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Permanent change? the paths of change of the European security organizations

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Part Two

Context, Cases and Analysis

‘How can you improve human nature until you have changed the system? The other; what is the use of changing the system before you have improved human nature?’.

George Orwell, 1984, 1949

Part Two. Context, Cases and Analysis

In the next part of this research the paths of change of the European security organizations will be analysed and the questions will be answered as to how and why change of the European security organizations has developed. The aim of part two is an overview and an in-depth analysis of the changes that occurred in the security organizations applying the theoretical framework that was offered in Chapter 2. The starting point of the chronological analysis of the paths of change are the key moments and institutional consequences. These changes will be analysed for each organization separately as well as in comparison, drawn from the founding documents and the follow-up in their respective treaties, political agreements and summits. The paths of change are reflected in the mandate and the process of institutionalization of an organization, or its opposite, as this research states that the mandate and institutional setup presents the choices that were made by the relevant actors involved.

Each chapter will follow the same structure, analysing the paths of change of the organizations separately and in a cross-case comparison within one path of change, either broadening (Chapter 4), widening (Chapter 5) and deepening (Chapter 6). Analysis and comparison are based on the same indicators and the results of the paths of change as observed. This is followed by a comparison between the different paths of change, either broadening, widening or deepening: a cross-path comparison (Chapter 7). In line with the method of process tracing and structured focused comparison, the paths are analysed chronologically, the same line of argument is presented, the same type of research questions are asked and the same type of data is used. These sub-questions are derived from the main research question: How and why have the European security organizations, namely the EU, the OSCE and NATO, changed in terms of broadening, widening and deepening individually and in comparison to one another as part of the European security architecture between 1990 and 2016?, leading to the following sub-questions for each chapter:

- 1) At what level are the observed paths of change? What form do these paths take?
- 2) What concrete effects of the paths of change can be discerned?
- 3) What are the similarities and differences in and between the paths of change among the security organizations?
- 4) How can variation in the paths of change of the European security organizations be explained?

Chapter 4

Chapter 4. The Path of Broadening

4.1 Introduction

From the OSCE 1990 Paris Summit onwards, the tasks for which the European security organizations were originally mandated broadened for all three international organizations. NATO broadened from a purely collective defence organization to an organization encompassing crisis management tasks as well as cooperation and dialogue with other actors. Europe's economic cooperation organization, the EU, adopted a security and defence policy, eventually even incorporating a mutual defence clause. The OSCE had encompassed a broad perspective on security from its creation and broadened its scope from there.

The first path of change is analysed within the concept of broadening. As explained in Chapter 2, broadening is defined as a change in the scope of tasks for which the security organizations are mandated, from narrow to broad security. The questions that need to be examined are how and why change has led to a broadening of the European security organizations. The security organizations are analysed separately and in comparison in their path of broadening. Consideration is given to what the form and level of this path of institutional change comprise, what the results are and what the variation is between the security organizations, and how this can be explained.

4.2 The Concept of Broadening; Conquering New Markets

The first path of change to be analysed encompasses the broadening of the European security organizations. This research defines broadening as the expansion of the scope of tasks (security and defence) into new policy areas, as was elaborated upon in Chapter 2. The units of analysis of this research are security organizations. Traditionally, security organizations can be divided conceptually into collective defence or collective security organizations. Two forms of security cooperation, but with clearly different tasks.

The starting point of the analysis of the path of broadening is these specific concepts in relation to the security organizations as they were established at their foundation. From there, the development of the scope of tasks will be analysed in terms of the variation of tasks, set out in treaties or agreement revisions which formally changed the allocation of tasks between the member states and the organization accompanied by the extent of (de-) institutionalization. The analysis of the path of broadening will be approached through process tracing and interpretation of the implementation of the concepts of the selected security organizations, addressing the change of the scope of tasks from 1990 onwards.

The path of broadening is measured by categorising change into form and level as indicators.

First, the form of broadening can be categorised as the scope of tasks an organization actually performs. The scope can vary from issue-specific all security- and defence-related tasks.

Second, these different forms of broadening can vary in their institutionalization, referred to as the level of institutionalization. This level can vary from informal to formal and high-institutionalized cooperation.¹ The categorisation in level thus refers to the organs that an organization has actually built, listed in the treaties, strategies, operational texts and political declarations.²

Hence, in this research, the analysis of the path of broadening incorporates the form and level of the scope of tasks transferred to the security organizations. These different forms of broadening and the level of institutionalization, observed within and between NATO, the EU and the OSCE, will be addressed below.

4.3 The NATO Path of Broadening

4.3.1 Introduction

In the Cold War, the two explicit examples of traditional collective defence organizations within the European security architecture were the WEU and NATO. In those days, collective defence was seen as an alliance in which Western states cooperated to defend themselves against an external threat by the SU and its collective defence organization, the Warsaw Pact (WP).³ These alliances identified with each other in their democratic and legal norms and values and in their common opponent: the SU. After the end of the Cold War, the adversary organization, the WP, ceased to exist, while NATO evolved from its original collective defence task. This section will examine the question of how and why change has led to the broadening of NATO.

4.3.2 Narrow Perspective on Security and Defence

The Creation of NATO: The Cold War

Both NATO and the WEU were created as traditional collective defence organizations, implying the indivisibility of security of all members, but in which cooperation is voluntary, as described in Chapter 2. At their foundation, the mandates of NATO and the WEU as collective defence organizations were based on Article 51 of the UN Charter,⁴ which,

1 Schimmelfennig, F., Leuffen, D., Rittberger, B., 'Differentiated Integration. Explaining Variation in the European Union', Palgrave Macmillan, 2012, p. 3.

2 Börzel, T. A., 'Mind the gap! European integration between level and scope', Journal of European Public Policy, Routledge, April 2005, p. 220.

3 Although many collective self-defense treaties have been established after the end of the Cold War, see: Reichard, M., 'The EU-NATO relationship. A Legal and Political Perspective', Ashgate Publishing Limited, Hampshire, 2006, p. 179.

4 Article 51, Charter of the United Nations and Statute of the International Court of Justice, hereafter 'UN Charter'; 'Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.'

up to now, can be broadly interpreted, politically as well as legally.⁵ As a result, the variety in membership led to a divergent definition and interpretation of the concept of collective defence, regarding the obligation of member states to jointly defend each other against a military attack from outside the treaty area. NATO, including the US hegemon, does not actually oblige member states to assist another member state with military means or, for that matter, with any other means in Article 5 of the North Atlantic Treaty (1949).⁶ As Article 5 of the NATO Treaty states: 'The obligation of mutual assistance operates automatically. There is no need for it to be formally 'invoked'. Accordingly, 'Article 5 contains no more than the duty to offer aid and assistance, not the duty to accept it' or the obligation to implement it.⁷

The reasoning behind a lack of hard legal obligations of NATO's Article 5 was the US hegemony and its possession of most of the military means to deploy and consequently to protect other NATO allies. This gave the US a dominant position in the design of the alliance regarding the deployability of US military forces as an instrument of state sovereignty.⁸

One of the other reasons for a differentiation in obligations from the beginning was Germany's membership. Although Germany had already become a NATO member in 1955,⁹ rearmament and participation in operations led to critical debates within NATO and within Germany itself.¹⁰

Historically speaking, therefore, the alliance was there for political solidarity. NATO did not include (legal) supranational obligations in its mandate for US forces, or any other forces, to link up with the foreign and security policy of the other allies. NATO's aim was to create a community which rested upon the unlikelihood of violence or aggression between the alliance members and a sense of common purpose; solidarity, as was described by Deutsch in 1957 with the concept of security communities.¹¹ Therefore, although NATO has been a collective defence organization from its creation, one of the main reasons for its existence was to promote cooperative and more predictable relations among its member states. NATO depended on solidarity among the members, including institutionalization

5 For an elaboration on Article 51 of the UN Charter: Reichard, M., 'The EU-NATO relationship. A Legal and Political Perspective', Ashgate Publishing Limited, Hampshire, 2006, p. 173.

6 Article 5, the North Atlantic Treaty, hereafter 'Washington Treaty', 1949; 'The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area'.

7 Reichard, M., 'The EU-NATO relationship. A Legal and Political Perspective', Ashgate Publishing Limited, Hampshire, 2006, p. 190.

8 For an elaboration on the historical path of NATO Article 5, see: Reichard, M., 'The EU-NATO relationship. A Legal and Political Perspective', Ashgate Publishing Limited, Hampshire, 2006, p. 180-183.

9 The Paris Agreements (1954): recognition of the Federal Republic of Germany as a sovereign state. Germany and Italy accede to the Brussels Treaty and the WEU. In 1955 Germany joined NATO.

10 For an elaboration on Germany's position within NATO during and after the Cold War: Longhurst, K., 'Stunde Null and the 'construction' of West German strategic culture', p. 25-50, in: Longhurst, K., 'Germany and the Use of Force: The Evolution of German Security Policy 1990-2003', University Press Scholar Ship, October 2004.

11 Deutsch, K. W. et al., 'Political Community and the North Atlantic Area: International Organisation in the Light of Historical Experience', Princeton University Press, 1957.

and the creation of military capabilities in parallel with norms and values: solidarity became the backbone of the NATO alliance.¹²

Within the other alliance of the European security architecture, the WEU, the concept of collective defence was likewise laid down in Article 5 of its founding treaty, the Treaty of Brussels (1948)¹³, and, similar to NATO, was based on Article 51 of the UN Charter.¹⁴ However, in contrast to NATO, the WEU Treaty did oblige states to assist one another. Nevertheless, though this obligation was written in the Treaty, in practice it did not have the military structure or back up of the US hegemon that NATO had.¹⁵ In the Cold War, the collective defence task remained the backbone of both organizations, although in practice was never invoked by either organization.

NATO's core task has always been its function as a collective defence organization, providing security against potential threats coming from outside the organization's territory. Consequently, NATO has never had a formal internal security task. In other words, NATO has never had a mandate for security and defence within the NATO Treaty area. Nevertheless, in the Cold War, NATO's internal security function consisted of a balancing act between Germany (whereby Germany was restricted in terms of becoming a military power) and the concerns of the French, the Belgians and the Dutch regarding Germany once again becoming a political and military power. Consequently, NATO did perform an intra-Alliance function in that respect, handling the balance of power by building institutions and capabilities and, as a result, linking the member states.¹⁶

After the Cold War

The end of the Cold War brought profound changes in the European security architecture such as the dismantling of the WP, restoration of sovereignty in Central and Eastern European states, the return of independence to the Baltic Republics, the departure of Soviet forces from Hungary and Czechoslovakia and a complete withdrawal from Poland and Germany by 1994 and the reunification of Germany. All these events generated a widespread expectation that NATO, as the opponent of the WP, would disappear.¹⁷ However, the opposite became the reality; NATO survived and as early as 1991 had redefined its core

12 Reichard, M., 'The EU-NATO relationship. A Legal and Political Perspective', Ashgate Publishing Limited, Hampshire, 2006, p. 191.

13 WEU, 'Treaty Between Belgium, France, Luxembourg, The Netherlands and the United Kingdom of Great Britain and Northern Ireland', 1948, Brussels, hereafter 'Treaty of Brussels'.

14 Article 5 of the Brussels Treaty; 'If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power'.

15 For an elaboration on the Brussels Treaty Article 5, see: Biscop, 'De integratie van de WEU in de Europese Unie. Europa op weg naar een Europese Defensie Organisatie', Leuven, 2000; Eekelen, van, W., 'Debating European Security, 1948-1998', Den Haag, 1998; Bloed, A., Wessel, A., (red.), 'The Changing Functions of the Western European Union. Introduction and Basic Documents', Dordrecht, 1994; Duke, S., 'The Elusive Quest for European security: from EDC to CFSP', Palgrave Macmillan, 2000, p. 13-14.

16 Webber, M., Sperling, J., Smith, M. A., 'NATO's Post-Cold War Trajectory. Decline or Regeneration?', Palgrave Macmillan, 2012, p. 26.

17 For an elaboration on the different views see Chapter 5, section 5.6.

tasks.¹⁸ One of the reasons for the survival of NATO was the Bosnian conflict of the early mid-1990s in Europe's backyard and the absence of an European reply, political or military, from the beginning. In the end, in a task other than collective defence, NATO performed better than the other organizations of the European security architecture: '...it had emerged with more credit than other international bodies such as the WEU, the European Union (EU) and the UN...'.¹⁹ Furthermore, NATO has traditionally been more than a facilitator of security in terms of capabilities, as solidarity had been NATO's backbone for the allies. In addition, Article 2 of the Treaty of Washington included democratic norms and values linked to security and defence of which the EU and the OSCE were not attractive alternatives in those days.²⁰ NATO therefore persisted as the pre-eminent security organization and command structure in Europe during the 1990s. The collective defence task remained NATO's core task, as stated in the new strategic concept of Rome in 1991: 'The maintenance of an adequate military capability and clear preparedness to act collectively in the common defence remain central to the Alliance's security objectives'.²¹ More importantly, this strategic concept broadened NATO's mandate, which permitted the Alliance to conduct a much wider range of tasks and adopted a broader concept of security stating that '... the risks to Allied security that remain are multi-faceted in nature and multi-directional, which makes them hard to predict and assess...'.²² It was acknowledged that NATO should be capable of responding to a crisis beyond the concept of collective defence under Article 5 of the Washington Treaty: 'In the new political and strategic environment in Europe, the success of the Alliance's policy of preserving peace and preventing war depends even more than in the past on the effectiveness of preventive diplomacy and successful management of crises affecting the security of its members...'.²³ This resulted in a broadening of tasks with a possibility of crisis management, in addition to collective defence, and supported by the possibility of a flexible institutional structure: '...our conventional forces will be substantially reduced as will, in many cases, their readiness. They will also be given increased mobility to enable them to react to a wide range of contingencies, and will be organised for flexible build-up, when necessary, for crisis management as well as defence...'.²⁴

In addition, not long after the first broadening of NATO tasks that were adopted in 'Rome', NATO performed several crisis management operations, as a result of the Balkan wars, exemplified by the Implementation Force in Bosnia Herzegovina (IFOR),

18 Webber, M., Sperling, J., Smith, M. A., 'NATO's Post-Cold War Trajectory. Decline or Regeneration?', Palgrave Macmillan, 2012, p. 2-3.

19 Ibid, p. 4.

20 Article 2, Washington Treaty, 1949: 'The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them'.

21 North Atlantic Council, The Alliance's New Strategic Concept, November 1991, Rome, par. 30, Hereafter NATO Strategic Concept 1991.

22 NATO Strategic Concept 1991, par. 8.

23 NATO Strategic Concept 1991, par. 31.

24 NATO Strategic Concept 1991, par. 5.

the Stabilization Force in Bosnia Herzegovina (SFOR) and the Kosovo Force (KFOR).²⁵ As a result, crisis management operations became NATO's main operational tasks in the 1990s.

Out of Area

The broadening of NATO's mandate during the 1990s did not automatically lead to a geographical broadening of the scope of tasks. Although in legal terms Article 5 never restricted NATO geographically to the Euro-Atlantic area, NATO's mandate remained applicable in that specific area instead of worldwide as a result of disagreement between the member states with regard to the geographical scope of NATO and competition between the organizations.²⁶ The US, as a global power, had an interest in a global NATO, if only to support its own policies.²⁷ In contrast, some European states, such as France, preferred the UN and the EU to be the organizations with a global mandate. These states claimed that a collective defence organization such as NATO had neither the task nor the peace and stability capabilities required for a global task, whereas other organizations did possess such capabilities. This debate between the member states persisted throughout the 1990s.²⁸

Nevertheless, as a result of the operations in the Bosnian War in the 1990s and Operation Allied Force in 1999,²⁹ the out-of-area debate was on the table again, recapitulated by some as a question of going 'out of area or out of business'.³⁰ Operation Allied Force in particular led to debate between the NATO allies, because the operation was launched without the consent of the UNSC, as China and Russia vetoed any military action against Yugoslavia.³¹ France, a permanent member of the UN Security Council (UNSC), was not in favour of passing the UNSC resolution and mandate for operations. France favoured the UN as the organization for legitimizing international peace and stability and wanted the EU to be a future counterbalance to NATO's paths of broadening and widening. Germany had always been a strong proponent of UN legitimacy, as a result of its historical heritage. The United Kingdom (UK) had some reservations, though less than France, about bypassing the UN for mandating military interventions. And although the air campaign was executed, the disagreement between the member states remained. As a result, the NATO Kosovo air campaign of 1999 was seen as an exception and future decisions on out-of-area operations were to be made on a case-by-case basis, preferably with a UN mandate.

25 IFOR; Implementation Force in Bosnia Herzegovina from 1995. SFOR; Stabilization Force in Bosnia Herzegovina from 1996. KFOR; Kosovo Force, from 1999.

26 For an elaboration on the out-of-area issue, see: Thies, W. J., 'Why NATO Endures', Cambridge University Press, New York, 2009, p. 202-239.

27 Sloan, S. R., 'Defense of the West. NATO, The European Union and the Transatlantic Bargain', Manchester University Press, Manchester, 2016, p. 111.

28 Webber, M., Sperling, J., Smith, M. A., 'NATO's Post-Cold War Trajectory. Decline or Regeneration?', Palgrave Macmillan, 2012, p. 50.

29 NATO Kosovo air campaign, from March 24 to June 10, 1999.

30 The out-of-area or out-of-business phrase already dates from before the end of the Cold War: Sherwood Randall, E., 'The out-of-area debate: the Atlantic alliance and challenges beyond Europe', Rand corporation, 1985.

