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

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Chapter 6

Chapter 6. The Path of Deepening

6.1 Introduction

Security and defence policy deal with the survival of the state and are consequently domains of high politics. Traditionally, therefore, one major characteristic of any international organization that deals with security and defence policy concerns the categorisation of authority of an international organization; member states are expected but not obliged to take action, cooperation will never be forced by an authority higher than the state, principally illustrated by NATO's Article 5 in the Washington Treaty (1949) and Article 51 of the UN Charter. Nevertheless, organizations are regarded as actors in their own right in this research and strengthening an organization's mandate in combination with processes of institutionalization reflects the legitimacy and power of these organizations and therefore makes the path of deepening an interesting one.

As well as the paths of broadening and widening, addressed in Chapters 4 and 5, this chapter discusses the path of deepening as the last path of change. As was explained in Chapter 2, deepening is defined as vertical institutionalization; in other words, it concerns the strengthening of the institutional framework of the organization and its counterparts. The questions are examined as to how and why institutional change has led to the deepening of the European security organizations. The security organizations are analysed separately and in comparison, showing what level and form of the path of deepening comprises, what its results are and what the variation is between the security organizations, and how this can be explained.

6.2 The Concept of Deepening; Under Institutional Construction

Deepening can result in different levels and forms of institutionalization, as was explained in Chapter 2. Deepening is about strengthening the institutional framework of the organization. The analysis of the path of deepening of the selected security organizations starts with the creation of the organization and follows with the development of institutionalization from there.

The path of deepening is measured (indicators) by the categorisation into level and form as the indicators of the path of deepening, as elaborated upon in Chapter 2.

First, an elaboration on the level of deepening is presented, comprising authority and autonomy. Autonomy of organizations can be defined as the process of the setup or extension of organs and resources (staff or administrative capacities, capabilities, possibility for sanctions, funding), which all indicate the path of deepening. Authority can be defined as the shift of decision-making power rules and procedures, from the national level to the level of the organization, or put otherwise, the distribution of authority from state to organizational level, either formally or informally. Decision-making then refers

to the procedures by which decisions are taken as political and legal instruments and the agenda-setting power of an international organization. So, the level of deepening can be measured by the results of institutionalization. In other words, the path of deepening can result in formal or informal organizations and organs (ad-hoc or more permanently institutionalized), high or low institutionalization (the institutional structure or the setup of the institutional framework), top-down versus bottom-up decision-making (initiated by member states or other actors in the field), a centralised or decentralised organization (central or spread out), political and/or treaty-based organizations and finally a possible mix of intergovernmental and supranational cooperation.

Second, since the increase in international organizations after the end of the Cold War, different forms of cooperation within and between organizations can be observed. In general, these different forms can be labelled as modular cooperation where different speeds, methods and levels of cooperation are observed, as was described in Chapter 2.

6.3 The NATO Path of Deepening

6.3.1 Introduction

The communist threat coming from the SU directly after the Second World War drove the European states into an alliance with the US to back up their security interests. The alliance between the US and European states during the Cold War was based on the transatlantic bargain; to counterbalance the SU, to contain and involve Germany in European security cooperation, to share the US burden of the global leadership role, and to empower Europe as a strong partner after the destructive world wars. As stated by the first Secretary-General of NATO, Lord Ismay: 'To keep the Russians out, the Americans in and the Germans under'.¹ As a result, NATO came into being in 1949, based on the Treaty of Washington.

This section examines the questions of how and why change has led to a deepening of NATO. NATO's specific path of deepening will be analysed in this section, focusing on the form and level as the indicators of the path of deepening from 1990 onwards.

6.3.2 Level of Deepening

The Creation of NATO: The Cold War

From its creation, NATO's mandate, laid down in the Washington Treaty, was not only deterrence and defence. According to the allies, NATO also had a role to play contributing to internal security, solidarity and cohesion, as stated in Article 2 of the Washington Treaty, which made NATO a 'security community' according to Deutsch.² Duffield stated that 'NATO has helped stabilise Western Europe, whose states had often been bitter rivals in the past. By damping the security dilemmas and providing an institutional mechanism for the development of common security policies, NATO has contributed to making the

1 Quote from first Secretary General of NATO, Lord Ismay.

2 Deutsch, K. W. et al., 'Political Community and the North Atlantic Area: International Organisation in the Light of Historical Experience', Princeton University Press, 1957, p. 5.

use of force in relations among the countries of the region virtually inconceivable.³ With its underlying military cooperation, NATO provided the principle of civilian democratic control to all European states that became members, under the umbrella of its Article 2.

As well as the security community that NATO provided, the organization created cooperation and interoperability in the military domain from 1952.⁴ The alliance provided internal assurance and stabilisation and avoided renationalisation of defence policy; interoperability has always been one of NATO's assets.⁵

During the Cold War, the Alliance deepened its structure from its creation and developed a well-institutionalized setup. The main function of these organs revolved around military cooperation, which over time became 'increasingly complex and subject to high levels of bureaucratisation'.⁶ Alongside the military committee and command structures, there were numerous committees within the sphere of political cooperation, such as the NAC and the Defence Planning Committee.⁷ Furthermore, the International Staff, composed of civil and military staff and headed by the secretary general, established another group of organs divided along functional divisions: defence planning, defence support, political affairs and scientific affairs.⁸ So although the NATO scope of tasks was limited, the structure was diversified and voluminous.

After the Cold War

After the end of the Cold War, as a result of the shift from the collective defence task, as NATO's main activity, to crisis management operations, new organs were created, such as the planning staff at SHAPE, accompanied by a crisis coordination centre responding to the new threats.⁹ NATO began to reshape its integrated command structure, which had been prepared for large-scale warfare, by reducing the number of major NATO headquarters from three to two and a reduction from sixty-five to twenty command headquarters, which finally led to a first revision of the complete NATO command structure in 1997.

After the enlargement rounds of 1999 and 2004, experience of numerous operations and the shock of 9/11, NATO's institutional structure changed again. For reasons of cohesion, solidarity and to enable more rapid consensus building and decision-making in response to enlargement, partnership and the changing security environment.¹⁰ The

3 Duffield, J., 'NATO's Function After the Cold War', *Political Science Quarterly*, Vol. 109, No. 5, p. 767.

4 Establishment of secretary general and permanent military headquarter.

5 Wallander, C. A., 'Institutional assets and Adaptability: NATO after the Cold War', *International Organization*, volume 54, Issue 04, September 2000, p. 723.

6 For an elaboration on the development of NATO's institutional structures during the Cold War: Webber, M., Sperling, J., Smith, M. A., 'NATO's Post-Cold War Trajectory. Decline or Regeneration?', Palgrave Macmillan, 2012, p. 27; Sloan, S. R., 'Defense of the West. NATO, The European Union and the Transatlantic Bargain', Manchester University Press, Manchester, 2016.

7 Webber, M., Sperling, J., Smith, M. A., 'NATO's Post-Cold War Trajectory. Decline or Regeneration?', Palgrave Macmillan, 2012, p. 27.

8 Idem.

9 Sloan, R.S., 'Permanent Alliance? NATO and the Transatlantic Bargain from Truman to Obama', The Continuum International Publishing Group, 2010, New York, p. 132.

10 For an elaboration, see: Hendrickson, R. C., 'Diplomacy and War at NATO: The Secretary General and Military Action After the Cold War', Columbia: University of Missouri Press, 2006.

summit in Prague (2002), as a result of the 9/11 attacks, led to different measures, focusing on the strengthening of capacities, needed especially from the European allies. The NATO Response Force (NRF)¹¹ was initiated, deepening the rapid response capacity and widening the geographical span, as was the Prague Capability Commitment (PCC) for strengthening capacities.¹²

As well as capacities, NATO's institutional structure deepened, alongside the broadening of NATO's tasks. The Alliance as a whole acquired more autonomy compared to the Cold War period, due to 'the more functional orientation of the Alliance, its stronger focus on political aspects, and the multi-layered dimensions of new missions'.¹³ On the military side, Secretary-General Lord Robertson succeeded in establishing an agreement on the reform of the Headquarters. Furthermore, 'Prague' led to a change in the command structure in which Allied Command Operations (ACO, Brussels, Belgium) became the responsible HQ for operations, and Allied Command Transformation (ACT, Norfolk, Virginia, US) became the responsible HQ for conceptual transformation.¹⁴ Simultaneously, the number of committees, still structured on conventional warfare, was reduced and 'decision-making was decentralised to lower levels, giving the International Staff a greater say'.¹⁵ The position of the secretary-general was enhanced due to the 'more political alliance which increased requirements for the secretary-general to consult and promote consensus' and a policy board was established. These developments must be seen in the light of the ongoing debate between the member states regarding a more political NATO, as was explored in Chapter 4.¹⁶

Again, as a result of new threats and the experiences of the various crisis management operations, the deepening of the instructional structure evolved and in 2010 a new Division for Emerging Security Challenges (ESCD)¹⁷ was set up within the International Staff. Not only rapid response and decision-making, but the broadening of the NATO tasks needed an answer to the new security challenges. The aim was to focus on issues that the Strategic Concept of 2010 explicitly covered.¹⁸ Based on an action plan and the adopted comprehensive approach, as discussed in Chapter 4, on 4 March 2011 the Council agreed on an updated list of tasks for the implementation of the Comprehensive Approach Action Plan.¹⁹ Furthermore, as a result of the broadening of tasks, the institutional structure was deepened with a Comprehensive Crisis and Operations Management Centre (CCOMC).

11 North Atlantic Council, Prague Summit, November 2002, par. 4a.

12 Ibid, par. 4c.

13 Mayer, S., 'Embedded Politics, Growing Informalization? How NATO and the EU Transform Provision of External Security', *Contemporary Security Policy*, Vol. 32, No. 2 (August 2011), p. 314.

14 NATO Prague Summit, November 2002, par. 4b.

15 Mayer, S., 'Embedded Politics, Growing Informalization? How NATO and the EU Transform Provision of External Security', *Contemporary Security Policy*, Vol. 32, No. 2 (August 2011), p. 313.

16 Mouritzen, H., 'In spite of reform NATO HQ still in the Grips of Nations', *Defense & Security Analysis*, 18 October 2013, p. 342-355.

17 A division that deals with non-traditional risks and challenges and will also provide NATO with a Strategic Analysis Capability to monitor and anticipate international developments that could affect Allied security.

18 NATO Strategic Concept, 2010.

19 March 2011, NATO.

The aim of the CCOMC was to bring together civilian and military expertise on crisis identification, planning, operations, reconstruction and stabilisation capabilities, as one of the instruments for preventive action.

The following Wales Summit agenda of 2014²⁰ was supposed to be the termination of the ISAF operation in Afghanistan. However, this summit was primarily overshadowed by the crises in Crimea and Ukraine. Not only was Crimea on the agenda, but other crises within and around NATO territory had to be addressed as well; terrorism, migration, the US requirement for a stronger European contribution to security and the crisis in the Middle East.²¹ As a result of different strategic interests and needs in response to the various crises, debates between Eastern and Western Europe and between the US and Europe increased. One of the issues was that the Russian threat was perceived as a traditional threat known to NATO and within its mandate, but the threats coming from the south, such as migration, necessitated a broader approach than solely the use of military capabilities.²²

All in all, the choice was made in Wales to renew the attention for NATO's task of collective defence and Article 5., Wales therefore coined the concept of reassurance for the Eastern members, translated into a readiness action plan (RAP), which included immediate reinforcement of NATO's presence in the eastern part of the Alliance.²³ This resulted in an increase of various forms of differentiated cooperation regarding flexible response and capacity building. The concepts of flexibility and modular cooperation were first introduced with the CJTF concept of the 1990s and the PCC of 2002.²⁴ Mostly, these initiatives were initiated by the US, requiring the Europeans to take more responsibility for their own security. This resulted in the reorganization of the NRF²⁵ and created an enhanced spearhead force, the Very High Joint Readiness Force (VJTF) as the high readiness element of the NRF.²⁶ The VJTF was set up for collective defence, but also strengthened the concept of differentiation and linked crisis management operations to collective defence, as was explained in Chapter 4. Furthermore, the NRF was initially designated for expedition warfare, but in Wales a further broadening and deepening of the mandate was adopted. Not only was the VJTF adopted on top of the NRF in Wales, a further differentiation was implemented with the Initial Follow-On Forces Group (IFFG). The IFFG was meant to consist

■
20 NATO Wales Summit, September 2014.

21 Since 2011 an ongoing civil war in Syria and Iraq, which led to many refugees to Europe. The Persian Gulf crisis is the result of intensified military tensions between Iran and the US and European allies in the Persian Gulf region together with the tensions over the Iran nuclear framework from 2015, which was elaborated above.

22 Keller, P., 'Divided by geography? NATO's internal debate about the eastern and southern flanks', p. 59, in: Friis, K., 'NATO and collective Defense in the 21st century. An assessment of the Warsaw Summit', Routledge focus, 2017.

23 Aimed at reinforcement of NATO's collective defence since the end of the Cold War.

24 NATO Prague Summit, November 2002.

25 Doc. MC 477; description by Military Committee of seven scenarios in which the NRF could intervene, varying from evacuation and rescue operations to acting as the initial entry force in a hostile environment at the high end of the spectrum of force. The NRF has army, navy, air force and special forces components. The enhanced NRF will consist of up to 40,000 personnel which in contrast with the 2002 NRF consisted of about 13,000 personnel.

26 NATO Wales Summit, September 2014.

of high readiness forces that deployed quickly following the VJTF. Subsequently, the Follow-on Force Group (FFG) was initiated, but without this quick reaction component.²⁷

In line with modular cooperation in combination with strengthening NATO's capabilities, even more concepts were initiated; the Connected Forces Initiative (CFI),²⁸ aiming at training, education and exercises, and the multilateral Framework Nations Concept (FNC) and the Joint Expeditionary Force (JEF),²⁹ based on the PCC initiative of 2002.

Finally, under the terms of the NATO-Russia Founding Act (2002), NATO was not permitted to station combat forces permanently in Eastern Europe, a red line in NATO-Russian cooperation. Nevertheless, with the consensus of the allies, the VJTF did take part in exercises in the eastern part of NATO. Furthermore, in 2015, a regional so-called Multinational Division Southeast in Romania had been established, spreading NATO's institutional structure and decentralising NATO's presence in Europe again.³⁰ But then again, although the NRF was also open to PFP countries, the VJTF concept was installed without the participation of PFP countries. Before 2014, the two worlds of NATO members and non-NATO-members were integrating more and more. From 2014 on, however, a division arose between the 'Article 5 world' and other NATO tasks and, consequently, its members. The idea of the VJTF was a very high readiness force a priori for a broad collective defence task, thus not including non-NATO members as a result of solidarity, intelligence sharing and possible conflicts due to the new threats.³¹

Of all the concepts with regard to modular and flexible cooperation, those of the JEF and the FNC were different, as they were outside the NATO framework. The FNC meant bottom-up cooperation based on the lead nation concept instead of the lead organization concept. The FNC was introduced by Germany in 2013, as an approach to joint capability development by clusters of nations and to emphasize Germany's and Europe's engagement with NATO.³² The core idea was to set up multinational units in which the bigger and more capable states could take overall responsibility for coordinating the contributions of smaller states in a capability package: the lead nation concept. The aim was to develop large units that were more capable and deployable for longer periods of time and that would provide a new impetus for multinational defence cooperation.³³

27 Abts, J., 'NATO's Very High Readiness Joint Task Force: Can the VJTF give new élan to the NATO Response Force?', NATO Research Paper no. 109, February 2015.

28 See: NATO, 'Connected Forces Initiative', 2016, available at: https://www.nato.int/cps/en/natolive/topics_98527.htm, accessed 3-9-2016.

29 A British initiative together with the Netherlands, Denmark, Estonia, Latvia, Lithuania and Norway outside NATO.

30 See: HQ MND-SE, 'Home Page', n.d., available at: <http://www.en.mndse.ro>, accessed 2-8-2018.

31 Kamp, K. H., 'The Agenda of the NATO Summit in Warsaw', Security Policy Working Paper No. 9/2015, Federal Academy for Security Policy.

32 Ibid, p. 304.

33 Nations participate jointly in the development of a coherent set of Alliance capabilities, facilitated by a framework nation. Linked to NATO shortfalls and capability targets they cluster around a lead nation. Two purposes: maintain existing capabilities and the multinational development of new capabilities in the medium to long term and establish a mechanism for collective training and exercises in order to prepare groupings of forces.

'Wales' was about readiness and responsiveness (training and exercise) as a reaction to the renewed Russian threat. For some allies, this was a game-changer in the European security architecture balance, putting Article 5 at the top of the agenda again and, in a way, representing a return to the flexible response strategy of the sixties.³⁴ Furthermore, the Wales summit reintroduced the importance of Article 5 with the reorganization of the NRF and the introduction of the VJTF. These were two of the many concepts to address the capability gap, but without the actual obligation of increasing capabilities.³⁵

On the one hand, the establishment of the 'Wales' NRF and VJTF were adjustments of existing structures and organizations, not an 'added military capability, but a reorientation of existing troops in an allied formation'.³⁶ On the other hand, all the initiatives of Wales strengthened modular and differentiated cooperation within NATO, as all these initiatives were built on multilateral cooperation and rotation schemes of NATO member states; inside and outside NATO and bi- and multilateral.

The follow-up summit, in response to the ongoing Russian threat, was the Warsaw Summit in 2016 entitled 'From reassurance to deterrence', operationalized by permanent rotating troops and multinational battlegroups,³⁷ which were implemented at the beginning of 2017 in the three Baltic states and Poland. These concepts again enhanced NATO's forward presence and strengthened the collective defence task of NATO on the basis of modular cooperation. This decision was a compromise between NATO allies in favour of enhancing the NATO presence in Russia's neighbourhood and the opponents, who were in favour of respecting the NATO-Russia agreements of 2002.³⁸ Germany, opposed to increasing the tension with Russia, had a strategic interest in dialogue and cooperation with Russia and pleaded for a revival of the NATO-Russia Council of 2002. Eventually, in line with prioritising collective defence again, the NATO allies guaranteed that any Russian aggression toward one or more of those allies would provoke a collective response.³⁹

Furthermore, during the Warsaw Summit, and as a follow-up to the Wales Summit, NATO adopted agreements on non-conventional threats as part of the NATO acquis. It was agreed that hybrid and cyberattacks would be seen as equal to conventional attacks and activation of Article 5 would therefore be required in such cases, broadening the content of Article 5.⁴⁰ Thus, cyberspace was adopted as a domain of operations, alongside land, air and sea; in response to that, it was institutionalized through the establishment of a Cooperative

34 The Flexible response strategy was a counterweight to the massive retaliation strategy. The strategy calls for mutual deterrence at strategic, tactical and conventional levels, to respond to aggression across the spectrum of war, not limited to nuclear arms.

35 Major, C., Molling, C., 'More teeth for the NATO tiger. How the Framework Nation Concept can reduce NATO's growing formation-capability gap', p. 33, in: Friis, K., 'NATO and collective Defence in the 21st century. An assessment of the Warsaw Summit', Routledge focus, 2017.

