

# Background

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## Laying Down Clear Markers: Protecting American Interests from a Confusing European Constitution

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There is a danger in the European constitutional process for transatlantic relations and American interests because the fine print of European agreements often determines outcomes of which few of its participants are aware. The process, scheduled for approval by the various European governments at the Brussels summit on December 13, 2003, was originally designed to make the European Union (EU) political system more transparent and understandable to the average European citizen. Whatever the outcome of the process, however, it is already apparent that this goal has not been met.

Consisting of over 440 articles and written in an incomprehensible style, the constitution will surely not further endear the EU to its citizens. At the same time, though, the importance of the constitutional process cannot be denied. For instance, the constitutional settlement on defense will directly affect the North Atlantic Treaty Organization (NATO), defense issues among European member states, and thus all major transatlantic foreign and defense policy decisions. Therefore, the Bush Administration must inject clarity into the debate on issues of primary concern for U.S.–EU relations, particularly in the area of security policy, which is covered by the European Security and Defense Policy (ESDP).

The U.S. should make it clear to the EU that it will support the ESDP only if NATO remains the primary transatlantic security organization. NATO must continue to have first right of refusal for any proposed military mission before the ESDP is activated, leading

### Talking Points

- The Bush Administration should make it clear that the U.S. views the EU constitutional process as more than merely a tidying-up exercise, particularly regarding defense issues.
- The President should accept the NATO–ESDP compromise worked out during the EU constitutional process, but only if it articulates clear operational lines of control.
- The President must also make clear that, with U.S. acceptance of the ESDP plan as articulated in the EU constitutional settlement, the U.S. regards the issue as closed and subject to no further negotiations or concessions.
- The U.S. should make it clear to the EU that it will support the ESDP process only if NATO remains the primary transatlantic security organization. NATO must continue to have first right of refusal before the ESDP is activated.

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to European military action. Further, the ESDP must not lead to either duplication of NATO assets or competition with the alliance for strategic primacy. By laying down markers and making its own policy goals crystal clear, the United States can ensure that areas of potential disagreement lurking in the EU constitution do not poison the already endangered transatlantic alliance.

### **Common Foreign Policy Simply Not in the Cards**

The EU constitutional process has only now begun to outline the future of a Common European Foreign and Security Policy (CFSP). It is highly unlikely that the constitutional process will result in an integrated European foreign policy—a reality that ought to be welcomed by Washington as it allows the U.S. to work with a greater number of committed European partners.

Specifically, there is no evidence that individual European states are willing to abandon their national interests and sign on to a European process that would lead to majority voting on matters of high politics regarding foreign policy. (This would mean that EU member states would be willing to give up their veto in Brussels on foreign policy issues.) The national interests of the individual member states remain the basis for their respective foreign policies and are likely to do so into the indefinite future.

Things become far murkier, however, on the defense side of the equation. The result may well be to paralyze defense policymaking in Europe, making the EU a dragging anchor on U.S. security policy.

### **The Vague Question of a Common Defense Policy**

Like a vampire, European federalist efforts to establish a European defense identity that is separate from and in competition with NATO continue to rise from the dead.<sup>1</sup> Berlin-Plus, the March 17, 2003, agreement between the U.S. and the EU member states, was designed to resolve definitively the

questions of compatibility between the ESDP and NATO.

Berlin-Plus sought to avoid the unnecessary duplication of transatlantic resources and had four elements: It assured EU access to NATO operational planning; it made NATO capabilities and assets available to the EU; it made the Deputy Supreme Allied Commander Europe (always a European) also commander of any EU-led operations; and it adapted the NATO defense planning system to allow for EU-run operations. This commonsense agreement has now been called into question by Franco-German efforts to set up a wholly separate EU headquarters and planning structure.

Berlin-Plus allowed for greater alliance flexibility and was successfully put to the test in the EU-led mission to Macedonia. While the U.S. should not be forced to participate militarily in every transatlantic mission, America should allow the European allies to act alone using NATO assets if Washington does not object.

As the case of Macedonia amply illustrates, that should have been that. During the height of European opposition to the U.S. stance on Iraq, however, France, Germany, Belgium, and Luxembourg reopened the question, in effect calling Berlin-Plus into doubt. They advocated the establishment of an independent EU military headquarters in Tervuren, Belgium, with an independent planning capacity.

Beyond the obvious operational drawback of such an institutional arrangement, which would lead to unnecessary duplication with NATO, the political ramifications of such an outcome are clear: It is the institutional expression of French political desires to lessen the American role in Europe. Ambassador Nicholas Burns, U.S. representative to NATO, rightly sounded the alarm, calling such an outcome “the greatest threat to the future of the alliance.”<sup>2</sup>

It is this threat that the European constitutional process has been designed to resolve. While the EU constitution does not formally address establishment of an independent EU military headquarters, the two issues emerged simultaneously and have

1. This revisionism is particularly supported by Europeans who adhere to the ideology of former French President Charles de Gaulle, who attempted to make a French-dominated Europe a third superpower during the Cold War.
2. Ian Black, “Rumsfeld Tries to Cool Row over EU Military Plan,” *The Guardian*, December 2, 2003, at [www.guardian.co.uk/international/story/0,3604,1097703,00.html](http://www.guardian.co.uk/international/story/0,3604,1097703,00.html).

since effectively merged. Thanks to the tireless efforts of British Prime Minister Tony Blair, another plan has been put forward to heal the rift threatening the NATO alliance. Under its terms, the EU will establish its own military planning cell, located within NATO headquarters in Brussels.