31 Sperling, J., Webber, M., 'NATO: from Kosovo to Kabul', International Affairs, Volume 85, Issue 3, May 2009, Pages 491-511.

However, the NATO strategy of 1999 did show that opinions and interests had changed and ‘placed no formal geographic limitations on NATO’s activities, nor did it identify a specific area of operations for those activities’.³² NATO was allowed to ‘undertake crisis management operations distant from their home stations, including beyond the allied territory’, mainly focusing on the Euro-Atlantic area.³³ From ‘Kosovo’ onwards, NATO expanded its territorial coverage debate step by step, accompanied by the path of widening. The September 2001 attacks on US soil in particular, which resulted in the ISAF operation in Afghanistan in 2003, gave NATO a global reach and will be elaborated on below.

Nevertheless, the debate between the member states about broadening NATO’s geographical span persisted. It was linked to NATO’s scope of tasks and competition with the other organizations of the European security architecture and the positions of their member states with regard to NATO’s mandate.

Collective Defence: The Article 5 Task

The end of the Cold War and the threat from the WP alliance had led to a reduction in the armed forces in Europe, the withdrawal of US troops from Europe and a diminishment of NATO’s conventional institutional structure: the headquarters (HQ). Crisis management operations as a result of the Balkan wars and the partnership and cooperation programmes became NATO’s day-to-day reality, instead of the conventional war threat coming from the East, which led to a new NATO Strategic Concept (NSC) in 1999.³⁴ This NSC incorporated the first broadening of the scope of the collective defence task. It was acknowledged that threats of a wider nature, exemplified by terrorism,³⁵ sabotage, organised crime and the disruption of the flow of vital resources, had become a threat to NATO that had to be taken into account, also in a global context.³⁶

Alongside a broadening of the collective defence task, the NSC of 1999 adopted the ambition of stronger and more flexible military capacities; the run-up to more flexible capabilities.³⁷ In the light of building more flexible capabilities to enable both crisis management and collective defence tasks, the Defence Capability Initiative (DCI)³⁸ was adopted to ensure the effectiveness of future multinational operations and improve the

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32 Sloan, S. R., ‘Defense of the West. NATO, The European Union and the Transatlantic Bargain’, Manchester University Press, Manchester, 2016, p. 148.

33 North Atlantic Council, The Alliance’s Strategic Concept, Washington DC, April 24, 1999. Hereafter NATO Strategic Concept 1999.

34 NATO Strategic Concept 1999.

35 For instance: The US embassy in Nairobi Kenya, was bombed on August 7, 1998. The USS Cole, a guided missile destroyer of the US Navy, was bombed by a suicide attack of the terrorist group Al Qaeda, 12 October 2000.

36 NATO Strategic Concept 1999, par. 24: ‘Any armed attack on the territory of the Allies, from whatever direction, would be covered by Articles 5 and 6 of the Washington Treaty. However, Alliance security must also take account of the global context. Alliance security interests can be affected by other risks of a wider nature, including acts of terrorism, sabotage and organised crime, and by the disruption of the flow of vital resources. The uncontrolled movement of large numbers of people, particularly as a consequence of armed conflicts, can also pose problems for security and stability affecting the Alliance. Arrangements exist within the Alliance for consultation among the Allies under Article 4 of the Washington Treaty and, where appropriate, co-ordination of their efforts including their responses to risks of this kind.’

37 Ibid, par. 29.

38 NATO Strategic Concept 1999.

interoperability supported by institutionalization. This was initiated by the US, as it was in the US's interest to strengthen European capabilities.³⁹

The collective defence task, the backbone of NATO, was never invoked during the 1990s or, for that matter, the Cold War. The first time Article 5 was invoked was as a consequence of the 9/11 attacks on US soil.⁴⁰ It was initiated by the UK⁴¹ on 2 October 2001.⁴² Nevertheless, although the US welcomed the invocation of Article 5, the result of this invocation and subsequently the possible implementation of Article 5 was militarily (and as a result politically) very limited.⁴³ One of the reasons behind the 'light' invocation of Article 5 was that the US wanted to fight the 'War on terror' globally, which was in contrast to the interests of some of the European allies, as illustrated above. Furthermore, after the US experience of NATO's Operation Allied Force in Kosovo (1999), the US wanted to fight the 'War on terror' with a small coalition instead of all NATO allies.⁴⁴ As a result, the operation that was invoked after 9/11 was Operation Enduring Freedom, built as a coalition of the willing and able outside NATO, instead of a NATO operation. The first time in NATO's history that the collective defence task - NATO's political and military solidarity clause - was invoked did not therefore result in a stronger organization, and the solidarity between the allies was challenged.

Nevertheless, although some of the member states preferred not to rely on the Alliance to secure their interests, the attacks of 9/11 did lead to a renewed interest in Article 5. At the Prague Summit in 2002, the first summit after 9/11, the scope of NATO's mutual defence clause was broadened again in the wake of the NSC of 1999 and after the risk of terrorism had been added to Article 5; '...We underscore that our efforts to transform and adapt NATO should not be perceived as a threat by any country or organization, but rather as a demonstration of our determination to protect our populations, territory and forces from any armed attack, including terrorist attack, directed from abroad. We are determined to deter, disrupt, defend and protect against any attacks on us, in accordance with the Washington Treaty and the Charter of the United Nations...'.⁴⁵ This resulted in a change in NATO's collective defence task within the treaty, from conventional war to a broadening of

39 Carpenter, T. G., 'NATO's New strategic concept: coherent blueprint or conceptual muddle?', *Journal of Strategic Studies*, 23:3, p. 7-28.

40 The attacks on 11 September 2001 were four coordinated terrorist attacks by the Islamic group of Al Qaeda against the US.

41 Reichard, M., 'The EU-NATO relationship. A Legal and Political Perspective', Ashgate Publishing Limited, Hampshire, 2006, p. 187.

42 NATO Update, 'Invocation of Article 5 confirmed', 2001. Available at: <http://www.nato.int/docu/update/2001/1001/e1002a.htm>, accessed 14-06-17.

43 Invocation of Article 5 after 9/11 led to the deployment of NATO's Standing Naval Force Mediterranean (STANAVFORMED) and the deployment of five NATO AWACS to support the US air force: Operation Active Endeavor. Initially an Article 5 operation in response to the 9/11 terrorist attacks against the US. Terminated in October 2016 and succeeded by Operation Sea Guardian, set at the Warsaw Summit, 2016.

44 Sloan, S. R., 'Defense of the West. NATO, the European Union and the Transatlantic Bargain', Manchester University Press, Manchester, 2016, p. 185-187.

45 North Atlantic Council, Prague Summit Declaration, November 2002, par. 4.

the scope of NATO tasks.⁴⁶ As well as the broadening of Article 5 as a result of 9/11, there was a diminishment of Article 6, linked to Article 5, as an armed attack was not directly the most imminent threat.⁴⁷

Solidarity: The Article 4 Task

Connected to Article 5 was Article 4 of the Washington Treaty.⁴⁸ During the Cold War, Article 4 was a consultation duty among the NATO allies and was initially conceived as a preceding stage to Article 5. Article 4 was understood as 'action taken by the Parties under Article 4 is designed to precede an invocation of Article 5 in the face of an escalating crisis, and thus directly linked to it'.⁴⁹ In that sense, a possible invocation of collective defence within NATO was approached incrementally: step by step. Like Article 2, which will be discussed below, Article 4 underpinned the claim that NATO was never just simply a military defence organization. Hence, from its creation, NATO's Article 4 implied that non-conventional threats were also among NATO's tasks, embracing a broader concept of security and implying a necessarily broader mandate together with the acknowledged values of cooperation and solidarity.

Directly after the Cold War, the NSC of 1991 stated: 'Never has the opportunity to achieve our Alliance's objectives by political means, in keeping with Articles 2 and 4 of the Washington Treaty, been greater. Consequently, our security policy can now be based on three mutually reinforcing elements: dialogue, cooperation and the maintenance of a collective defence capability. The use, as appropriate, of these elements will be particularly important to prevent or manage crises affecting our security'.⁵⁰

The first broadening of Article 4, like Article 5, was the NSC of 1999. The NSC pointed out that threats were much broader than solely an armed attack, which gave a broader responsibility to Article 4.⁵¹ The Lisbon Strategic Concept of 2010 again broadened the collective defence Article 5, as a direct conventional military attack on a NATO member was

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46 Gärtner, H., Cuthbertson, I. (eds.), 'European Security and Transatlantic Relations after 9/11 and the Iraq War', Palgrave Macmillan, 2005, p. 135.

47 NATO Washington Treaty, 1949, Article 6: 'For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack: on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, on the territory of or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer; on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer'.

48 Article 4, Washington Treaty, 1949; 'The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened'.

49 Reichard, M., 'The EU-NATO relationship. A Legal and Political Perspective', Ashgate Publishing Limited, Hampshire, 2006, p. 187.

50 NATO Strategic Concept 1991, par. 3.

51 NATO Strategic Concept 1999, par. 24; 'Any armed attack on the territory of the Allies, from whatever direction, would be covered by Articles 5 and 6 of the Washington Treaty. However, Alliance security must also take account of the global context. Alliance security interests can be affected by other risks of a wider nature, including acts of terrorism, sabotage and organised crime, and by the disruption of the flow of vital resources. The uncontrolled movement of large numbers of people, particularly as a consequence of armed conflicts, can also pose problems for security and stability affecting the Alliance. Arrangements exist within the Alliance for consultation among the Allies under Article 4 of the Washington Treaty and, where appropriate, co-ordination of their efforts including their responses to risks of this kind'.

presumed less likely.⁵² In contrast, non-conventional threats emerged and consequently Article 4 developed in relation to the limited military scope of Article 5. Article 4 therefore became more important in relation to a broader security concept as a means to justify the broadening of all of NATO's scope of tasks and even out-of-area operations.⁵³

So, with regard to the broadening of NATO tasks after the end of the Cold War, Article 4 had been construed to cover NATO's new tasks, even with regard to the out-of-area debate, and the emergence of other actors in the security architecture.⁵⁴

The end of the Cold War and NATO's demanding crisis management tasks in the 1990s started the internal debate of NATO as a political actor. Some of the member states were proponents of broadening NATO's authority in international security and defence policy, as crisis management operations involved many actors and were at the same time mainly decided by contact groups. Another reason for enhancing NATO's political mandate was the perceived competition with the EU, because of the emergence of the EU as a security actor. A third party had been made up of NATO's officials, who aimed to enhance and broaden NATO's mandate, as Secretary General Rasmussen stated in 2009: 'NATO reached its full potential as a pillar of global security', which will be examined further in Chapter 6.⁵⁵ Others had a preference for NATO to be a purely military facilitator, as they worried about a diminishment of NATO's capabilities.⁵⁶

Throughout its history, Article 4 has been invoked by Turkey three times. The first time was in 2003 in relation to the Iraq War. The second time, in June 2012, was in relation to the shooting down of a Turkish military aircraft. The third occasion was in October 2012 after Syrian attacks on Turkey.⁵⁷ Furthermore, the Baltic states invoked Article 4 in March 2014 as a response to the extraterritorial crisis in Crimea (Ukraine). In all these cases, the consultation mechanism of Article 4 subsequently became more important, but the invocation of Article 4 did not lead to any Article 5 invocation or operation. Nevertheless, around 2005, it became clear that apart from the renewed attention for Article 5 after 9/11, Article 4 had become more important as a consultation mechanism between the allies as a result of the NATO path of broadening and widening, which necessitated more consultation and debate between an emerging heterogenic alliance.



52 North Atlantic Council, *The Alliance's Strategic Concept, 'Active Engagement, Modern Defense'*, Lisbon, November 2010.

53 Global NATO refers to expanding NATO protection by including all democracies around the world, such as: Australia, India, Japan. Daalder, I., Goldgeier, J., 'Global NATO', *Foreign Affairs*, Council on Foreign Relations, September/October, Vol. 85, No. 5 (Sep. – Oct. 2006), p. 105–113.

54 Reichard, M., 'The EU-NATO relationship. A Legal and Political Perspective', Ashgate Publishing Limited, Hampshire, 2006, p. 100.

55 NATO Press conference, 3 August 2009.

56 For an elaboration on NATO as a political organization, see: Michel, L., 'NATO f: Au revoir to Consensus?' *National Defense University*, US National Defense University Strategic Forum, No. 2 August 2003; Hendrickson, R. C., 'NATO's Secretary-General: Organizational Leadership in Shaping Alliance Strategy', in: Aybet, G., Moore, R. R., 'NATO in search of a vision', Georgetown University Press, 2010; Mouritzen, H., 'In spite of reform: NATO HQ still in the Grips of Nations', *Defense & Security Analysis*, 18 October 2013, p. 346.

57 3 October 2012, artillery shell fired from Syria by the Syrian Army killed five and injured at least ten Turkish citizens in Turkey. 'Turkey-Syria border tension', *The Guardian*, London, retrieved October 5, 2012.

Collective Defence and the 'New Cold War'

The NSC of 2010 still assumed that the possibility of an interstate war in NATO's neighbourhood was not a threat. However, Russia's annexation of Crimea in 2014, combined with its military operations in Eastern Ukraine, ended NATO's view on multilateralism, cooperation and dialogue and instead sparked fears for Russian expansionist ambitions. Consequently, the Wales Summit of 2014 adopted the concept of hybrid warfare, which necessitated a reaction should NATO be attacked: 'We will ensure that NATO is able to effectively address the specific challenges posed by hybrid warfare threats, where a wide range of overt and covert military, paramilitary, and civilian measures are employed in a highly integrated design'.⁵⁸

The crisis caused by the Russian intervention in Crimea also led to renewed attention for Article 5, which was on the agenda of the Wales Summit and its follow-up in Warsaw (2016). As a result, NATO's tasks were once again broadened with a non-conventional approach to the threats and it was agreed that hybrid and cyber attacks would be seen as equal to conventional attacks. Activation of Article 5 would therefore be required in such cases, broadening the content of Article 5,⁵⁹ while at the same time strengthening its conventional aspects.

Non-conventional meant hybrid warfare and cyber attacks, which were acknowledged as a fourth operational domain.⁶⁰ However, a joint definition of hybrid warfare, as a result of the debate of a strategy and common approach among the NATO allies, had been problematic due to the continuing conflict among the allies regarding NATO's tasks and priorities. In the end, an enhanced cyber defence policy was approved, which stated that cyber defence would become part of collective defence and, as a result, could lead to the invocation of Article 5.⁶¹ Nevertheless, it was acknowledged that NATO could not provide an adequate and complete response to cyber and hybrid threats on its own as a military organization lacking civil capabilities. Instead of competition, therefore, cooperation and alignment with the EU was intensified.⁶² The NATO Summit in Warsaw in 2016 outlined areas for strengthened cooperation in light of common challenges to the east and south, including countering hybrid threats, enhancing resilience, defence capacity building, cyber defence, maritime security and training exercises.⁶³ Over forty measures to advance NATO-EU cooperation in agreed areas were approved by NATO foreign ministers in December 2016. Close cooperation between NATO and the EU, not the OSCE, had become

58 North Atlantic Council, 'The Wales Declaration on the Transatlantic Bond', Wales Summit, September 5 2014. Hereafter NATO Wales Declaration 2014, par. 13.

59 NATO Wales Summit, September 2014, par. 13.

60 Hybrid warfare: NATO Wales Summit, September 2014, para 13. Cyberspace accepted as a domain of operations: NATO Warsaw Summit, July 2016, par. 70-71.

61 North Atlantic Council, 'The Warsaw Declaration on Transatlantic Security', Warsaw Summit, July 2016. Hereafter NATO Warsaw Summit 2016, par. 70-71.

62 See: Pindjak, P., 'Deterring Hybrid Warfare: A Chance for NATO and the EU to work Together?', Romanian Military Thinking, Jan-Mar 2015, Issue 1, p. 175-178; Giegerich, B., 'Hybrid Warfare and the Changing Character of Conflict', Connections, Partnership for Peace Consortium of Defense Academies and Security Studies Institutes, Vol. 15, No. 2 (Spring 2016), p. 65-72.

63 Joint declaration by the President of the European Council, the President of the European Commission, and the Secretary General of the North Atlantic Treaty Organization, Warsaw, 8 July 2016.

an important element in the development of an international comprehensive approach to non-conventional threats and crisis management, which required the application of both military and civilian means. This was in contrast to the Berlin Plus agreements, which were focused on military cooperation and a one-way cooperation procedure: from NATO to the EU. These will be discussed in Chapter 5.

The 2016 joint agreement was created to prevent competition and implied essential cooperation. From this point in time, the individual concepts of security organizations were linked and cooperation between EU and NATO was strengthened by the increase of institutionalization, cooperation and consultation at staff level and cooperation with the European Centre of Excellence for Countering Hybrid Threats. Nevertheless, most initiatives remained in the dialogue and intention sphere or even on an ad-hoc basis, not in strengthening institutionalization, which will be discussed below.