36 Ringsmose, J., Rynning, S., 'Can NATO's new Very High Readiness Joint Task Force deter?', p. 22, in: Friis, K., 'NATO and collective Defence in the 21st century. An assessment of the Warsaw Summit', Routledge focus, 2017.

37 Headed by the US, UK, Germany and Canada.

38 Ringsmose, J., Rynning, S., 'Can NATO's new Very High Readiness Joint Task Force deter?', p. 21, in: Friis, K., 'NATO and collective Defence in the 21st century. An assessment of the Warsaw Summit', Routledge focus, 2017.

39 NATO Warsaw Summit, July 2016, par. 15.

40 NATO Wales Summit, June 2016, par. 13.

Cyber Defence Centre of Excellence (CCDCoE).⁴¹ Nevertheless, this did not result in a change to NATO's mandate. As in all operational domains, NATO's actions were defensive, proportionate and in line with international law. Finally, cyber was integrated into NATO's smart defence initiatives, although not as part of the NATO command structure.⁴²

In addition, as was elaborated on above, NATO's military posture was revised several times during its existence, including the NATO command structure, the NATO force structure, force generation, and the recreation of military manoeuvre. In light of the deteriorating security environment after 2014, at Warsaw and Wales, it was again agreed that its command structure be reviewed.⁴³ Adaptions included the improvement of the movement of military forces across Europe and the strengthening of logistical functions across NATO, similar to the set up of the EU's plans for the creation of the military Schengen area.⁴⁴

Decision-making within NATO

NATO's legal basis and mandate were founded purely on the 1949 Washington Treaty. That Treaty has not been altered significantly ever since.

The NATO institutional framework is not built on policy mandates by treaties, but strategic concepts in which the aims, strategies and capabilities are determined.⁴⁵ These strategic concepts are set approximately every decade; they specify the challenges and signify the strategies applied in response to the security situation but also the position of other organizations. New policies, operations, enlargement and partnership programmes are set in summit meetings once every two years. The strategic concepts are often combined with doctrines, in which the necessary capabilities to achieve the goals set in the strategic concepts are defined. NATO's strategic documents must be seen as reactive documents in response to the threats and challenges identified. Whereas the strategic concepts have become a part of strategic communication to the outside world, doctrines are limited in distribution.⁴⁶ So, although the NATO organization is based on a legal document, the strategies and policies are built by political summits, often referred to by scholars as policy and institutionalization by practice.⁴⁷

With regard to the decision-making procedure, as a prime collective defence organization, NATO has always been a traditional consensus-building organization, an intergovernmental organization where unanimity was required. Throughout its existence, NATO has developed norms and procedures for making and implementing decisions with regard to military operations and enlargement, as Article 10 of the Washington

41 NATO Cyber Defence Centre of Excellence, 'Fact Sheet', December 2017, available at: <https://ccdcOE.org/>, accessed 7-7-2018.

42 NATO Wales Summit, June 2016, par. 72-73.

43 NATO Warsaw Summit, July 2016, par. 37.

44 A proposal by the Dutch Minister of Defence, Hennis-Plasschaert, in 2017.

45 Since the end of the Cold War there have been three Strategic Concepts: 1990, 1999, 2010.

46 For an elaboration on doctrine; Webber, M., Sperling, J., Smith, M. A., 'NATO's Post-Cold War Trajectory. Decline or Regeneration?', Palgrave Macmillan, 2012, p. 51-54.

47 Morillas, P., 'Institutionalization or Intergovernmental Decision-Taking in Foreign Policy: The Implementation of the Lisbon Treaty', *European Foreign Affairs Review* 16, Kluwer International, 2011.

Treaty prescribed.⁴⁸ In the light of NATO's tasks and unanimous decision-making, Article 4 encompassed a consultation duty in the event of a threat to the territorial integrity, political independence or security of the member states which precludes Article 5; a form of cascaded decision-making, as already explored in Chapter 4.

As an intergovernmental organization, decisions are made by the member states, institutionally framed in the NAC, chaired by the secretary-general. The NAC can meet at head of government, ministerial or ambassadorial level. Under the NAC is an elaborate committee system, which was built on a broad approach to security, including nuclear and cyber,⁴⁹ and consists of member state representatives. These committees are chaired by civil servants from the International Staff (IS).⁵⁰ One of the committees is the Military Committee (MC), which consists of the member states' chiefs of defence and is supported by the International Military Staff (IMS).⁵¹ In principle, the IMS is under member state control, since its seconded staff is rotated between Brussels and the national capitals. The NATO executive headquarters are supporting bodies, constrained and dominated by the member states.⁵² Although NATO's civil and command structure changed after the end of the Cold War, the number of employees and the annual budget have remained nearly constant.⁵³

So, decision-making within NATO formally required consensus and was built as an intergovernmental organization.⁵⁴ However, NATO's decision-making procedure of often led to disagreement between its allies. From the 1990s, decision-making deflected from consensus and sometimes changed into a consensus-minus-one voting system or a practice of abstention, which was not formally provided for in the Treaty. As a result, the consensus voting system itself was under debate on multiple occasions. In 2003, the US Senate passed a resolution to look for ways to enable NATO to act without full consensus and even to suspend difficult members from Alliance decision-making as a result of the crisis in Iraq (2003).⁵⁵ The least enthusiastic proponent for some kind of majority decision-making was, however, the US itself, as this would oppose US interest and sovereignty.⁵⁶ As Sloan stated, '...the consensus process clearly will need to be flexed from time to time, as it has been in the past, but it seems unlikely to be 'fixed'...'.⁵⁷

48 Wallander, C. A., 'Institutional assets and Adaptability: NATO after the Cold War', *International organisation*, volume 54, Issue 04, September 2000, p. 724.

49 For an elaboration on NATO's committee structure, see: *Idem*.

50 International civil servants.

51 National civil servants.

52 International Staff (IS), International military Staff (IMS), Allie Command Operations (ACO) and allied Command Transformation (ACT), n.d., available at: <https://www.nato.int/cps/en/natohq/structure.htm> accessed 4-5-2017.

53 Mouritzen, H., 'In spite of reform: NATO HQ still in the Grips of Nations', *Defense & Security Analysis*, 18 October 2013, p. 348.

54 If there is no consensus there is no vote, or the member states are requested to explicitly approve a decision. If a government does not approve the proposal, it can object in writing to the secretary-general.

55 US Congress, *Congressional Record-Senate*, May 8, 2003, S5882.

56 For an elaboration on decision-making within NATO: Michel, L., 'NATO decision-making: Au revoir to Consensus?' *National Defense University, US National Defense University Strategic Forum*, No. 2 August 2003.

57 Sloan, S. R., 'In Defense of the West. The European union and the Transatlantic Bargain', *Manchester University Press*, Manchester, 2016, p. 340.

Along with the operations in the 1990s, the operation in Afghanistan from 2003 showed even more that 'ISAF's effectiveness was handicapped by the fact that some countries were unwilling to allow their troops to engage in areas and operations that would put them at greater risk'.⁵⁸ This was a result of the system of national caveats that member states placed on the use of their forces in line with Article 51 of the UN Charter. This implied that the level of constraints was tied directly to the national interests of a state in a particular mission and the level of risk a state was willing to take, which is inherent to intergovernmental decision-making.

One of the results of the obligation to consensus voting was the occurrence of political and military decision-making occasionally outside NATO, such as in the operation Iraqi Freedom of 2003. The US and the UK were strong proponents of military action against Iraq and Saddam Hussein, while some European allies were strong opponents.⁵⁹ This disagreement resulted in the military operation Iraqi Freedom being organized outside the Alliance without the burden of 'troublesome members', such as Germany and France, who were opponents of military action in Iraq.⁶⁰ Furthermore, during the 2003 Iraq War, six Allies refused to deliver troops to NATO's training mission, although they did allow other countries to provide troops and did not block the operation.⁶¹ Shortly after the Iraq War, Belgium, France and Germany publicly announced their opposition, allowing NATO to begin planning to provide military assistance to Turkey without the consent of the UN Security Council.⁶² Although in a later stage, NATO did assist the operation with training and advice, after which Afghanistan became the prominent model for NATO's contribution to security and stability.⁶³ However, NATO engagement in the early stage of the war in Iraq was not operationalized, due to disagreement between the allies, which caused a solidarity crisis within the Alliance.

Prior to the operation Unified Protector in Libya (2003),⁶⁴ which again caused discord within the Alliance, Germany abstained from the UN resolution that sanctioned the use of force against Libya.⁶⁵ Germany did not withhold consensus in the NAC, but chose for the abstention variant of decision-making, and did not participate in the coalition operation. Likewise, Turkey was not a proponent of another invasion by NATO of a state in the Middle East, after Iraq in 2003, and did not want France to be in charge of a possible operation,

58 For an elaboration on decision-making in the context of the ISAF operation; Grandia, M., 'Deadly Embrace? The Decision Paths to Uruzgan and Helmand', Dissertation, University of Leiden, the Netherlands, 2 April 2015; Sloan, S. R., 'In Defense of the West. The European Union and the Transatlantic Bargain', Manchester University Press, Manchester, 2016, Chapter 7.

59 Sloan, S. R., 'In Defense of the West. The European union and the Transatlantic Bargain', Manchester University Press, Manchester, 2016, p. 190-192.

60 Operation Iraqi Freedom: US led coalition operation started on March 20 until December 2011. NATO supported the mission under the provision of UNSC resolution 1546, with training and mentoring of the Iraqi security forces, under the political control of the NAC.

61 For an elaboration on the relation between the US and Europe during the Iraq crisis: Terrif, T., 'Fear and loathing in NATO: The Atlantic alliance after the crisis over Iraq', Perspectives on European Politics and Society, Volume 5, 2004, p. 419-446.

62 Sloan, S. R., 'Defense of the West. NATO, The European Union and the Transatlantic Bargain', Manchester University Press, Manchester, 2016, p. 196.

63 NATO, 'Relations with Iraq', 2017, available at: https://www.nato.int/cps/en/natohq/topics_88247.htm, accessed 24-9-2018.

64 A NATO operation from 23 March 2011 enforcing United Nations Security Council resolutions 1970 and 1973 concerning the Libyan Civil War and ended on 31 October 2011.

65 UNSC Resolution 1973, March 17th, 2011.

or the EU for that matter. In contrast, France was an opponent of a NATO operation as it preferred an EU-led operation.⁶⁶

Although tasks and members changed after the end of the Cold War, and decision-making with regard to operations sometimes led to NATO debates or even crises with regard to the participation of NATO allies, the consequences for the decision-making procedure with consensus had been modest. Many concepts for the alteration of the decision-making procedure had seen the light of day, but the implementation of these plans had been disappointing, again due to debates amongst the member states, as outlined above.⁶⁷

While during the Cold War period the supreme allied commander (SACEUR) could initiate an operation, a kind of pre-delegation authority, after the end of the Cold War decision-making was first conducted within the NAC, at member state level (political side), and then delegated to ambassadors with the consent of the national parliaments.

Over the years following the Cold War, SACEUR had less power to deploy NATO units. After the Russian invasion of Crimea (2014), the debate about the procedures of employability were on the table again and, at a meeting in June 2015, it was decided that these procedures be changed. Defence ministers agreed that 'to enhance the ability to respond quickly and effectively to any contingency, we have significantly adapted our advance planning. We have also adapted our decision-making procedures to enable the rapid deployment of our troops'.⁶⁸ The aim was to speed up political and military decision-making procedures by strengthening the authority of SACEUR for advanced deployment planning. Although in the end, the NAC (e.g. the member states) decided, for instance, to deploy the VJTF, SACEUR was authorised to order units to prepare for deployment awaiting a decision by the NAC, and thus a new concept for advanced planning was introduced.⁶⁹ This pre-delegation enabled SACEUR to act quickly if necessary, aimed at a preventive and deterrent effect. However, this was not a completely new procedure: NATO had used pre-delegation in the context of the nuclear deterrent during the Cold War and during its operations in Kosovo and Afghanistan.

The planning of operations, for instance in Kosovo and Bosnia during the 1990s, as the NATO's first crisis management operations, differed from traditional Cold War Article 5 planning, which was drawn up and organized a long time beforehand. 'There was no way to know far in advance what forces member states would send to the operation. This meant that NATO planners were forced to develop a variety of theoretical options to present to their political leaders and hope that forces would be made available to implement the option selected by NATO officials'.⁷⁰ NATO's secretary-general had played an important role

66 For an elaboration on the positions of the Allies towards the Libya operation, see: Michaels, J. H., 'Able but not Willing. A critical Assessment of NATO's Libya Intervention', in: Engelbregt, K., Mohlin, M., Wagnsson, C. (Eds.), 'The NATO Intervention in Libya. Lessons Learned from the Campaign', Taylor and Francis Group, 2013.

67 For an elaboration on NATO's institutions, see: Mouritzen, H., 'In spite of reform: NATO HQ still in the grips of nations', *Defense & Security Analysis*, 29:4, p. 345.

68 NATO Wales Summit, June 2015.

69 Meeting of the NATO Defence ministers, Brussels, June 2015.

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

in shaping the strategic vision and an increasing institutional role since the end of the Cold War with regard to enlargement and out-of-area operations, and he could even be regarded as an independent agent within NATO shaping structure and tasks.⁷¹ Furthermore, with the increase of numerous and diversified crisis management operations, the expertise in preparation and conduct of operations and coordination between the different allies, partners and other international organizations became indispensable.⁷²

In the 1990s, the planning and conduct of crisis management operations lacked any experience, as NATO was mandated with Article 5 operations. Inherent to crisis management operations was the day-to-day reality that the threats and risks changed during these operations and became more diffuse. Practice had thus shown that every operation was implemented case by case, due to ever changing operational circumstances and participators. Likewise, the caveats and the member state prerogative principle of 'costs lie where they fall' played an important role. According to Sloan, the result of NATO's intergovernmental decision-making and the dependence on member states to provide NATO operations with capabilities resulted in decision-making, planning and the conduct of operations by NATO officials as a driving force of NATO operations from the (political) strategical level to the military tactical level.⁷³

Along with crisis management operations, the planning and conduct of rapid response operations required other elements with regard to decision-making. With the implementation of rapid response concepts like the NRF and VJTF, apart from the different national decision-making procedures, the decision-making procedures of NATO passed through a series of stages before they could be deployed and moreover involved different actors, which compromised decision-making while the aim had been rapid response decision-making.⁷⁴ Overall, among these actors were NATO's organs and staff which, due to their expertise, played an important role with regard to rapid response operations.⁷⁵

Hence intergovernmental decision-making by consensus was not always achieved and, as a result, NATO officials and organs played an important role in setting the agenda or influencing the decision-making. Already in the Kosovo campaign 'Flexing of NATO's consensus procedure could be implemented to ensure that NATO commanders are

71 For an elaboration on the role of NATO's secretary-general, see: Hendrickson, R. C., 'NATO's Secretaries-General: Organizational Leadership in Shaping Alliance Strategy', Chapter 3, in: Aybet, G, Moore, R. R., 'NATO in search of a vision', Georgetown University Press, 2010.

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

73 Idem; Grandia, M., 'Deadly Embrace? The Decision Paths to Uruzgan and Helmand', Dissertation, University of Leiden, the Netherlands, 2 April 2015.

74 Planning and conduct of decision-making procedure of the rapid response forces; 1. When a crisis escalates, the NAC, through the MC, instructs the SACEUR to explore deployment options. 2. The MC submits advice on the deployment options. 3. The NAC makes a decision based on this advice. 4. SACEUR draws up an operation plan elaborating on the option chosen by the NAC. 5. The MC gives its advice on the operation plan. 6. The NAC approves the operation plan and instructs SACEUR to initiate deployment. For an elaboration, see: Ringsmose, J., Rynning, S., 'Can NATO's new Very High Readiness Joint Task Force deter?', NUPI Policy Brief, bind 15, Norwegian Institute of International Affairs, 2016.

75 Advisory Council on International Affairs, 'Deployment of Rapid-Reaction Forces', No. 96, October 2015.

delegated sufficient authority to run a military operation without frequent resort to the North Atlantic Council for detailed guidance'.⁷⁶

As a result of the intergovernmental decision-making procedure, NATO developed several scenarios for decision-making in the case of Article 5 and non-Article 5 operations. First of all, the formal consensus decision-making procedure, including the consent of all the member states, was principally based on a UN, or for that matter OSCE, mandate. In addition to that, in practice a second scenario developed, where actions in support of crisis management operations were taken on the basis of a major power consensus or even outside that consensus. A third scenario was to execute operations without a UN mandate or even a major power consent, such as the operation Allied Force in 1999, although until now, Allied Force has been a unique situation.

Although tasks, members and forms of cooperation of NATO changed, over the years there have therefore been no significant changes in NATO's formal decision-making procedure, as for an intergovernmental organization consensus remained the starting point, but became flexible depending on the situation.⁷⁷ Formal change of the decision-making procedure could be prevented by a simple veto, which was not helpful for the member states who were proponents of changing the decision-making procedure formally. As a result, decision-making took place in other forms and levels, inside and outside NATO structures.

6.3.3 Form of Deepening

As well as the level of deepening as described above, NATO changed in different forms. The first step towards the initiative of differentiated cooperation within the Alliance after the Cold War was the ESDI. The idea of a common defence capability within Europe was introduced as part of the EU Treaty of Maastricht of 1992. On the one hand, the idea behind the ESDI concept was the possibility of a European pillar within NATO for European states to take the initiative for operations, with the consent of all the NATO states but not with the necessary participation of all the NATO states, mostly supported by France.⁷⁸ On the other hand, the ESDI could facilitate the opportunity for the European allies to assume greater responsibilities for defence within the Alliance, supported by the US in the light of the burden-sharing debate.

Another concept that was adopted after the end of the Cold War, with regard to modular cooperation, was the concept of CJTF, elaborated on in Chapter 4, adopted at the Brussels Summit in 1994.⁷⁹ The CJTF concept was based on ESDI and the idea was that flexible NATO structures and assets could be made available for future military missions

76 Sloan, S. R., 'Defense of the West. NATO, The European Union and the Transatlantic Bargain', Manchester University Press, Manchester, 2016, p. 340.

77 Mouritzen, H., 'In spite of reform: NATO HQ still in the grips of nations', *Defense & Security Analysis*, 29:4, p. 352.

78 North Atlantic Council, 'Development of the European Security and Defence Identity (ESDI) Within NATO', 1994, ESDI was created as a facilitating mechanism for an enhanced EU role in NATO.

