

## Security Concerns of Europe and Asia

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### ABSTRAK

*Apa yang boleh digarap daripada makalah ini ialah bahawa aspek keselamatan Eropah adalah lebih rapat atau berkaitan dengan apa yang berlaku di Eropah Tengah dan Timur, kawasan Mediterranean dan Timur Tengah. Pada peringkat yang lebih luas, ia meliputi hubungan Kesatuan Eropah dan Amerika Syarikat. Walau bagaimanapun, dengan adanya perkembangan mengenai Keselamatan Bersama Eropah (Common European Security) dan Dasar Pertahanan, maka konsep Rapid Reaction Force (RRF) dianggap boleh beroperasi walaupun di tempat yang jauh jaraknya dari Eropah. Adakah konsep ini akan meliputi Asia? Hal ini masih belum terjawab kerana RRF ini masih agak baru lagi. Bagi negara-negara Asia pula, adakah mereka prihatin terhadap keselamatan Eropah? Nampaknya, keprihatinan itu masih berlegar pada tahap perisytiharan sahaja dalam ASEAN, ASEM ataupun ARF, sungguhpun terdapat pasukan tentera Asia bertugas di Bosnia, misalnya. Seolah-olah terdapat suatu sikap bahawa penduduk Eropah boleh menangani sendiri hal-hal berkaitan keselamatan mereka.*

*Kata kunci: keselamatan, ASEAN, Eropah, Asia*

### ABSTRACT

*What can be drawn out of this paper is that European security will be very much closer to Europe's shores like Central and Eastern Europe, the Mediterranean Basin and the Middle East. At the wider level, it will be EU-US relations. However, with the development of the Common European Security and Defence Policy, it is said that the Rapid Reaction Force could operate far from Europe's shores. Will this include Asia? This is left to be seen as this Force remains nascent. For Asian states, do they have concern for European security? It appears that it remains to be much more declaratory within the ASEAN, ASEM or ARF context although we see contingents of Asian troops in Bosnia for example. There seems to be the attitude that the Europeans themselves can deal with their own security.*

*Key words: Security, ASEAN, Europe, Asia*

## INTRODUCTION

Has Europe to be concerned about security in Asia? Which European countries have stakes in Asia which induce interest in security issues in Asia? How are the concerns of security in Asia expressed? What are the limitations of European concerns in Asian security? These are some of the fundamental questions which this paper attempts to address. In the same way we can ask about Asian interest in European security. What stakes does Asia have in Europe? How is the concern for European security expressed and what are the limitations?

This article will first examine the context, then deal specifically with the European Union's Common Foreign and Security Policy (CFSP), its Common European Security and Defence Policy (CESDP) and the Asian security mechanisms particularly the Association of South East Asian Nations (ASEAN) Regional Forum (ARF) before concluding. This is the *fil conducteur* of this paper.

## SECURITY IN EUROPE-ASIA RELATIONS

Europe's engagement with Asia goes back centuries but the colonial era has ended. At the political level, the accession of the United Kingdom (UK) to the European Economic Communities (EEC) in 1972 signalled the UK's shift to Europe casting question marks on the then British Commonwealth and its interest in Asia. It was like Europe's last withdrawal from Asia. However, it opened the door to new sets of relationships between the Asian countries and the EEC resulting in trade and cooperation agreements like that with India and with ASEAN. It was no more a relationship between ex-colonies with their former colonial masters.

One has to say that much of the past bilateral relationships between the EEC (then EC) and Asian countries when both sides met were economic due to the nature of the agreements. Political dialogue including security discussions are recent dating, at the earliest, to the end of the 1980s and the beginning of the 1990s. It is also the case that, at least, for South East Asia, the interest was economic and economic in political dialogue. A minister at the Asia-Europe Meeting (ASEM) Foreign Ministers' Meeting made the point that the Asian side wanted to focus primarily on the economic process in political dialogue. It was the EU which insisted on a political dimension in ASEM. So, one sees the differences in the intentions to meet but the compromise was made to satisfy both sides.

The political dialogues as exchanges in the context of international relations afforded the opportunities of Asian countries in discussing European issues including security. Bosnia and Kosovo along with the reform of the United Nations (UN) Security Council, the Comprehensive Test Ban Treaty (CTBT), the Nuclear Non-Proliferation Treaty (NPT), the Chemical Weapons