4.3.3 Broad Perspective on Security and Defence

The Creation of NATO: The Cold War

Since its foundation, NATO's concept of security has encompassed much more than purely military security, although NATO's scope of tasks was set up on the basis of a narrow military perspective. NATO's Article 2 of the Washington Treaty (1949) referred to peaceful norms and values, stability, welfare and well-being of the individuals living in the Treaty area and even worldwide, by means of strengthening cooperation and institutionalization. Although NATO remained the traditional collective defence organization during the Cold War, Article 2 mandated NATO with a post-Westphalian approach to international governance and opened the doors for further broadening of NATO's mandate.⁶⁴

After the Cold War

From the beginning of the 1990s, NATO broadened its tasks, with Article 2 providing its formal justification. In Rome, NATO adopted its first post-Cold War Strategic Concept,⁶⁵ which permitted the Alliance to conduct a wider range of tasks as a result of the adoption of a broader concept of security, as detailed above.⁶⁶ Furthermore, it was agreed in Rome that, as well as collective defence, dialogue and cooperation within Europe as a whole was necessary and that cooperation with the OSCE, the EC, the WEU and the UN 'may also have an important role to play'.⁶⁷ This was a first step towards NATO's concept of cooperative security and a NATO plea for a European security architecture, which justified enlargement and cooperation with other states and organizations, and which will be discussed in more detail in Chapter 5.

64 Article 2, Washington Treaty, 1949; 'The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them'.

65 NATO Strategic Concept 1991.

66 In contrast with the EU treaties, NATO strategic concepts are not legally binding, but political documents.

67 NATO Strategic Concept 1991, par. 34.

Broadening the Area of Operations

As outlined above, legally, there was never a need for NATO to find consent within the Alliance for out-of-area operations. Nevertheless, NATO allies did not agree on the extent of out-of-area operations and the debate lasted until the 9/11 attacks on US soil. After the 9/11 attacks, these debates jeopardized Alliance cohesion and solidarity and the US was supported in its view that NATO should go out of area. Hence NATO's decision '...to undertake crisis response operations distant from their home stations...' at the Prague Summit of 2002.⁶⁸ In practice, this meant an undefined broadening of NATO's territorial coverage for all operations, Article 5 as well as non-Article 5 operations. NATO was tasked with employability worldwide,⁶⁹ which thus ended the out-of-area debate.⁷⁰

In 2003, the concept of out-of-area operations moved beyond the Euro-Atlantic area, as NATO operations were conducted worldwide with the International Security Assistance Force (ISAF) operation in Afghanistan, followed by operations in Africa and the Middle East.

Another impact of the 9/11 attacks was the traditional division between the internal and external tasks of a collective defence organization. Traditionally, a collective defence organization is one that deals with threats coming from outside the organization, which implies that threats or conflicts inside the organization's territory do not constitute a formal task, as was described in Chapter 2. There were diverging views on how and where to address the terrorists and terrorist attacks outside and inside NATO territory. Debates included the possibility of the organization's ownership of the mandate addressing attacks on home ground and abroad.⁷¹ For most of the allies, countering terrorism - committed on home ground - sat primarily within the national mandate, either civil or military, not that of the Alliance. This can be exemplified by the reaction of Spain and the UK to the Madrid terror attack of 2004 and the London terror attacks of 2005, which at the time had no direct consequences for the NATO mandate.

Broadening Collective Defence and Crisis Management Operations

Ever since the beginning of the 1990s, a debate has been ongoing between NATO allies with regard to the NATO scope of tasks of Article 5 and non-Article 5 operations, such as crisis management operations under UN and OSCE auspices.⁷² So-called non-Article 5 operations would lead to a broadening of NATO's mandate and this resulted in debates between the NATO allies.⁷³

68 Approved by NATO Defence ministers, Brussels, 12-13 June 2003.

69 NATO Defence ministers, Brussels, 12-13 June 2003: 'In order to carry out the full range of its missions, NATO must be able to field forces that can move quickly to wherever they are needed...'

70 Acknowledging that acts of terrorism, from whatever direction, posed a direct threat to NATO member states.

71 Sloan, S. R., 'Defense of the West. NATO, The European Union and the Transatlantic Bargain', Manchester University Press, Manchester, 2016, p. 184-188.

72 As a result of the broadening of NATO's tasks, the new tasks were mostly referred to as crisis management operations, as did the WEU and EU (e.g. the Petersberg tasks), instead of peacekeeping which was the terminology used for UN operations. Later on, more often the term crisis response operations was used to include non-military tasks, like training.

73 For an elaboration on the diversity of the NATO tasks, see; Yost, D. S., 'NATO Transformed: The Alliance's New Roles in International Security', United States Institute of Peace, 1999, p. 272-286.

From the Treaty and summits, a difference between Article 5 and non-Article 5 operations can be distinguished in the phrasing of Article 5: ‘...the attack from outside...’. What differed was the assumed automaticity laid down in Article 5, which could not be found in non-Article 5 operations; ‘Article 5 does not provide a mandate to act in the case of threats to the interests of the allies, only to deal with circumstances created by an attack on one of them’.⁷⁴ As explained above, Article 4 has always been regarded as a pre-stage to Article 5, taking into account the possibility to consult when dealing with a threat which could be broader than direct military attacks and simultaneously including military attacks.

A broader approach to non-Article 5 operations was subsequently adopted, as was stated in 2010: ‘NATO’s role in crisis management goes beyond military operations aimed at deterring and defending against threats to Alliance territory and the safety and security of Allied populations. A crisis can be political, military or humanitarian and can also arise from a natural disaster or as a consequence of technological disruptions’.⁷⁵ Though this broad perception on security was not backed up institutionally, by providing NATO with the necessary civil means, which will be elaborated on below. Articles 4 and 5 therefore meant the difference between territorial defence and expeditionary capabilities, which in practice were hardly mutually exclusive or contradictory.⁷⁶ The idea was that, in an increasingly globalised world, instability along NATO’s periphery was not without implications for the security of its members. For some of the NATO members, especially the former WP states, the problem would be the balance of priorities between Articles 4 and 5 and the necessity of NATO’s collective defence task.

Finally, with the Strategic Concept of 2010, which stated that ‘... the Euro-Atlantic area is at peace and the threat of a conventional attack against NATO territory is low...’, a strict boundary between Article 5 and non-Article 5 operations was abandoned. It was concluded that if there was a need for a differentiation between the operations, this would be decided upon by the rationale for the operation, in other words case by case. ‘Allies decide on a case-by-case basis and by consensus, to contribute to effective conflict prevention and to engage actively in crisis management, including non-Article 5 response operations. Some operations may also include partners, non-NATO countries and other international actors. NATO recognises that the military alone cannot resolve a crisis or conflict, and lessons learned from previous operations make it clear that a comprehensive political, civilian and military approach is necessary for effective crisis management’, which broadened NATO’s mandate and flexibility in the choice for operations.⁷⁷

Even Broader than Collective Defence and Crisis Management Operations

After the broadening of NATO tasks in the 1990s, with crisis management and the lessons of the interventions in the Balkans and Afghanistan, a broader approach to security was

74 Sloan, S. R., ‘Defense of the West. NATO, The European Union and the Transatlantic Bargain’, Manchester University Press, Manchester, 2016, p. 150.

75 ‘Employing an appropriate mix of political and military tools to help manage emerging crises. NATO is an enabler which helps members and partners train and operate together’, Allied Joint Doctrine for Non-Articles Crisis Response Operations, AJP-3.4(A), 15 October 2010.

76 NATO, ‘Allied Joint Doctrine for Non-Article 5 Crisis Response Operations’, AJP-3.4(A), 15 October 2010.

77 NATO Strategic Concept, Lisbon 2010, par. 8-9.

again introduced in 2006 at the Riga Summit.⁷⁸ The ISAF operation proved the necessity for a compromise between the opponents and proponents within the Alliance of a more civil-military approach to the gap between NATO's division of military tasks and lack of civilian capabilities.

From the 1990s, there was a lack of consensus within the Alliance with regard to the scope and implementation of a broader NATO scope of tasks, including a comprehensive approach and cyber and hybrid tasks, as was stressed above. One of the priorities contested between the allies was to obtain the capability of a broader mandate and even civilian competences for NATO. To the allies of the former WP, it was necessary to focus on the Alliance's collective defence task, as security in the near area for these allies had the highest priority. These allies assumed that any other tasks were a distraction for NATO regarding budget, focus and capabilities and had no priority.⁷⁹ On the other hand, the US was in favour of a strong NATO crisis management capacity, including military and civil capabilities needed for the operations and in competition with other security organizations.⁸⁰ For other allies, who were members of both NATO and the EU, a distinct division of labour had to be achieved to create the European security architecture. These allies were not in favour of NATO adopting civilian capacities of crisis management or in favour of a related collective defence task or any other aspect that the EU already covered and which they regarded as an EU mandate and competence. Exemplified by France, who had always favoured the UN to be the responsible organization for worldwide security and the EU to develop a mandate in both mutual defence and crisis management operations. France therefore preferred NATO to remain a pure collective defence organization.⁸¹ France had always been a proponent of strengthening a broad EU CSDP, but not of NATO developing a broad range of civil and military capacities or the creation of additional institutional frameworks.⁸² Apart from the different interests of the member states, there were several organs within the NATO structure that were in favour of a broadened NATO. From the operations in 1990s and 2000 onwards, traditional collective defence was not the response that was needed for international security. Broadening the scope of NATO's mandate was necessary for the survival of NATO. As NATO's Secretary General Rasmussen stated: 'Many of the arguments put forth by the secretary general of NATO and other NATO representatives imply an understanding of NATO as a security organization' and accordingly 'NATO needs to take a

78 For an elaboration on the NATO comprehensive approach: Wendling, C., 'The Comprehensive Approach to Civil-Military Crisis Management: A Critical Analysis and Perspective', IRSEM, 2010; Sloan, R. S., 'Permanent Alliance? NATO and the Transatlantic Bargain from Truman to Obama', The Continuum International Publishing Group, 2010, New York; Hazelbag, L. J., 'De geïntegreerde benadering in Afghanistan: tussen ambitie en praktijk', Dissertatie, Erasmus Universiteit Rotterdam, 2016, p. 359-376.

79 Coning, C., de, Friis, K., 'Coherence and Coordination. The limits of the Comprehensive Approach', *Journal of International Peacekeeping*, 15, 2011, p. 248-251.

80 Hofmann, S. C., 'Overlapping Institutions in the Realm of International Security: The Case of NATO and ESDP', *Perspectives on Politics*, Vol. 7, No. 1, Mar. 2009, p. 45-52.

81 Irondelle, B., Merand, F., 'France's return to NATO: the death knell for ESDP?', *European Security* Vol. 19, No. 1, March 2010; Fortmann, M., Haglund, D., Hlatky, S., von, 'France's 'return' to NATO: Implications for Transatlantic Relations', *European Security*, Taylor & Francis, 2010.

82 Holmberg, A., 'The changing role of NATO: exploring the implications for security governance and legitimacy', *European Security*, Vol. 20, No. 4, December 2011, p. 531.

broad approach towards its tasks, both internally and externally. It needs to develop further the comprehensive approach to security and cooperate and coordinate more with partners and actors of various kinds, both in the planning and conduct of operations'.⁸³

Finally, debates with regard to the broadening of NATO's tasks also included the concept of the effect-based approach to operations (EBAO) in relation to the comprehensive approach.⁸⁴ NATO officials, such as the secretary general, stated that it was in the interests of the mandate and survival of NATO to adopt an all-encompassing and politically strategic view of the comprehensive approach, while some of the states had tried to maintain a clear distinction between the EBAO and the comprehensive approach, using the EBAO as an internal NATO concept and the comprehensive approach as an international concept to which NATO could contribute.⁸⁵

The debate with regard to the acceptance of broadening NATO's mandate with a comprehensive approach and additional structures and capacities continued throughout 2010. Though collective defence remained the core task of the Alliance, it was approached from a broader perspective than that of a conventional or nuclear attack and it was acknowledged that the 'main risks and challenges' included instability arising from 'failed or failing states and regional crises and conflicts', which necessitated 'non-Article 5 crisis response operations'.⁸⁶ Therefore, 'to contribute to effective conflict prevention and to engage actively in crisis management, including through non-Article 5 crisis response operations' the Alliance would pursue 'a comprehensive political and civilian and military approach'.⁸⁷ It can therefore be argued that the debates within the EU for a more comprehensive approach to security and defence were mirrored in NATO. As a compromise, a Comprehensive Political Guidance (CPG) was adopted at the Riga Summit in 2006.⁸⁸ This CPG involved a wide spectrum of civil and military instruments and focused on developing better operational coordination and consultation with a range of civil and military actors involved in the security arena, such as the UN and NGOs.⁸⁹ To NATO, this comprehensive

83 NATO Secretary General Rasmussen, August 3, 2009.

84 In NATO jargon at first more broad operations were referred to as 'Effect Based Approach to Operations' and 'Full Spectrum Operations' instead of a comprehensive approach.

85 Wendling, C., 'The Comprehensive Approach to Civil-Military Crisis Management: A Critical Analysis and Perspective', IRSEM, 2010, p. 41.

86 Webber, M., Sperling, J., Smith, M. A., 'NATO's Post-Cold War Trajectory. Decline or Regeneration?', Palgrave Macmillan, 2012, p. 50.

87 The Comprehensive Political Guidance, November 2006, par. 5 and 6: 'The Alliance will continue to follow the broad approach to security of the 1999 Strategic Concept and perform the fundamental security tasks it set out, namely security, consultation, deterrence and defence, crisis management, and partnership.' Available at: https://www.nato.int/cps/ic/natohq/official_texts_56425.htm, accessed 2-3-2018.

88 NATO Riga Summit Declaration, November 2006: 'In order to undertake the full range of missions, the Alliance must have the capability to launch and sustain concurrent major joint operations and smaller operations for collective defence and crisis response on and beyond Alliance territory, on its periphery, and at strategic distance; it is likely that NATO will need to carry out a greater number of smaller demanding and different operations, and the Alliance must retain the capability to conduct large-scale high-intensity operations'. Confirmed at the NATO Strasbourg/Kehl Summit, 2009.

89 NATO non-military operations: training Iraqi security forces, logistical support to the African Union in Darfur, Tsunami relief efforts in Indonesia, relief of the earthquake in Pakistan (2005) and hurricane Katrina (2006). AWACS protection for international sporting events like the Olympic Games in Greece 2004. In most of these operations NATO is backing the UN.

approach entailed civil-military cooperation, which did go further than the 2003 NATO doctrine of enhanced civil-military cooperation.⁹⁰ The CPG noted that the threats were broad in scope, ranging from support operations in cooperation with civil agencies through combat operations in cooperation with other international organizations.

NATO's CPG was therefore developed from 2006 onwards and a corresponding action plan was endorsed in 2008.⁹¹ In 2009, the CPG was confirmed at the Strasbourg/Kehl Summit in the Declaration on Alliance Security⁹² and in 2010 the Comprehensive Operational Planning Directive was established. Consequently, as well as such eventualities as a military attack, the threat of terrorism and the spread of WMD were identified as the 'principal threats to the alliance'.⁹³

Although NATO had developed a comprehensive approach, the debates between member states with regard to the scope of the mandate of NATO's comprehensive approach paralysed NATO's ability to really move forward between 2004 and 2010 in this area of NATO tasks.⁹⁴ Experiences in Afghanistan showed the practical challenge of operating in a complex environment, as NATO '...feels itself forced to take on certain civilian tasks in the absence of civilian actors in the field...', although NATO was not always equipped to perform all the activities required.⁹⁵

The broadening of tasks raised another issue of discord between the NATO allies, for both Article 5 and non-Article 5 operations. As NATO operations functioned on the principles of burden sharing and 'costs lie where they fall',⁹⁶ as a result, some member states worried that financing costly pre-conflict and reconstruction activities would increase the NATO budget at the expense of other tasks. This budget question remained on the 'NATO table' as a subject of discussion.

As well as the adoption of NATO's comprehensive approach, accompanied by the debates between the member states as to how broad the scope of NATO tasks should be, a need for a comprehensive approach within the European security architecture resulted in inter-organizational cooperation. This was illustrated by the 2009 Strasbourg/Kehl Summit that highlighted a need for stronger coordination with the UN and the EU. This coordination

■
90 NATO Civil Military Co-operation (CIMIC) Doctrine, June 2003, AJP-9.

91 North Atlantic Council, Riga Summit, November, 2006, par. 20: 'We aim to strengthen our cooperation with other international actors, including the United Nations, European Union, Organization for Security and Cooperation in Europe and African Union, in order to improve our ability to deliver a comprehensive approach to meeting these new challenges, combining civilian and military capabilities more effectively. In our operations today in Afghanistan and the Western Balkans, our armed forces are working alongside many other nations and organisations'. Confirmed at the Strasbourg/Kehl Summit, 2009.

92 North Atlantic Council, Strasbourg/Kehl Summit, 2009, par. 1: 'We aim to strengthen our cooperation with other international actors, including the United Nations, European Union, Organization for Security and Cooperation in Europe and African Union, in order to improve our ability to deliver a comprehensive approach to meet these new challenges, combining civilian and military capabilities more effectively.'

93 North Atlantic Council, Strasbourg/Kehl Summit, 2009, par. 56.

94 Rynning, S., 'NATO in Afghanistan. The Liberal Disconnect', Stanford University Press, 2012, p. 185.

95 Coning, C., de, Friis, K., 'Coherence and Coordination. The limits of the Comprehensive Approach', *Journal of International Peacekeeping*, 15, 2011, p. 249.