79 Declaration of the Heads of State and Government, 10-11 January 1994, par. 1.

led by the WEU 'if NATO as a whole was not engaged'.⁸⁰ The CJTF concept implied that NATO and non-NATO forces could operate jointly, 'while always drawing on the mechanisms and structures provided by the Alliance as a whole', in other words together but not in membership for crisis management operations.⁸¹ The intention was to give NATO structures that were more flexible and forces that were more mobile for contingency operations. It is significant to mention that these operations required unanimous decision-making, but did not require the participation of all the members.⁸² The CJTF concept was also based on the concept of 'coalitions of the willing and the able', where states cooperate outside an institutionalized framework of an international organization.⁸³ Furthermore, the CJTF concept was, according to Ruggie, one of the most important steps in NATO's path of change. 'CJTFs contribute to diversifying NATO's mission, building a European security and defence identity within NATO, enhancing NATO's Partnerships for Peace with the countries of Central and Eastern Europe as well as the former Soviet republics and as a result, CJTFs have been a key factor in France's military rapprochement with NATO'.⁸⁴

The next step of differentiated and modular cooperation was the adoption of the NATO Response Force, the NRF, as was described above. The NRF was adopted at the Prague Summit of 2002 and was supposed to be deployable for both collective defence and crisis management tasks. This was in contrast with the 'deep military integration'⁸⁵ efforts of the Cold War days, encompassing all the member states⁸⁶ and based on inclusive NATO membership and decision-making. Finally, after years of capability shortfalls and political indifference with regard to the NRF, it became operational in 2006, but the employability situation hardly improved.

The reasoning behind the modular and more flexible defence cooperation between European countries was the strengthening of political ties and solidarity, the improvement of military capabilities (mainly of the European states), the deployment ability and interoperability, efficiency, the increase of heterogeneity of the Alliance as a result of enlargement and to reduce the unnecessary duplication of military assets and defence spending cuts.

Most of the initiatives for the concepts of modular cooperation came from the US. In response to the 9/11 attacks, US Secretary of Defense, Donald Rumsfeld, even stated that 'if NATO does not have a force that is quick and agile...then it will not have much to offer the world in the 21st century'.⁸⁷

80 Declaration of the Heads of State and Government participating in the meeting of the North Atlantic Council ('The Brussels Summit Declaration'), 11 January 1994.

81 Reichard, M., 'The EU-NATO Relationship. A Legal and Political Perspective', Ashgate, 2006, p. 114.

82 The Bosnian Peace Implementation Force is an example of a NATO operation under the flag of CJTF.

83 Kay, S., 'NATO and the Future of European Security', Rowman & Littlefield, 1998, p. 132.

84 Ruggie, J. G., 'Consolidating the European pillar: the key to NATO's future', *The Washington Quarterly*, January the seventh, 1997, p. 114.

85 NATO terminology.

86 Waever, O., 'Cooperative Security: A New Concept?', in: *Cooperative Security: NATO's Partnership Policy in a Changing World*, Flockhart T. (eds.), DIIS Report 2014:01, Copenhagen, p. 57.

87 US Secretary of Defense Donald Rumsfeld, at NATO Defense Ministers meeting, Warsaw, September 2002.

As a result of the Chicago strategic concept of 2010, modular cooperation was enhanced with the concept of 'smart defence' and the concept of 'frontier integration'.⁸⁸ Like the NRF, smart defence enabled states to cooperate on a multilateral basis under the NATO flag. Furthermore, during the Chicago Summit, the 'Lisbon Capability Packages' were introduced, which identified critical capabilities, as a follow-up to the Prague Capability Commitment of 2002, and enabled the funding for several multinational and modular projects.⁸⁹ These capability packages were intended to force the member states to deliver the necessary capabilities. In practice, these shopping lists mostly remained paper shopping lists without the desired 'groceries'.

Apart from the increase in modular cooperation with regard to operational and capability development, the NATO operations exposed the same scenario. The operation in Libya of 2011 showed that NATO had become more and more an alliance 'of variable contributions and led to growing divisions among the members', as the initiation and execution of the operation was taken by different coalitions; paid for by the Americans and executed by the French.⁹⁰

After Russia's annexation of Crimea (2014), again the debate arose between the allies about the role and function of the different modular cooperation forms. Whereas the Eastern allies had a preference for deployment of the NRF for collective defence tasks, the Southern allies preferred the possibility of deploying the NRF for other tasks as well. Finally, at a meeting of ministers of defence in June 2015, it was decided that the NRF could be expanded.⁹¹

Allied Cooperation outside NATO

In contrast with modular cooperation within the Alliance, a trend had been noted of informal cooperation where states were looking for new forms and alliances of ad-hoc cooperation. This started with the setting up of contact groups during the crisis management operations in the 1990s, along with the institutionalized cooperation within organizations like the UN and NATO. This trend was continued with the choice of the Americans in 2001 to keep Operation Enduring Freedom (OEF) in Afghanistan (2001) outside the NATO framework. The choice for coalitions of willing and able to conduct operations was the result of different reasons: political indifference towards initiatives like the NRF, the desired freedom of action in operations, the increasing heterogeneity of the group of NATO allies due to enlargement, reservations of member states about the deployment of their own forces, with troop supply required simultaneously to the units of the NRF and EUBGs, which led to an overlap.⁹² All this highlighted that the actual deployment of the NRF had fallen short, just like the EUBG, of the high level of military ambition.

88 NATO, 'Smart Defence', 2017, available at: https://www.nato.int/cps/en/natohq/topics_84268.htm, accessed 9-11-2017.

89 NATO Strategic Concept, 2010.

90 Sloan, S. R., 'Defense of the West. NATO, The European Union and the Transatlantic Bargain', Manchester University Press, Manchester, 2016, p. 272

91 From 13,000 to 40,000 troops. Meeting of the NATO Defence ministers, Brussels, June 2015.

92 The NRF has been deployed several times, though not in military operations as originally the main task: providing support during the Afghan presidential elections in 2004, patrolling the skies of Athens during the Olympic games in 2004, providing humanitarian support operations in the US and Pakistan in 2005.

6.3.4 *The NATO Path of Deepening*

Reflecting on NATO's path of deepening, the organization changed in level and form, where broadening and widening was accompanied by deepening.

As well as being a military organization, NATO can be regarded as a political organization. From its creation, the Washington Treaty described NATO as a forum for consultation between the allies with respect to security and defence issues within the transatlantic area. This task broadened with the extension of the scope of tasks as well as with the dialogue and cooperation programmes after the end of the Cold War.⁹³ After all, decisions towards broadening and widening had to be made by consensus and required consultation between the member states. With the London declaration (1990), the intention was already to broaden NATO's political dimension. The traditional political mission was built on Article 2 of the Washington Treaty (1949): the defence of the western values and interests. As a consequence, NATO can also be judged as a norm- and value-based organization for the allies as well as the partners, where dialogue, cooperation and partnership were the aim. As Solana stated in 1999, 'What unites us are shared interests, not shared threats'.⁹⁴

Nevertheless, although NATO had become far more political than it had been during the Cold War in comparison to the EU's foreign and security policy, NATO had not evolved into a truly political organization. In contrast, NATO had mainly been about military cooperation, although not military policy cooperation, rather policy alignment. And although a more political NATO had been on the agenda, the political power of NATO declined due to contact groups for diplomatic and political dialogue, coalitions of willing and able for military operations and the large heterogeneous group of allies with diversified interests and capabilities. NATO's historical collective defence task, operating in the domain of high politics, fitted well within the consensus procedure. However, from the 1990s, complex operations such as KFOR and ISAF, the diversity of threats and the diversification of the allies' interests that NATO had to deal with led to numerous debates within the Alliance regarding the authority and autonomy of NATO. Diversity instead of unanimity and solidarity grew, and challenges with regard to decision-making, sovereignty and disagreement had to be overcome. The last decades proved that it was politically difficult to create international cooperation. Although NATO's path of deepening changed in level and form, NATO has not deepened much more since 2010, limited by its mandate and the diversity of member states' interests.

As a result, security related political consultations among the member states diverted internally and externally from the NATO organization. A split was made between routine consultation, placed under Article 4, and Alliance solidarity and military defence under Article 5, as discussed in Chapter 4. Furthermore, this resulted in a takeover of tasks by states instead of the organization, by modular forms of cooperation or even other international organizations.

93 Webber, M., Sperling, J., Smith, M. A., 'NATO's Post-Cold War Trajectory. Decline or Regeneration?', Palgrave Macmillan, 2012, p. 27.

94 Secretary-General Solana press statement at the NATO Rome Summit, 25 January 1999.

Change within NATO is often described as a process of transformation⁹⁵ and NATO itself as a process-oriented organization in contrast with a rule-based organization. Policy and institutionalization are developed by practice: a hands-on organization. According to some, the method of change had not been streamlined or built on a strategic vision, but based on debate and incremental steps of change as a result of the operations and with that the development of the accessory institutional structures and capabilities.⁹⁶ In other words, tasks and structures were linked to the operations instead of long-term strategical interests and rationales. On the other hand, as political decision-making is required before the execution of operations, decision-making has led to a primacy of bureaucratic procedures, either military or civilian, instead of political attention and decision-making.

With regard to the form of the path of deepening, variable concepts of modular cooperation were integrated into NATO's path of change for decision-making, institutional structure, capability development and operations. Most concepts were initiated by the member states, especially the US, and were often further developed by NATO organs as NATO operations and members and partners increased. Nevertheless, most of the concepts were not executed as originally formulated or intended, for example, the NRF. Reflecting on NATO's path of deepening, NATO changed in level and form, where broadening and widening was accompanied by deepening.

6.3.5 Conclusion

This section examined the questions of how and why change has led to the deepening of NATO. From the analysis of NATO's path of deepening, the subsequent main periods of change can be identified. As NATO broadened its scope of tasks and members and partners, it was accompanied by change in its path of deepening, politically as well as military. Furthermore, along with institutional strengthening, NATO imported the concept of modular cooperation, either driven by states or organs.

Hence from the end of the Cold War, NATO deepening has led to institutional changes with regard to structure, decision-making, adjustments of the military structure, posture and necessary capabilities and the adoption of different forms of cooperation within the organization. Initiatives for change have come from member states and organs reacting to the security environment and other international actors: the EU. Not only has deepening led to a strengthening of the institutional structure, flexibilization and an increase in modular cooperation were observed at the same time, both inside and outside the organization. The latter has resulted in cooperation of coalitions outside the NATO structure and with other organizations.

95 For an elaboration; Korteweg, R., 'The superpower, the bridge-builder and the hesitant ally: How defence transformation divided NATO 1991-2008', 2011.

96 Palmer, D. R., 'Taking Stock, Looking Ahead. Two decades of NATO operations', 2012, available at: <https://www.nato.int/docu/review/2012/chicago/stock-looking-ahead/en/index.htm>, accessed 2-4-2017; Lindley French, J., 'NATO: The Enduring Alliance', Routledge, 2015.

6.4 The EU and its CSDP Path of Deepening

6.4.1 Introduction

The end of the Cold War gave an impetus to security and defence policy within the European integration process with the Treaty of Maastricht in 1992. The Treaty of Maastricht created a single institutional framework, the EU. The EU was built on a three-pillar structure, where foreign and security policy formed the second pillar, implying intergovernmental decision-making. Furthermore, reference was made to the possibility of a common defence in the future. So after decades of debate between the member states, the Treaty of Maastricht became the starting point for the development of a European security and defence policy. This section asks the questions of how and why change has led to the deepening of the EU. The EU path of deepening will be analysed in this section, focusing on the form and level as the indicators of the path of deepening from 1990 onwards.

6.4.2 Level of Deepening

Common Security and Defence Policy: After the Cold War

The new Europe, at the end of the end of the Cold War, was institutionalized with the Maastricht Treaty.⁹⁷ The unification of Germany, the withdrawal of American troops from Europe and the Balkan wars were some of the reasons for Europe to embark on a European foreign, security and defence policy.

'Maastricht' offered the EU possibilities for a genuine foreign, security and defence policy. First, from the start, it facilitated a comprehensive approach towards security, stating that the CFSP included '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'.⁹⁸ Second, the Maastricht Treaty introduced a new legal instrument, a possibility for a 'joint action' by the member states to support the CFSP decision-making processes.⁹⁹ This empowered the mobilisation of common EU assets, for instance from the Commission, for security issues. Third, the CFSP enabled a closer consultation and coordination process between member states on security policy and common objectives of the EU. This connected the EU security policy directly to other policies and thus adopted, from the start, a much broader approach to security issues.

From 'Maastricht' onwards, therefore, the EU operated a security policy. The US was in favour of a stronger Europe, as they expected this to result in burden sharing, whereas the British were opponents. Most of the 'old' European states on the continent were proponents of a European security and future defence pillar, except for the Scandinavian countries. The 'new' Central and Eastern European countries were likewise proponents of a European security and defence pillar, but as a facilitator not a takeover of the state;



97 Although the initiatives for a European army were launched before, like the Pleven Plan. The Pleven Plan was a French initiative of the premier in 1950 for a supranational European Defence Community, which was ultimately refused by the French assembly.

98 The Treaty on European Union, 7 February 1992, Maastricht, Article J4.

99 The Treaty on European Union, 7 February 1992, Maastricht.

the EU was there to support the existence of the state.¹⁰⁰ As a result of these differentiated positions together with a broader EU institutional heritage, the EU's security and defence policy changed constantly, swinging between supranational and intergovernmental traditions and developed under the umbrella of the NATO security guarantees, and linked the EU to NATO in capabilities and operations.

The operational starting point of Europe's step into the security arena was made by the Petersberg Declaration by the WEU in 1992, as discussed in Chapter 4.¹⁰¹ The European leaders agreed at 'Maastricht' that the WEU formed an integral part of the EU, tasking it to implement decisions and actions with defence implications.

Nevertheless, the Maastricht Treaty did not provide the EU with an institutional framework regarding security and defence policy, nor military capabilities, due to the differentiated positions of the states of interest. Furthermore, although the WEU became an integral part of the EU, a possible merger of the WEU into the EU did not find consensus among the member states at that time. The member states could not agree on the EU's relation to NATO with regard to Article 5 and the capabilities issue. The British and German governments saw ESDP as one institutional option among many and wanted the EU's ESDP to play a supportive role to NATO. In contrast, the French government insisted on the autonomy of CSDP.¹⁰²

As a result of the experiences of the EU and NATO member states in the Balkan Wars, the US military withdrawal from the European continent and the lack of an EU supporting institutional framework, the EU's ESDP was strengthened with the Treaty of Amsterdam (1997).¹⁰³

'Amsterdam' strengthened the relationship between the EU and the WEU and placed the broadened Petersberg tasks of the WEU under the ESDP.¹⁰⁴ The ambition of some EU member states for the EU was to be capable of autonomous operations, separate from NATO, although this aim was not shared by all EU member states.

However, to deepen the institutional structure it was agreed that the EU and the WEU would in future work institutionally closer together with the aim of possible integration and new arrangements were therefore provided. These included the adoption of institution building and new mechanisms regarding the decision-making process. The post of High

100 Segers, M., *'Reis naar het continent. Nederland en de Europese integratie, 1950 tot heden'*, Prometheus, 2013.

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

102 For an elaboration on the position of France towards EU's CSDP, see: Michel, L., 'Cross-currents in French Defense and U.S. Interests', Institute for National Strategic Studies, Strategic Perspectives, No. 10, Washington, D.C. April 2012; G., Biehl, H., Giegerich, B., Jonas, A., (Eds.), 'Security Cultures in Europe. Security and Defense Policies across the Continent', Springer, 2013; Schmitt, O., 'The Reluctant Atlanticist: France's Security and Defense Policy in a Transatlantic Context', *Journal of Strategic Studies*, Taylor and Francis Group, 2016.

103 Although this did not provide a solution to the position of the neutral-observer states, like Denmark, which had an opt-out regarding defence policy ever since the Treaty of Maastricht, 1992.

104 Treaty of Amsterdam, amending the Treaty on European Union, 2 October 1997, Article J. 7.

Representative was installed to assist the Council and the Presidency with the preparation and implementation of policy decisions. For the first time, EU security and defence policy was given a 'face' for the inside and outside world. This institutionalization redressed the comment made by the American secretary of state Kissinger as to who should be called upon when Europe was needed.¹⁰⁵ The aim of the institutionalization of a CFSP coordinator in relation to the member states was to improve the visibility, clarity and efficiency of the CFSP, as the EU was often accused of being ineffective with regard to decision-making and internal rivalry of the organs.¹⁰⁶ In relation to that, a Policy Planning and Early Warning Unit (PPEWU) was institutionalized as a mechanism to provide the Council with an early warning capability and joint analysis capacity. In relation to decision-making, the concept of constructive abstention was introduced.¹⁰⁷ This mechanism made it possible for member states to abstain in a CFSP related vote without blocking a unanimous decision in the Council, an EU tradition spill-over to security and defence policy.

Building European Security and Defence

The summit between the British Prime Minister Blair and the French President Chirac in St. Malo was a boost for European security and defence cooperation.¹⁰⁸ This was a somewhat remarkable step from the British side, as they were not a strong proponent of European integration. Nevertheless, from the British perspective, the European security architecture was changing and a stronger EU was necessary as a European pillar of NATO. The UK saw a role as a bridge builder between the US and Europe and had to take a position in an ever-growing EU, as was described in Chapter 4. The British government therefore concluded that the EU had to take more responsibility, while simultaneously remaining the transatlantic link with the UK as an anchor.¹⁰⁹ Furthermore, Prime Minister Blair favoured a policy of constructive engagement towards the European integration process in contrast with his predecessors. France, on the contrary, had been a proponent of an autonomous European security and defence policy to balance the US power in NATO and simultaneously complement NATO.

As a result of this summit, the first step was made towards autonomous action of the EU with credible military capabilities and inclusion of the Petersberg tasks. However, it was confirmed between the allies that these capabilities should not challenge the role of NATO, as it was stated the EU should act 'in conformity with the respective obligations in NATO', which actually linked the EU and NATO for the first time.¹¹⁰



¹⁰⁵ The debate still continues as to whether Kissinger actually made the statement.

¹⁰⁶ Lodge, J., Flynn, V., 'The CFSP After Amsterdam: The Policy Planning and Early Warning Unit', *International Relations*, Volume XIV, no. 1, April 1998, p. 7.

¹⁰⁷ As a general rule, all decisions taken with respect to the EU's Common Foreign and Security Policy are adopted unanimously. However, in certain cases, an EU country can choose to abstain from voting on a particular action without blocking it. This could arise, for example, where the EU proposes to condemn the actions of a non-EU country.

¹⁰⁸ Franco-British St. Malo declaration, 4 December 1998.

¹⁰⁹ 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. 139-166.

¹¹⁰ Franco-British St. Malo declaration, 4 December 1998.