Convention (CWC), the Biological Weapons Convention (BWC), the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction and the Convention on Conventional Weapons are discussed in ASEM. Things have changed. Kosovo and Bosnia along with these international security issues are discussed in EU-ASEAN Ministerial Meetings. When Asians meet between themselves, as one reads in the Joint Communiqué of the ASEAN Ministerial Meeting (AMM) of 23-24 July 1999, mention is made of Kosovo including these international security issues apart from Asian issues like the Korean peninsula and Korean Peninsula Energy Development Organisation (KEDO), India and Pakistan, the Middle East peace process, the Taiwan Straits, the South China Sea, the Zone of Peace, Freedom and Neutrality (ZOPFAN) and the South East Asian Nuclear Weapons Free Zone (SEANWFZ). Malaysia contributed troops in Bosnia to establish peace and received Bosnian refugees on its soil. Pakistan also contributed troops in Bosnia. Japan contributes financially to the reconstruction and humanitarian aid to Bosnia, Kosovo and Yugoslavia. Taiwan, to gain support for its recognition, was reported to have contributed US\$4-5 million to Kosovo as humanitarian assistance even attempting to meet the head of the unrecognised provisional Kosovar government and investing in a 183-hectare export processing zone in Central Macedonia (*Far Eastern Economic Review*, 19 August 1999: 25-26).

However, it must be said that Asian interest in security in Europe is very much in terms of knowledge, talk and declarations. There has been talk of Asians learning from the Organisation for Security Cooperation in Europe (OSCE) as some kind of inspirational model for an Asian security system, while, at the Track II level within the context of CSCAP, the OSCE experience has been shared.<sup>1</sup> The ARF seems to be the most appropriate for the moment. Asians can ponder over how European security affects them but what can they do. They rely on Europeans themselves to keep the peace and security in Europe so that they can export to them, as sources of investment and technology, even Japan and South Korea have investments in Europe. Asian countries are really more into the security of their region and see Europe more with economic eyes.

But what else has the EU and its Member States done beyond words? The British forays under the Five Power Defence Agreement (FPDA) continues. The last British forces have left Hong Kong. A British Gurkha battalion remains in Brunei. France, apart from its presence in its South Pacific territories, has signed defence cooperation agreements with Malaysia, the Philippines, Indonesia, Singapore and Vietnam. It holds regular naval exercises there and with Australia and New Zealand. Sweden and the Netherlands also have defence cooperation agreements with Asia-Pacific states. In such defence cooperation agreements, the Singapore Air Force trains in France. Europe sells arms to Asia which faces much criticisms with their misuse or abuse as with Hawk fighters in East Timor and starting the arms race in Asia.

If the premise is that investment and trade require a stable and secure environment, then EU Member States – Germany, the UK, the Netherlands and France – the key states with much investment and trade in Asia, have an interest in security issues in Asia. Other member states have less economic interests out there. But we are also talking of the fifteen member states who each have their own trade and investment policies as well as foreign and security policies. A reflection of this is that most member states have each come up with their Asia strategy policy paper in addition to that of the EU's, the "Towards a New Asia Strategy" which also touches security. Despite the different economic, foreign and security policies of the EU Member States, the EU have made attempts to forge a common foreign and security policy. This will be examined in the next section.

There is no CFSP equivalent to the EU in Asia. ASEAN sees the EU as a model but its members are not in the stage of surrendering bit by bit their sovereignty to form a community or a union. They each have their own foreign policy even disputing between themselves. The dispute between the Philippines and Malaysia over the Malaysian occupation of one of the islands of the Spratlys (Investigator Shoal and now Erica Reef) (*Straits Times*, 19 August 1999) which the Philippines also claim is an example. There have been flare-ups between Malaysia and Singapore. However, disputes of this type – some of which have been referred to the International Court of Justice – have not stopped, as would have happened 20-30 years ago, co-operation at the ASEAN level. SEANWFZ is a recent project of ASEAN. May be SEANWFZ and the earlier ZOPFAN are small steps towards an ASEAN CFSP. One must not also forget ASEAN's lead on Cambodia in the UN and its Co-Chairmanship of the Paris Peace Agreements of 1991. One can say that the common foreign policy positions of the ASEAN countries are negotiated between themselves but they are not institutionalised. Obviously too towards the external world, they unite for strength. ARF, the one and only security forum in Asia, will be looked at later.

## THE CFSP

In 1970 was established the European Political Cooperation (EPC)<sup>2</sup> formalised in Title III of the Single European Act of 1986. A major step was under the 1992 Maastricht Treaty of the European Union (EU) which established the CFSP under which foreign policy cooperation was to take place.

Under the 1997 Amsterdam Treaty of the EU, there was further progress. Principally, the Secretary-General of the Council is now the High Representative for CFSP. The running of the Council Secretariat is now in the hands of the Deputy Secretary-General. This is outlined in Article J.8. Article J.16 speaks of the Secretary-General/High Representative assisting the Council in matters within the scope of CFSP in particular in contributing to the formulation, separation and

implementation of policy decisions and acting on behalf of the Council, at the request of the Presidency, through conducting political dialogue with third parties.