96 The 'costs lie where they fall principle' means that if a NATO country contributes to a NATO operation, it pays for these operations.

was, however, not adopted in a hierarchical setting, a division of labour, as some NATO member states disapproved. Furthermore, inter-organisational strengthening likewise led to competition between the organizations. For some key players within the European security architecture like France, NATO had always been perceived as a US-dominated organization. This perception was mirrored within the EU, where some officials were reluctant to expand the military role of the EU, as the EU had other tasks to perform and could deliver a much broader security approach than NATO. One example was the operation in Afghanistan from 2003 onwards, as EU officials were opponents of the EU working under NATO and US domination.⁹⁷

For that reason, therefore, although a broader approach was taken at the Strasbourg/Kehl Summit, the Summit likewise demonstrated that for a genuine comprehensive approach, NATO lacked the comprehensive capacity. Similar to 1991, as a compromise, NATO chose for the European security architecture to take a genuine comprehensive approach to the Euro-Atlantic security provision instead of a pure NATO approach. Consequently, the resolution of the debates between the NATO allies was the combination of acceptance of the necessity to cooperate with other actors in the field together with a comprehensive NATO approach with limited institutionalization and capabilities.⁹⁸ As a result, a European security architecture, involving necessary linkages between international organizations and multilateralism, was claimed by NATO to be essential. Nevertheless, interaction between international organizations was only formalised or institutionalized between NATO and other organizations at a minimal level, as will be explored in Chapter 5.⁹⁹

All in all, NATO adopted a broader approach to security and acknowledged formally that purely military operations would not win the peace. Simultaneously, it was accepted that NATO alone did not have the mandate or the capabilities to address all the problems inherent in conflict situations, resulting in the acknowledgement that to address conflicts, it was necessary to cooperate with other organizations.

After the Lisbon Strategic Concept

In 2010, the third strategic concept since the end of the Cold War was adopted, explicitly mentioning the three NATO tasks: collective defence, cooperative security and crisis management operations.¹⁰⁰

Apart from the internal debates, which were elaborated on above, this strategic concept did strengthen the acceptance of a comprehensive political, civilian and military approach, which was claimed to be necessary for effective crisis management.¹⁰¹ As a result, it was accepted that NATO could in principal participate, contribute or in some cases be the lead organization in all sorts of operations around the globe, which broadened NATO's

97 For an elaboration on EU officials and EU missions and operations, see: Smith, M. E., 'Europe's Common Security and Defence Policy. Capacity-Building, Experiential Learning, and Institutional Change', Cambridge University Press, 2017.

98 To date, NATO's definition of a comprehensive approach remains vague in terms of strategy and capacities.

99 Holmberg, A., 'The Changing role of NATO: exploring the implications for security governance and legitimacy', *European Security*, Vol. 20, No. 4, December 2011, p. 540.

100 NATO Strategic Concept, Lisbon 2010, par. 1.

101 Ibid, par. 8-9.

tasks again. Furthermore, the NSC of 2010 had led to a compromise between France and the US, with regard to a civil capability of NATO, which resulted in a small institutionalized civil-military capacity.¹⁰² This compromise had been used in NATO's intervention in Libya (2011), although thereafter it was not applied in France's intervention in Mali (2013), where the UN and the EU took over as France favoured these organizations and the EU was better equipped for the civil side of crisis management operations.

Hence the build-up of NATO's capacities, approached broadly, included the ability to monitor and analyse the international environment referred to as conflict prevention, the organization of an appropriate but modest civilian crisis management capability, the ability to train and develop local forces in crisis zones and also the capacity to identify and train civilian specialists from member states made available for rapid deployment. Though these initiatives concerned limited institutional development, the political implications were significant. As a result, NATO could be involved in complex situations (other than military conflicts) and NATO's scope of tasks was thus broadened, although linked to the EU.¹⁰³

As well as NATO's broadened tasks, Article 3 of the NATO Treaty became of interest again as a result of Russia's hybrid and cyber threats¹⁰⁴ and the intervention in Crimea in 2014. From 2016, along with Articles 2 and 4, Article 3 of the NATO Treaty¹⁰⁵ was put on the political agenda. Again, this resulted in debates with regard to the scope of the commitment or even obligation of the member states to strengthen their home defence, thus that of NATO territory, including transport, communications and basic supplies. In other words, the concept of resilience and the question of how to address resilience by the member states, was linked to Article 5. The aim of highlighting Article 3 was the link that emerged as a result of the threats in connection with Article 5, collective defence and mutual assistance, and the necessary capabilities. In other words, the assumed automatic obligation that states had, if they were a member of an alliance, to secure their national sovereign territory. With regard to a broad perspective of security and NATO's tasks, the renewed emphasis on Article 3 meant that an appeal could be made to capacities such as civil preparedness and cooperation with civil authorities, the private sector, other international organizations and partner states.¹⁰⁶

102 Ibid, par. 9.

103 Flockhart T. (ed.), 'Cooperative Security: NATO's Partnership Policy in a Changing World', DIIS Report 2014:01, Copenhagen, p. 134.

104 Exemplified by the cyber-attacks on Estonia in 2007.

105 NATO Washington Treaty, 1949, Article 3; 'In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack'.

106 Rühle, M., 'Deterrence: what it can (and cannot) do, NATO Review, 20 April 2015. <https://www.nato.int/docu/review/articles/2015/04/20/deterrence-what-it-can-and-cannot-do/index.html>. Accessed 1 April 2017; Shea, J., 'Resilience: a core element of collective defence', NATO Review, 30 March 2016. <https://www.nato.int/docu/review/articles/2016/03/30/resilience-a-core-element-of-collective-defence/index.html>. Accessed 1 April 2017. Brinkel, T, 'The Resilient Mind-Set and Deterrence', Netherlands Annual Review of Military Studies 2017, Springer, 2017.

4.3.4 The NATO Path of Broadening

From its creation, NATO's core business has been collective defence, which has always remained the backbone of NATO. However, NATO's task broadened directly after the end of the Cold War, as crisis management operations were NATO's main activities from the 1990s.

Reflecting on NATO's collective defence task from the 1990s, Articles 4 and 5, as the prime articles of collective defence, were broadened, more closely linked and applied incrementally; case by case as a reaction to the events that unfolded. Although the content of Article 5 changed, for example by including terrorism as a threat, this broadening did not include homeland security, the internal NATO Treaty area. From 2014, however, the focus on resilience in Article 3 linked national security more closely to the NATO task of collective defence. Furthermore, NATO's prime task had never been invoked for the tasks for which it was mandated, due to debate amongst the members and the paradox that arose as a result of the combination of a broader institutionalized mandate and collective defence as deterrence.

Reflecting on the broadening of tasks other than collective defence, the change in threats from the beginning of the 1990s changed NATO's response to those threats, as a security organization with a broader mandate. Broadening was accomplished by acknowledging the scope of Article 2 and by incorporating non-Article 5 tasks: crisis management operations.

Formally, NATO embraced the concept of cooperative security, as defined by NATO, directly after the end of the Cold War and with the strategic concept of 1999, stating that '...The Alliance's role in these positive developments has been underpinned by the comprehensive adaptation of its approach to security and of its procedures and structures...'.¹⁰⁷ NATO's definition was to 'undertake crisis management operations distant from their home stations, including beyond the allies' territory'.¹⁰⁸

As every NATO strategic concept indicates, NATO's tasks were clearly divided into collective defence, crisis management operations and cooperative security,¹⁰⁹ although NATO's cooperative security concept was not comparable to the concept as was elaborated on in Chapter 2.¹¹⁰ NATO did embrace cooperative security and adopted a comprehensive approach concept, but this did not result in an internal security task as the traditional concept of cooperative security implies. For instance, NATO had no official role in the area of migration or in countering terrorism in the homeland of one of the member states.

107 NATO Strategic Concept, 1999, par. 3.

108 The 1999 Strategic Concept, the year of NATO's 50th anniversary, allied leaders adopted commitment of members to common defense and peace and stability of the wider Euro-Atlantic area. It was based on a broad definition of security which recognized the importance of political, economic, social and environmental factors in addition to the defense dimension. It identified the new risks that had emerged since the end of the Cold War, which included terrorism, ethnic conflict, human rights abuses, political instability, economic fragility, and the spread of nuclear, biological and chemical weapons and their means of delivery. The document stated that the Alliance's fundamental tasks were security, consultation and defense, adding that crisis management and partnership were also essential to enhancing security and stability in the Euro-Atlantic area.

109 NATO Strategic Concept, Lisbon 2010.

110 NATO defines cooperative security as follows: 'The Alliance is affected by, and can affect, political and security developments beyond its borders. The Alliance will engage actively to enhance international security, through partnership with relevant countries and other international organizations; by contributing actively to arms control, non-proliferation and disarmament; and by keeping the door to membership in the Alliance open to all European democracies that meet NATO's standards'. NATO Strategic Concept, Lisbon 2010, par. 4c.

Security within the NATO territory was linked to the EU. Nevertheless, informally, NATO had an internal security task as an internal pacificator, preserving the solidarity and the norms and values as stated in Article 2 of the Treaty. This task was extended with the enlargement of new members, as the 'zone of peace' widened and implied a bigger area of responsibility, which linked the path of broadening to that of widening. So, reflecting on NATO's cooperative security task shows that it is permeated militarily in a restricted manner by cooperation, exercises, training and education, but did not evolve that much institutionally, nor is it supported by capabilities.

NATO's function as a security organization did therefore broaden incrementally over the last decades, albeit only slightly. For a genuinely broader approach to security, the choice was made to cooperate with other organizations, because NATO was not mandated with a broader scope of tasks as a result of the debates between the members states and competition between the organizations.

4.3.5 Conclusion

In short, this section examined the questions of how and why the path of change has led to the broadening of NATO. The analysis presented above on the way in which NATO has broadened shows that two main periods can be identified, entailing three themes: deterrence, crisis management and cooperation. In the 1990s, NATO adopted crisis management tasks and the NATO concept of cooperative security, whereby the collective defence task became less important.

In the new century, the collective defence task was broadened, though only slightly, and this was followed by the resurgence of the collective defence task after 2010. NATO has thus been transforming from a purely collective defence organization throughout the Cold War to an organization with a broader mandate including a broadened collective defence task, worldwide crisis management operations and a broader approach to security with a small civil military capability.

Nevertheless, due to the debates between the member states and the development of related security organizations, NATO's broadening of tasks was formally limited to the external security of the Treaty area. This meant a partial change of the traditional collective defence task, and for some tasks broadening was deemed necessary in cooperation with other international organizations.

4.4 The EU and its CSDP Path of Broadening

4.4.1 Introduction

A big change in the European security architecture was the arrival of the EU as a security actor. Although many attempts in the security and defence area had gone before within the European integration process, the establishment of the Common Foreign and Security pillar with the Treaty of Maastricht (1992) finally created the possibility for foreign and security policy. Next to NATO and the OSCE as security providers, the EU emerged as a security actor. Paradoxically, this started in 1992 and 1997 under the NATO and the WEU umbrellas with the European Security and Defence Identity (ESDI) and the transfer of the WEU Petersberg tasks to the EU in 1992. This section examines the questions of how and why change has led to a broadening of the EU. The specific path of broadening of the EU will be analysed in this section, focusing on the form and level as indicators of the path of broadening, addressing the scope of tasks from 1990 onwards.

4.4.2 A Narrow Perspective on Security and Defence

The Creation of the EU: The Cold War

From the beginning of the European integration process, a defence component had been on the agenda of the European states and at the same time always led to a debate between these member states.¹¹¹ On the one side, the traditional transatlanticists, including the UK and the Netherlands, were in favour of NATO as the primary provider of defence. This group of states were afraid that the creation of an EU security and defence policy would result in putting the vital transatlantic security link at risk. On the other side, France and Germany have always been traditional proponents of an EU security pillar, including a 'D' in the build-up of the EU. The first European defence organization was the establishment of the Western Union in 1948 with the Treaty of Brussels and was renamed the Western European Union (WEU) to accommodate the rearmament of Germany in 1954. The Brussels Treaty had a similar clause as NATO's Article 5 of the Washington Treaty.¹¹² German rearmament was at first planned within the new setup of a European Defence Community (EDC) within the European integration process, a French initiative.¹¹³ In 1954, this plan failed as a result of the refusal of the French Parliament to ratify the agreement because of the supranational aspects.¹¹⁴

111 For an elaboration on the development of defence within the EU during the Cold War, see: Segers, M., 'Reis naar het continent. Nederland en de Europese integratie, 1950 tot heden', Prometheus, 2013; Middelaar, L., 'De passage naar Europa. Geschiedenis van een begin', Historische uitgeverij, 2009; Howorth, J., 'Security and Defence Policy in the European Union', The European Union Series, 2nd edition, 2014, p. 1-7.

112 Modified Brussels Treaty on 23 October 1954, Paris Accords, Article 5: 'If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power'.

113 The Treaty establishing the European Defence Community, also known as the Treaty of Paris, was signed on 27 May 1952, but rejected by the French and Italian parliaments. The treaty was based on the plan of the French prime minister Pleven ('the Pleven Plan').

114 For an extensive overview of the development of a defence component in the European integration process and the development of the WEU organization see: Eekelen, van, W., 'Debating European Security, 1948-1998', Den Haag, 1998; Bloed, A., Wessel, A., (red.), 'The Changing Functions of the Western European Union. Introduction and Basic Documents', Dordrecht, 1994; Duke, S., 'The Elusive Quest for European Security: from EDC to CFSP', Palgrave Macmillan, 2000, p. 13-14; Howorth, J., 'Security and Defence Policy in the European Union', The European Union Series, 2nd edition, 2014, p. 1-7.

From the eighties onwards, the WEU provided the platform for discussing European security and defence matters outside the EU, as defence debates within the EU were a no-go for the UK. At the same time, the Europeans felt the need to carry more of the burden for European security themselves in relation to the US. This even resulted in joint actions by the WEU in an operational role in the Gulf and Balkans wars.¹¹⁵

After the Cold War

The geopolitical events at the beginning of the 1990s, such as the fall of the communist regimes from 1988 to 1991, the withdrawal of American interest and troops from Europe, the Gulf war,¹¹⁶ the events that unfolded in Yugoslavia¹¹⁷ and the reunification of Germany, resulted in a balance of power exercise between the European powers. It became obvious that the European states were dependent on the US hegemon and its capabilities and incapable of acting autonomously.

Consequently, in the process leading up to the Maastricht Treaty, France and Germany proposed the creation of a common foreign and defence policy. The French president Mitterrand called for a political union which would include a foreign and security policy and even a common defence as a counterweight to the German reunification. And in 1992, with the Maastricht Treaty, a foreign and security pillar was created.

The Maastricht Treaty was a major breakthrough in the development of the EU as a security actor. The European states and the EU had to establish a position within a new European balance of power and security construction. Article 2 of the Treaty on European Union (TEU) therefore stated that the EU had ‘...to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy’.¹¹⁸

However, actual defence cooperation was a bridge too far and was mentioned as a future objective of the EU, as Article J.4 of the TEU reads: ‘...common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence’.¹¹⁹ The future of the EU as a security actor therefore always remained an issue between the European allies, labelled by Howorth as the Euro-Atlantic Security Dilemma.¹²⁰ These debates ranged between the option of an autonomous EU independent of NATO and the US to a complementary EU strengthening NATO within the European security architecture.

As a result, the European initiatives of Maastricht were not backed by any institutional developments or capabilities, especially not in the defence domain.

115 Actions in the Gulf from 1988-1990, followed by actions related to the war in Yugoslavia from 1992-1996, such as Operation Sharp Guard together with NATO in the Adriatic Sea, and actions in South-East Europe from 1997-2001 on the Danube together with the OSCE, in Bosnia-Herzegovina, Albania, Croatia and Kosovo.

116 The Gulf War included a coalition of 35 states against Iraq in response to Iraq's invasion and annexation of Kuwait and lasted from August 1990 to February 1991.

117 From June 1991, violent conflicts in Yugoslavia broke out as a result of several wars of independence and ethnic conflicts.

118 The Treaty on European Union, 7 February 1992, Maastricht, Article 2.

119 Ibid, article J.4.

120 Howorth, J., ‘Security and Defence Policy in the European Union’, The European Union Series, 2nd edition, 2014, p. 3.

The traditional opponents, the more transatlantic states, such as the UK and the Netherlands, feared competition with NATO if a genuine 'D' in the EU's scope of tasks and institutional structure was created. However, the traditional proponents, France and Germany, were in favour and several proposals saw the light of day with regard to a more common EU defence capability, but none of them was realised.¹²¹ A compromise between the Transatlanticists and Europeanists was found in Article J.4 of the TEU: 'The Union requests the Western European Union (WEU), which is an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defence implications'. But then again, this article simultaneously linked any EU defence creation to NATO, as Article J.4 continued: 'The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework...'.¹²² This created the possibility for the WEU to develop into a defence pillar of the EU, but at the same time called upon the WEU to strengthen itself as a European pillar within NATO, which situated the WEU as an interlinkage between NATO and the EU.¹²³ This compromise, the European Security and Defence Identity (ESDI) within NATO, on the one hand allowed European forces to act in crisis situations, which were not in the interest of the US, and to use US assets via NATO. On the other hand, this was an opportunity for the US to keep European forces linked to the US.¹²⁴ The compromise would remain leading in US-EU defence relations, labelled as 'separable but not separate'. The concept of ESDI was further developed in 1996,¹²⁵ when the procedures were laid down, and with that became the precursor of the EU-NATO Berlin Plus agreements of 2003.¹²⁶

In 1998, the frustration over the Balkan wars in Europe's backyard increased a sense of actorness amongst the European powers. Europe's diplomatic and military impotence, in what was supposed to be a Europe whole and free, conflicted with the EU's normative basis. This frustration made it clear that the EU had to step up to expectations. The EU's CFSP was not equipped with an institutional framework or essential capabilities and, although the WEU had acted in some operations in the Balkans wars, it was clear that most European states were depending on the US and the US reluctantly supported the EU in the Balkan wars. The US expected the EU to improve its political willingness and capabilities for its own European security.¹²⁷ Furthermore, in Germany awareness was increasing that it was

121 For instance, the German-French proposal and four other members of the WEU to the EU IGC of 1997, see: Reichard, M., 'The EU-NATO relationship. A Legal and Political Perspective', Ashgate Publishing Limited, Hampshire, 2006, p. 193-194.