As a result of the events in the 1990s, as elaborated on above, numerous Council meetings were initiated, deepening the ESDP's institutional structures and crisis management capabilities. In Helsinki (1999), the European Council stated '...its determination to develop an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises. This process will avoid unnecessary duplication and does not imply the creation of a European army'.¹¹¹ Furthermore, in Helsinki, the ESDP was given more substance by initiating its Headline Goal aimed at a European rapid reaction force.¹¹² Together with the Headline Goal, the Council initiated the modular concept of battlegroups (BG) within the field of crisis management operations, necessary for a rapid response capability and which members should provide in small forces at high readiness.¹¹³

As Europe had no adequate answer to the Balkan and Kosovo crises, the 2001 European Council meeting in Nice¹¹⁴ genuinely deepened and formalised the ESDP by integrating it into the EU's institutional structure. In 'Nice', the Political and Security Committee (PSC), was established as the central organ in the ESDP. The PSC was a permanent treaty-based body with a mandate to contribute to the definition of policies on its own initiative.¹¹⁵ And after the start of building a political and civilian institutional structure for security and defence policy, a military structure could not be overlooked. Hence the establishment of the EU Military Committee (EUMC) and the Military Staff (EUMS), copied from NATO's institutional structure.¹¹⁶ Where the PSC was to 'exercise, under the responsibility of the Council, political control and strategic direction of crisis management operations', the EUMC was the highest military body, which directs all military activities, in particular the planning and execution of military operations. The EUMS, under the High Representative and the EUMC, coordinates these military operations and missions.¹¹⁷ Furthermore, with the Treaty of Nice, the ESDP had officially taken over the tasks of the WEU, except for the mutual defence commitment of the Brussels Treaty (1954).

Finally in 2003, in response to the solidarity crisis that emerged between the US and some European states in the wake of the Iraq crisis (2003) and the threats and challenges referred to above, the need was felt to articulate a vision. And so High Representative Solana presented the first European Security Strategy (ESS): 'A secure Europe in a better world'. The ESS approached security in a comprehensive manner with a mixture of civilian and military instruments, way beyond the Petersberg tasks, covering all the aspects of foreign and security policy comparable to and in line with its institutional structure and

111 European Council, Helsinki, 10-11 December 1999.

112 A force of 50,000-60,000 troops, deployable within 60 days and sustainable for at least one year, by 2003, European Council, Helsinki, 10-11 December 1999. To be able to deploy within 60 days and sustain for at least 1 year military forces of up to 50,000-60,000 personnel capable of the full range of Petersberg tasks.

113 Joint and combined troops of 1000 up to 1500, deployable within 5 to 10 days.

114 Treaty of Nice, 26 February 2001.

115 Treaty on European Union, 1992, art. 38

116 Varwick, J., Koops, J., 'The European Union and NATO: 'Shrewd Interorganizationalism' in the Making?', in: Jorgensen, K.E., 'The European Union and International Organizations', Routledge, London, 2009, p. 116.

117 The institutional structure outlined in the annex of the Presidency Report of the Nice European Council, 2000.

widening EU's geopolitical scope.¹¹⁸ For the proponents, the ESS provided the opportunity to show the US that the EU was engaged with strengthening European security. For the opponents, the ESS provided the opportunity to show that the EU was active in an autonomous security and defence 'business'.

As a result of 'St. Malo', 'Helsinki' and 'Nice', the UK thus became a driving force behind the EU's defence policy and linked the EU to NATO. Furthermore, this provided the EU with an institutionalization of the security and defence policy, a combination of military and civilian crisis management tools and autonomous decision-making institutions within the security and defence domain.¹¹⁹

Further Building of European Security and Defence

After a decade of negotiating a European constitution,¹²⁰ with the intention of replacing the existing EU treaties as a result of the process of broadening, the Treaty of Lisbon was signed in 2009.¹²¹ The Treaty of Lisbon had a similar ambition to strengthen the EU by enhancing its institutional coherence and effectiveness. Furthermore, the EU's security and defence policy were given a prominent place in the Treaty and several institutional measures were taken.

One of the first changes of the institutional structure was the creation of the position of the High Representative of the Union for Foreign Affairs and Security,¹²² combined with the position of the Vice-President of the European Commission (the former Commissioner for External Relations), who became responsible for the CFSP and the CSDP.¹²³ This position became double-hatted, which linked security and defence policy to the broader EU policies¹²⁴ and gave the EU's foreign security and defence policy even more political visibility. An important step into deepening the CSDP, because until then the former ESDP High Representative had not had the same political, security and military tools that were available to NATO's Secretary-General. So, the EU 'copied' this position for the High Representative, with a mandate of highly intensive diplomatic power in the region.¹²⁵ Two positions, that of the High Representative and the Commissioner for External Relations, were thus merged and this symbolised the disappearance of the pillar structure from the

118 Security Strategy for Europe, 'A Secure Europe in a Better World', 2003. The implementation of the ESS of 2003 was reviewed in 2008: European Union, 'Report on the implementation of the European Security Strategy - Providing Security in a Changing World', 2008, available at: https://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/104630.pdf, accessed 3 November 2016.

119 For an elaboration: Howorth, J., 'European Integration and Defence: The Ultimate Challenge?', Chaillot paper no. 43, WEU-ISS, 2000; Ojanen, H., 'Participation and Influence. Finland, Sweden and the Post-Amsterdam development of the CFSP', Occasional Paper 11, The Institute for Security Studies, Western European Union, January 2000.

120 The process of the European constitution was elaborated in Chapter 4, section 4.4.2.

121 This Treaty gives the EU a single legal personality (art.46A), previously enjoyed only by the European Communities.

122 Elected by the European Council by a qualified majority for a term of two and a half years.

123 At the Lisbon Summit it was decided to change the 'E' of European Security and Defence Policy into the 'C' of Common Security and Defence Policy.

124 A combination of the former post of High Representative of the so called second pillar of the CFSP and the CSDP and the commissioner of External Relations of the Commission.

125 Keukeleire, S., Delreux, T., 'The Foreign Policy of the European Union', The European Union Series, 2nd edition, Palgrave Macmillan, UK, 2014, p. 246.

Maastricht Treaty, which brought all aspects of EU foreign and security policy under the roof of one treaty.¹²⁶

A second important change in the deepening of the EU foreign, security and defence domain was the creation of the European External Action Service (EEAS).¹²⁷ The EEAS could be compared to a national Ministry of Foreign Affairs including a diplomatic service under the authority of the High Representative, but distinctive from the Commission and the Council Secretariat.¹²⁸ The EEAS was created to assist the High Representative and represent the EU outside Europe, also on foreign, security and defence issues.¹²⁹ The power of initiative, formerly held by the member states, became shared as a result of the new setup of the High Representative. The aim was to enhance institutionalization of the EU CFSP and CSDP by formalising a rule-governed action within an organization with budget, staff and permanent headquarters with the EEAS: 'The merging of the services dealing with external relations, in particular the Directorate General for External Relations of the European Commission and the Service of External Relations of the Council of the EU, has created a brand new institution under the control of the High Representative'.¹³⁰

A third change of the Lisbon Treaty entailed the decision-making procedures within the foreign, security and defence domain. With Article 31, the Treaty of Lisbon further developed decision-making procedures in relation to foreign, security and defence policy.¹³¹ As discussed previously, security and defence policy is usually decided unanimously. Nevertheless, some exceptions were made by dividing decision-making between civil and military missions and operations.

A fourth change involved the institutional structure, as 'Lisbon' formalized the existing institutional civil and military ESDP structure by the setup of the framework inside the treaties, such as the Crisis Management and Planning Directorate (CMPD), the CPCC and the EUMS, and became a part of the EEAS. Furthermore, with regard to the scope of missions,

126 As the HR also acts as Vice-President of the European Commission, this gave the European Parliament a say on his/her appointment, as the Commission is accountable to the Parliament.

127 The Treaty of Lisbon, amending the Treaty on European Union and the Treaty establishing the European Community, 13 December 2007, Article 13 A.

128 For an extensive overview on the institutional structures after 'Lisbon', see: Morillas, P., 'Institutionalization or Intergovernmental Decision-Taking in Foreign Policy: The Implementation of the Lisbon Treaty', *European Foreign Affairs Review* 16, 2011, Kluwer International, p. 254-255.

129 Representation consists of more than 130 posts, including former posts of the Commission.

130 Morillas, P., 'Institutionalization or Intergovernmental Decision-Taking in Foreign Policy: The Implementation of the Lisbon Treaty', *European Foreign Affairs review* 16, 2011, Kluwer International, p. 244-251.

131 Under Article 31 of the Treaty on European Union (TEU), the country that constructively abstains may qualify its abstention by making a formal declaration. In that case, it shall not be obliged to apply this decision, but shall accept that the decision commits the EU. On matters not having military or defence implications, the Council may act by qualified majority, when adopting a decision defining a Union action or position on the basis of a decision or of a specific request of the European Council. However, if a member of the Council declares that, for vital and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, the Council may, acting by qualified majority, request that the matter be referred to the European Council for decision by unanimity (Article 31 TEU). The possibility of a blocking veto remains, even though a Member State has to offer some explanations to use it. Such explanations are not a deterrent of veto, if one Member State is determined to defend its interests, which diverge from those of the majority. It transpires that the CFSP method is an improved intergovernmental cooperation method, but not much more than that. Even with the improvements brought by the Treaty of Lisbon, the foreign and security policy cannot become a 'common policy' by the means put at its disposal.

'Lisbon' extended the Petersberg Tasks again.¹³² The European Defence Agency (EDA) was also formalized, to include a mandate of harmonising defence spending, supporting defence research and assisting member states to meet the capability commitments.¹³³

Fifth, with regard to deepening EU defence cooperation, two mechanisms were introduced to deepen and enhance political and military solidarity. The concept of common defence was introduced with the mutual defence clause, Article 42.7 of the Treaty. Furthermore, a solidarity clause was introduced as a result of the terrorist attack in Madrid in March 2004 and London in July 2005.¹³⁴

A sixth change of 'Lisbon' entailed an extension of modular cooperation, where different mechanisms of flexibilization within the security area were incorporated and which extended the concept of enhanced cooperation.¹³⁵ These mechanisms entailed PESCO,¹³⁶ which will be examined below, and the possibility for EU operations with a small group of member states¹³⁷ as well as the BG concept of 2004. These mechanisms offered the opportunity for a smaller group of states to develop capacities and perform crisis management operations if they were willing and able. The BG concept was a precursor to the PESCO mechanism, as were the Weimar (political)¹³⁸ and the Ghent and Bendefco (capacities) proposals.¹³⁹

A seventh change dealt with the financial support of CFSP and CSDP activities. The Treaty established a 'start-up fund' aimed at facilitating the urgent financing of initiatives of EU-led missions, which could not be charged to the Union budget.¹⁴⁰

Finally, a merger of the WEU and the EU took place. This was to be expected, as 'Maastricht' had already stated that the WEU would become an 'integral part of the development of the Union'.¹⁴¹ The WEU mandate was taken over by the EU, and the WEU as an organization was dissolved in 2011.¹⁴²

132 Including: joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peacekeeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation (art.28B).

133 The Treaty of Lisbon, amending the Treaty on European Union and the Treaty establishing the European Community, 13 December 2007., Article 28D.

134 Elaborated on in section 4.4.2.

135 The Treaty of Lisbon, amending the Treaty on European Union and the Treaty establishing the European Community, 13 December 2007, Articles 42 (6) and 46, as well as Protocol 10, Article 1b, Protocol.

136 Exceptions: decisions pertaining to permanent structured cooperation, the procedures for setting up and administering the 'start-up fund' or the appointment of the High Representative, are adopted by qualified majority. On the other hand, the unanimity rule remains when deciding on the launch of a mission. In practice, this means that states involved in permanent structured cooperation may not launch an operation on behalf of the EU without having the formal approval of all EU Member States.

137 Based on the experience of operation Artemis, in support of the UN mission in Monuc, Congo. Operation Artemis; from June to September 2003.

138 Informal trilateral cooperation between Poland, Germany and France since 1991.

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

140 The Treaty of Lisbon, amending the Treaty on European Union and the Treaty establishing the European Community, 13 December 2007, Articles 3 and 28.

141 The Treaty on European Union, 7 February 1992, Maastricht: Declaration on the Western European Union, I-declaration.

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

All in all, the Lisbon Treaty strengthened EU's CSDP robustly and deepened the institutional structure and mandate beyond NATO's mandate.

After 2010

After more than a decade, a new security strategy saw the light of day in 2016: the EU Global Strategy (EUGS). There were several underlying reasons for the need of a new strategy after the 2003 strategy, and its improvement in 2008: the US strategic shift to the Pacific influencing the EU's responsibility, geopolitical changes, including Russia's intervention in Crimea (2014), combined with hybrid, cyber and terrorist threats inside and outside EU territory and the concern about a possible Brexit all necessitated a need for coordination of external action in combination with internal security activities and more European autonomy. Furthermore, some of the member states perceived a trend of fragmentation, duplication and differences in defence expenditure as a result of budget costs,¹⁴³ which endangered Europe's unity and highlighted the need for more integration. Hence, the EUGS was aimed at deepening and broadening the EU's security and defence policy, combined in the term 'strategic autonomy', enhanced by Art 42.7 and 222 of the Treaty of Lisbon and aimed at more cooperation with regions and other organizations.¹⁴⁴

All this created the ambition for more European autonomy and resulted in the deepening of the EU's security and defence domain.

First, a plan was drawn up listing operations that the EU should be able to perform, the Implementation Plan on Security and defence (IPSD), together with the European Defence Action Plan (EDAP)¹⁴⁵ of the Commission supporting member states as well as the European defence industry.

Furthermore, a defence research budget¹⁴⁶ was created and a review system for assessing member states' commitment to improve European capabilities labelled as the Coordinated Annual Review on Defence (CARD)¹⁴⁷ monitored by the EDA. The EU's regular financing system of CSDP missions has always been complex and divided between civilian missions, which fall under the EU budget, and military, which are borne by the participating states of the operation.¹⁴⁸ This financing system was called the Athena mechanism. It was introduced for common funding in the CSDP area and was the opposite of NATO's 'costs lie where they fall' principle. This principle was applied in the EU's military operations. Although operations were paid for by the member states, some costs could be

143 Novaky, N. I. M., 'Who Wants to Pay More? The European Union's Military Operations and the Burden Sharing Dispute over Financial Burden Sharing', *European Security*, Volume 5, 2016, Issue 2, 15 February 2016.

144 European Union, 'Shared Vision, Common Action: A Stronger Europe – A Global Strategy for the European Union's Foreign and Security Policy', June 2016.

145 European Commission, 'European Defence Action Plan', 2016, available at: https://eeas.europa.eu/sites/eeas/files/com_2016_950_f1_communication_from_commission_to_inst_en_v5_p1_869631.pdf, accessed 12 January 2017.

146 For an elaboration, see: Fiott, D., 'EU Defence Research in Development', *ISSUE Alert*, 2016, available at: https://www.iss.europa.eu/sites/default/files/EUISSFiles/Alert_43_Defence_research.pdf, accessed April 2017.

147 For an elaboration, see: European Defence Agency, 'Coordinated Annual Review on Defence (CARD)', 2016, available at: [https://www.eda.europa.eu/what-we-do/our-current-priorities/coordinated-annual-review-on-defence-\(card\)](https://www.eda.europa.eu/what-we-do/our-current-priorities/coordinated-annual-review-on-defence-(card)), accessed 20 November 2019.

148 Within the EU, military activities are called operations and civilian activities are missions.

financed by collective funding under the provisions of this Athena mechanism.¹⁴⁹ Together with the Commission's new EDAP, the European Defence Fund (EDF) was proposed. The EDF was built on two pillars: defence-related research and an increase in the EU's capabilities. As a result, the EDF enhanced the role of the supranational Commission within the EU's CSDP. The alteration of the EU's general financing system of CSDP activities was to enhance cooperation between member states and promote pooling of national defence capabilities and strengthen national markets through the EDF.¹⁵⁰

In addition, with the EUGS the PESCO mechanism of the Treaty of Lisbon was further enhanced.¹⁵¹ The implementation of PESCO during the trajectory from the Treaty of Lisbon up to 2017 was not without debate between the member states, due to issues of inclusion and exclusion, differentiation and possible supranational decision-making aspects, illustrated by the debates between France and Germany.¹⁵² As France was a proponent of a small and ambitious group of states with robust capabilities, Germany was an opponent of further differentiation within the EU and wanted a stronger inclusive approach, especially after Brexit and the numerous clashes within the EU.¹⁵³ The compromise was found by adopting PESCO as a process. The aim of PESCO was to establish defence cooperation by deepening interoperability and creating permanent multinational force packages, including jointly owned and operated strategic enablers, to achieve strategic autonomy. These aims were to be achieved in cooperation with NATO and the goal was to reawaken and deepen the ESDI pillar in NATO.¹⁵⁴ The membership of PESCO was on a voluntary basis, but the assessment for PESCO participants was obligatory and legally binding.¹⁵⁵ PESCO defined the commitments concerning both operational objectives and capability development. Nevertheless, the enactment of PESCO was mainly based on projects to which states can subscribe or not, again a case of flexibilization and freedom to engage. So in the end, PESCO was not there to establish integrated forces, a European army. The institutional deepening of PESCO will be monitored by the EDA, which will provide the assessor input on defence investments and capability development, together with the EEAS and the EUMS, who will provide the same for operational aspects.

149 Article 31 and 41 TEU, Council Decision 2008/975/CFSP of 18 December establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications.

150 Beyond the scope of this research: on 7 June 2017 the Commission launched the proposal to boost European capabilities through the European Defense Fund with 5.5 billion per year.

151 Beyond the scope of this research: On 13 November 2017, 23 EU member states signed PESCO which was adopted by the EU Council at 11 December 2017 by 25 states. PESCO includes the traditional neutral states: Austria, Ireland, Finland and Sweden and excluding the UK, Malta and Denmark.

152 For an elaboration on the position of the EU member states towards PESCO, see: Bakker, A., Drent, M., Zandee, D., 'European Defence Core Groups. The Why, What and How of Permanent Structured Cooperation', Clingendael Policy Briefs, November 2016, available at: <https://www.clingendael.nl/publication/european-defence-core-groups>, accessed 6 February 2017; Biscop, S., 'European Defence: Give PESCO a Chance', *Survival*, vol. 60 no. 3, June–July 2018, p. 161–180.

153 November 2016.

154 For an elaboration on PESCO: Biscop, S., 'European Defence: Give PESCO a Chance', *Survival*, vol. 60 no. 3, June–July 2018, p. 161–180; Biscop, S., 'Differentiated integration in Defence: a plea for PESCO', *Insitituti Affari Internazionali*, 6 February 2017.

155 Outside the scope of this research: 13 November, the PESCO mechanism was adopted; Council conclusions on security and defence in the context of the EU Global Strategy, Council of the European Union, 14190/17, Brussels, 13 November 2017.

Finally, along with strengthening the EU's CSDP with the EUGS, cooperation with NATO was strengthened in 2016, which was explored in depth in Chapter 5.