In terms of foreign policy cooperation or to give substance to the *Common* of Common Foreign and Security Policy, Article J.13 speaks of qualified majority in adopting joint actions, common positions or taking any other decision on the basis of a common strategy or in adopting any decision implementing a joint action or a common position. (This qualified majority voting requires 62 votes in favour cast by at least ten member states). However, in opposing the adoption of a decision to be taken by qualified majority for important and stated reasons of national policy, a vote shall not be taken. The Council may, acting by a qualified majority, request that the matter be referred to the European Council for a decision by unanimity. This paragraph on joint actions and common positions does not apply to decisions having military and defence implications. This paragraph is a derogation from the first paragraph which speaks of constructive abstention of a Member State in Council in a vote which will not oblige it to apply the decision but accept that the decision commits the Union. In a spirit of mutual solidarity, the Member State which abstains from voting shall refrain from any action likely to conflict with or impede Union action and the other Member States shall respect its position. If members in Council qualify their abstention representing more than one-third of the votes weighted in accordance with Article 148 (2) of the Treaty of the European Communities, the decision shall not be adopted. So, while, on one hand, progress is made in terms of qualified majority, the independence of each Member State's foreign policy is safe-guarded and decisions which have defence and military implications are excluded. This positiveness to promote CFSP with a way out not to commit a Member State is also seen in Article J.14 which deals with agreements with one or more states or international organisations in implementing this Title V on CFSP. While the Council, acting unanimously, may authorise the Presidency, assisted by the Commission as appropriate, to open negotiations, a Member State is not bound to the agreement if it states that it has to comply with the requirements of its own constitutional procedure; the other members of Council may agree that the agreement shall apply provisionally to them. What is more telling about the unwillingness of Member States to give up sovereignty on CFSP is the Declaration to the Final Act of the Intergovernmental Conference (IGC) when it states that the provisions of Articles J.14 and K.10 and any agreements resulting from them shall not imply any transfer of competence from the Member States to the Union. While sovereignty is pointed too in the above paragraph, there is also the question of the neutrality of States like Ireland, Sweden and Austria particularly when coming to military matters.

The Declaration to the Final Act of the IGC also established a policy planning and early warning unit in the General Secretariat of the Council under the responsibility of its Secretary-General. The four tasks of the unit include provid-

ing timely assessments and early warning of events or situations which may have significant repercussions for the Union's foreign and security policy, including potential political crises and producing, at the request of either the Council or the Presidency or on its own initiative, argued policy options papers to be presented under the responsibility of the Presidency as a contribution to policy formulation in the Council, and which may contain analyses, recommendations and strategies for the CFSP. The unit shall consist of personnel drawn from the General Secretariat, the Member States, Commission and the Western European Union (WEU).

Article J.7 describes the WEU as an integral part of the development of the Union and of the possibility of the integration of the WEU into the Union. The Council's website on CFSP describes the WEU in a way as the 'armed force' of the Union. It speaks of the WEU providing the EU access to an operational capability and supporting the Union in framing the defence aspects of CFSP, in elaborating and implementing decisions and actions of the Union which have defence implications. It makes clear that the Article shall not prejudice the specific character of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the CFSP established within that framework. The neutral countries like Ireland, Austria, Finland and Sweden which would not want to compromise their neutrality are referred to here as well as those members of NATO. It goes on to speak of cooperation in the field of armaments, of humanitarian and rescue tasks, peace-keeping and the tasks of combat troops in crisis management including peace-making. When the WEU is availed of by the Union, Member States shall be entitled to participate fully in the tasks in question on an equal footing in planning and decision-taking in the WEU. The Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level in the framework of the WEU and the Atlantic Alliance. This could be read into as the independence of Member States in defence policy-making or respecting their obligations to other institutions like WEU and NATO. The defence cooperation between Germany and France and France and the UK could be situated in this paragraph of the Article.

The same website stated that while the expression 'common defence policy' is not contained in the CFSP heading, it does appear in the Treaty. The Treaty holds out the prospect of a common defence in the longer term and in good time. For the time being, the EU has no common defence, no European army, no defence strategies.

The website presentation of the CFSP by the Council gives three reasons for the necessity for CFSP. Without elaboration, the three are: 1) The EU is a major economic player and should play a commensurate role on the international stage; 2) The EU, which brings together 15 Member States, must be able to speak with

one voice and show a single political will and 3) The EU may defend the common interests of the Fifteen and confront international crises which affect it.

Now, what were the developments between Amsterdam and Nice 2000? This period centred on what the Cologne European Council of 3-4 June 1999 declared "Strengthening the Common European Policy on Security and Defence" following Amsterdam. In it, it speaks of the ability of Council to take decisions on the full range of conflict prevention and crisis management tasks defined in the Treaty on European Union, the "Petersberg tasks" (humanitarian assistance, peace-keeping and peace-making). To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO. It speaks of developing an effective EU-led crisis management in which NATO members, as well as neutral and non-allied members, of the EU can participate fully and on an equal footing in the EU operations. It speaks of putting in place arrangements that allow non-EU European allies and partners to take part to the fullest possible extent in this endeavour. Its first concrete act was to appoint Dr. Javier Solana as the CFSP High Representative who took office from June 1999.