122 Treaty on the European Union, Article J4.

123 For an elaboration on the development of the position of the WEU in relation to NATO and EU, see: Drent, M., 'A Europeanisation of the Security Structure. The Security Identities of the United Kingdom and Germany', Dissertation, University of Groningen, the Netherlands, 7 October 2010, p. 44-46.

124 Howorth, J., 'Security and Defence Policy in the European Union', The European Union Series, 2nd edition, 2014, p. 6.

125 NATO, 'Defence Ministers Meeting', Berlin, M-NAC-1(96)63, June 1996.

126 Howorth, J., 'Security and Defence Policy in the European Union', The European Union Series, 2nd edition, 2014, p. 6.

127 Keukeleire, S., 'Het buitenlands beleid van de Europese Unie: de diversiteit en praktijk van het buitenlands beleid en van de communautaire methode als toetssteen voor het externe beleid van de EG, het gemeenschappelijk buitenlands en veiligheidsbeleid en het structureel buitenlands beleid van de EU', Kluwer, 1998, p. 367-459.

necessary to take a position in the EU's political and security domain and start participating in crisis management operations outside the NATO area.¹²⁸ In addition, in other areas of the European integration process cooperation broadened and deepened, strengthening the monetary union and the enlargement process, which resulted in a spill-over effect to the security and defence domain.¹²⁹ As a result, the UK and France proposed boosting European defence at a summit in 1998 in St. Malo, France.

St. Malo proved to be a big game changer and resulted in several initiatives, such as the Helsinki Headline Goal (HHG) aimed at the creation of military capabilities and the EU's mandate for crisis management,¹³⁰ but got nowhere near a common defence component. Nevertheless, the idea of a common defence never left the agenda and had much support from some founding member states within the EU as well as EU officials in the EU parliament and commission.¹³¹ For some, the concept of mutual defence felt like a natural identity of the EU, having a right to common defence as a result of the collective self-defence Article 51 of the UN Charter, as was the case for the WEU and NATO. For others, such as the US, the UK and the EU-neutral countries, this sense of a natural identity was not shared. Although the US and the UK have always been transatlantic-orientated, the US was in favour of a stronger Europe, but with a minimum of a defence component, and not in competition with NATO. Nevertheless, the US urged the British to engage in European defence. The UK, however, was at first not in favour of a European security and defence pillar as described above, but chose to be part of the security and defence pillar of the European integration process by supporting the CSDP. The UK switch towards European defence was stimulated by the US and was supposed to be a counterweight to the German-French axis in combination with the deepening of the monetary union.¹³²

On the European continent, the interests were scattered likewise. Historically, some EU member states did not agree on the development of the 'D' in CSDP, as a result of their neutral position, such as Denmark. The Scandinavian countries were in favour of a union without collective defence, as non-NATO members. The primacy of the Central and Eastern European states lay with NATO; they were hesitant because of a possible duplication with NATO. Furthermore, another argument relevant for these states was that European cooperation should be a facilitator, not a means of taking over the state: the EU was there to support the existence of the state after decennia of domination by the SU and the WP.

128 In 1997 the German constitution was changed.

129 The spill-over effect will be elaborated in Chapter 7.

130 See for an elaboration on the institutional development: Chapter 6.

131 Reichard, M., 'The EU-NATO relationship. A Legal and Political Perspective', Ashgate Publishing Limited, Hampshire, 2006, p. 195-203.

132 For an elaboration on the position of the UK in the EU's CSDP, see: Wallace, W., 'Europe or Anglosphere? British Foreign Policy Between Atlanticism and European Integration, John Stuart Mill Institute, 2005. Oliver, T., Wallace, W., 'A bridge too far: The United Kingdom and the transatlantic relationship', in: 'The Atlantic alliance under stress: US-European relations after Iraq', Cambridge University Press, 2005. Wallace, W., 'The collapse of British foreign policy', *International Affairs*, 81(1), 2005, p. 53-68. Cornish, P., 'United Kingdom', p. 371-386, in: Biehl, H., Giegerich, B., Jonas, A., (Eds.), 'Security Cultures in Europe. Security and Defense Policies across the Continent', Springer, 2013.

Thus, before the realisation of the actual 'D' in the EU's security and defence policy, the EU started with the creation of a crisis management capacity, with the adoption of the HHG in 1999. Consequently, in contrast to NATO, the EU's mandate within the security and defence domain broadened at first with a crisis management task instead of a common defence task.¹³³

A New Century: Solidarity and Common Defence

After St. Malo, at the beginning of 2000, many ideas for common defence were put on the table. One of the ideas was a fourth defence pillar, launched around the signing of the Treaty of Amsterdam (1999), to separate security and defence as proposed by the neutral states and the UK.¹³⁴ This idea contained the abolition of the WEU and the creation of a new defence pillar, which meant that the decision-making aspects of the WEU would be transferred to the EU, while the military functions would be subsumed into NATO, with the possibility for opponents to opt out. This idea was never realised, however. Another idea came from the so-called chocolate summit in 2003. During the Iraq crisis (2003),¹³⁵ four of the EU member states - France, Germany, Belgium and Luxemburg - proposed a separate EU military headquarters one month after the Berlin Plus agreements between NATO and the EU. This proposal heightened the tension between the US and some European states to a higher level than was already the case during the Iraq crisis. Predictably, the proposal was declined by the US.¹³⁶

The debates continued between the member states, and now and then escalated over the interpretation of the 'D'. It took almost two decades after 'Maastricht' to adopt a common defence clause in the EU treaties. France and Germany were at the core of a group of countries pushing for mutual defence, which started with Valéry Giscard d'Estaing, chairman of the Convention on the future of the EU in 2003. This convention started in turbulent times; as the EU path of widening stressed the EU's deepening, solidarity among the NATO allies was tested more than once, due to the crisis of UN legitimacy after the Kosovo invasion, the Iraq crisis and the US response to the 9/11 attacks, including the US strategy of pre-emptive strikes (2002).¹³⁷ As a result, Paris and Berlin pushed for a mutual defence commitment to be part of the constitution.¹³⁸ Opponents, the transatlanticists, the neutrals and NATO officials¹³⁹ argued that it would undermine the Alliance and that the EU would never be able to defend its own territory.



¹³³ Duke, S., 'The EU, NATO and the Lisbon treaty: still divided within a common city', 2011, p. 10.

¹³⁴ Ibid, p. 11-12.

¹³⁵ France, Germany and Belgium vetoed the US-UK Iraq invasion within the NATO Council, 11 February 2003.

¹³⁶ Black, I., 'NATO bid to defuse EU defence row', The Guardian, 2003, available at: <https://www.theguardian.com/world/2003/oct/21/nato.politics>, accessed on 14 August 2017.

¹³⁷ The pre-emptive strike concept dated from the Bush Doctrine (2001) which referred to various related foreign policy principles of US President George W. Bush: it contained the policy that the US had the right to secure itself against countries that harbour or give aid to terrorist groups.

¹³⁸ French Minister Dominique de Villepin and German Minister Joschka Fischer, November 2003.

¹³⁹ See for instance: Mayer, S., 'Embedded Politics, Growing Informalization? How NATO and the EU transform Provision of External Security', Contemporary Security Policy, Volume 32, No. 2, August 2011, p. 308-333.

However, though partially restrained by the US, the UK and the EU-neutral countries, the concept of common defence¹⁴⁰ was finally introduced with the mutual defence clause in the Treaty of Lisbon of 2009. The mutual defence clause, better known as Article 42.7, stated that ‘...Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the UN Charter...’.¹⁴¹ With this, the possibility was created of military assistance from EU member states on national territory of other EU member states¹⁴² and, like NATO, within the framework of Article 51 of the UN charter. Article 42.7 had a strong resemblance to Article 5 of the Treaty of Brussels (1948).

In comparison with NATO’s Article 5, Article 42.7 was worded more strongly in legal terms. Article 42.7 referred to ‘all means in their power’, which can be understood to cover all possible EU and member state actions. Although it was agreed that it ‘shall not prejudice the specific character of the security and defence policy of certain Member States’, in reference to the role of NATO. Furthermore, ‘Lisbon’ obliged member states to provide ‘aid and assistance by all the means in their power’ and was thus expressed more persuasively than NATO’s Article 5, which only obliges each ally to take ‘such action as it deems necessary’.¹⁴³ In addition, from the beginning of ‘Lisbon’, the EU approach to common defence entailed a broader perspective on security in comparison to NATO. It was not built on a single military approach to insecurity or aggression; the identified tasks were much broader. For example, armed kidnapping of EU citizens would be interpreted as armed aggression, but not an armed attack. Likewise, armed aggression did not necessarily need the ‘imminent threat’ of an attack, implying that Article 42.7 allowed member states to take preventive countermeasures. With regard to the area of operations, either civil or military, from its creation, Article 42.7 was not limited to the transatlantic area, but was applicable worldwide from the outset. This was in contrast with the debates within NATO regarding the geographical scope of its Article 5, as detailed above. Consequently, the EU’s mutual defence clause was not collective defence in the classical sense; its scope was broader than just a military attack, also covering, for example, the protection of trade routes.

On the other hand, Article 42.7 did not result in an institutionalized military headquarters or assigned troops¹⁴⁴ and the unanimity rule prevailed.¹⁴⁵ So, the EU’s common defence was limited from the beginning with regard to strategy, planning and institutional building. Furthermore, Article 42.7 did not apply to all EU member states,

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140 Within the Treaty of Lisbon, amending the Treaty on European Union and the Treaty establishing the European Community, 13 December 2007, common defence is labelled as mutual defence.

141 The Treaty of Lisbon, amending the Treaty on European Union and the Treaty establishing the European Community, 13 December 2007, Article 42.7, the Mutual Defense Clause: ‘If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defense policy of certain Member States. Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organization, which, for those States which are members of it, remains the foundation of their collective defense and the forum for its implementation’.

142 From June 2010, the WEU Treaty was cancelled and the WEU was abolished from June 2011 after one year’s postponement.

143 Except for Denmark and Sweden, with the general opt-out for mutual CSDP.

144 With the Treaty of Lisbon, the Petersberg tasks were enlarged with disarmament, military advice and assistance, conflict prevention and post-conflict stabilisation.

145 Treaty of Lisbon, 1997, Article 28 A4; ‘Decisions relating to the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council acting unanimously’.

as some states, such as Sweden, chose to be neutral in the case of an armed conflict. Therefore, whereas NATO's Article 5 was the solidarity clause, the backbone of the Alliance, the EU's Article 42.7 allowed differentiation between the member states.

Finally, it was made clear in the EU's Article 42.7 that member states' commitments under NATO obligations would not be affected. And, although NATO's Article 5 was more restricted than Article 42.7 of the EU, this prioritised NATO over the EU with regard to common defence for member states that were members of both organizations. Consequently, the EU played a complementary role to the NATO task of common defence.¹⁴⁶

Supplementary to the mutual defence clause, a so-called 'solidarity clause' was introduced with the Lisbon Treaty of 2009, but not without debate.¹⁴⁷ On the one hand, the traditional anti-supranational states had difficulties with an internal security task of the EU. On the other hand, some member states and Brussels policymakers advocated that the threat the EU territory was facing was not so much a possible interstate conflict, but came from non-state actors such as terrorists, due to the terrorist attacks of 9/11, Madrid (2004) and London (2005),¹⁴⁸ migration or were climate related. This solidarity clause, Article 222 of the Lisbon Treaty, stated that 'The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster.'¹⁴⁹ Article 222 was thus supposed to be the EU response to a terroristic attack, man-made or natural disaster, and envisioned other capacities and institutions, as well as military, including police and judicial cooperation within the Treaty area.

Some member states argued that a mutual defence clause alone could not include the broad range of crisis and disaster response capacities needed within the EU territory, especially with regard to the civil protection available to the EU. It was necessary to distinguish the EU from the concept of common defence aimed at threats from outside the territory, as Article 222 covered internal EU territory. For others, such as France, the solidarity clause would not entail a takeover of the EU organs of member states' homeland security in the event of, for instance, a terrorist attack. The solidarity clause had thus been subject to conceptual differences: solidarity in the sense that member states were obliged to take care of their homeland security, comparable to NATO's Article 3, or in the sense that member states would be obliged to assist one another.¹⁵⁰ As a result, the EU adopted a broader approach to territorial defence, but still made a distinction between an external and an internal provision of security.¹⁵¹ The main reasoning behind this distinction was the debate between the member states with regard to homeland defence and state sovereignty. Hence the fact that Articles 42.7 and 222 are meant to protect the territory of the EU, but govern two different situations: internal and external security.

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146 Sweden, Austria, Cyprus, Finland, Ireland and Malta are not NATO members.

147 Parkes, R., 'Migration and terrorism: the new frontiers for European solidarity', EUISS, Brief 37, December 2015.

148 Declaration on combatting Terrorism, European Council, Brussels, 25 March 2004.

149 Treaty of Lisbon, 2009, Article 222.

150 At the Council meeting of 24 June 2014, further elaboration of the solidarity concept was implemented.

151 Duke, S., 'The EU, NATO and the Lisbon Treaty: still divided within a common city', 2011, p. 10.

In comparison, the EU's responsibility with regard to the solidarity clause lies within the EU territory is not part of the CSDP and therefore falls under the competence of the EU: the EU organs in contrast with the mutual defence clause. This meant supranational decision-making, with the Commission's instruments and budget at the EU's disposal. In contrast, the mutual defence clause has been embedded within the CFSP and is therefore intergovernmental under the authority of the Council, and thus the member states, with no explicit role for the other EU organs according to the Treaty of Lisbon.¹⁵² Furthermore, the competences of the solidarity clause were limited to the territory of the EU member states, whereas the EU's mutual defence clause has not been limited geographically, as it is there to protect the EU from threats from outside the EU territory.

In November 2015, after the terrorist attack in Paris, the EU's mutual assistance clause was invoked for the first time, and the last during this research, by the French president Hollande.¹⁵³ Although it would have been more appropriate to invoke Article 222, the internal security provision, this was not an option for France as this would have handed a major role to the European Commission. France therefore invoked Article 42.7, as the country was struggling to cope with its foreign military commitments in Africa while beefing up security at home in the wake of the attacks, and asked the rest of Europe to come to its assistance. Although the EU member states unanimously supported the French request, no further measures were taken.¹⁵⁴

4.4.3 Broad Perspective on Security

After the Cold War

With regard to a broad security approach, the Petersberg Declaration of 1992, which linked the WEU to the EU, was the EU's first step into crisis management. Thereafter, the WEU formed an integral part of the EU, tasking the EU to implement decisions and actions with crisis management implications.¹⁵⁵ From there, the crisis management task, mainly the civil side of crisis management, of the EU broadened and in 1997, at the European Summit in Amsterdam, the tasks were incorporated in the Maastricht Treaty. At the Helsinki Summit (1999), the Council stated that the EU could initiate missions '...where NATO as a whole is not engaged'.¹⁵⁶ With Helsinki, the 'S' of security and defence policy was finalised on paper.

Extensive Broadening

152 For an elaboration on the involvement of the EU institutions in CSDP, see: Rehrl, J. (Ed.), 'Handbook on CSDP. The Common Security and Defence Policy of the European Union', Third edition, 2016, Chapter 2.

153 17 November 2015.

154 For an elaboration on the French invocation of Article 42.7, see: Biscop, S., 'The European Union and Mutual Assistance: More than Defence', The International Spectator, Taylor and Francis group, 2016.

155 Western European Union Council of Ministers, 'Petersberg Declaration', Bonn, 19 June 1992, II. Par. 4: Humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management. In 2002 the tasks were expanded with joint disarmament operations, military advice and assistance tasks, conflict prevention task and post-conflict stabilisation. The Petersberg tasks incorporated; humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, which in 2002 were expanded with joint disarmament operations, military advice and assistance tasks, conflict prevention task and post-conflict stabilisation, Article 43 of the Treaty of the EU.

156 Helsinki European Council Meeting, 10-11 December 1999.

Apart from the military side of crisis management, from the 1990s many initiatives were adopted on the civil side, broadening the EU's scope of tasks by treaties, strategies, institutionalization and capabilities. This was evidenced by the adoption of an EU framework on combating terrorism in 2001, followed by the EU counterterrorism strategy of 2005.¹⁵⁷ In 2002, at the European Council of Seville, a comprehensive approach was formally initiated, including contributions by both civil and military means.¹⁵⁸ A civilian aspect of European Security and Defence Policy (ESDP) was further developed with the Santa Maria da Feira European Council Meeting,¹⁵⁹ which strengthened the development of civilian crisis management capabilities.¹⁶⁰ The EU's crisis management capabilities were further enhanced by the 2003 French proposal of a European Gendarmerie Force (EGF), which became fully operational in 2006.¹⁶¹

With regard to the institutionalization of the EU's civilian crisis management operations, the EU created a Civilian Planning and Conduct Capability (CPCC). CPCC is the operational headquarters for civilian CSDP missions.¹⁶² In addition, as well as the military Helsinki Headline Goal of 1999, a Civilian Headline Goal (CHG) for coordination of capabilities was initiated in 2008.¹⁶³ After Lisbon (2009), the Council institutionalized the internal security task of the EU by the creation of a Standing Committee on Operational Cooperation on Internal Security (COSI).¹⁶⁴ In addition, a so-called European Civil Protection Force (ECPF) was created, which was mandated for a terrorist attack or natural disaster within and outside EU territory.¹⁶⁵ Furthermore, as well as the European Security Strategy (ESS) of 2003,¹⁶⁶ which addressed threats from outside the EU, the Council adopted an Internal European Security Strategy (ISS) for the European Union, addressing threats within the EU.¹⁶⁷ This strategy addressed common threats such as terrorism, organised crime, cybercrime and disasters. As a result, the EU was strengthened in mandate, strategy and institutions with regard to the civil side of crisis management and combined military-civilian missions.