All in all, EU security and defence policy was deepened in line with a possible European army and EU strategic autonomy. The latter has been called for enthusiastically more than once in the EUGS, stating 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',¹⁵⁶ proclaimed more than once by the French President Macron.¹⁵⁷ And continued with the statement that 'full spectrum defence capabilities are necessary to respond to external crises, build our partners' capacities, and to guarantee Europe's safety'.¹⁵⁸ However, 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',¹⁵⁹ which conflicts with the concept of strategic autonomy called for by the EUGS. 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.¹⁶⁰

Deepening Broad Security

With respect to the EU's mandate in the security and defence domain, it is essential to underline that the EU possesses both civilian and military ambitions, organs and instruments for crisis management. However, from their creation, the civilian and military structures have to a great extent remained different worlds. Nevertheless, over the years the EU developed mechanisms and institutional frameworks to increase coordination and cooperation between these separate worlds. To a certain degree, this has been in contrast with NATO development in the civilian domain, as discussed in Chapter 4, and with the OSCE development of military tasks and functions.

156 'Shared Vision, Common Action: A Stronger Europe'. A Global Strategy for the European Union's Foreign and Security Policy, June 2016. Eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf, p. 19.

157 French president Macron Press Conference, Helsinki 30 August 2018. French president Macron on a visit to the former Western Front in Verdun, 5 November 2018.

158 European Union Global Strategy, 'Shared Vision, Common Action: A Stronger Europe'. A Global Strategy for the European Union's Foreign and Security Policy, June 2016, available at: Eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf, p. 10-11.

159 *Ibid.*, p. 20.

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

For one, in 2003, France and Italy proposed a multinational gendarmerie force,¹⁶¹ which became known as the European Gendarmerie Force (EGF).¹⁶² Although the EGF does not fall under the EU umbrella, in other words it is not accommodated within the EU institutional framework, it created a possibility to make use of police capacity in international crisis management varying from conflict prevention to enhancement of international stability worldwide. The EGF has now been employed for the EU, but also the UN, NATO and OSCE operations and missions, for military as well as civilian tasks, including intelligence sharing and stability policing.

Second, as early as 2002 a comprehensive approach was formally initiated, including contributions by military means (ESDP).¹⁶³ In line with capacity building, alongside the Helsinki military Headline Goal of 1999, several civilian Headline Goals (CHG) were also initiated. The first was set up in 2000, identifying policing, the rule of law, civil administration, and civil protection as the four priority areas for the EU. The CHG of 2008 added monitoring missions and support for the EU Special Representatives and emphasised the need to conduct simultaneous missions. Furthermore, it highlighted two additional focus areas for the EU: security sector reform (SSR) and disarmament, demobilisation, and reintegration (DDR).¹⁶⁴ The CHG of 2010 placed greater emphasis on civil-military cooperation in addition. The combination of civil and military instruments resulted in military operations and civilian missions and combinations of military-civilian missions, institutionally supported by a civil-military command structure under the Commission and the Council.¹⁶⁵

Third, in line with strategy development, along with the ESS (2003) concerning external security, the Council adopted an internal European security strategy for the EU, which concerned internal security endangered by threats such as terrorism, organised crime, cybercrime and disasters.¹⁶⁶

Fourth, in the wake of 9/11 and the terrorist attacks on Madrid (2004) and London (2005), the Treaty of Lisbon introduced a solidarity clause as explained in Chapter 4.¹⁶⁷ With the internal security strategy and the solidarity clause, the EU initiated a broader approach to security and envisioned other capacities in addition to military, including police and judicial cooperation.

Finally, these ambitions and mechanisms were supported by the development of an institutional framework and became a directorate of the EEAS. First, in 2003, a civil-military cell within the EUMS was created to conduct early warning, situation assessment and strategic planning. In 2007, an operations centre was established to provide for a

161 Meeting of European Union Defense Ministers, October 2003.

162 The implementation agreement was signed by the defence ministers of the five participating countries on 17 September 2004 in Noordwijk, the Netherlands. The EGF became fully operational in 2006. See: Eurogendfor, available at: www.eurogendfor.org, accessed 3-02-2015.

163 European Council, Sevilla, 21-22 June 2002.

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

165 Operations Centre, planning and a small headquarters.

166 Internal Security Strategy (ISS), 25-26 March 2010.

167 European Council, 'Declaration on Combatting Terrorism', Brussels, 25 March 2004.

command structure in situations where a joint civil-military response was required. For the planning of civilian missions a civilian planning and conduct capability (CPCC) was created in 2008,¹⁶⁸ followed by an enhancement of the cooperation between the civilian and military directorates within the Council with the civ-mil cell: the Crisis Management and Planning Department (CMPD) in 2009. For the coordination of EU member states' operational actions, related to the EU's internal security, the Council created a Standing Committee on Operational Cooperation on Internal Security (COSI).¹⁶⁹ In addition, a so-called European Civil Protection Force (ECPF) was created under the civil protection mechanism.¹⁷⁰ Finally, various organs and instruments were set up with regard to the provision of internal security, such as law enforcement, cooperation in the field of police missions and education, intelligence sharing and border security (Frontex).

In short, in the domain of internal security, the EU possesses different mechanisms and organs which embrace a wide scope of internal and external security provisions supported by an institutional framework for civil and military missions and operations and an institutional link between these two.

Decision-making

Like any other international security organization, EU decision-making in the security and defence domain is in principle intergovernmental and requires a unanimous decision by the Council, the representative body of the member states. However, EU decision-making in the internal security domain falls under supranational decision-making (qualified majority).

Nevertheless, along with the member states, the authority of the organs developed and they acquired their own responsibility and actorness. For instance, within the CSDP, member states share their leading role to initiate operations, either civil or military, with the High Representative and the EEAS. Hence the fact that the right of initiative has become a shared effort, likewise the creation of structures.¹⁷¹

Another aspect to be mentioned with regard to decision-making is the framing of CSDP decision-making, as the Treaty of Lisbon declared more than once '... The member States shall support...' and '... they shall refrain...';¹⁷² which made CSDP politically binding, but not legally so. Although the concept of constructive abstention was initiated, as mentioned above, a supranational mechanism for enforcement was never adopted: 'The Council and the High Representative shall ensure compliance with these principles'.¹⁷³ If no common

168 Operational Headquarters for the civilian CSDP Missions, August 2007.

169 Under this cooperation is police cooperation and customs, protection of the borders and juridical cooperation. European Council, February 25, 2010, Article 71.

170 For a terrorist attack or natural disaster, within and outside EU territory. See: European Commission, 'EU Civil Protection Mechanism', n.d., available at: ec.europa.eu/echo/what/civil-protection/mechanism_en, accessed 7-7-2018.

171 For an elaboration on EU and CSFP-CSDP institutionalisation, see: Vanhoonacker, S., Dijkstra, H., Maurer, H., 'Understanding the Role of Bureaucracy in the European Security and Defence Policy: The State of the Art', European Integration online Papers, Vol. 14, 2010; Vanhoonacker, S., Pomorska, K., 'The European External Action Service and agenda-setting in European Foreign Policy', *Journal of European Public Policy*, Volume 20, Taylor and Francis Group, 2013.

172 The Treaty of Lisbon, amending the Treaty on European Union and the Treaty establishing the European Community, 13 December 2007.

173 *Ibid*, Articles 25, 28 and 29.

position was to be found, it was not determined which line would be followed: consensus or abstention.¹⁷⁴

Like NATO, the EU's decision-making in the defence domain was intergovernmental and therefore decided upon by the member states, represented in the Council and supported by the Secretariat and the High Representative. Nevertheless, the Nice Treaty of 2001 extended the use of qualified majority voting, including international agreements under the second pillar.¹⁷⁵ Equally, the concept of enhanced cooperation, or in other words, differentiated or modular cooperation, was extended to the security and defence domain.¹⁷⁶ However, this did not have any military or defence implications, because the new EU candidate states preferred the collective defence clause of NATO and opted for NATO as the first responder and did not want to strengthen the EU's ESDP too much.¹⁷⁷

In addition, differentiated cooperation was introduced into EU's defence domain with the concept of battlegroups (BG) in 2004 in the wake of the French-British cooperation of EU operation 'Artemis' in the DR Congo (2003).

Even with the Treaty of Lisbon, CFSP and CSDP remained intergovernmental, as foreign and security policy 'is considered alien to supranationalism, as its ultimate purpose is conventionally seen to be the protection of the 'national interest'.'¹⁷⁸ Nonetheless, bottom-up cooperation, executed by the EU organs, and differentiated cooperation between the member states could be observed within the EU's security and defence policy. As Sjursen stated, foreign and security policy has been moved further away from its citizens' influence, because of fragmentation at the national and international level as a result of the complex institutional structure where multiple actors are deciding on the security policy. Furthermore, an increasing role of officials as part of the EEAS had been observed. This happened because of an increase in the EU working groups and the Council Secretariat, as a result of '...the increase of the thematic and geographic scope', 'the EU's capabilities in crisis management' and an increasing *esprit de corps*.¹⁷⁹ Howorth stated that although foreign and security policy has been situated in the intergovernmental pillar, CSDP has intergovernmental procedures but supranational practices. According to Howorth, even greater cooperation or integration is justified in security and defence policy.¹⁸⁰ This bottom-up process of institutionalization was already implied in the EU treaties. From the Treaty of Amsterdam (1997) onwards, with the creation of the High Representative and increased staff within the Council and the Commission that dealt with external relations and security and defence policy, a complex institutional framework of

174 Best, E., 'Understanding EU Decision-making', European Institute of Public Administration, Maastricht, The Netherlands, 2016, p. 115.

175 Treaty of Nice, 26 February 2001.

176 Enhanced cooperation: if a number of Member States (at least eight are required – nine under the Lisbon Treaty) want to work more closely on a specific area, they are able to do so.

177 Teunissen, P. J., 'Strengthening the Defence dimension of the EU', *European Foreign Affairs review*, 4, 1999, p. 337.

178 Sjursen, H. (eds.), 'The EU's Common Foreign and Security Policy. The Quest for Democracy', *Journal of European Public Policy Series*, Routledge, Taylor & Francis Group, London, 2012, p. 3.

179 *Ibid*, p. 28.

180 Howorth, J., 'Decision-making in security and defence policy: Towards supranational inter-governmentalism?', *Cooperation and Conflict*, Sage Publications, 2012, p. 449

the EU was built. Although the EU treaties set the overall framework for deepening the institutional structure, the Lisbon Treaty literally left details on the structure, organization and functioning of the EEAS to be determined at a later stage.¹⁸¹ EU officials 'exert most influence in the agenda-setting phase of the policy process and more influence in civilian than in military operations', because of a central position in policy making which allows them to be involved very early in planning.¹⁸²

Therefore, officials have contributed to the framing of missions, because of the absence of strong control mechanisms and doctrine. Military operations were planned in combination with NATO, built by EU and NATO experts and officials.¹⁸³ Civilian missions were planned by EU experts and officials, outside the range of national planners, both in Brussels.¹⁸⁴ As a result, institutional practice has implemented the Treaty of Lisbon by agenda setting and the management and conduct of operations and missions, such as the Haiti earthquake (2010) and the Flotilla crisis in Gaza (2010).¹⁸⁵

Forms of Deepening

Within the EU, differentiated or modular cooperation started with the Schengen Agreements and was deepened with the Maastricht Treaty (1992), which gave the opportunity of opting out for all policy areas, which was further established with the Treaty of Amsterdam.¹⁸⁶ The reasoning behind possibilities of differentiation and modular cooperation was inherent to the EU integration process to enable further cooperation or even EU-specific integration initiated by a smaller (core) group of member states, with the option of others joining at a later stage (the multi-speed concept). This led to the mechanism of enhanced cooperation.¹⁸⁷

With regard to the CSDP area, the concept of modular cooperation started with the BG concept, reiterated at the French-British Summit¹⁸⁸ based on their cooperation in the context of the EU operation Artemis in the DR Congo.¹⁸⁹ The Treaty of Lisbon (2009) incorporated several mechanisms to further cooperation for states that desire this,

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181 Piris, J. C., 'The Lisbon Treaty. A legal and Political Analysis', Cambridge University Press, 2010, p. 250.

182 Dijkstra, H., 'The Influence of EU officials in European Security and Defence', *European Security*, 21:3, p. 312.

183 Military operations are decided upon by the member states, civilian missions are decided upon the Council in combination with the EP.

184 Dijkstra, H., 'The Influence of EU officials in European Security and Defence', *European Security*, 21:3, p. 311-312.

185 Morillas, P., 'Institutionalization or Intergovernmental Decision-Taking in Foreign Policy: The Implementation of the Lisbon Treaty', *European Foreign Affairs review* 16, 2011, Kluwer International, p. 252.

186 Treaty of Maastricht 1992, Articles 20 and 326-334.

187 Enhanced cooperation can be submitted by a proposal of the European Commission at the request of at least nine member states. To block the cooperation a quantitative quorum is needed (the 'blocking minority' referred to in Article 16, paragraph 4 of the Treaty of Maastricht) and the non-participating members remain involved and can join at any time. The European Parliament is involved in the decision-making and as a result monitoring and accountability are in place. Though it is questionable as to whether MEPs from opt-out countries should have a say in the associated legislation. Finally, enhanced cooperation is governed by EU law and is therefore under the jurisdiction of the Court of Justice. Hence the clear division of tasks and competences.

188 4 February 2003, Le Touquet, France.

189 Operation Artemis was the first EU autonomous military operation outside Europe and independent of NATO to the Democratic Republic of Congo in the summer of 2003.

elaborated on above, for example the PESCO mechanism. The PESCO mechanism is inclusive, meaning all member states can join, even at a later stage.

Like NATO, therefore, many concepts have been created for more flexible decision-making and modular deployment of troops within the EU, illustrated by the BG concept. Nevertheless, many of these concepts, comparable to NATO, have not achieved the expected target. In practice, the BG have not been deployed at all, due to inflexibility in continuity, limitation in size, lack of follow-on forces, lack of central military planning or operational command structure, and no joint financing.¹⁹⁰

Cooperation outside the EU

In addition to an increase in modular cooperation within the EU, there was also an increase in informal cooperation outside the organization. Member states have initiated many bi- and multilateral concepts to further cooperation and integration in the security realm between them, mostly employable for NATO as well as the EU. One such example is the Nordic Defence Cooperation (NORDEF), a comprehensive defence framework established by the Nordic countries. The United Kingdom and France signed the Lancaster House Treaties, creating an unprecedented level of bilateral defence cooperation. The German-Swedish Ghent Initiative of 2010 was an effort to boost European capabilities in the broader spectrum. The six smaller Central European countries (Austria, Croatia, the Czech Republic, Hungary, Slovakia, Slovenia) founded the Central European Defence Cooperation (CEDC) for both practical and political collaboration; and the Baltic (Estonia, Latvia, Lithuania), Benelux (Belgium, the Netherlands, Luxembourg) and 'Visegrad Four' countries (Poland, the Czech Republic, Slovakia, Hungary) reinvigorated their defence cooperative frameworks established during the 1990s.¹⁹¹

6.4.4 The EU Path of Deepening

Reflecting on the EU's path of deepening, the EU changed in level and form, driven by different actors and, like broadening and widening, was built in a modular and incremental manner.

Since the Treaty of Maastricht (1992), the EU has become an organization of general political principles and constitutional goals, with an emphasis on human rights policy and conflict prevention, together with a broad approach to aid, trade, security and diplomacy. This overall approach was combined with specific institutes and instruments for security and defence policy that were established by a combination of bottom-up and top-down institutional deepening.

In contrast to NATO, the EU's CSDP was built on policy and treaties, although in close cooperation with or even dependency on other organizations. The EU developed an institutionalized foreign, security and defence policy, but has not been a complete

190 'Europese Defensie samenwerking: soevereiniteit en handelingsvermogen', nr. 78, 10 februari 2012; 'Gedifferentieerde integratie: verschillende routes in de EU-samenwerking', AIV rapport, nr. 98, 24 november 2015.

191 Rehl, J. (Ed.), 'Handbook on CSDP. The Common Security and Defence Policy of the European Union', Third edition, 2016.

provider of security and defence policy, as it was not in charge of military operations. These were executed by national or multinational headquarters or in combination with NATO. Furthermore, these military operations were executed on an ad-hoc basis, a process driven by practice. In addition, these operations were often a combination of civil missions and military operations rather than solely traditional military operations.

The institutionalization of the EU's 'D' in CSDP in particular was developed bottom-up, from crisis response operations to common defence, although in cooperation with other actors; either states or international organizations, necessary because operational infrastructure and capabilities were lacking. As a result, the EU depended on NATO, as illustrated by the operations in Bosnia and Kosovo.

As well as the dependence on other organizations, the EU process of institutionalization is a process by practice, implying that institutionalization depends on personalities, the procedures in the agenda setting, drafting of working papers and the response to crisis situations. This also accounts for the EU's CSDP, which was built as a work in progress, built on case-by-case experiences of operations and emerging crises within and outside Europe. Furthermore, the EU has an instrumental bottom-up approach building on issue-specific, technical international rules which fabricate the *acquis communautaire* and operations and missions.

Regarding the form of the path of deepening, the EU was built in a modular manner. Modular and flexible cooperation have been inherent to EU's institutional development process since the Schengen agreements.¹⁹² Security and defence cooperation were certainly no exception to this. It started in NATO with the ESDI concept and was integrated into the EU with the BG concept and PESCO in diverse and extended forms of modular cooperation at a later stage, inside and outside the organization.

6.4.5 Conclusion

This section looked at the questions of how and why change has led to a deepening of the EU, where the following main periods of change can be identified. First, the EU's security and defence policy was adopted in the 1990s. This was followed by an institutional creation including civil and military tasks and missions in a differentiated form, a top-down and simultaneously bottom-up process. From there, the CSDP deepened and included internal and external security and even common defence. The EU's security and defence path of change was not only driven by state and non-state actors, within and outside the organization, but also depended on these actors.

6.5 The OSCE Path of Deepening

6.5.1 Introduction

The OSCE originates from the beginning of the seventies and has been a process of dialogue between East and West. This process was laid down in the Helsinki Final Act (1975) and

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192 The Schengen Agreement is a treaty that was signed on 14 June 1985. The treaty led to the creation of Europe's Schengen area in which internal border checks have largely been abolished.

signed by 35 participating states, including the US and the SU. This founding act contained a Declaration on Principles Guiding Relations between Participating States, also known as 'The Decalogue' and enclosed ten points regarding sovereignty, non-intervention, territorial integrity, self-determination and human rights; all aspects of crisis management and a broad perspective on security.¹⁹³ From 'Helsinki' onwards, this process of cooperation and dialogue continued and the CSCE turned into an organization under Chapter VIII of the UN Charter after the Cold War. In this section, the questions of how and why change has led to deepening of the OSCE is discussed. The OSCE path of deepening will be analysed, focusing on the form and level as the indicators of the path of deepening from 1990 onwards.

6.5.2 Level of Deepening

After the Cold War

The collapse of the Eastern bloc and the disintegration of the SU boosted the number of participating states. All 'new' states joined the OSCE and as a result the OSCE consisted of 57 partner states and was sometimes referred to as the 'most' legitimate organization within the European security architecture.¹⁹⁴ This legitimation was perpetuated at the end of the Cold War, with the Paris Charter for a New Europe in 1990. This Charter aimed at a more formal organization instead of a series of conferences. 'Paris' immediately initiated the institutional development with a Secretariat and Conflict Prevention Centre.

