the armed forces being reserved anyway as expression of national sovereignty and independence.

b) central political control of the EC via the ministerial councils of the preparations for decision-making by the military committee with the international military staff and by the envisaged expert committee on security policy;

c) either use of the WEU as the EU agency for security and defence policy, an „integral“ part of the EU structures (as envisaged by the Maastricht and Amsterdam Treaties) or else the creation of a European Group, based on a new modification of the Brussels Treaty in order to maintain the alliance clause for collective defence in Europe (article 4/5), to maintain the link with NATO and to accommodate the EU as a „security and defence union“ with the option of organizing union forces for use in application of the CESDP;

d) a political crisis response capacity by a standing group of senior advisers to the EC and the ministerial councils, unification of the responsibilities for the CFP and the CESDP in the person of a High Representative or High Commissioner, answering directly to the EC of the Chiefs of State and Government and participating in the ministerial councils on international affairs and general affairs within the community framework, the ministerial councils on CFSP and CESDP and assisting in the EC deliberations as political adviser and as executive secretary general. He should have equal rank with the President of the EU Commission and a sufficient political-military staff with operational-logistical resources, budgeted under the authority of the EC. All CESDP organisms, such as a crisis response cell, a strategic planning group, intelligence review and analysis centers should be placed under his control and at his disposal. This could best be done by organizing links with the WEU.

If or as long as the WEU were to be maintained, the High Representative or Commissioner for Security and Defence Policy of the EU should also

hold the office of Secretary General of the WEU. In this capacity he should continue to assist the meetings of the North Atlantic Council as an observer and invite the Secretary General of NATO to assist in the deliberations of the CESDP ministerial councils of the EU.

4. Most of what has been mentioned above under the aspects of technology & armaments and under institutional-political aspects, also has strategic and operational military implications.

For CEPSD or CESDP the main issues are „strategic direction“ or orientation of the policies to be adopted and control of implementation of decisions. The Chiefs of State and Government stated their intent to provide „strategic direction“ and give political guidance. The main technical task for an institutional solution than lies in the field of central control and supervision of strategic planning. Military „command & control“ over the various European armed forces is organized both in the national and the interallied context. Nothing must or should be changed in this respect, since the CEPSD or CESDP is only an intergovernmental function and the EU is not expected in the foreseeable future to acquire its own „European armed forces“ or an common and integrated „European defence“. Anyway the EU could best follow the time-honoured example of the WEU, leaving the bulk of military responsibility and with it operational command & control of the forces „assigned“ to NATO to the authorities of the alliance. This has worked well even outside collective defence in Bosnia with IFOR/SFOR and in Kosovo so far with KFOR as NATO-run operations with external international participation. The same can be said about the various „partnerships for peace“, associating the external partners for international security with NATO bilaterally and assembling all of them with the NATO members in the „Euro-Atlantic Partnership Council“: NATO in the centre is the nub of the big wheel. The EU cannot take its place.

Operational autonomy for a European peace-making force will be always relative to the dependence or reliance on NATO. It could be largest at the highest level, that of political decision-making and strategic direction, the

results of which would be part of the European input into the deliberations of the NAC. Strategic analysis and conceptualization, analysis of intelligence reports and evaluation of data, the programmes for European satellite reconnaissance missions and their co-ordination with US capabilities for mutual information, European strategic transport, communications, information, surveillance, reconnaissance and intelligence capacities all need prior concepts, which would have to be examined closely against cost effectiveness and relevance. These are typical tasks for the highest political authority of the EU, since it is the this government authority, which has to set priorities and to allocate resources for defined tasks at accepted costs with budget planning and control of expenditures. Other strategic-operational aspects can be left to the defence ministers, chiefs of the national defence staffs and to the CEPSD or CESDP military committee of the EU. Most of these questions must be taken up with NATO anyway, if the EU members with their European defence policy are to „contribute to the vitality of a modernised Atlantic Alliance, which is the foundation of the collective defence of its members“ in the words of the messages from St. Malo and from Cologne.

In conclusion it is possible to state, that the perspectives opened in Cologne for the EU as a future European security union within the North Atlantic Alliance can be filled with political substance and used for an „autonomous“ role of EU-Europe in international politics and in international security on two essential conditions: unity of action from the top down in joint efforts with the appropriate structures and a strong link to NATO in the transatlantic partnership with North America without abandoning European responsibilities to American care.

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Zentrum für Europäische Integrationsforschung
Center for European Integration Studies
Rheinische Friedrich-Wilhelms-Universität Bonn

Walter-Flex-Straße 3
D-53113 Bonn
Germany

Tel.: +49-228-73-1880
Fax: +49-228-73-1788
<http://www.zei.de>