For the decision-making process, the German Presidency Report on this matter considered by the Cologne European Council speaks of:

- regular (or ad hoc) meetings of the GAC, as appropriate including Defence Ministers
- a permanent body in Brussels (Political and Security Committee) consisting of representatives with pol/mil expertise
- an EU Military Committee consisting of Military Representatives making recommendations to the IPSC
- a EU Military Staff including a Situation Centre  
other resources such as a Satellite Centre and the Institute for Security Studies.

For implementation, the Presidency Report speaks of the further development of forces (including headquarters) that are suited also to crisis management operations, without any unnecessary duplication. The main characteristics include: deployability, sustainability, interoperability, flexibility and mobility. There is also the aspect of EU-led operations using NATO assets and capabilities or without recourse to NATO assets and capabilities, each of these have its own arrangements outlined in the report. On modalities of participation and cooperation, the points to note are:

- arrangements to ensure that all participants in an EU-led operation will have equal rights in respect of the conduct of that operation, without prejudice to the principle of the EU's decision-making autonomy, notably the right of the Council to discuss and decide matters of principle and policy

- the need to ensure the development of effective mutual consultation, cooperation and transparency between NATO and the EU.

This agenda was the subject of implementation till Nice December 2000. With the High Representative in the seat, the next concrete act was the establishment of the Policy Planning and Early Warning Unit in 1999.

At the next European Helsinki Council in December 1999, leaders committed themselves to being able, by 2003, to put into the field a Rapid Reaction Force (RRF) of up to 60,000 troops deployable within 60 days and sustainable for at least a year.

Then the 19-20 June 2000 Feira European Council underlined the importance of intensifying co-operation in the area of Justice and Home Affairs, key to the long-term stability of the region. It recognised the strengthening of the rule of law, local administration, civil protection and search and rescue as tasks to be brought forward by the Union. Feira agreed also on the arrangements for the involvement of third countries in EU military crisis management, and on the principles for consultation and co-operation with NATO. Feira agreed on 5000 civilian police for deployment in crisis situations by 2003. Member States also undertook to identify and deploy up to 1000 police officers within 30 days. Feira also set up four ad-hoc EU/NATO working groups and they began discussing issues of security, capabilities, the modalities for EU access to NATO, and the definition of permanent agreements.

March 2000 saw the establishment of the interim IPSC of senior officials and ambassadors and the EUMC joined by the nucleus of the future EUMS as envisaged by the Cologne Council. Annex I, "Strengthening the CESDP", of the Presidency Conclusions of the Feira European Council mentioned also the establishment of the Situation Centre envisaged in the Cologne European Council. This seems to have taken place in March 2000 too. This very month saw also the establishment of the Committee for Civilian Crisis Management which met for the first time on 16 June 2000.

The question then posed will be what to do with the WEU responsibilities not transferred to the EU? Essentially this is the mutual defence guarantee embodied in the Modified Brussels Treaty which is likely to be maintained under some residual WEU structure. In another speech, this modified treaty and the mutual defence commitment contained in its Article V were the *raison d'être* for maintaining the WEU. This speech spoke also of another WEU's residual function that of supporting armaments co-operation in the Western European Armaments Group and Organisation which would include six new members.

The French Presidency held a Capabilities Commitment Conference on the morning of the 20 November 2000. The Member States confirmed and spelled out their contributions to the RRF. The French Defence Minister, for his part, stated, "We are not creating a European army but pooling national contingents for joint peace-keeping missions (...) in the European theatre or in the framework



of the United Nations". He also pointed to "...acting far from our territories, often in a very degraded environment, should the defence of our security interests or support for United Nations decisions so demand". In the afternoon of the 20 November 2000, the Defence Ministers joined their Foreign Affairs colleagues in the General Affairs Council (GAC). The agenda was for the GAC to approve the catalogue listing EU capabilities needs taking note of the catalogue of forces including all the voluntary contributions of Member States and adopting a declaration for commitment of military capabilities (*Agence Europe*, 18 November 2000: 5).

This Declaration stressed that the process being carried out without any unnecessary duplication did not imply the establishment of a European army and recognised the primary responsibility of the UN Security Council in peace-keeping and international security matters. Analysis of the "Force Catalogue" confirmed that by 2003, the European Union will be able to carry out the full range of Petersberg tasks. In fact, there is a pool of more than 100,000 persons and approximately 400 combat aircraft and 100 vessels. However, certain capabilities needed to be improved both in quantitative and qualitative terms. There is a need to further improve the availability, deployability, sustainability and inter-operability of forces. Efforts are also needed to be made in specific areas such as military equipment, including weapons and munitions, support services, including medical services, prevention of operational risks and protection of forces. The Declaration touched also on strategic capabilities, in the field of command, control and communications, intelligence and the strategic air and naval transport capabilities at the European Union's disposal. The Member States committed themselves, particularly in the framework of the reforms being implemented in their armed forces, to continue taking steps to strengthen their own capabilities and carrying out existing or planned projects implementing multinational solutions, including in the field of pooling resources. In order to ensure the durability of European action by strengthening capabilities, the Member States agreed on defining an evaluation mechanism to enable follow-up and hence, progress towards the realisation of the commitments made to achieve the headline goal, in both quantitative and qualitative terms. This mechanism to be approved at the Nice European Council, would provide the Union with an assessment and follow-up mechanism for its goals on the basis of a consultation method between the Member States.