From Paris, the OSCE developed its path of deepening. The Helsinki Documents of 1992 provided political, procedural and institutional regulation for the organization to enable preparation, deployment, and maintenance for peacekeeping operations. Furthermore, 'Helsinki' left room and flexibility for the details of any particular operation to be worked out by OSCE organs, specifically by the Permanent Council. From the beginning, there was already room for a bottom-up process of institutionalization comparable to the EU. Furthermore, the Convention on Conciliation and Arbitration was adopted, which created the possibility for the peaceful settlement of disputes amongst OSCE states.¹⁹⁵

The follow-up of 'Helsinki' was the Budapest Summit in 1994, which cast the OSCE as 'a primary instrument for early warning, conflict prevention and crisis management'.¹⁹⁶ As was intended at 'Helsinki', this empowered the OSCE with a crisis management mandate, although not without debate about the question of who was to execute this mandate.¹⁹⁷

Furthermore, 'Budapest' deepened the process of institutionalization of the OSCE whereby mechanisms and instruments were created to back up the crisis management tasks. One of the first steps was the installation of a High Commissioner on National

193 CSCE, Helsinki Final Act, 1975.

194 Moller, B., 'European Security. The roles of Regional Security Organisations', Ashgate, 2012, p. 246.

195 See: OSCE, 'Convention on Conciliation and Arbitration within the CSCE', 1992, available at: <https://www.osce.org/cca/111409>, accessed 5-9-2016.

196 CSCE Budapest Summit Declaration, 1994.

197 Kemp, W., 'OSCE Peace Operations: Soft Security in Hard Environments', New York: International Peace Institute, June 2016, p. 1-4.

Minorities (HCNM),¹⁹⁸ in view of the erupting crises in Europe combined with ‘missions of long duration’ and in view of the process of much-needed democratization. The Code of Conduct on Politico-Military Aspects of Security was also adopted, an instrument aiming for the peaceful settlement of disputes between states, which operationalised and broadened the concept of security.¹⁹⁹

The adopted mechanisms were created for early warning, conflict prevention and crisis management in cases which required rapid reaction, to facilitate prompt and direct contact between the parties involved in a conflict, and to help to mobilize concerted action by the OSCE. These mechanisms were divided into control and emergency mechanisms.²⁰⁰ Control mechanisms included the Vienna risk reduction mechanism²⁰¹ and the Moscow mechanism.²⁰² The emergency mechanisms included the Berlin emergency mechanism²⁰³ and the Valetta mechanism.²⁰⁴ Neither the latter nor the Conciliation Commission have ever been used or activated.²⁰⁵ Furthermore, early warning and prevention measures, peaceful settlement of disputes and finally the Convention on Conciliation and Arbitration were adopted.²⁰⁶

Finally, ‘Budapest’ transformed the OSCE into an organization instead of a conference. The OSCE was declared a regional organization under Chapter VIII of the UN Charter, under the umbrella of the UN. All in all, the initial intention for the OSCE was to be an intergovernmental organization of solely dialogue and negotiations. Missions in the field, for instance, were not included at first; in the 1990s, therefore, the OSCE path of deepening was robust.

As a follow up to ‘Paris’ and ‘Budapest’, the summit in Lisbon of 1996 built further on the Security Model for Europe; the debates about a European security architecture. In Lisbon, this resulted in the Common and Comprehensive Security Model for Europe in the 21st century. The idea behind this OSCE Security Model was to broaden and deepen

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198 For an elaboration on the HCNM: Mosser, M. W., ‘Embracing ‘Embedded security’: the OSCE’s understated but significant role in the European security architecture’, *European Security*, Routledge, 2015, Vol. 24, No. 4, p. 591; Kemp, W., ‘OSCE Peace operations: Soft Security in Hard Environments’, International Peace Institute, New York, June 2016.

199 Revised in 2014.

200 See: OSCE, *Compendium of OSCE Mechanism and Procedures*, Sec.gal/121/08, 20 June 2008, available at: <https://www.osce.org/cio/32683>, accessed 12-3-2017.

201 The Vienna Mechanism of 1990 on unusual military activities allows for an emergency meeting of all OSCE participating states at the request of only one state: the Vienna risk reduction mechanism.

202 The Moscow mechanism allows rapporteur missions to be sent to a state even without the state’s permission.

203 The Berlin mechanisms allows for the convening of a special meeting within the OSCE framework with the consent of only 13 states, 1991.

204 The Valletta mechanism provides the selection of one or more individuals, from a register of qualified candidates maintained by the CPC, and in the setting-up of a OSCE institution for the peaceful settlement of disputes, responsible for advising the parties in their choice of an appropriate dispute settlement procedure. In addition, the Valetta mechanism helps the parties to find a solution to the dispute, for instance the International Bureau of the Permanent Court of Arbitration may be used for those purposes 1991

205 For an elaboration on these mechanisms: Stenner, C., ‘Understanding the Mediator: Taking Stock of the OSCE’s Mechanisms and Instruments for Conflict Resolution’, *Security and Human Rights*, Volume 27, 2016, nos. 3-4, p. 261.

206 OSCE Council of Ministers Stockholm, part of the Decision on Peaceful Settlement of Dispute, 1992, available at: <https://www.osce.org/cca/111409?download=true>, accessed 1-7-2018

the OSCE's mandate, aiming at a genuine European security architecture. Nevertheless, with the upcoming NATO enlargement and the rising tensions between Russia and the West as a result of the Balkan wars,²⁰⁷ 'Lisbon' did not set a strong security model, the first decline in building the European security architecture due to the diverging interests of the participating states.

The treaties about conventional arms within the OSCE area, the CFE treaties, were a path of deepening alongside the security model development. In Lisbon, the states that were party to the Treaty on CFE of 1990 signed an agreement to launch negotiations to adapt the treaty to the new security architecture.²⁰⁸

After 'Lisbon', the Istanbul Summit of 1999 adopted the Charter for European Security, which purported to be another attempt to further strengthen the aspirations of a security model. 'Istanbul' also adopted the Treaty on Conventional Armed Forces in Europe (ACFE) and CSBMs, striving for the containment of a possible confrontation within the OSCE area through regional arms control agreements and the CSBMs. The ACFE 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.²⁰⁹

What was reaffirmed in Istanbul was OSCE's adopted capability of mandating and conducting peacekeeping operations, although debates between the participating states were numerous regarding the peacekeeping mandate status of the OSCE. These debates varied between reaching consensus about giving the OSCE an enforcement mandate, the specification of a conflict in which to exercise the peacekeeping mandate, and a key issue of command and control including what sort of capacity the OSCE itself should obtain in this respect.²¹⁰

Hence from 'Budapest' to 'Istanbul', the OSCE hosted many negotiations on the security model, including a Platform for Cooperative Security,²¹¹ which sought to provide the OSCE with a coordinating (non-hierarchical) role in respect of other European security organizations; a genuine European security architecture. Although the European security model documents were adopted, 'Istanbul' became the last summit with these kinds of aspirations.

207 Since the Yugoslav crisis broke out Russia had been a member of the Balkans Contact Group, but tensions rose due to the NATO operations in the area. For the first time since the end of the Cold War Russia vetoed a Security Council resolution in 1999 as Russia had difficulty in agreeing to the idea of military action against its Serbian ally in the Balkans. Furthermore, Moscow did not want Kosovo to set a precedent for further interventions, especially not in its near abroad, like in Georgia. Russia's veto in the UNSC was a turning point in Russia's relations with the West.

208 Thirty states joined at the moment of signing the CFE agreement. Russia suspended the observance of its treaty obligations on July 14, 2007 and in March 2015, Russia announced that it had taken the decision to completely stop its participation in the Treaty.

209 See Chapter 4.

210 Hill. W. H., 'OSCE Conflict Resolution and Peacekeeping, Past and Future', OSCE Security Days Event, National War College Washington DC., 16 September 2013.

211 See: OSCE, 'Operational Document- the Platform for Co-operative Security', 1999, available at: <https://www.osce.org/mc/17562>, accessed 2-2-2016.

In practice, the OSCE had never been involved in a peacekeeping operation under its own flag. Not so much because of the lack of personnel, technical or physical resources, but rather the lack of consensus between the participating states, which had mandated the OSCE themselves.²¹² Furthermore, the level of military transparency had remained comparatively high until 2014 and the arms control regime, as one of the driving forces of the OSCE institutionalization, had partly become outdated and a subject of debate as a result of the power struggle among the participating states.

In addition, modernising the Vienna document had not been successful either. Likewise, the Open Skies Treaty, finalised in 2002, resulted in disputes between states. As a result, a number of governments had significantly decreased their investments in the OSCE around the end of the twentieth century.²¹³ The three pillars of the OSCE military domain of arms control – the CFE, the Vienna document on CSBMs and the Open Skies Treaty, not all under the umbrella of the OSCE – thus either became outdated or were abandoned due to a lack of transparency and distrust.²¹⁴

Institutional Development in the 1990s

Apart from the multiple but disappointing attempts to build the OSCE as the prime European security organization, the level of the path of OSCE deepening did evolve in the 1990s due to annual meetings of foreign ministers. Several organs, mechanisms and instruments deepened the OSCE institutional structure. The OSCE's main decision-making body, the Permanent Council, the representation of the participating states, was assisted by a small Secretariat. This Council was empowered to debate any issue affecting the OSCE's mandate and has always been chaired²¹⁵ by one of the participating states. In addition, the Secretary-General's main task was to assist the Chairman of the Permanent Council. The Forum for Security Cooperation (FSC) was principally concerned with issues relating to security policy and arms control and provided a platform for weekly discussions on security policy issues among the 57 states.

Furthermore, because of the conflicts in the Balkans and other frozen conflicts,²¹⁶ Europe had to find solutions to ethnic minority tensions and actual conflicts. The HCNM was therefore appointed. In combination with the HCNM, the ODIHR was installed as one of the three autonomous organs.²¹⁷ The ODIHR was installed to assist the former

212 Kemp, W., 'OSCE Peace Operations: Soft Security in Hard Environments', New York: International Peace Institute, June 2016, p. 4.

213 Zellner, W. (Co), 'Towards a Euro-Atlantic and Eurasian Security Community. From Vision to Reality', IDEAS, 2012, p. 13.

214 See the principles or 'rule of cooperation' between the OSCE members in the 'Helsinki Decalogue', Helsinki Final Act, 1975.

215 The Chairmanship rotated on an annual basis and was chaired by one of the participating states. This Chairman was assisted by the previous and future Chairman in Office (CiO), the so-called Troika. The state that held the position of (the) CiO could request for missions to be carried out and could put topics, such as terrorism, on the agenda.

216 A frozen conflict is a situation in which active armed conflict has ended, but no peace treaty or other political framework resolved the conflict. As a result, legally the conflict can start again at any moment, creating an environment of insecurity and instability.

217 Often debated, but the activities of HCNM and ODIHR are not tied to consensus approval of the Permanent Council, though their heads and budget approval is, see: Dunay, P., 'The OSCE in crisis', Chaillot Paper, no 88, Paris, EUISSP, 2006, p. 30.

Communist countries in their transition process to democratic political systems through the promotion of free elections, for instance by training and providing observers. These two OSCE organs gained the most attention for OSCE activities.²¹⁸ The main institutional changes in the OSCE had therefore taken place by 1996.

Regarding the location of the organs, most of them were based in Central Europe. This illustrates the early intention of focusing on the regions 'East of Vienna' and moving the institutional centre of a European security architecture from the west to the middle of Europe. Furthermore, in contrast to the EU, but comparable to NATO, the OSCE organs were spread across Europe with the intention of creating a decentralised organization.²¹⁹

On the issue of staffing of the organs, the Charter of Paris of 1990 had set limits on staffing arrangements, which meant that '...the OSCE's 'centripetal' and 'centrifugal' forces remain restrained, it also impairs the organization's ability to operate, especially in terms of losing institutional knowledge'.²²⁰ As a result, though the ambitions were high, the OSCE had to cope with 'understaffing, lack of resources, and insufficient mandates (vague)... missions make up the lion's share of the budget' from the beginning.²²¹

The OSCE organs' mandate and freedom to act was more flexible, as was elaborated on above. ODIHR and HCNM 'can be considered at least somewhat 'autonomous'²²² from the organization and therefore from the participating states. The missions of ODIHR cover election monitoring and observation of national democratic processes; '...as a decentralised organization with an operational focus and light bureaucratic structures, ..., the OSCE has often demonstrated an outstanding capacity for rapid and flexible responses to emergency situations'.²²³ The ODIHR executed its missions of international monitors 'to activities that would otherwise be ignored'.²²⁴ Hence the fact that the participating states do not have full control over the activities of independent OSCE organs, which operate on the basis of their own mandates.²²⁵

The OSCE path of deepening was much debated between the participating states. The West's interest in changing the CSCE into the OSCE was to strive for stability in the East. Within the Central and Eastern states, the interests were mixed; states that later became members of

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218 For an elaboration on the tasks of ODIHR; Mosser, M. W., 'Embracing 'Embedded security': the OSCE's understated but significant role in the European security architecture', *European Security*, Routledge, 2015, Vol. 24, No. 4, p. 591.

219 OSCE handbook, 2016, secretariat of the OSCE, Vienna.

220 Galbreath, D. J., 'The Organisation for Security and Co-operation in Europe', Routledge Global Institutions, 2007, Great Britain, p. 44.

221 Stewart, E. J., 'Restoring EU-OSCE Cooperation for Pan-European Conflict Prevention', *Contemporary Security Policy*, vol. 29, no. 2, August 2008, p. 268.

222 Galbreath, D. J., 'The Organisation for Security and Co-operation in Europe', Routledge Global Institutions, 2007, Great Britain, p. 95-98.

223 Ghebali, V. Y., 'Where is the OSCE going? Present role and challenges of a stealth security organisation', p. 55, in: Tardy, T. (eds.), 'European Security in a Global Context', 2009, Routledge.

224 Mosser, M. W. 'Embracing 'embedded security': the OSCE's understated but significant role in the European security architecture', *European Security*, 24:4, p. 591.

225 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. 373.

the EU and NATO were interested in democratic reform. States of the former Yugoslavia and the SU were more focused on state building instead of democratisation. On the other side, Russia was correspondingly interested in the OSCE, although for quite different reasons. For Russia, the OSCE created an opportunity to replace NATO and become the prominent organization within the European security architecture, as was Russia's intention with the Charter of Paris (1990) and to strive for a strong position in this European security architecture.

The New Age

As a response to the new security threats at the end of the 1990s and the beginning of 2000, the OSCE adopted a Strategy to Address Threats to Security and Stability in the Twenty-First Century in 2003. And, as discussed in Chapter 4, the document stated strategy, though an action plan through which action should be taken was not included. In 2008 and 2009, Russia initiated several proposals for deepening the OSCE in a pan-European security organization, but again with little result when Russian President Medvedev's proposal for a new European security model was rejected. Russia wanted the OSCE to act as an alternative to NATO's worldwide engagement, enlargement and PfP programmes. Russia judged NATO's and the EU's paths of broadening and widening as Cold War instruments.²²⁶ One of the final Russian attempts to strengthen the OSCE was the 2010 Astana Ministerial Council Summit meeting, which was elaborated on in Chapter 4.

Between 2011 and 2014, however, there was a period of détente between East and West, supported by some of the smaller and medium-sized states to strengthen the OSCE. The traditionally neutral states in particular were involved in supporting the OSCE, such as Switzerland, Austria and Finland, followed by Turkey and Germany.²²⁷ However, after 2010, Russia's interest changed from initiatives and agenda-setting to disinterest, leading to paralysis of the OSCE organs which it had created decades before.²²⁸

Since the Crimea crisis of 2014, the relationship between Russia and the West changed dramatically and the idea of the OSCE as the pivot of the European security architecture was lost. States were less engaged with the OSCE, which resulted in a lack of political leadership from the troika and the chairmanship. Furthermore, states were less interested in strengthening their commitment to transfer more political weight to the OSCE and the multi-year planning and budgeting meetings lost their importance too.

However, the Ministerial Council in Vilnius did strengthen the OSCE with the building of a mediation-support capacity in the OSCE secretariat. Mediation within the executive structures was institutionalised, for instance by the adoption of a Mediation Support Team

226 Medvedev President of Russia, Berlin, June 2008.

227 Goetschel, L., 'Kleinstaat in multilateraler Umfeld der OSZE' in: Goetschel (ed.), 'Vom Statisten zum Hauptdarsteller. Die Schweiz und ihre OSZE-Präsidentschaft', Verlag Paul Hapt, 1996, p. 29-50.

228 Galbreath, D. J., 'The Organisation for Security and Co-operation in Europe', Routledge Global Institutions, 2007, Great Britain, p. 62.

within the Conflict Prevention Centre.²²⁹ This capacity was neither superfluous nor too early, because in 2014 the OSCE took on the role of mediator between Ukraine, Russia and the separatists, the so-called Trilateral Contact Group (TCG). This resulted in, for instance, the 2015 Minsk Package of Measures,²³⁰ which provided a ceasefire and outlined steps towards a political resolution. A remarkable step, because the OSCE was both a formal participant within the TCG and a mediator through the position of the CiO and the Special Representative in the conflict. Furthermore, the OSCE was involved in these conflicts at a time when relations between Russia and the West were at an all-time low. Nevertheless, the OSCE 'represented the lowest common denominator and minimal consent that a multilateral organization on the ground and a forum for political negotiation was needed'.²³¹

Furthermore, the OSCE's role in the Transnistrian conflict²³² was strengthened due to the reactivation of the '5 plus 2 talks' in 2011 and in the South Caucasus and Georgia together with the UN and the EU. Likewise the OSCE was active in the South Caucasus and Georgia together with UN and EU representatives. Hence, the conclusion that the OSCE's activities and missions were often carried out in conflict areas in which the other security organizations were neither welcome nor interested.

A Participating Group of States

The group of states composing the OSCE developed into a large and very heterogeneous group, resulting in widely diverging interests. The US and Russia remained the dominant players in this European security architecture, which had a great impact on the OSCE. Russia had been one of the driving forces behind the concept of the Security Model of the 21st century and the institutionalisation of the OSCE.

Russia's main interest was the instrument of CSBMs, not the OSCE instruments for democracy and human rights, in contrast with the Western states. Russia had put the institutional reform on the OSCE agenda from the 1990s onwards, as a countermeasure to the deepening and widening of NATO and the clash between the West and Russia in 2014. At the same time, Russia was ambivalent about the role of the OSCE. On the one hand it fitted Russia's vision of what role the OSCE should play. On the other hand, according to Russia, the OSCE should strengthen in relation to the other European security organizations.²³³

229 See: OSCE, 'Mediation and Mediation Support', n.d., available at: <https://www.osce.org/secretariat/107488>, accessed 30 April 2018.

230 See: OSCE, Package of Measures for the Implementation of the Minsk Agreements, 2015, available at: <https://www.osce.org/cio/140156>, accessed 13 September 2018.