Accordingly, the French Gaullist initiative has been significantly watered down. Instead of working through the planning cell as a separate entity, EU officers will work from NATO's existing headquarters. Belgium, France, Germany, and Luxembourg had pressed for a full-blown EU military headquarters that would function independently of existing structures.

Critically, the Blair government steered the compromise so that the ESDP will work on projects only when NATO decides not to intervene in a crisis, and NATO retains the first right of refusal in a crisis situation. As with the Berlin-Plus agreement, the EU will continue to be allowed to draw on NATO assets—but only if the alliance as a whole approves, giving the U.S. a de facto veto over the process. What is most important for the United States is that, while there is an EU planning unit, the EU will not possess a separate headquarters for the ESDP process.

### The Last, Best Chance for Transatlantic Diplomatic Peace

To safeguard American interests, the Bush Administration should:

1. **Make it clear that the U.S. views the EU constitutional process as more than merely a tidying-up exercise for existing European agreements, particularly regarding defense issues.**

The President should make it clear not only that the outcome of the convention is entirely up to the EU member states, but also that it will change political relationships, both within the EU and between the EU and the U.S. For example, the United States would view any attempt

to make the ESDP a rival to NATO or to do away with the veto of individual states on foreign policy issues as highly detrimental to the transatlantic relationship.

2. **Accept the NATO–ESDP compromise worked out during the EU constitutional process, but only if it articulates clear operational lines of control.**

As it retains the key elements of Berlin-Plus, the new European agreement crafted by Prime Minister Blair can be accepted by the United States on three conditions.

*First*, in the words of Secretary of Defense Donald Rumsfeld, “I am confident that things will sort through in a way that we can have an arrangement that isn’t duplicative or competitive of NATO.”<sup>3</sup> As NATO Secretary General Lord George Robertson has pointed out, “One thousand operational planners are already available in [Supreme Headquarters Allied Powers Europe] headquarters.”<sup>4</sup> What is needed are not further architectural changes in the transatlantic military alliance, but greater capability on the part of the European allies in terms of a greater emphasis on computerized weapons, communications, lift, logistics, and intelligence.

From NATO's 19 member states, excluding the United States, only 55,000 troops are deployed abroad out of a staggering 1.4 million people in uniform. As a senior European defense official recently said, “there are far too many European colonels who have never commanded anyone running Brussels, and far too few deployable troops. Everyone knows this.”<sup>5</sup> The duplication of precious resources does nothing to rectify this fundamental problem.

*Second*, after the failure of Berlin-Plus, the United States must undertake to receive concrete assurances from the European allies that

3. Stephen Castle, “Rumsfeld Sidesteps Showdown with EU over Defense Plan,” *The Independent*, December 2, 2003, at [news.indep.co.uk/europe/story.jsp?story=469241](http://news.indep.co.uk/europe/story.jsp?story=469241).

4. “Hoon to Meet Rumsfeld,” *Yahoo! News, UK & Ireland*, December 2, 2003, at [uk.news.yahoo.com/031202/143/efeoi.html](http://uk.news.yahoo.com/031202/143/efeoi.html).

5. Private conversation with the author, December 5, 2003.

NATO remains the preeminent transatlantic security institution. The operational expression of this political point is that the U.S. should condition its support for the new compromise on NATO's retaining the first right of refusal to act in any European crisis.

*Third*, the U.S. must clearly express its continued strenuous opposition to the formation of a separate EU headquarters, which would exist only to compete with NATO. As Secretary Rumsfeld stated, "Our policy is very clear: that we strongly support NATO as the primary forum for transatlantic defense. We support ESDP that is NATO friendly."<sup>6</sup> This clear strategic view must guide the overall American reaction to any EU constitutional defense initiative.

3. **Make it clear that, with the U.S. acceptance of the ESDP plan as formulated around the EU constitutional settlement, the U.S. regards the issue as closed.**

The Bush Administration must be careful not to fall into a pattern of continuing to make concessions on ESDP, only to have subsequent "agreements" nullified by the European partners, who will then ask for further concessions. The United States cannot sit idly by while creeping Gaullist attempts undermine NATO in order to build up the ESDP as a rival to the alliance.

The United States must clearly articulate that other approaches would be highly destructive to the NATO alliance. By laying down such a

marker, the Bush Administration can measure subsequent European diplomatic initiatives in a clear and effective manner.

## Conclusion

The European experiment has always been driven by the process of functionalism, of obscuring policy goals and not making clear the genuine direction of the EU in order to foster internal political consensus. While such an approach succeeded brilliantly on economic issues, it is impossible to use the same *modus operandi* when dealing with foreign and security policy. These issues require a degree of clarity that leads to definite policy positions (i.e., one chooses to intervene in a country or not) in a manner entirely different from that applied to economic issues.

The United States must therefore make its position clear on European constitutional foreign and defense policy initiatives; otherwise, the constitution's fine print on foreign and security affairs could weaken NATO, which remains a primary American interest.

While European states have the right to work out whatever internal political relationship they prefer, the U.S. must emphasize that actions have consequences and that a more federal, centralized European defense could lead to a diminution of NATO. This, in turn, would tragically affect the transatlantic relationship.

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6. Agence France-Presse, "EU Warned Against Duplicating, Competing with NATO," December 1, 2003, at [story.news.yahoo.com/news?tmpl=story&cid=1512&ncid=1512&e=11&u=/afp/200](http://story.news.yahoo.com/news?tmpl=story&cid=1512&ncid=1512&e=11&u=/afp/200).