Regarding relations with NATO, the exchange of information and transparency would be appropriately ensured between the EU and NATO by the Working Group on Capability, which would take steps to ensure the coherent development of EU and NATO capabilities. The arrangements concerning transparency, co-operation and dialogue between the EU and NATO should be set out in the document on permanent arrangements between them.

On 21 November 2000, the EU Defence Ministers met with their counterparts from the twelve countries to join the EU plus Turkey, Norway and Iceland

and then with those of non-EU NATO members: Hungary, Iceland, Norway, Poland, the Czech Republic and Turkey on the 21 November 2000. The contributions of non-EU European countries to enhancing European military capabilities were to be warmly welcomed. The French Defence Minister spoke of the demonstration of the political will of partnership. He stated that the CESDP approach was convincing and that the partners over the Atlantic supported it. Contributions were voluntary and troops remained under national control. The contributions proposed would be examined according to the "same requirements that we would impose on ourselves" (*Agence Europe*, 22 November 2000: 5-6).

On 4 December 2000, the GAC met to prepare the Nice European Council which included the CESDP. At Nice, the European Council (7-11 December 2000) ended with new agreements on the Treaty of the EU.

How did the Treaty of Nice reflect these pre-occupations? On Article 17 of the Treaty on European Union, the Nice Treaty referred to the relations with NATO and the WEU in terms of obligations and co-operation. It touched on armaments co-operation between Member States. The issue of qualified majority in CFSP and that of unanimity are touched upon in Article 24. Article 25 sets up the PSC<sup>3</sup> and giving it its mandate. Enhanced co-operation is the focus of Article 27. Article 27a focused on the EU asserting its identity as a coherent force on the international scene. Article 27d speaks of the High Representative ensuring that all members of the Council and the European Parliament being kept informed of the implementation of enhanced co-operation in the CFSP area. The Treaty seems to say little of CFSP and CESDP.

The Nice Treaty does not, it seems, include the setting up of the EUMC and the EUMS. They find their legal base, so to speak, in a Declaration annexed to the Final Act of the IGC concerning the CESDP, which approved the Presidency Report on CESDP and its Annexes where they are mentioned. This Declaration pointed to the CESDP coming into operation quickly. A decision to that end taken by the European Council as soon as possible in 2001 and no later than at its meeting in Laeken/Brussels, on the basis of the existing Treaty provisions. Consequently, the ratification of the revised Treaty does not constitute a precondition. Nice set out proposals on permanent arrangements with NATO built on the valuable experience of WEU and NATO. At Nice, according to the High Representative, it was agreed the principles of a mechanism by which those (capabilities) efforts could be reviewed. This mechanism would ensure full transparency and coherence with NATO. The EU outlined also some practical proposals on the implementation of the Berlin plus arrangements.

For Post-Nice, the Presidency Report on CESDP, used previously, invited the Swedish Presidency in association with the High Representative to continue to work with the GAC on developing the CESDP and to implement measures necessary for putting it into operation quickly by the Laeken/Brussels European Council at two levels: measures necessary for implementation and validation of the crisis-management mechanisms, including structures and procedures and to

continue discussions with NATO with a view to establishing arrangements between the EU and NATO. It then has to report back to the Gothenburg European Council on (1) the follow-up of the military capabilities objectives and the commitments in particular by defining the details of the follow-up and evaluation mechanism; (2) the continuation of the work begun on civilian aspects of crisis management, including police operations and voluntary contributions as well as the definition of specific objectives; (3) the implementation of the decisions on permanent arrangements with non-EU European NATO members and other countries which are candidates for accession to the EU and proposals for the modalities of participation by third countries in the civilian aspects of crisis management; (4) the implementation of the arrangements for the consultation and participation of other potential partners; the setting up of the 'Satellite Centre' and the 'Institute for Security Studies' which would incorporate the relevant features of the similar existing WEU structures; (5) the modalities of co-operation between the European Union and the United Nations in crisis management; and (6) the definition of proposals for improving the cohesion and effectiveness of Union action in the sphere of conflict prevention.

Now, the updated website presentation of CFSP speaks of a gradual formulation of a common defence policy which could lead to a common defence if the European Council so decided and a decision was adopted and ratified by the fifteen Member States. The RRF is not in this direction yet but, if common defence is arrived at, how will it relate to NATO and particularly the US and the UK's position? In the above it has been noted the UK's position on the use of NATO assets and capabilities. What will be the position of the Member States which espouse neutrality if common defence is on the agenda? Common defence is not far away from an RRF. Troops from different Member States training together for the RRF could very well be also for a common defence and hence the end of neutrality and the beginning of a European army. What will be the position of the US and NATO then?