231 Lanz, D., 'Charting the Ups-and-downs of OSCE Mediation', in Security and Human Rights, Netherlands Helsinki Committee, Volume 27, 2016, Nos. 3-4, p. 252.

232 The Transnistrian conflict was an armed conflict that broke out in November 1990 in Moldova between pro-Transnistrian forces (supported by Russia) and pro-Moldovan forces. A cease fire was declared on 21 July 1992, which has held. In 2011 talks were held under the auspices of the OSCE, Russia, Ukraine, the US, the EU and the UN.

233 For an elaboration on Russia's position towards the OSCE after the 2014 Crimea crisis; Shakirov, O., 'NoSCE or Next Generation OSCE?', in Security and Human Rights, Netherlands Helsinki Committee, Volume 27, 2016, Nos. 3-4, p. 290-308.

Russia accused the West of applying double standards, because the West focused on the former SU and the Balkans for instance, but did not include security issues in the West.²³⁴

In contrast, the US stalled OSCE deepening from the end of the 1990s due to the Russian military offensives in Chechnya and the presence of Russian forces in Moldova and Georgia.²³⁵ Although the US had been positive towards deepening the OSCE until 1996, the follow-up had been received with more ambivalence. For the US, NATO had always been the organization to deal with the 'hard' security issues of Europe due to the regular inability of the OSCE to achieve consensus, combined with its lack of resources. Nevertheless, in some cases the US was very much aware that the OSCE was the only organization that could act in conflicts in which Russia was engaged, such as the crisis in Ukraine.²³⁶

Apart from Russia and the US, as shifting adversaries within the OSCE, the EU member states mostly voted as a bloc on issues of decision-making and agenda-setting, which accounted for almost half of the OSCE states.²³⁷

From 2000, therefore, the tenor of the participating states towards the OSCE was that the organization was in decline despite a certain amount of success in the field of conflict prevention. The dual role of Russia as a mediator and sometimes a 'party', combined with the Western disinterest and the emerging role of the EU as a security actor, also contributed to this trend. This is illustrated by the 2008 Russian-Georgian conflict that was settled by the President of the EU Council instead of the OSCE Chairperson-in-office.²³⁸

The OSCE itself, as a result of criticism about insufficient support and institutionalization, instigated a reform programme to improve its effectiveness in 2005. This led to the report entitled 'Towards a More Effective OSCE', followed by the adoption of a framework decision on strengthening the effectiveness of the OSCE.²³⁹ Furthermore, a Rules and Procedures Handbook was adopted and implemented in 2006.²⁴⁰ There were some modest results, but those did not lead to recognition of the OSCE as a full standard international organization or reform of the less effective organs.²⁴¹

234 Ghebali, V. Y., 'The OSCE between Crisis and Reform: Towards a new lease of Life', Policy Paper no. 10, Geneva centre for the Democratic Control of Armed Forces, 2005, p. 13-15.

235 Stewart, E. J., 'Restoring EU-OSCE Cooperation for Pan-European Conflict Prevention', *Contemporary Security Policy*, vol. 29, no. 2, August 2008, p. 271.

236 Hopmann, T. P., 'The United States and the OSCE after the Ukraine Crisis', *Security and Human Rights*, Brill and Nijhoff publishers, volume 26, 2015, no. 1, p. 33.

237 EU voting in OSCE.

238 Lanz, D., 'Charting the Ups-and-downs of OSCE Mediation', in *Security and Human Rights*, Netherlands Helsinki Committee, Volume 27, 2016, Nos. 3-4, p. 248-249.

239 See: OSCE, 'Common Purpose, Towards a more effective OSCE', 2005, available at: <https://www.osce.org/cio/15805>, accessed 12-9-2017.

240 OSCE Ministerial Council Decision No. 17, 'Strengthening the Effectiveness of the OSCE', Ljubljana, 6 December 2005, MC/DEC/17/05, available at http://www.osce.si/mc-docs/mc_17_05.pdf, accessed 20-07-2017.

241 Ghebali, V. Y., 'Where is the OSCE going? Present role and challenges of a stealth security organisation', p. 65-66, in: Tardy, T., (eds.) 'European Security in a Global Context. Internal and external dynamics', *Contemporary Security Studies*, Routledge, Oxon, Great Britain, 2009.

Decision-making

At the beginning of the 1990s, the OSCE started off as an intergovernmental organization, where the voting system was based on consensus. Within the OSCE, this did not only refer to policy-relevant decisions, but also administrative decisions, in contrast with NATO and the EU.²⁴²

As a result of the number of participating states and the consensus voting system, dissatisfaction grew amongst the participating states. Although consensus within the OSCE was not the same as unanimity, 'for it allows states to go along with proposals with which they may not absolutely agree by merely refusing to object'.²⁴³ Nevertheless, one of the first issues within the path of OSCE deepening was the debate on the voting system of consensus. This resulted in a change of the voting system, even supported by the new states, entailing a consensus-minus-one rule. The rule was adopted at the meeting in Prague in 1992 and allowed the OSCE to adopt political measures against a non-complying member.²⁴⁴ This Prague document created the possibility for some exceptions, in which case decisions could be taken by consensus-minus-one, in order to accommodate action against a non-complying state. This was the first form of flexibilization within the European security architecture.²⁴⁵ The consensus-minus-one procedure was even expanded with the acceptance of the consensus-minus-two procedure in the same year.²⁴⁶ According to Mosser, 'Among OSCE participating states, consensus-minus-one was not as controversial as it might have appeared at first glance, not even among smaller states that ostensibly had the most to lose in a formal re-arrangement of voting procedures'.²⁴⁷ The aim of the procedure was to stop political instability and conflicts in the OSCE area through a more efficient decision-making procedure.²⁴⁸ All the states were in favour of the procedure, including Russia, because 'provisions should be made for convening emergency meetings of the OSCE Council'.²⁴⁹

Furthermore, a 'tacit approval (or silence) procedure was adopted, which made it possible for a decision to be adopted within a specific time limit, provided no objection was raised. This was often used by the decision-making bodies when adopting administrative,

242 For an elaboration on the development of decision-making within the OSCE: Mosser, M. W., 'Embracing 'embedded security': the OSCE's understated but significant role in the European security architecture', *European Security*, 24:4, p. 585.

243 Mosser, M. W., 'Embracing 'embedded security': the OSCE's understated but significant role in the European security architecture', *European Security*, 24:4, p. 585.

244 The Prague Document on Further Development of OSCE Institutions and Structures, January 1992.

245 The only application of this mechanism was May 1992 to suspend Serbia and Montenegro from further participation in the OSCE process.

246 Meeting in December 1992, the Council introduced the possibility of a decision being taken in accordance with the rule of consensus minus two in regard to the peaceful settlement of disputes.

247 Mosser, M. W., 'Embracing 'embedded security': the OSCE's understated but significant role in the European security architecture', *European Security*, 2015, 2015, Vol. 24, No. 4, p. 586.

248 Up to now this option has only been used in 1992 when Yugoslavia was excluded because of its responsibility for various serious human rights violations.

249 Mosser, M. W., 'Embracing 'embedded security': the OSCE's understated but significant role in the European security architecture', *European Security*, 2015, 2015, Vol. 24, No. 4, p. 586.

budgetary or operational decisions and particularly when officials were being appointed or their term of office extended'.²⁵⁰

Much later, at the Corfu meeting of 2009, the decision-making procedure of the OSCE was again put on the agenda. On paper, this led to another expansion of the consensus-minus-one voting system '...in that it no longer formally 'calls out' a participating state but rather places the state of inefficiency squarely on the shoulders of the organisation itself...'.²⁵¹ Nevertheless, 'Corfu' could also be considered as the antithesis of consensus-minus-one, in that its '...ostensible normative interpretation is thin cover for traditional, transparent instrumental use of power'.²⁵² Either way, with Corfu, the consensus-minus-one rule was extended. Although the consensus-minus-one and two decision-making procedures had made a difference during the conflicts in the 1990s, efficient decision-making within an organization of 57 states remained a challenge.

The process of decision-making itself, within the OSCE, took place at periodic summits of heads of state and yearly meetings of the Ministerial Council composed of delegates of the participating states. Apart from the lengthy decisions-making process with 57 states, the OSCE itself operated with many mechanisms. These mechanisms were separated from the decision-making cycle and were not hindered by the decision-making process associated with consensus requirement at the political level.²⁵³

All in all, decision-making within the OSCE had become flexible and decisions were made by the participating states and organs. Still, in practice it had turned out to be difficult to reach consensus and create mandates for field missions, which were often discontinued as a result.²⁵⁴

6.5.3 *Forms of Deepening*

Like NATO and the EU, within the OSCE a differentiation in the forms of cooperation is observed. As well as the different options for voting in the decision-making process within the OSCE, other forms of cooperation were at the heart of the matter. These were cooperative mechanisms, as described above, to facilitate a qualified majority to enable specific cooperative action. With these mechanisms, states were allowed to initiate action in bilateral or multilateral meetings.²⁵⁵ These mechanisms were activated frequently at the

250 The procedure has developed since the adoption, in November 1990, of the Charter of Paris for a New Europe, which stipulates that it be used for the appointment of the first Director of each institution (paragraph 14 of the Procedures and Modalities concerning OSCE Institutions). Finally, the July 1992 Helsinki Decisions also make provision for the use of that procedure for the setting up of an ad-hoc steering group on a proposal from the Chairman-in-Office (Chapter I, paragraph 18).

251 Mosser, M. W., 'Embracing 'embedded security': the OSCE's understated but significant role in the European security architecture', *European Security*, 2015, 2015, Vol. 24, No. 4, p. 589.

252 *Idem*.

253 Stewart, E. J., 'Restoring EU-OSCE Cooperation for Pan-European Conflict Prevention', *Contemporary Security Policy*, vol. 29, no. 2, August 2008, p. 268.

254 For example, the closure of the field office in Yerevan by Azerbaijan.

255 Except for the Vienna mechanism, which can be activated by a single state, the other mechanisms require a minimum of a qualified minority.

beginning of the 1990s (except for the Valetta mechanism), but this has declined since the late 1990s, sometimes even denying states the option to collaborate in OSCE missions.²⁵⁶

Furthermore, the field missions of the OSCE were numerous, but often not supported by any legal agreement or sufficient capabilities. More often, these deficits were filled by a single state or a group of states²⁵⁷ outside the OSCE or replaced by other international organizations.

Finally, multilateral cooperation at the political level with regard to efforts to find solutions in specific conflicts has been a concept of the OSCE from the beginning. In other words, contact groups within the organization. The Minsk Group, for instance, was involved in a peaceful solution to the Nagorno-Karabakh conflict. It is co-chaired by France, Russia and the US.

6.5.4 *The OSCE Path of Deepening*

From its creation, the OSCE had a normative focus, with high standards in relation to governance, rule of law and human rights.²⁵⁸ As a result, the OSCE can be considered a norm-based organization of democratic values, codified in the documents of 1975, 1990, 1999 and 2010. However, most of this comprehensive *acquis* of norms and values and additional organs was not implemented.²⁵⁹

After the end of the Cold War, the OSCE built new organs, adopted mechanisms and extended its mandate, staff and capabilities for operations and missions. Along with the normative focus, the institutional build-up of the OSCE took place in policy areas like the human dimension, such as the institutes of HCNM and ODHIR. In the early 1990s, the ideas for the OSCE were ambitious, as declared in the related OSCE documents. However, the development to support this institutional structure, such as staffing, capabilities and funds to accomplish these ambitions, lagged behind.²⁶⁰

The OSCE was composed of 57 states and was therefore a heterogeneous organization, which made compromise on the difficult issues problematic. One solution could have been the consensus-minus-one rule. However, according to Mosser, the consensus-minus-one had been 'weaponised', which resulted in the opposite of a deepening of the OSCE and did not lead to more efficiency, as was the intention.²⁶¹

The OSCE was empowered to play a primary role in the European security architecture. Nevertheless, deepening had not evolved since the Istanbul Summit of 1999. From 2000, the OSCE had become a victim of an international power struggle between the West and Russia. This was a result of EU and NATO enlargement and the conflicts in the Balkans, such as in

256 See: US Mission to the OSCE, 'Human Rights Abuses in Chechnya: 15 OSCE Countries invoke Vienna Mechanism', 2018, available at: <https://osce.usmission.gov/human-rights-abuses-in-chechnya-15-osce-countries-invoke-vienna-mechanism/>, accessed 12-9-2017.

257 Williams, P. D., 'Security Studies. An Introduction', Routledge, Oxon, 2018.

258 Mosser, M. W., 'Embracing 'embedded security': the OSCE's understated but significant role in the European security architecture', *European Security*, 2015, 2015, Vol. 24, No. 4, p. 580.

259 Zellner, W. (Co), 'Towards a Euro-Atlantic and Eurasian Security Community. From Vision to Reality', *IDEAS*, 2012, p. 11.

260 Hill, W. H., 'OSCE Conflict Resolution and Peacekeeping, Past and Future', OSCE Security Days Event, National War College Washington DC., 16 September 2013, p. 1.

261 Mosser, M. W., 'Embracing 'embedded security': the OSCE's understated but significant role in the European security architecture', *European Security*, 2015, 2015, Vol. 24, No. 4, p. 586.

Kosovo, where Russia and the US fundamentally disagreed. The debates between the states regarding the build-up of the OSCE resulted in a process of unfinished institutionalization. This caused the OSCE's operational institutes to perform with undue autonomy, under the guise of flexibility and pragmatism, and for states and other organizations to impose their own agenda. This was strengthened by excessive political autonomy of the Chairman in Office, the long-term missions (LTMs) and especially ODHIR's position, according to Ghebali.²⁶² A leading mediation role in conflicts was thus difficult to realize, as a result of the consensus-based organization, which included both the conflict and external parties. Nevertheless, the OSCE always had a strong field presence to gather information and at the same time facilitate important dialogues.

In contrast to NATO and the EU, the OSCE was never founded on a treaty, but was a politically based organization. The OSCE has therefore been more of a process than an organization, aimed at dialogue between East and West.²⁶³ According to Mosser, the fact that the OSCE has been a political organization meant that 'the decision-making and procedural rules were even more important to its function. The rules allow states to minimise transaction costs when interacting with each other, and to avoid endless renegotiation over what should be straightforward procedures. In the OSCE, however, the rules underpinned a structure that was designed to question the foundation of international security'.²⁶⁴ One positive aspect is the fact that non-legally binding organizations give states and organs more flexibility and freedom of movement with regard to decision-making and actions. However, flexibility can also lead to free-rider behaviour, if an organization does not have the power to force states or organs to act, for instance by means of a treaty, which was the case with the OSCE.

Furthermore, the OSCE lacked a strategy that specified goals and structures, the legal basis and capacities, a financing system and 'a politically empowered secretary-general and a political and professional secretariat'.²⁶⁵

In general, one of the problems for the OSCE has been the inherited competing principles of territorial integrity versus the right of self-determination from the Helsinki Final Act.²⁶⁶ Within the OSCE, it was made clear that the concept of cooperative security, human rights and inclusiveness conflicted with state sovereignty. This left the OSCE as a functionalist and specialist organization for the difficult, unsolvable conflicts in the OSCE

262 Ghebali, V. Y., 'Where is the OSCE going? Present role and challenges of a stealth security organisation', p. 68, in: Tardy, T., (Eds.), 'European Security in a Global Context', Routledge, 2009.

263 Holsti, K. J., 'International Politics: A Framework for Analysis', 7th international ed., Prentice-Hall International, 1994, p. 25.

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

265 Ghebali, V. Y., 'Where is the OSCE going? Present role and challenges of a stealth security organisation', p. 65, in: Tardy, T., (eds.), 'European Security in a Global Context', Routledge, 2009.

266 Sargsyan, H., 'Syntheses of Common Challenges: Multifaceted Obstacle Course for the OSCE and all Parties Concerned', *Security and Human Rights*, Netherlands Helsinki Committee, Volume 27, 2016, Nos. 3-4, p. 520.

area, which was in contrast with the supposedly leading role of the European security architecture.²⁶⁷

6.5.5 Conclusion

In this section, the questions of how and why change has led to deepening of the OSCE is examined. Within the OSCE path of deepening, the following main periods can be identified. First, directly after the end of the Cold War, the OSCE deepened its institutional structure and instruments, with the aim of setting up the OSCE as the umbrella organization for the European security architecture. This period of deepening was followed by a period of tension and upcoming disinterest of the participating states, lacking solidarity, a common strategy, and the inability to provide the OSCE with accurate instruments and capacities. And, finally, disarray occurred between the participating states, resulting in disinterest and unwillingness to strengthen the OSCE.

As a result, dialogue and cooperation within the OSCE area was replaced by bi- and multilateral state blocs lacking organizational coordination. And though the OSCE could be seen as ‘the eyes and ears’ of the international community and could be regarded, in contrast to the EU and NATO, as a more comprehensive organization in terms of members as well as policies, the effect was a rebound and left the OSCE placed in the middle of conflicts. This to paralysis in the build-up of the organization as well as in the actions to be performed.

6.6 The Tower of Babel: A Cross-case Comparison on the Path of Deepening

6.6.1 Introduction

The previous sections discussed the path of change of the security organizations separately. These paths of change, resulting in an institutional build-up of the security organization, are chronologically presented in the table below. This section addresses the questions of how and why change in the path of deepening has varied between the security organizations. The security organizations will be compared, addressing observed differences and similarities in the indicators of level and form to analyse the variation between the organizations. In other words, the cases will be subjected to a cross-case comparison within the path of deepening, based on the research framework.

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267 Stewart, E. J., ‘Restoring EU-OSCE Cooperation for Pan-European Conflict Prevention’, *Contemporary Security Policy*, vol. 29, no. 2, August 2008, p. 268.

Deepening of security organizations	NATO	EU	OSCE
Previous to 1990	Creation 1949	Creation 1952	Creation 1975
1990			Paris Summit; European security architecture
1991	NSC, ESDI, start change structure; planning staff, crisis coordination centre, reduction HQ		
1992		CSDP, Petersberg declaration	Prague Summit; consensus minus 1+2, convention on conciliation and arbitration
1994	CJTF, C2 and HQ		CSCE=OSCE, Chapter VIII organization UN, HCNM, ODHIR, Code of Conduct, Convention on Conciliation and Arbitration. Institutional building of Council and parliamentary assembly. Crisis management task
1996	ESDI		
1997	C2 transformation	Strengthening Petersberg tasks, start institutional building, constructive abstention	
1998		St. Malo Summit; ESDP	
1999	NSC, HQ and C2	Treaty of Amsterdam, HHG (civil and military), crisis management, creation PSC/ COPS for missions, five national operational HQ	Istanbul, ACFE and strengthening CSBMs
2001		Treaty of Nice; institutionalisation PSC, EUMC, EUMS, EGF, ECAP. WEU=EU, except for Article 5	

2002	NRF, change institutional structure; committees, HQ, C2 split ACT-ACO, PCC		
2003	C2 reform; ACO and ACT	ESS, EDA, EGF	
2004		Civilian headline goal; counter terrorism coordinator, civilian response teams	
2006		BG	
2007		Strengthening Petersberg tasks, operations centre, CPCC, sitcen	
2008		CPCC, civilian HQ	
2009		Treaty of Lisbon; ESDP=CSDP, EEAS, HR, PESCO, Art 42.7 and 222, CMPD, CPCC	Corfu Summit, adjustment consensus minus 1
2010	NSC, smart defence, ESCD	Internal Security Strategy	
2011	CCOMC		mediation-support capacity
2013	FNC (Germany)		
2014	RAP, NRF extension, VJTF, IFFG, FFG, RAP, CFI, JEF		
2015	Multinational Division South-East		
2016	Cyber attacks under Article 5, CCD, C2 reform	EUGS IPSD, PESCO, EDAP, CARD, EDF, COSI, ECPF, CCD and involvement Commission	

Table 6.1 Overview of key moments of the path of deepening of the different security organizations.