The 2009 Lisbon Treaty brought the EU even more far-reaching possibilities with regard to the internal and external security realm. 'Lisbon' strengthened the concept of a comprehensive approach to security with Article J.4 of the treaty stating that CFSP included

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157 Rehrl, J. (Ed.), 'Handbook on CSDP. The Common Security and Defence Policy of the European Union', Third edition, 2016, p. 114-118.

158 European Council, Seville Summit, 21-22 June 2002.

159 European Council, Santa Maria da Feira Summit, 19-20 June 2000.

160 These capabilities were identified in four civilian priority areas: police, strengthening the rule of law and civilian administration, civilian protection. Additional civilian priorities developed in later years, including support for the EU Special Representatives, monitoring and the set-up of civilian response teams.

161 Position of EGF towards EU and other international organizations elaborated on in Chapter 6.

162 European Council, Brussels, August 2007.

163 Rule of law (200 experts), governance, civil protection, police, monitoring of (pre/post) conflicts and support for EU special representatives.

164 This cooperation incorporates police cooperation and customs, protection of the borders and judicial cooperation, European Council, February 25, 2010, Article 71.

165 2 March 2010.

166 The ESS will be discussed in Chapter 6.

167 European Council, Brussels, 25-26 March 2010.

‘all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence’. As a result, Lisbon broadened the EU’s mandate further.¹⁶⁸ From 2010, the EU concept of crisis management was replaced by the terminology of crisis response, which included many aspects, like humanitarian, and a broader approach to crisis than solely military aspects.

A combined civil-military mandate, accompanied by strategy and capabilities, was further broadened by an EU cyber security strategy in 2013 with additional organs, which will be explored in Chapter 6. Together with this new strategy, the European Parliament (EP) and the Council adopted a cyber defence policy framework (2014) aimed at strengthening member states’ cyber defence capabilities in cooperation with partner countries and organizations, especially NATO.¹⁶⁹

In contrast to NATO, therefore, ESDP was first drafted and institutionalized as an organization with crisis management tasks, instead of common defence built on multinational civilian and military forces. In other words, the EU’s ESDP was built on the model of modular cooperation, which was retained within the defence policy of the EU.

A European Security and Defence Policy

From 2010, newly emerging threats inside and outside the EU had an impact on the EU’s security and defence domain. Examples were the Russian invasion in Crimea and an increasingly isolationist position of the US, which damaged transatlantic relations. The EU integration process itself was under pressure as a result of the different crises the EU had to deal with, ranging from the European debt crisis from 2009¹⁷⁰ to security threats as a result of terrorist attacks in France, Belgium and Germany¹⁷¹ and migration flows from 2010.¹⁷²

As a result, from June 2015 links were strengthened between the former strictly divided domains of internal and external security, and a renewed EU internal security strategy was adopted in 2015.¹⁷³ This strategy identified actions to strengthen the ties between CSDP and internal security affairs of the EU territory, initiated by the Civilian Headline Goal of 2010. Furthermore, this strategy focused on cooperation within the field of CSDP with regard to policy areas of civil and military aspects: freedom, security and justice.

168 Crisis management task broadened with: joint disarmament operations, humanitarian and rescue missions, military advice and assistance, conflict prevention, peacekeeping and post conflict stabilisation.

169 Rehrl, J. (Ed.), ‘Handbook on CSDP. The Common Security and Defence Policy of the European Union’, Third edition, 2016, p. 119-124.

170 The European debt crisis dated from 2009, when some of the eurozone member states (Greece, Portugal, Ireland, Spain and Cyprus) were unable to repay or refinance their government debt under their national supervision without the assistance of other eurozone countries and the European Central Bank (ECB), European Central Bank (europa.eu), accessed 15 September 2017.

171 France had to deal with many terrorist attacks, but one of the most horrendous was the November 2015 Paris attacks where a series of co-ordinated attacks throughout France took place. The bombings in Belgium occurred at Brussels Airport in Zaventem and Maalbeek metro station in Brussels, 22 March 2016. Germany had to deal with several terrorist attacks, like the one in Berlin on the Christmas market, 19 December 2016.

172 EU Commission report, ‘Study on the Feasibility of Establishing a Mechanism for the Relocation of Beneficiaries of International Protection’, July 2010, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/pdf/final_report_relocation_of_refugees_en.pdf, accessed 20 February 2015.

173 European Council conclusions, 16 June 2015.

A decade after the first security strategy of 2003, a new EU global strategy (EUGS) saw the light of day in 2016.¹⁷⁴ The strategy of 2003 and the revised strategy of 2008 had become outdated because of the division between the EU's external crisis management and its internal security activities. The aim was to combine soft and hard power instruments together in a joined approach. The new EUGS listed necessary actions, such as the concretization of ambitions and tasks, capabilities, tools and instruments, which will be discussed further in Chapter 6. The EUGS pleaded for strategic autonomy, as it stated that 'As Europeans we must take greater responsibility for our security... as well as to act autonomously if and when necessary. An appropriate level of ambition and strategic autonomy is important for Europe's ability to foster peace and safeguard security within and beyond its borders'.¹⁷⁵ The EUGS referred to the fact that 'full spectrum defence capabilities are necessary to respond to external crises, build our partners' capacities, and to guarantee Europe's safety'.¹⁷⁶

At the same time, the EUGS acknowledged that 'When it comes to collective defence, NATO remains the primary framework for most Member States. At the same time, EU-NATO relations shall not prejudice the security and defence policy of those Members which are not in NATO',¹⁷⁷ which conflicted with the concept of strategic autonomy aspired to by the EUGS.

The renewal of the EU strategy was mainly driven by the traditional European states striving for EU autonomy, but not without debate.

On the one hand, debates about the strategic autonomy of Europe had mainly resurfaced because of the US insistence that European governments should bear more responsibility for defence within the NATO organization. This argument was underlined by EU countries such as the UK and the Netherlands. The US demand for more European responsibility was accompanied by US distrust towards new EU security and defence initiatives, such as the Permanent Structured Cooperation (PESCO) and the European Defence Fund (EDF), which will be explored in Chapter 6. On the other hand, the European distrust towards the US strengthened as a result of the US rebalancing of its interests directed at the Asian pacific and the US position on issues outside the transatlantic area, illustrated by the differences between the EU and the US in respect of the Iran nuclear deal.¹⁷⁸

To date, the EUGS plea for strategic autonomy is still under scrutiny in the academic and policy world. The debates vary between a supranational European army, including a nuclear deterrence capacity, and European forces strengthening the EU and NATO at the same time.¹⁷⁹

174 European Union, 'Shared Vision, Common Action: A Stronger Europe – A Global Strategy for the European Union's Foreign and Security Policy', June 2016, available at: <https://op.europa.eu/en/publication-detail/-/publication/3eaae2cf-9ac5-11e6-868c-01aa75ed71a1>, accessed 20 February 2015.

175 Ibid, p. 19.

176 Ibid, p. 10-11.

177 Ibid, p. 20.

178 The Iran nuclear deal was an agreement between the Islamic Republic of Iran, the permanent members of the UNSC, Germany and the EU established in 2015.

179 Debates on the concept of strategic autonomy, see: Biscop, S., 'Fighting for Europe. European Strategic Autonomy and the use of Force', January 2019, available at: www.egmontinstitute.be/fighting-for-europe-european-strategic-autonomy-and-the-use-of-force/; Fiott, D., 'Strategic Autonomy towards 'European Sovereignty' in Defence?', The EU Institute for Security Studies, November 2018.

The broadening of the EU scope of tasks did not end with the adoption of the EUGS in 2016. In April 2016, the EU adopted a hybrid policy, including joint communication on countering hybrid threats in order to activate an EU response and to build on European solidarity, mutual assistance and the Lisbon Treaty. This hybrid policy was institutionalized by a hybrid fusion cell, a hybrid centre of excellence and support to the member states with regard to resilience and strategic communication for countering hybrid warfare.¹⁸⁰ The adoption of hybrid policy and its institutionalization was in connection with NATO, as was the creation of the cyber domain, which will be elaborated on in Chapter 6.

4.4.4 *The EU Path of Broadening*

The EU's CSDP path of broadening developed from an organization without a task in the security and defence domain to an organization with a mandate in the security as well as the defence domain. In other words, from the civil side of security, to crisis management operations to a common defence mandate. This path was built bottom-up, based on the experiences of missions and operations, and paradoxically in competition and, at the same time, linked to NATO.

From its creation, EU's CSDP followed a broad approach to security and defence, built on mainly civilian but also military aspects. The development of the EU as a civilian power has been easier than that of a military power, because of the assumed competition with NATO and because most of the civilian instruments, capabilities and funds were already developed within the EU from the Maastricht Treaty onwards, which can be explained by the functionalist logic that expects a spill-over effect from one policy domain to another.

Furthermore, as a consequence of NATO's primacy in the area of common defence, together with the existing overlap in member states, the EU's military development was linked to NATO's scope of tasks.

The EU's security and defence policy therefore developed step by step, incrementally, from a broad approach to security and, further down the road, included a mandate for common defence, albeit linked to NATO. On the one hand, this was a result of the scattered interests among the member states, which resulted in the aforementioned link and limited institutionalization of the EU's military command structure. On the other hand, driven by EU organs and as a result of the automatic integration process of the EU, a broadened mandate was accompanied by instruments and funds of the Commission, especially in the internal security domain, which was increasingly linked to the external domain of security and defence. In contrast with NATO, the EU included an internal and an external security mandate.

4.4.5 *Conclusion*

In this section, the questions were examined of how and why change has led to a broadening of the security and defence policy of the EU. From the analysis presented above, the subsequent main periods of change can be identified focusing on three themes: crisis management, adoption of military and civil tasks and a common defence clause.

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¹⁸⁰ Foreign Affairs Council, 'Council Conclusions on adoption of hybrid policy', 2016, available at: <https://www.consilium.europa.eu/en/meetings/fac/2016/04/18-19/>, accessed 17 April 2017.

The adoption of the crisis management tasks at the beginning of the 1990s was followed by a broadening of the EU mandate, including both internal and external security. Crisis management then was followed by the adoption of common defence Article 42.7, legally stronger than NATO's Article 5, and combined with an internal security mandate: the solidarity clause, Article 222.

In the security realm, therefore, the EU's the creation of security and defence policy began with crisis management tasks based on a broad security concept. Due to the debates between the member states, the EU's CSDP was slowly and incrementally broadened with a common defence task. Furthermore, the EU adopted a mandate with both internal and external security, in contrast to the NATO and OSCE paths of broadening. Finally, in respect of crisis management and the civilian aspect of security, the EU had a more far-reaching mandate and more civil capabilities, institutions and funds than the other security organizations.

4.5 The OSCE Path of Broadening

4.5.1 Introduction

Ever since its founding in 1975, the OSCE has been built on the concept of cooperative security, as was described in Chapter 2, and a broad approach to security. On the one hand, this concerned the 'indivisible security', implying that security of one state cannot be at the expense of another. On the other hand, cooperative security entailed comprehensive security, which implies that security is not solely defined in military terms, but also includes economic, ecological and social factors. In addition, instruments against human rights violations and the repression of minorities were included in the framework along the way.¹⁸¹ This section examines the questions of how and why change has led to broadening of the OSCE. The specific path of broadening of the OSCE will be analysed in this section, focusing on the form and level as the indicators of that path, addressing the scope of tasks from 1990 onwards.

4.5.2 A Narrow Perspective on Security and Defence

The Creation of the OSCE: The Cold War

The OSCE has always been first and foremost an organization that has focused on security inside the organization's territory. Nonetheless, the Helsinki Final Act of 1975 did make a link between peace and security in Europe and the world as a whole: 'Recognising the close link between peace and security in Europe and in the world as a whole and conscious of the need for each of them to make its contribution to the strengthening of world peace and security and to the promotion of fundamental rights, economic and social progress and well-being for all peoples'.¹⁸²

¹⁸¹ Conference on Security and Cooperation in Europe, Final Act, Helsinki 1975. Hereafter CSCE, Helsinki Final Act, 1975.

¹⁸² CSCE Helsinki Final Act, 1975.

Within the OSCE mandate, no defence aspects were adopted, as this has never been one of its objectives and was highly precarious between East and West. In contrast to NATO and the EU, the OSCE never had a mutual defence task, defending the partners of the organization against aggression or an attack from outside the territory. Furthermore, the OSCE had no military instruments for compliance or any command structure with which to enforce security among the OSCE states, in the event of a threat or attack from outside the OSCE area.

Originally, the OSCE mandate included three so-called 'baskets', which can be interpreted as policy domains in which the OSCE holds its mandate: cooperation in the political and military domain, the economic and environmental domain and the human domain.¹⁸³ So, while lacking military means, the OSCE did have a mandate in the military domain. This mandate was captured in its political and military dimension, the first basket, which required military transparency between the states participating in the Helsinki Final Act.¹⁸⁴ This task concerned arms control and military transparency and was mandated within the organization's territory, even though weapons of mass destruction had always been outside the OSCE area of responsibility. These activities in the military domain, under the umbrella of the OSCE process, included arms control among its members: the Treaty on Conventional Armed Forces in Europe (CFE).¹⁸⁵ In 1996, during the Lisbon Summit, the states that were party to the CFE Treaty signed an agreement to launch negotiations to adapt the CFE Treaty to the new security architecture. This CFE treaty limited the conventional weapons and postures of the members of the former two military alliances. In addition, in the light of the new world order in Lisbon and later at the Istanbul Summit,¹⁸⁶ the military pillar was strengthened by the development of political-military confidence and security building measures (CSBM), encapsulating all Euro-Atlantic and Eurasian states. However, not all states signed the Lisbon and Istanbul documents. The CFE treaty, for instance, was never ratified by the NATO countries on the grounds that Russia had not implemented its Istanbul commitments to withdraw its troops from Moldova and Georgia.¹⁸⁷

In practice, there has been a lack of existing mechanisms for 'hard' arms control in the OSCE area and under the OSCE mandate; in other words, legally binding limits and real transparency measures for non-compliance. In addition, conventional arms control had not been one of the highest priorities on the European security agenda, because other issues were demanding political attention, such as the Balkan wars, and arms control was regarded as an issue belonging to the Cold War era.

Finally, the CFE treaty was paralysed by the Russian withdrawal in 2007.¹⁸⁸ In response, NATO countries ceased to be bound by the CFE information exchange and inspection

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183 *Idem*.

184 See the CSBM's, CSCE Helsinki Final Act, 1975.

185 A legal document signed on 19 November 1990, by 22 countries from NATO and the former WP including the SU.

186 OSCE Istanbul Document 1999, 18-19 November 1999. Hereafter OSCE Istanbul Summit Declaration, December 1999.

187 NATO members refused to ratify the revised CFE accord until Russia fulfilled commitments it made to Georgia and Moldova when the adapted CFE Treaty was concluded at the OSCE Summit Istanbul, 1999.

188 Russia suspended its participation in the Treaty in 2007 as a reaction to the crisis in Georgia and Ukraine and the positions of the Baltic states as NATO members. From the Russian side, the suspension included the end of the limitation of the number of conventional weapons. See: Arms Control Association, 'The Conventional Armed Forces in Europe (CFE) Treaty

obligations in 2011 and Russia again pulled out of the Joint Consultative Group in 2015. In addition, no progress was made in the CSBM relating to missile defence and sub-strategic nuclear weapons.¹⁸⁹

4.5.3 Broad Perspective on Security and Defence

The Cold War

From its creation, the OSCE had a broad perspective on security; it has always been its *raison d'être* based on the guiding principles stated in its founding act: the Helsinki Final Act (1975).

Although there was no notion of the concept of cooperative security in the CSCE documents until the Helsinki Summit of 1992, Helsinki called for the establishment of a new form of security cooperation between the participating states 'based upon cooperative and common approaches to security'.¹⁹⁰ Consequently, the security organization in this research that most resembles the concept of cooperative security, as defined in Chapter 2, is the OSCE.

As detailed above, the OSCE was from its creation built on two concepts relating to indivisible and comprehensive security, which implied a broader approach than solely the military domain and included the three policy domains. The approach to security within the OSCE has always been that '...all commitments were equally applicable across the OSCE area and where 'singularisation' of any particular situation was not acceptable and was strongly resisted...'.¹⁹¹ These policy domains, the OSCE mandate, were broadened at the end of the Cold War; this will be explored in more detail below.

After the Cold War: Broadening Cooperative Security

The first summit after the Cold war that further developed the OSCE's broad approach to security was the Paris Summit in 1990. 'We, the Heads of State or Government of the States participating in the Conference on Security and Cooperation in Europe, have assembled in Paris at a time of profound change and historic expectations. The era of confrontation and division of Europe has ended'.¹⁹² Paris, as one of the first summits after the end of the Cold War, resulted in hope and initiatives for a new Europe.