The advance on the military side of things seems to indicate a willingness to cede sovereignty by RRF troops taking orders from a EU command rather than national commands. This is progress at least on paper but the test will be in a crisis but it had been said that contributions were voluntary and troops remained under national control. What does this mean then? In the field of enhanced co-operation, new Articles 27c and 27e give the impression that Member States co-operating together allow their request to be subjected to the authorisation of the Council and decision. Here is ceding or pooling of sovereignty as some would say. Nevertheless Nice did not change anything in the previous versions of the Treaty, Maastricht and Amsterdam with regard to situations whereby a Member State can opt out from joint actions, common positions, common strategies and international agreements and any transfer of competence from Member States to the Union impossible. The question of national sovereignty remained guarded. New Article 27b excludes matters with military

and defence implications from enhanced co-operation. We have seen this exclusion in the Treaty (Maastricht and Amsterdam). The updated website presentation of CFSP states that the CFSP does not affect the specific nature of the security and defence policies of certain Member States, just as it is compatible with the policy conducted under the North Atlantic Treaty. Perhaps reference is also made here to the neutrality of Member States like Ireland, Sweden and Austria. The RRF with its Petersberg tasks is comfortable with these neutral EU Member States but does neutrality make any sense in the post-Cold War era in Europe? This website presentation says that it is not the purpose of the CFSP to make disappear the Member States' foreign policies nor stand in the way of the defence system of each individual Member State.

#### CFSP AND ASIA

How has CFSP been applied to Asia? Much of the application of CFSP to Asia is in the field of democracy, rule of law and respect of human rights and they take mainly the form of Declarations while there have been Common Positions as applied to Burma and East Timor. Security in the proper sense has been cited for the nuclear tests by India and Pakistan and KEDO. In the former, Council adopted a Common Position with a Declaration and, for the latter, the EU's financial contribution and membership of KEDO, under the instrument of a Joint Action (5 March 1996) and Common Position (24 July 1997). Obviously there have been meetings or political dialogue with the other side and even demarches, another instrument of CFSP.

What can we expect more of the EU's CFSP in Asia? In the security section of the study, "The Role of the EU in South-East Asia: A Political, Economic and Strategic Review" (Director General for Research 1999: 84) it raises the following pertinent question: Will Europe be, as it has increasingly been in other regions, simply adhering reluctantly to American foreign policy leadership as result of its own failure to define its interests and policies? This same study concludes that the EU must come to grips with the effective formulation of its long-promised CFSP and secondly, it must take a firm decision to integrate Asian security issues in this process. *Agence Europe* of 19-20 July 1999 quoted Mr. Hubert Vedrine, the French Foreign Minister, stipulating that Mr. Javier Solana's (the High Representative) first priorities would be the Balkans, Russia and the Middle East. Mr. Vedrine spoke of Mr. Solana wanting to make CFSP go on to a new stage by transforming it into a "constructive, visible, credible, effective and flexible policy". "It will be a qualitative leap", he said. Do Solana's priority regions reflect a policy independent of the Americans and coming finally to define its interests and policies in an effective long-term way? Observers will say that CFSP has always been centred on Europe and the Mediterranean basin. To have the French Foreign Minister making such statements of Mr. Solana's priorities perhaps reflect

that CFSP is tributary to the Member States' foreign and security policies. Are the Balkans, Russia and the Middle East, France's foreign and security policy priorities? We do see certain Member States taking the lead and the rest follow and Member States hiding behind the CFSP. What is needed to have a credible CFSP including its security aspect, still falls back on the willingness of Member States to surrender bits of their sovereignty to the CFSP. But, where is Asia? It does not appear anywhere at the top of priorities. Where do we go from here if Asia is not a priority region of CFSP? As late as July 2000, European Commissioners in a meeting in Strasbourg expressed that the Commission should focus its diplomatic activities on the "near abroad" – the Mediterranean, Balkans and Russia – as well as areas of abiding concerns such as EU-US relations. This was the occasion to support Commissioner Patten's Communication "on engaging a debate on the EU's External Relations".

Back to the Member States? One cannot expect much more. It will remain British and French forays into Asia in the framework of the defence cooperation agreements. Perhaps to have interest in Asian security beyond words is to turn to other frameworks involving Europe, i.e. NATO, WEU or the OSCE? Could NATO operate in Asia? WEU is being run down. The OSCE's experience has been referred to previously. However, it is clear that security and defence on one's shores and closer home is more important than far away.