6.6.2 Comparing the paths of deepening of NATO, the EU and the OSCE

The OSCE was founded at the beginning of the seventies as a process and transformed at the end of the Cold War into a permanent organization. From its creation, the OSCE was regarded more as a process than an organization, not an end state, aimed at dialogue between East and West.²⁶⁸ The institutional build-up of the OSCE was based on the



²⁶⁸ Holsti, K. J., 'International Politics: A Framework for Analysis', 7th international ed., Prentice-Hall International, 1994, p. 25.

policy areas for which the OSCE was mandated: the human dimension and minorities institutionally mirrored in the HCNM and ODHIR.

As in the case of the OSCE, EU integration was likewise regarded as a process. The final aim of the European integration process has always been under debate, varying from a federal organization, an ever deepening union, to an intergovernmental organization or what the French President Charles de Gaulle called a *Europe des États*, in which national sovereignty was the principal idea.²⁶⁹ With regard to security and defence policy, the EU had no pre-existing military competence before the launch of CSDP, in contrast to NATO. The EU's CSDP institutional design was drawn from the WEU, NATO, the OSCE and the UN and was built from there.²⁷⁰ From the beginning, therefore, there was no consensus between the member states with regard to the creation of a new international crisis management organization or its relationship with other international organizations in the European security architecture.

NATO's core business or aim as a security organization was laid down from the very beginning: solidarity between the member states as a means to deter threats from outside the organization. At first, NATO was built on the threats perceived. The aim was the preservation of status quo and stabilisation. After the end of the Cold War, NATO was adjusted in response to the security environment's need for a crisis management organization together with a compromise between the member states and links with other security organizations.

From the analysis of the path of deepening of the security organizations identified in this chapter, based on the indicators of level and form, some key findings stand out.

Level of Deepening

From their creation, all security organizations show a different model of politically or treaty-based organizations.

First, the OSCE contains a large group of states with a broad variety of geopolitical interests.

Furthermore, although the OSCE is a regional organization under Chapter VIII of the UN Charter, the OSCE is a political and not a treaty-based organization.

In contrast, NATO was founded in 1949 by the international legally binding Treaty of Washington. This Treaty is composed of a total of 14 articles which have not been altered since, apart from an amendment to Article 5 after 9/11, which included terrorism as a possible threat. Nevertheless, NATO's path of deepening was built on political and military strategies. Decisions were established by so-called security concepts, which entailed agreements that were politically, but not legally based.

Finally, the EU and CSDP built its competences on treaties and amendments and developed from there. From these treaties, such as the Maastricht, Amsterdam and Lisbon Treaties, the competences and institutional structures for security and defence policy were built incrementally and sequentially, case by case, based on operations and missions.

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269 23 November 1959, Strasbourg.

270 Hofmann, S. C., 'Why institutional Overlap Matters: CSDP in the European Security Architecture', *Journal of Common Market Studies*, 2011, vol.49, nr.1, p. 106.

Regarding the authority of the security organizations, a number of observations can be distilled. Although the transfer of sovereignty to a security organization is not expected any time soon and intergovernmental decision-making is leading, the organizations in this research show a mixture of authority at different levels.

Many possibilities were created for decision-making with abstention, consensus-minus-one decision-making and modular and flexible decision-making within the organizations, either in the voting systems, in the form of more permanent cooperation, or in the form of ad-hoc cooperation, such as coalitions employed for an operation. These decision-making schemes were, on the one hand, initiated by the member states and on the other, driven by organs and officials from within the organization.

Regarding the autonomy of the security organizations, NATO and the OSCE can be considered traditional intergovernmental organizations, as the domain of security and defence is within the arena of high politics. Both organizations performed according to the sovereign principle of 'costs lie where they fall' in the case of operations and capability development. The issue of common funding for operations and capabilities has been on the agenda ever since their founding, but funding remained within the strict authority of the member states. No exceptions were made between capability development, operations and missions, and exercises and training. Although the EU has intergovernmental and supranational elements, depending on whether the policy resides under the umbrella of the Commission or the Council (or a mix), CSDP was intergovernmental. However, after the EU's new strategy of 2016, the EU Defence Fund of the Commission and the PESCO mechanism changed the intergovernmental aspect, in contrast with NATO and the OSCE. The EU's security and defence policy is moving towards majority voting and core groups for cooperation.

Form of Deepening

Along with the observed change in the level of deepening of international security cooperation, another finding from the path of deepening refers to the form of international security cooperation. An increase of modular cooperation was observed, which gave member states the possibility of cooperation with a smaller group, based on threat or policy perception.

The possibility of the EU concept of opting into or opting out of the Schengen agreement and the Treaty of Maastricht was further developed for crisis response operations as well as common defence. The Treaty of Lisbon (2009) incorporated the PESCO mechanism²⁷¹ and Article 42.7, with opt-in and opt-out possibilities. Lisbon was preceded

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271 Biscop, S., Coelmont, J., 'Permanent Structured Cooperation in Defence of the Obvious', Security Policy Brief 11, June 2010.

by many initiatives and followed by the bi- and multilateral concepts of the Weimar and the Ghent initiatives²⁷² and the Franco-British cooperation agreement of November 2010.²⁷³

NATO has been an 'opt-out organization' from the beginning, as Article 5 was built on modular cooperation as the founding act of NATO states '...as they deem necessary...'. Furthermore, NATO gave way to the idea of modular cooperation from 1994 onwards with the ESDI and the CJTF concept, followed by NRF, FNC and VJTF, which created a possibility for member states to act in a coalition within the institutional framework of the Alliance.

Likewise, the OSCE incorporated modular cooperation from the beginning regarding the decision-making system, execution of field missions, capabilities and finance, institutional mechanisms and even the political resolution of conflicts, for example, by the Minsk process.

Another observation was bottom-up and top-down cooperation. Bottom-up cooperation was illustrated by NATO's NRF and the EUBG. Top-down cooperation was illustrated by the PESCO concept and the OSCE Minsk Group, either with consensus top-down or bi- and multilateral²⁷⁴ decision-making. For some states, this resulted in an interconnectedness beyond sovereignty, as in the case of Germany and the Netherlands, as they were no longer able to conduct operations without the other state: a marginal form of supranationalism and an increased form of horizontal interdependency.

In short, modular cooperation, illustrated by plug-in and plug-out and double-hatted forces, has led to processes of top-down and bottom-up cooperation simultaneously. In addition, a combination of national and international forms of cooperation was observed: the FNC is national, NRF and PESCO are at international level and Berlin Plus is inter-organizational. As a result, the OSCE, the EU and NATO have become complementary and allied.

Apart from the observation of modular cooperation within the security organizations, the setting up and implementation of coalitions of willing and able outside the security organizations was observed as well. The initiative for international involvement and engagement, when a crisis occurred, most often came from the greater powers, structured in so-called coalitions of willing and able with partners that had the same interests and/or capabilities.

Member states of institutionalized organizations often chose informal instead of formal institutionalized cooperation, implying that member states were looking for other possibilities to operate outside the institutional frameworks they had set up themselves.²⁷⁵ Apart from contact groups like those for Syria, member states of NATO and the EU

272 The 'Ghent Initiative' of November 2010, by Germany and Sweden, to strengthen the *Pooling and Sharing* capacities within the EU. The 'Weimar Initiative' of February 2011 of France, Germany and Poland to strengthen EU's defence policy by initiating an EU headquarters.

273 The 'entente frugale', the two major military powers of the EU agreed on numerous cooperative measures to reduce defence spending while maintaining effectiveness.

274 Cooperation on capability generation is increasingly taking place 'bottom-up' among the member states.

275 E.g., Operation Enduring Freedom, Afghanistan and Operation Unified Protector, Libya 2011 initiated by the UK and France and NATO providing the 'tools' and post-hoc legitimacy.

established a wide network of bi- and multilateral initiatives for cooperation, employable for both NATO and the EU, but not the OSCE.²⁷⁶ Furthermore, the concept of a smaller group of states to cooperate with was also integrated within the organizations, for example, the OSCE Minsk Group, in which only some states participated.²⁷⁷ This was not only the case for military operations, but also for civil operations (e.g., Mali, 2013). Multilateralism light, ad-hoc coalitions, clusters of cooperation and contact groups²⁷⁸ in the field of security are just a few phrases that have gained prominence in the last few years. It was no longer self-evident that operations were initiated within the formal institutionalized multinational frameworks of these organizations. In other words, 'it's not the coalition that determines the mission; it's the mission that determines the coalition...'.²⁷⁹ Nevertheless, these coalitions of willing and able were most likely followed by the involvement of formal institutionalized organizations such as NATO, the EU or the OSCE in operations which '... return like a boomerang to either NATO or the EU in cooperation with the UN in any case in the form of a training or advisory mission...'.²⁸⁰

Informal and de-institutionalized security cooperation did not only occur between states, but also between organizations. Instead of an institutionalized European security architecture set at the beginning of the 1990s, as was elaborated on in Chapter 5, inter-organizational cooperation increased mainly between organizations and on an informal or low institutionalized level.

In short, from the observed modular and informal cooperation, the form of organizations has become more fluid and new forms of international cooperation and organizations were observed. Clegg and Hardy described this trend as '...on the outside the boundaries that formerly circumscribed the organization are breaking down in 'chains', 'clusters', 'networks' and 'strategic alliances'.²⁸¹ On the inside, the boundaries that formerly delineated the bureaucracy were also breaking down as the traditional hierarchal structure changed, leading to new organizational forms. Although authority and autonomy were not directly transferred to the security organizations from the state, via the backdoor of the concept of modular cooperation diverging levels of decision-making were integrated in international security cooperation. Nevertheless, actual implementation of several modular cooperation initiatives, such as NRF and BG, were not activated.

276 The Nordic countries established a comprehensive defence framework called the Nordic Defence Cooperation (NORDEF)CO; the UK and France signed the Lancaster House Treaties creating an unprecedented level of bilateral defence cooperation; six smaller Central European countries (Austria, Croatia, Czech Republic, Hungary, Slovakia, Slovenia) founded the Central European Defence Cooperation (CEDC) for both practical and political collaborations; and the Baltic (Estonia, Latvia, Lithuania), Benelux (Belgium, Netherlands, Luxemburg) and 'Visegrad Four' countries (Poland, Czech Republic, Slovakia, Hungary) reinvigorated their defence cooperative frameworks established during the 1990s. For an elaboration, see: Rehrl, J., F. Mogherini, H. Peter Doskozil, and C. Fokaides, eds. *Handbook on CSDP: The Common Security and Defence Policy of the European Union*. 3rd ed. Vienna, Austria: Federal Ministry of Defence and Sports of the Republic of Austria, 2016

277 The Minsk Group spearheads the OSCE's efforts to find a peaceful solution to the Nagorno-Karabakh conflict, co-chaired by France, the Russian Federation, and the US.

278 Already the first contact group that was settled during the Balkan wars at the beginning of the 1990s.

279 According to the American Defense Secretary Rumsfeld, October 18, 2001.

280 Biscop, S., 'Peace without money, war without Americans: challenges for European strategy', *International Affairs*, 89, 2013, p. 1129.

281 Clegg, S. R., Hardy, C., 'Studying Organisation: Theory and Method', SAGE, 1999, p. 15.

Explaining the Path of Deepening

Deepening, the path analysed in this chapter, concerns the setting up of the institutional framework, the transfer of authority and autonomy and the decision-making procedures of an international organization. The organizations under scrutiny in this research are security organizations, all acting in the high politics of the security and defence domain. For that reason, increasing authority and autonomy or even the transfer of sovereignty to a security organization is not logical. In principal, intergovernmental decision-making is leading.

The analysis of the path of deepening in this chapter of all three organizations revealed an increase in flexible, also regarding decision-making, and modular cooperation even in the security and defence domain. It could be argued that the rationale behind modular cooperation was that if member states wanted to strengthen cooperation, this could best be initiated by a core group of member states. An option was included for others wanting to join at a later stage, labelled as inclusive cooperation conceptualised by the multi-speed concept, to be able to do so.

Initiatives for flexible and modular cooperation came partly from the member states. And this model of core groups within the organizations increased, either for decision-making, capability development or missions and operations.

The reasoning behind these initiatives varied from politically driven arguments for national gain or enhancement of the international security environment, to military arguments enhancing capabilities and to a preference of the composition of the coalition.²⁸² Examples are bi- and multilateral cooperation concepts such as the OSCE Minsk Group, EU PESCO, pooling and sharing within the EU and NATO's smart defence.

Modular forms of cooperation had been in the interest of both sides of the Atlantic, for NATO as well as the EU. For the US, the arguments entailed reasons of political interest or burden-sharing aspects. For some of the European states, the arguments entailed autonomy and the desire to have a greater say in the transatlantic relationship.

Finally, it was observed that member states, if it was in their interest, opted for informal institutionalized cooperation or even de-institutionalized cooperation outside the security frameworks they had set up themselves, because of the increase in members or capability shortfalls.

Although cooperation in the security and defence realm 'breathes' state sovereignty, varied cooperation forms had already been observed from the creation of these organizations. The EU was built on opt-in and opt-out possibilities in form, authority and autonomy, for example in the case of the Schengen Treaty. This path dependency persisted within the security and defence realm. Likewise, NATO has been an opt-out organization from the beginning, as illustrated by Article 5 of the Washington Treaty, which was built on modular cooperation. This path dependency of flexible and modular cooperation was prolonged

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282 Major, C., Molling, C., 'More teeth for the NATO tiger. How the Framework Nation Concept can reduce NATO's growing formation-capability gap', p. 33, in: Friis, K., 'NATO and collective Defence in the 21st century. An assessment of the Warsaw Summit', Routledge focus, 2017.

after the Cold War with the EU's Treaty of Maastricht and Amsterdam and with NATO's ESDI and CJTF concepts and developed from there. And although the OSCE institutionalized after the end of the Cold War, this institutionalization was associated with modular cooperation from the beginning as well regarding the decision-making system, execution of field missions, capabilities and finance, institutional mechanisms and even the political resolution of conflicts. It was thus observed that along the path of deepening, the differences between the interests of the member states in their choice of institutionalized security cooperation was reflected in flexible and modular cooperation in all three organizations. Not in creating new organizations or ending the existing structures, but adjusting them to the changing environment. Prime examples are France, Germany and even the UK who, in various coalitions, have been the drivers behind the EU security framework,²⁸³ either unilaterally,²⁸⁴ bilaterally²⁸⁵ or multilaterally.

Furthermore, this path-dependent element, derived from historical institutionalism, of flexible and modular cooperation forms was not limited to cooperation within the security organizations; it was likewise observed between the security organizations, labelled as horizontal interdependency.

As argued above, many initiatives for modular cooperation were state driven, top-down, as the states could pick and choose their own coalitions for operations and strengthen their capabilities. However, it was shown that these initiatives also came from the organs and officials within the organizations, in other words bottom-up. Decision-making was decentralised to lower levels. This was illustrated by the strengthening of NATO's international staff and the enhancement of the position of the secretary-general, because of the increase in operations, members and partners. It can be argued that the officials, in NATO, the EU and the OSCE, already exerted influence from the agenda-setting phase of the policy process because of a central position in policy making and their expertise, which allowed them to be involved very early in the planning process up to the conduct of operations and missions.²⁸⁶ Another explanation of the organs as actors in their own right has been the absence of strong control mechanisms and organizational doctrine, together with the conduct of operations in a combined EU-NATO setting.²⁸⁷

Another aspect that constructivist institutionalism offers to explain paths of change is the more in-depth analysis of bureaucratic processes. It is argued that the less an institution is structured, the less it can influence or even shape other actors. And the variety of actors within the institution can be better managed if there is more internal homogeneity and simultaneously exclusiveness. The research illustrated that the OSCE organization, a large heterogeneous group lacked a joint identity and any sanctions or incentives, institutionally and financially, to empower the OSCE. Likewise, its scope of

283 Biscop, S., 'Peace without money, war without Americans: challenges for European strategy', *International Affairs* 89: 5, 2013, p. 1141.

284 France was the driver behind operations in Libya, Syria and Mali.

285 St. Malo declaration, 4 December 1998 and its follow-up.

286 Dijkstra, H., 'The Influence of EU officials in European Security and Defence', *European Security*, 21:3, p. 312.

287 Military operations are decided upon by the member states, civilian missions are decided upon the Council in combination with the EP.

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, which paralysed the organization in influence and actions.²⁸⁸

Finally, the EU and NATO have been two of the most institutionalized (security) organizations since the end of the Second World War. From its creation, the Alliance deepened its structure and developed a well-institutionalized setup, especially in the military domain. Likewise, for the EU, institutionalization has been its core business. With the 'entrance' of the EU into the security and defence realm, the same mechanism of institutional building was observed, related to the path of broadening or widening. This dynamic can be labelled as a neo-functionalist logic, which claims spill-over from other policy areas into the security and defence area, accompanied by institutionalization and thus legitimation, according to the constructivist institutionalist. Organizations are then regarded as actors in their own right and strengthening an organization's mandate in combination with processes of institutionalization reflects the legitimacy and power of these organizations.

6.7 Conclusion

This chapter addressed the questions of how and why change had led to deepening, and its possible opposite, of the European security organizations. Consequently, the security organizations were analysed separately and in comparison, in their path of deepening, measured by the indicators of level and form of change.

The paths of deepening, where change was analysed from 1990 onwards in form and level, presented a varied path. Deepening of the security organizations has led to a build-up and strengthening of the organizations, but it has also had the opposite effect as a result of the increase in bi- and multilateral cooperation schemes and operations executed by coalitions of willing and able, inside and outside the organizations. Furthermore, different and similar processes of deepening can be discerned, caused by states and other actors. Institutionalization occurred as a result of institutional legacy and binding treaties and agreements, in response to crisis and operations or because of other actors. Finally, the form of deepening changed after the end of the Cold War. Although change was initially intergovernmental, inclusive and homogeneous, gradually the path of deepening changed into a varied web ranging from opt-in and opt-out cooperation, to multi-speed concepts inside and outside the organizations and between the organizations.

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288 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.