With 'Paris', the OSCE concept of security broadened, capturing the norms and values of human rights, democracy and the rule of law, economic liberty and responsibility, friendly relations among participating states, minority rights and free and fair elections.

and the Adapted CFE Treaty at a Glance', 2017, available at: <https://www.armscontrol.org/factsheet/cfe>, accessed 17-09-2018. In March 2015, the Russian Federation announced that it had taken the decision to completely stop its participation in the Treaty.

189 For an elaboration on the status of arms control possibilities within the OSCE area: Kulesa, L., 'The Role of Arms Control in Future European Security', Security and Human Rights, Brill and Nijhoff Publishers, Volume 25, 2014, No. 2, p. 221-234.

190 CSCE Helsinki Document 1992, 'The Challenges of Change', 9-10 July 1992. Hereafter CSCE Helsinki Summit Declaration, 1992.

191 Lundin, L. E., 'Tearing Down Real and Cognitive Walls preventing OSCE Compassion for Human Security in South-Eastern Europe', Security and Human Rights, Brill and Nijhoff Publishers, Volume 26, 2015, No. 1, p. 110.

192 CSCE Paris Document 1990, 'Charter of Paris for a New Europe', Paris 1990. Hereafter CSCE Paris Summit Declaration, 1990.

Apart from underlining the primacy of democracy and free markets, the Paris Charter identified conflict prevention as a priority issue and singled out the OSCE as the key actor within the security architecture in this respect. Furthermore, 'Paris' started the institutionalization process of the OSCE, where the broadening of the scope of tasks was supported by new organs, as will be discussed in Chapter 6. Finally, 'Paris' was the first summit that addressed a so-called European security architecture and at which the concept of multilateralism was coined, reflecting the need for cooperation and interdependence between states and international security organizations.¹⁹³

At the beginning of the 1990s, the OSCE was at first perceived as the regional anchor of the European security architecture and 'Paris' was succeeded by the Helsinki Summit of 1992, which led to the 'Helsinki Document'.¹⁹⁴ One of the debates within the OSCE was the approach to settling the conflicts in the former Yugoslavia, as the UN was tasked with a number of crises elsewhere, including those in Cambodia, Haiti, and Somalia.¹⁹⁵ Russia was not in favour of NATO deploying peacekeepers in the former WP area, even though the situation called for an international peacekeeping or peace-enforcing operation. In contrast, Western European countries did not want Russia to be given a 'free hand' in the former WP countries. Consequently, the idea of the OSCE becoming a regional mandatory organization under the political and legal umbrella of the UN for peacekeeping operations in the OSCE area at that time was shared by 'both' sides of the former iron curtain. 'Helsinki' declared the OSCE a regional organization under the auspices of the UN in the context of Chapter VIII of the UN Charter. The idea was that the OSCE would become a mandating or legitimising organization for peacekeeping operations by NATO, the WEU and the Russian Commonwealth of Independent States (CIS). According to Helsinki, 'peacekeeping constitutes an important operational element of the overall capability of the CSCE for conflict prevention and crisis management intended to complement the political process of dispute resolution'.¹⁹⁶ This combined the possibilities for political and military conflict resolution, and involved civilian and/or military personnel, within and among the participating states of the OSCE.

However, some restrictions on how an OSCE peacekeeping mission would work in practice were laid down from the beginning within this OSCE mandate, as both parties distrusted each other with regard to additional intentions, especially regarding the fact that the mandate could be interpreted as a cover for 'third-party' peacekeeping. OSCE peacekeeping operations would not, therefore, entail enforcement action, but would require the consent of the states directly concerned, would be limited in duration and

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193 CSCE Paris Summit Declaration, 1990.

194 CSCE Helsinki Document 1992, 'The Challenges of Change', 9-10 July 1992. Hereafter CSCE Helsinki Summit Declaration, 1992.

195 UN operations I and II (UNOSOM I) in Somalia was established from April 1992. The operation was a disaster for the UN as the ceasefire was ignored, the fighting continued and put operations at great risk.

196 CSCE Helsinki Summit Declaration, 1992. Chapter III, par. 17.

would be impartial. The parties would endeavour to ensure that any decision to deploy a peacekeeping mission was taken by consensus.¹⁹⁷

The idea of the OSCE as a mandating and legitimising regional organisation for peacekeeping under the auspices of the UN was further developed at the Rome Summit of 1993. It was agreed in Rome, albeit with caveats, that ‘the CSCE could consider, on a case-by-case basis and under specific conditions, the setting up of CSCE co-operative arrangements in order inter alia to ensure that the role and functions of a third party military force in a conflict area are consistent with CSCE principles and objectives’.¹⁹⁸ From there, the possibility of the OSCE as a regional security provider and enabler¹⁹⁹ remained part of the OSCE *acquis*.

Along with the broadening of the OSCE mandate, from 1991, the OSCE developed several CSBMs to foster stability and contain crises in the human and politico-military dimensions; three relating to human rights and one in the field of military security.²⁰⁰ In practical terms, this meant instruments and mechanisms, divided into control and emergency mechanisms, which will be set out in further detail in Chapter 6. Consequently, the core role of the OSCE could be described as promoter of security and preventer of conflict in the wider European area. Potentially, this gave the OSCE a scope in crisis management activities ranging from preventive diplomacy, peace-making (the peaceful settlement of disputes between states) and peace-building to assisting with post-conflict rehabilitation, with the exception of peace enforcement. Furthermore, institutionalization, OSCE mechanisms and instruments had been created to address different types of emergency situation in the political, military and pre-conflict, conflict resolution and post-conflict organization, dealing with violent and non-violent conflicts, legitimising the OSCE as the mandating organization for civilian or military peace observation, verification and even peacekeeping operations.

The Budapest Summit of 1994 finally mandated the OSCE to be the anchor of the European security architecture as ‘a primary instrument for early warning, conflict prevention and crisis management’.²⁰¹

In practice, verification, monitoring, and observation missions have been undertaken, but a peacekeeping operation with military implications, under the auspices of the OSCE, has never been invoked.²⁰² Although the OSCE had already played a role in peacekeeping,

197 Kemp, W., ‘OSCE Peace operations: Soft Security in Hard Environments’, International Peace Institute, New York, June 2016, p. 3.

198 CSCE Rome Document 1993, ‘CSCE and the New Europe—Our Security Is Indivisible’, Rome 1993. Chapter II, par. 2. Hereafter CSCE Rome Summit Declaration 1993.

199 The OSCE could provide the mandate for organizations to undertake peacekeeping and if necessary the OSCE could provide a coordinating framework.

200 For an elaboration: OSCE, ‘History and Background of Confidence- and Security-Building Measures (CSBMs) in the OSCE, 2004, available at: <https://www.osce.org/fsc/40035>, accessed 19-04-2017.

201 CSCE Budapest Document 1994, ‘Towards a Genuine Partnership in a New Era’, 21 December 1994. Hereafter CSCE Budapest Summit Declaration, 1994.

202 For an elaboration on the background of OSCE peacekeeping mandate: Kemp, W., ‘OSCE Peace operations: Soft Security in Hard Environments’, International Peace Institute, New York, June 2016, p. 3-4.

demonstrated by the verification mission in Kosovo,²⁰³ these operations and missions remained civil in nature. With regard to the OSCE path of broadening, therefore, there has never been an OSCE case of a military peacekeeping operation. This will be discussed in more depth in Chapter 6.

'Budapest' was followed by the Lisbon Declaration of 1996, which led to a Common and Comprehensive Security Model for Europe in the 21st century,²⁰⁴ aimed at strengthening the European security architecture. In addition, the Istanbul Summit of 1999 adopted the Charter for European Security, which could be seen as a follow-up of the Paris Charter of 1990. Together, 'Paris', 'Lisbon' and 'Istanbul' formed the foundation of the OSCE organization that aimed to build a pan-European organization, whereby security in Europe in the wider area revolved around the OSCE.

Competitive Organizations

As a response to the new security threats at the end of the 1990s and the start of 2000, the OSCE adopted a Strategy to Address Threats to Security and Stability in the Twenty-First Century in 2003. This document, finalised in 2003, broadened the OSCE mandate again, to include terrorism, illegal migration and organised crime linked to illicit trafficking in human beings, drugs, small arms and light weapons.²⁰⁵ Although the document stated strategy, it lacked an action plan or guidelines according to which the OSCE could take action. Another shortcoming of the organization was the lack of sanctions or incentives, institutionally and financially to empower the OSCE in relation to the heterogeneous group of states.

Apart from broadening the OSCE mandate, encapsulating a growing, broad perspective on security accompanied by institutionalization, the continuing path of the EU and NATO enlargement had significant consequences for the OSCE. In response, Russia attempted to strengthen the OSCE in the new century, as Russia felt threatened by the enlargement processes of NATO and the EU and their increasing role in the former WP states, which, according to Russia, could potentially result in a diminishing role of the OSCE in the European security architecture and thus also of Russian influence. This was not only because of the number of states that became members of NATO and the EU, but also because of the broadening of the scope of tasks of these organizations and additional capabilities, which resulted in competition between the organizations.

One of the Russian counteractions was the initiation of what was known as the Corfu process from 2008, when the Russian president Medvedev initiated a restart of the OSCE dialogue and attempted to embed a discussion of political-military issues in a wider security context, including aspects of the human dimension.²⁰⁶ The proposal was the creation of a renewed OSCE replacing an ever broadening NATO and EU. Russia even suggested that this

203 Established October 1998 and closed in June 1999.

204 See: OSCE, Lisbon Document, 1996, available at: <https://www.osce.org/mc/39539?download=true>, accessed 1-7-2018.

205 For further information: OSCE, 'OSCE Strategy to address threats to security and stability in the twenty-first century', 2003, available at: <https://www.osce.org/mc/17504?download=true>, accessed 1-7-2016.

206 Mosser, M. W., 'Embracing "Embedded security": the OSCE's understated but significant role in the European security architecture', *European Security*, 24:4, p. 589.

renewed OSCE be created without the participation of the US and Russia. Nevertheless, this idea failed to produce any conclusive results, as the 'West' disagreed with the notion of excluding the US from European security matters. In 2009, however, the Concept of Comprehensive and Co-operative Security was adopted as a result of a period of détente and the 'West' realized that the OSCE did have an added value in European security matters.²⁰⁷ One of the final Russian attempts to strengthen the OSCE was the 2010 Astana Ministerial Council Summit meeting, the first of its kind since the 1999 Istanbul Summit. 'Astana' installed a Commemorative Declaration. Towards a security Community,²⁰⁸ which elaborated on the comprehensive and cooperative concepts to strengthen the OSCE. The idea behind the declaration was a rebirth of the Charter of Paris, implying a rebirth of the idea of a European security architecture. This was followed by a Ministerial Council decision on 'elements of the conflict cycle, related to enhancing the OSCE's capabilities in early warning, early action, dialogue facilitation and mediation support, and post-conflict rehabilitation'.²⁰⁹ Nevertheless, around 2010, the Russian initiatives in strengthening the role of the OSCE in the European security architecture took a more modest form, as actual results were not forthcoming and Russia's interest was waning in international cooperation structures.²¹⁰

Paradoxically, in this period of post-Cold War détente, NATO's strategic concept of 2010 simultaneously emphasised and strengthened the position of the OSCE within the European security architecture.²¹¹ In addition, NATO declared its interdependence on the other security organizations within the European security architecture, as outlined above. As a result, however, the OSCE had no state(s) left to champion the organization. As US priorities lie with NATO, France had always been a proponent of a strong EU CFSP and CSDP, and Russia's enthusiasm diminished. Devastating for the OSCE, once the security pillar of Europe, especially in competition with other organizations.

As the OSCE had broadened its mandate within the OSCE area, after 2000 it likewise broadened its mandate outside the OSCE area. The OSCE had performed operations outside its area, for example by supporting Afghan elections.²¹² Although, as a cooperative organization, the missions and operations outside the OSCE area were not official OSCE policy, they should be regarded as case-by-case operations or even as exceptions.²¹³

207 OSCE, 'The OSCE Concept of Comprehensive and Co-operative Security. An Overview of Major Milestones', June 2009. Available at: <https://www.osce.org/cpc/37592?download=true>, accessed 1-7-2018.

208 OSCE Astana Commemorative Declaration 2010, 'Towards a Security Community', 1 December 2010. Hereafter OSCE Astana Ministerial Council Summit, December 2010, available at: <https://www.osce.org/mc/74985>, accessed 2-7-2017.

209 OSCE Vilnius Ministerial Council, 6 December 2011.

210 For an elaboration on the Corfu process: Kropatcheva, E., 'Russia and the role of the OSCE in European Security: a 'Forum' for dialog or a 'Battlefield' of interest?', *European Security*, 21:3, 2012, p. 370-394.

211 NATO Strategic Concept, Lisbon, 2010.

212 In 2004, 2005, 2009, 2010 and 2014 executed by the ODIHR deploying an election support team.

213 Galbreath, D. J., 'The Organisation for Security and Co-operation in Europe', Routledge Global Institutions, 2007, Great Britain, p. 118.

Half Empty Glass

Before the Crimea crisis of 2014, in 2012 the OSCE was once again mandated with a broader approach to security, addressing new threats with the establishment of a so-called Transnational Threats Department (TNT).²¹⁴ The main purpose of the department was to improve coordination between the various OSCE structures, thus addressing one of the deficiencies of the different organs of the OSCE.

Nevertheless, after the Russian invasion of Crimea in 2014, the strengthening of the OSCE mandate was stalled as well as the security and economic dimension of the OSCE, or pillars, so to speak; as a result, the human dimension had become the core business of the OSCE. This was partly because the other pillars were not supported as OSCE core activities as they were too delicate to be handled by the inclusive OSCE, and partly because they had been taken over by the other two organizations of the European security architecture.

4.5.4 The OSCE Path of Broadening

From its creation, the OSCE has been the most explicit example of a cooperative security organization, as described in Chapter 2, in the European security architecture. The mandate of the OSCE, with regard to security policy, has been broader than both NATO and the EU's mandate, and still is in comparison to NATO. The OSCE dealt with both hard security (disarmament), emphasised by Russia, and soft security (human rights), emphasised by EU members. However, the focus on state security, by some parties, was not equally complemented by a broadening and strengthening of the OSCE with an institutional structure, funds and a mandate for sanctions.

At the beginning of the 1990s, the OSCE was considered to be the organization that could drive and foster the European security architecture, as the other organizations represented symbols from the past and did not provide the necessary mandate. Nevertheless, in the 1990s, the crisis in Yugoslavia and the UN debacle,²¹⁵ resulted in a takeover by NATO in the execution of crisis management operations and a firmer position of NATO in crisis management tasks within the European security architecture.²¹⁶ Furthermore, during the OSCE path of broadening, the former adversaries as the builders of the OSCE mandate and initiators of the European security architecture, Russia and the West, became adversaries again. In addition, the broad security mandate of the OSCE scattered its power and abilities. Consequently, as a backfire of OSCE's broad mandate, there has been a lack of cohesion in the wide range of activities performed by the OSCE. The scope of tasks has been all-encompassing, which did not help to harmonise the security interests of the various participating states and was not backed up by the necessary organs, capabilities, staff or funds.²¹⁷

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214 Encapsulating the following issues: terrorism, organised crime, cyber threats and illicit trafficking.

215 The UN mission in Yugoslavia, UNPROFOR, formed in February 1992 failed as attacks occurred against personnel and aircrafts, personnel was taken hostage, and finally on 12 July 1995 UNPROFOR failed to deter the Bosnian Serb attack on Srebrenica. After the Dayton Agreement UNPROFOR was followed by the NATO led force IFOR, from 20 December 1995.

216 For an elaboration on this process: Asmus, R. D., 'Opening NATO's Door, How the Alliance remade itself for a New Era', Columbia University Press, New York, 2002.

217 Ghebali, V. Y., 'Where is the OSCE going? Present role and challenges of a stealth security organisation', in: European Security in a Global Context', p. 63-66, in: Tardy, T., (eds.) 'European Security in a Global Context. Internal and external dynamics', Contemporary Security Studies, Routledge, Oxon, Great Britain, 2009.

The OSCE, as a norm-based cooperative security organization, lacked the right to use coercive instruments or sanctions if necessary, as a means to attain the peace within the bounds of its territory. Furthermore, although the OSCE had a formal mandate of crisis management operations, in contrast with the EU, this mandate was never invoked. In addition, the OSCE lacked a defence umbrella and consequential institutionalization in comparison with NATO and the EU's political, security, military and economic assets.²¹⁸ Finally, although the OSCE's mandate broadened directly after the end of the Cold War, accompanied with institutionalization and the explicitly announced need for a strategy (2003), a strategy and complementary action plan was never implemented. Hence the assertion that '...it actually confirms that coping effectively with the identified threats is beyond the reach...' ²¹⁹ of the OSCE.