However, any action by the EU in Asia could be found in the new RRF of some 60,000 soldiers under the CESDP which could be used beyond the borders of Europe (*International Herald Tribune*, 20 November 2000). In the Report presented to Nice by the High Representative and the Commission on "Improving the Coherence and Effectiveness of European Union Action in the Field of Conflict Prevention", East Timor is referred to in its Conclusion but in the body of the report, it is stated that while some regions, including those close to the EU's own borders, would remain a high priority, the Union must be ready to engage elsewhere when confronted with a clear risk of violent conflict. Is Indonesia today a candidate for such intervention? *Agence Europe* of 22-23 January 2001 reported that Africa and the Balkans were of prime importance in terms of crisis management. But the Dutch Minister felt that European action must not be limited to its disaster area. He gave the example of the instability of Indonesia which can also affect EU interests. The Italian Minister supported this view. How do the Indonesians feel about this coming from its ex-colonial power? Provocative?

One major element in any gauging of the degree of European participation in Asia-Pacific security affairs is whether European involvement can be of any influence. The answer is found in Singapore's Minister for Information, Brigadier-General George Yeo, who had been quoted as having said at the European Forum in Berlin that Europe's presence in East Asia would not be as decisive as that of the US, but could be very helpful. In a Pacific power balance with Japan acting between the superpowers, China and the US, a greater European presence

in Asia was welcomed as it gave everyone more options to play (Director General for Research 1999: 84-85).

This same Brigadier-General in a more recent interview stated, "But Europe's institutional ties with Asia are really very weak. I think it's a matter of time before the EU decides it wants positive links with East Asia in order to entrench its presence in the region. If you have all this trade, you want something more concrete, and perhaps something more political. .... We don't want to be locked in the room with just China and Japan. Letting the Europeans in means we have more manoeuvring room ourselves. Although Singapore expected to benefit commercially from such deals, its primary interest was strategic. It viewed faster economic integration as a way to underpin security and stability in East Asia. Ensuring the US maintained a military presence in the region was a priority" (*Financial Times*, 21 November 2000).

This seems to run contrary to ASEAN's ZOPFAN. ZOPFAN seems to aim at excluding big powers from South East Asia rather than inviting them in a power balance. Singapore is known to be the most pro-Western country in South East Asia believing in military power balance. This is not shared by all its neighbours. Singapore's then Foreign Minister, S. Rajaratnam, stated, "We are all agreed on the concept itself. To be quite frank, we all have different approaches" (Antolik 1990: 114). The colonial past still weighs consciously and unconsciously in the minds of South East Asian leaders to want a European armed presence. Any intervention which results from such a presence will be interpreted as interference in domestic affairs. A RRF deployed under the UN flag will probably be more acceptable to Asians. European soldiers serve today under the UN flag in East Timor so also soldiers of certain ASEAN countries.

With East Asia, properly speaking, South Korea, Japan and Taiwan, may not object to a European armed forces' presence. Probably they do not want to depend on one armed power for their security, defence and protection. For South Asia, little is heard as to whether South Asia welcomes any European armed force in Asia in Brussels' circles while there is British Diego Garcia in the Indian Ocean which the Americans use as a staging post.

As for the ASEM process to provide a forum for consideration of security issues in the Asian region, this is reflected in the Commission's 18 April 2000 Working Document as a specific priority propose for ASEM October 2000. These could include global issues such as the formulation of a new world order following the end of the cold war, Asia-Europe relations with the other great powers, and regional issues. ASEM Seoul October 2000 did have security on its agenda but also with soft security. In this field of soft security some initiatives were proposed for implementation. They are the following:

- Anti-corruption Initiative
- Anti-money Laundering Initiative
- Initiative to Combat Trafficking in Women and Children

- Symposium on Law Enforcement Organs' Co-operation in Combating Transnational Crimes
- Initiative on HIV/AIDS.

It is to be noted that soft security in this sense was also on the agenda of the July 2000 ARF as seen in its Chairman's Statement.

In the Statement, the ARF Ministers discussed issues pertaining to transnational crime, especially issues of piracy, illegal migration, including trafficking in human persons, particularly women and children, and illicit trafficking in small arms. They also noted the need to address other issues such as money laundering, corruption and computer crime. They recognized that these transnational issues could not only pose challenges to regional peace and stability, but also impair individual countries' efforts in promoting national economic development and improving people's livelihood. Hence, cooperative approaches were necessary to deal with these problems at the bilateral, regional and international levels. The Ministers also expressed support for the on-going negotiations on the Convention Against Transnational Organized Crime and its Protocols as well as the convening of the International Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in 2001. They nonetheless noted that the extent of the impact of transnational crime problems differ across regions. In this context, the Ministers agreed that the ARF continue to address transnational crime issues, which affect security of the Asia-Pacific region, and explore how the ARF could increase regional awareness and complement the work undertaken in other existing fora.

The question which arises is the overlap between the ARF and ASEM process. It must be noted that members of ASEM are also members of the ARF. ARF it must also be noted includes a much larger number of countries including the key players.