The OSCE's path of broadening was developed but without strategy, sufficient capabilities or resources and, from 2000, without genuine political will of the participating states. After 2010, the political situation in the OSCE area could even be described as exhibiting a growing divergence of democratic values where the OSCE lacked a monitoring instrument or review mechanism, which left OSCE's core activities paralysed.²²⁰

4.5.5 Conclusion

This section looked at the questions of how and why change has led to broadening of the OSCE. From the foregoing analysis of the way in which the OSCE mandate broadened, the following main periods of change can be identified in the OSCE path of broadening, entailing two themes: broadening the scope of the OSCE mandate in cooperative security followed by a downsizing of implementation of the OSCE's scope of tasks. The 1990s could be considered the heydays of the OSCE, broadening in level and form. The OSCE broadened its mandate and scope of tasks, together with the assignment of the OSCE as the regional anchor of the European security architecture, through various summits and successive documents, even encompassing some defence matters. From the foundation of the OSCE, therefore, a more comprehensive approach was slowly integrated in the institutional setup of the OSCE, which combined broadening with deepening. In other words, the mandates that were given to the OSCE were actually institutionalized. Broadening was, however, followed by a period of disinterest among the major players, with a lack of strategy, capabilities and resources, down to outright rivalry.

4.6 Security and Beyond: A Cross-case Comparison on the Path of Broadening

4.6.1 Introduction

The previous sections discussed the paths of change of the individual security organizations. These paths of change, resulting in an institutional build-up of each security

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218 Ibid, p. 63.

219 Ibid, p. 64.

220 This was suggested by Switzerland in 2006, but not adopted by the other states.

organization, are chronologically presented in the table below. This section examines the questions of how and why change of the path of broadening has varied between the security organizations. These will be compared on the basis of observed differences and similarities in the indicators of level and form of change from 1990 onwards. In other words, the cases will be submitted to a cross-case comparison within the path of broadening based on the research framework.

Broadening of security organizations	NATO	EU	OSCE
Before 1990	Washington Treaty (1949)	WEU Brussels Treaty (1948)	Helsinki Final Act (1975)
1990			Paris Summit: European security architecture and multilateralism, conflict prevention, CFE
1991	Rome Summit: adoption of non-Article 5 operations, European security architecture, cooperation and dialogue		Development of crisis management mechanism
1992		Maastricht Treaty: CFSP and ESDP, crisis management operations via Petersberg Declaration	Helsinki Summit: CSCE as regional organization (Chapter VIII, UN Charter), peacekeeping organization
1993			Rome Summit, from 1991 to 1993 development of CSBMs
1994			Budapest Summit: OSCE legitimising organization for crisis management operations within European security architecture
1996			Lisbon Summit: strengthening of OSCE role in European security architecture, CFE and CSBMs
1997		Petersberg tasks incorporated in Treaty of Maastricht	
1998		St. Malo Summit (UK-FR)	

1999	Washington Summit: broader threat perception, including Article 4 and 5, DCI	Treaty of Amsterdam, HHG, military crisis management operations	Istanbul Summit: Charter for European Security as follow-up to 'Paris' and 'Lisbon'
2000		Adoption of civilian crisis management capabilities	
2001	Invocation of Article 5	Framework for terrorism	
2002	Prague Summit: Treaty change to Article 5, including terrorism. Formalisation of out-of-area Article 5 and non-Article 5 operations	Adoption of civil and military comprehensive approach	
2003		European Security Strategy, EGF	Broadening of mandate including terrorism, illegal migration and organised crime
2005		Strategy on countering terrorism	
2006	Riga Summit: intention to adopt comprehensive approach (CPG)		
2007		CPCC	Russian withdrawal from CFE
2008		CHG, revised ESS	Corfu process: Russian attempt to strengthen the OSCE
2009	Adoption of CPG	Treaty of Lisbon: mutual defence (Article 42.7), solidarity clause (Article 222), PESCO	Revised concept of comprehensive and cooperative security
2010	Lisbon Summit: institutionalization of civil-military capability in cooperation with other organizations, Article 5 and non-Article equality 5 operations, Article 4 and 5 link	Internal security strategy, COSI, ECPF	Astana Summit: rebirth 'Paris'
2012			Broadening of mandate; including new threats, adoption of TNT
2013		Cyber security strategy	

2014	Wales Summit: adoption of hybrid and cyber tasks, including Article 5	Cyber defence policy framework	
2015		Adjusted internal security strategy, invocation of Article 42.7	
2016	Warsaw Summit: NATO-EU cooperation comprehensive approach, re-entry of Article 3	EUGS. Hybrid policy including centre of excellence and fusion cell	

Table 4.1 Overview of key moments on the paths of broadening of the different security organizations

4.6.2 Comparing the Paths of Broadening of NATO, the EU and the OSCE

In this section, the paths of broadening of the individual security organizations will be compared. First, the development of the path of broadening relating to the narrow security perspective of the organizations will be compared, without reference to the OSCE. This will be followed by a comparison of the development of the broad security perspective of all three organizations.

A Narrow Perspective on Security

The analysis of the path of broadening on a narrow perspective on security and defence showed similarities and differences along the EU and NATO paths of change.

First, the EU's mutual assistance clause was linked to NATO's collective defence task by NATO's priority clause that had already been set in the Berlin Plus agreements of 2003. However, this link was not created vice versa, as the member states prioritised NATO as the ultimate collective defence organization. The most successful organization for the EU and NATO member states projecting the common defence task was NATO. As a consequence, the possibility of EU-NATO cooperation or, in contrast, a division of labour in the field of common defence remained vague. This could even lead to misuse, as illustrated by the invocation of the EU's Article 42.7 in the case of the attack on the Bataclan, which should have been addressed by Article 222 of the EU's Treaty of Lisbon.

Second, the EU does not possess the military strength of the US hegemon that NATO possesses or NATO's additional military command structure and capabilities. It could also be argued that, as long as this strength remains, the EU will be linked to NATO for conventional territorial defence. Moreover, although the EU's mutual defence clause is more strongly worded in the treaty than NATO's Article 5, it has restrictions for some of the member states, by choice.

Third, differences were observed in the institutionalized command and control structure of both organizations. Whereas NATO operated with a unified command structure, the EU operated with a differentiated and flexible command and control structure provided for by both the EU and NATO together with the member states. However, Article 5 of NATO and Article 42.7 of the EU are not mutually exclusive. They could be activated simultaneously

to bring about a coordinated EU-NATO response. The EU could, for example, work in partnership with NATO in border management and cyber security within and outside NATO and the EU.

A Broad Perspective on Security

The path of broadening of the EU, the OSCE and NATO on a broad perspective of security and defence showed similarities and differences as well.

First, from their creation, all three security organizations of the European security architecture defined security as a much broader concept than solely military security, although there has been no unequivocal definition of a comprehensive approach among the security organizations.²²¹ However, they all included a comprehensive approach in the security concept within their treaties and agreements and based their mandates on democratic norms and values. In this regard, all three selected security organizations can be regarded as normative and guardians of multilateralism. Nevertheless, these normative guidelines occasionally conflicted with the paths of broadening of the selected organizations. This was illustrated by the development of EU's defence policy, which conflicted with the idea of the EU as a normative power and a security community, for instance, in its path of widening. For NATO, the development of a comprehensive approach and cooperative security conflicted with its collective defence task. Although NATO broadened its tasks, they were not as inclusive as those of the EU. It was observed that the broadening of NATO's tasks beyond collective defence and the military side of crisis management was even linked to the EU in 2016.²²²

Second, from its creation, the principles of the OSCE Helsinki Final Act (1975) included a comprehensive security approach and the OSCE has always defined security in a more holistic manner in its policy and activities, but without a military component.²²³ The comprehensive part of the OSCE's definition of security goes much further than NATO's definition and, at first, the EU's definition. Nevertheless, through the first two decades of the 21st century, the EU has developed a comprehensive approach in treaties, tasks and capabilities which competes with the concept of the OSCE in performing its tasks. This is in contrast with NATO, which does address a broad security approach in Article 2 of the Washington Treaty and follow-up strategies, although in terms of its core tasks and capabilities, NATO mostly remained a defence organization. As a result, the focus of the EU's comprehensive approach has been on the development of the civil-military relationship between EU organs, whereas a comprehensive approach of NATO necessitated cooperation with other actors.

Third, it was observed that the implementation of a broader security approach required a strengthening of relations and coordination with other actors. However, as with all security organizations of the European security architecture, these relations were weakly

221 Holmberg, A., 'The Changing role of NATO: exploring the implications for security governance and legitimacy', *European Security*, Vol. 20, No. 4, December 2011, p. 540.

222 A comprehensive approach is defined differently between the organizations, see article: Wendling, C., 'The Comprehensive Approach to Civil-Military Crisis Management: A Critical Analysis and Perspective', IRSEM, 2010.

223 Mosser, M. W., 'Embracing 'embedded security': the OSCE's understated but significant role in the European security architecture', *European Security*, 2015, Vol. 24, No. 4, p. 584.

institutionalized between the organizations. Most initiatives for broadening their mandates therefore came from the member states in relation to the other organization in many cases, but were further developed, executed and implemented by the officials of the organizations in missions and operations. Implementation of a broader security approach has often been the result of a battle for authority and autonomy between the organs of each organization leading to competition, or where actions have been complementary to one another, for example the EU's EULEX mission in Kosovo and NATO's KFOR operation.

Finally, because of the nature of the paths of broadening of the security organizations, a mixture of the concepts of collective, cooperative security and collective defence implemented by security organizations was observed. This mixture led to complementary and conflicting cooperation schemes and presented a different European security architecture than had been aspired to at the beginning of the 1990s. This is illustrated by the decisions taken at the NATO Summit in Wales (2014) in response to the Russian intervention in Crimea. A permanent placement of an institutionalized command structure and troops, as a deterrence tool towards Russia, could not be effected because Ukraine was a partner and not a member of NATO. Deterrence could not be effected either, because of the institutionalized relation, the NATO-Russia Founding Act, and the different interests of a heterogeneous group of allies.²²⁴ Furthermore, the EU's Article 42.7 of the Treaty of Lisbon was adopted in a security organization that was built on a broad security perspective, where internal security was mixed with external security, institutionally as well as in terms of capabilities. However, the EU's common defence article could never be self-sustainable, as it was linked to NATO's mutual defence clause. This interconnectedness intensified with the EU-NATO joint declaration on hybrid threats in 2016, accompanied by institutionalization. These hybrid threats carved right through the traditional division of collective defence on the one hand and collective and cooperative security on the other. By 2016, it was once again acknowledged by NATO, the EU and the OSCE that these threats could not be countered by one single security organization. The EU-NATO joint agreement was created to prevent competition and implied essential cooperation. It could be argued, therefore, that the European security model from the 1990s was on the table again, albeit in a different form.

Explaining the Paths of Broadening

This chapter analysed the paths of broadening of NATO, the EU and the OSCE individually and in comparison. The question is why the observed changes occurred and how this path theoretically can be explained.

The observed path of broadening evidently showed that states, acting in the domain of security and defence politics, influenced and decided upon cooperation schemes and created, changed or even ended institutionalized cooperation if this served their interest.

In the early 1990s, the aim was to create a European security architecture of interlocking institutions and a multilateral framework. However, it soon became clear to the hegemon in this intended architecture, the US, that replacement of NATO by a regional UN cooperative security organization, the OSCE, should not be pursued. The OSCE was not a military

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224 NATO Wales Summit, September 2014.

organization and strengthening or combining some kind of common defence agreement with Russia was not deemed desirable.²²⁵ As a result of the paths of broadening of the selected security organizations, the picture that emerged of the European security architecture was the following. After the debacle in the Balkans (1991-1995) and Somalia (1993), Europe and the US turned to NATO for military assistance in the Balkans, which took the form of Operation Allied Force (1999). From 2000 onwards, the operations in Afghanistan (2003) and Iraq (2003) were executed by a coalition of the 'willing and able' in combination with NATO and the EU for operations at the lower end of the spectrum of force. This scenario of the coalitions of willing and able, in combination with institutionalized security organizations, continued after the Arab storm, for example by the operations in Libya (2011) and Syria (2013). From 2013, the European states and the US turned to the EU to deal with security issues that implied a necessity for a broader approach, and to the OSCE for crises which none of the other two organizations were allowed or able to deal with, such as frozen conflicts and the Crimea crisis of 2014. Finally, states turned to NATO in the case of conventional threats, such as the 2014 crisis with Russia. This preference for a specific security organization, with a mandate for either collective defence or crisis management or a combination of both including additional capabilities, was driven by the shifts of interests of the member states and what the organizations had to offer, as explained by the rational choice institutionalists.

Another observation is the historical evolution of the paths of change. From its creation, NATO's 'constitutional' existence had been collective defence, which had enabled NATO to be of interest to states in need of deterrence capability. NATO's broadened its task with crisis management in the 1990s and 2000s. From 2014, NATO's original collective defence task was high on the agenda again; as a result of the path of broadening, however, collective defence was no longer comparable to the Cold War days and was linked to crisis management. Likewise, the EU path of change dealt with historical evolution, as claimed by the historical institutionalists, as the EU's origin lies in economic cooperation, and its venture into security and defence, and consequently its institutionalization, was built from there and offered a broader package of organs and capabilities than the security and defence domain alone could offer. Finally, the OSCE broadened its tasks in the field of cooperative security mainly in respect of human rights. Therefore, the scope of tasks of the OSCE did not broaden as much as that of the EU and the OSCE thus lost legitimacy when these tasks were not required.

Furthermore, although the selected organizations changed, they did not always change drastically in response to crises. The first time in NATO's history that the collective defence task - NATO's political and military solidarity clause - was invoked, as a result of the 9/11 attacks, did not result in a stronger institutionalized organization, and further down the road the solidarity among the allies was challenged. Although there had been some changes in mandate, tasks, instruments and institutionalization, the 9/11 event had not been ground-breaking for NATO's path of broadening. Likewise, although the Madrid terror

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225 Sloan, S., 'Is NATO Necessary but Not Sufficient?', in: Aybet, G., Moore, R.R., 'NATO in search of a vision', Georgetown University Press, 2010, p. 268.

attack of 2004 and the London terror attacks of 2005 had been critical junctures for the EU member states, the EU broadened gradually.

The analysis above of the observed paths of change cannot simply be explained by the more realistic approach within the new institutionalism. It was shown that states were not the only influencing actors in the field, as the implementation of the decisions that were made along the paths of broadening was ebbing away from the member states to the organs, specifically with regard to the complex crisis management tasks, which required cooperation with each other and many other actors in the field (e.g., the UN and NGOs).

Furthermore, as a result of broadening, missions and operations were more often than not coordinated by the organizations themselves, as explained by constructivist institutionalism, because coordination of these ad-hoc operations was required within and between the organizations. This necessitated specific expertise and capabilities on the part of the organs within and between the organizations.

Apart from the influence of the security organizations as actors, as a result of their expertise and capabilities, the EU and the OSCE focus on good governance, democratisation, judicial reform and development in all sorts of crisis management operations as normative powers and security communities, strengthened their attractiveness to state actors and as a result their actorness. Though NATO performed training activities and enabled the democratisation of armed forces, it was limited in the performance of the civil side of crisis management tasks.²²⁶

Moreover, to a certain extent the paths of broadening of the security organizations were linked, either positively or negatively, especially those of NATO and the EU; for example, the link between NATO's comprehensive approach and that of the EU and civil missions, which broadened NATO's scope. The OSCE path of broadening was negatively linked to those of the EU and NATO. In other words, the broadening of NATO and the EU did not strengthen but weakened the OSCE and the process of institutionalization among the three security organizations.²²⁷

Finally, whether one security organization was preferred above the other depended on several factors, including the preferences of key members, but also the attributes of an organization and the availability of alternatives. The territorial defence issues, for example, could best be dealt with by NATO or more recently by the EU. The OSCE has been the security organization for crises such as Ukraine and Georgia; conflicts situated on the European crossroads, frozen conflicts, or politically inconvenient conflicts within and between states. As a result, on the one hand the relevance and success of a security organization has indeed been dependent on state interests and membership. On the other hand, as well as state interests, the mandate and performance of security organizations, as actors, enabled them to be players in the field, depending on what they had to offer in terms of tasks, forms of cooperation, capabilities, funds and institutionalization. All this empowered

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226 Webber, M., Sperling, J., Smith, M. A., 'NATO's Post-Cold War Trajectory. Decline or Regeneration?', Palgrave Macmillan, 2012, p. 26.

227 Haftendorn, H., Keohane, R. O., Wallander, C. A., 'Imperfect Unions, Security Institutions over Time and Space', Oxford University Press, New York, 1999, p. 198.

the organizations to influence the interests and the norms and values of states and other organizations.

In short, the paths of change of the security organizations have directly or indirectly led to a broadening of the scope of tasks beyond a point of no return. The observed differences in the paths of change of the scope of tasks, in level and form, has led to a difference in the relevance and legitimacy of these specific security organizations.

4.7 Conclusion

This chapter looked at how and why change has led to a broadening of the European security organizations. The security organizations were analysed separately and in comparison in their path of broadening, measured according to the indicators of level and form of change.

The path of broadening changed from 1990 onwards and resulted in a varied course. From their creation, all security organizations of the European security architecture defined security in their treaties and agreements as a much broader concept than military security alone. Nevertheless, the new tasks or approaches (institutionalization) to insecurity differed and were the subject of debate, specifically with regard to the strategies, missions, tasks and mandates within the organizations. This resulted in a varied scope of mandate, tasks and institutionalization among the security organizations, including overlap, differentiation and linkage, where the concepts of collective defence, collective security and cooperative security were adopted but interpreted, institutionalized and applied differently by the individual security organizations. For NATO, collective defence remained its core business and cooperative security had been a means of survival to support this, whereas the OSCE adopted cooperative security as its *raison d'être*, but lacked capabilities and strategy. For the EU, they were both linked and had been a means to build the organization institutionally in the security domain.