In the field of hard security, ASEM III only made declaratory paragraphs in the Chairman's Statement and the Asia-Europe Co-operation Framework and the important Seoul Declaration on Peace on the Korean Peninsula. These declaratory paragraphs referred to the CTBT, NPT, BWC etc. along with East Timor, the Middle East peace process etc. as we find in the AMM communique which have become standard practice. One new hard security item mentioned was on anti-personnel landmines (APLs) (Lim 2000).

## THE ASIAN SECURITY MECHANISMS

As stated earlier, there is no CFSP equivalent in Asia. The East Asian countries have their bilateral defence agreements with the USA except China. ASEAN has the only collective forum where security is discussed. In fact, the establishment of ASEAN was within the framework of a threat of Communist North Vietnam,

Laos and Cambodia. Then Foreign Minister of Singapore, Mr. S. Rajaratnam, described ASEAN "...not as grouping against anyone", but "a forestalling of a Great Power manipulation and Balkanisation". It was "South-East Asia's first major attempt to apply to its problems the more hopeful and fruitful idea of regionalism" (Drysdale 1984: 402).

ASEAN's first foray into security was ZOPFAN referred to previously. The second ASEAN security-related initiative was the 1976 Treaty of Amity and Cooperation. Then was ASEAN's big concrete experience in security which was over Cambodia. The SEANWFZ of the December 1987 Manila Summit was another important initiative which has until now no response of the big powers neither of the EU and its Member-States. At the first ASEM Summit in Bangkok 1996, none of the EU ASEM members were agreeable to put their signatures down to the SEANWFZ to date.

The ARF is the most important project of ASEAN meeting for the first time in July 1994. It is only a forum and not an organisation like the OSCE. ASEAN's position has always been to discuss security issues at levels comfortable to its participants especially its Asian partners. The ARF Chairman's Statement of 26 July 1999 noted in paragraph 4 that Senior Officials and ARF Ministers have become more comfortable with each other through frequent interactions at the various fora. Such enhanced comfort levels have enabled ARF participants to exchange views frankly on issues of common concern, thereby encouraging greater transparency and mutual understanding. Some participants have noted that the ARF meetings have evolved considerably in recent sessions to the point where they are "no longer a place where set speeches are delivered", but where genuine and frank debate takes place. This has been attributed to a number of changes, including the new membership of India and the full and prepared participation of China in the deliberations (Director General 1999: 78). The ARF has come of age. The Statement of the July 2000 meeting, again paragraph 4, expressed similar sentiments that the ARF participants were able not only to engage in a free-flowing and productive exchange of views with a greater comfort level, but also to address, in a constructive manner, key political and security issues with bearing on regional peace and stability, including new issues that have emerged as a result of globalization. In the paragraph 5, the Ministers reaffirmed that, as it moved forward, the ARF should continue to develop at a pace comfortable to all participants, decision be made by consensus, and confidence-building remain key to the process. So, one cannot expect the ARF to move faster as some countries would like.

On the ARF agenda has been the Spratly and Paracels and codes of conduct on one hand, and confidence-building measures (CBMs) and preventive diplomacy (PD) on the other. In these islands, in its paragraph 11, the July 1999 ARF Statement speaks of Ministers welcoming the commitment of all countries concerned to the peaceful settlement of disputes in the South China Sea in accordance with the recognised principles of international law and the United Nations



Convention on the Law of the Sea (UNCLOS). In the Communique of the July 2000 AMM, the Foreign Ministers welcomed progress made towards the adoption of a code of Conduct in the South China Sea which would be an important contribution to confidence-building and enhancing dialogue and understanding between ASEAN and China.

On CBMs and PD, in the Communique of the AMM of July 2000, the Foreign Ministers noted that while CBMs remain the primary focus of the ARF process, the ARF could advance in the development of the overlap between CBMs and PD as well as its concepts and principles. .... In the ARF Chairman's Statement, the Ministers agreed that the developments with regard to the CBMs and PD had enhanced the continuity and relevancy of the ARF process. Are the CBMs and PD keeping ARF alive and useful?

If CBMs between participants are working, this could explain also the production of the ARF Annual Security Outlook (ASO). The Chair's Statement of the July 2000 ARF had this to say, "The Ministers welcomed the first volume of the ASO, produced by individual participants on a voluntary basis at the Track I level and compiled without editing by the ARF Chair. They shared the view that the ASO could help promote confidence, understanding and transparency as well as facilitating the exchange of views among ARF participants. While noting the voluntary nature of the ASO, it was hoped that the production of ASO, should be an annual exercise and that the ARF participants try to further enhance the value of ASO, to the ARF process". It is also a CBM.

On the future of the ARF, some analysts have suggested that it could gradually evolve into more of a collective security institution, perhaps encompassing the entire Asia-Pacific region although at the 1997 session, Ministers stressed that ASEAN should remain at the heart of this process (Director General 1999: 78). The editor of *The Nation* gave another view. The ARF was becoming the forum for big powers to talk to each other and ignore smaller countries which was not envisaged in 1994. That's why ASEAN is in dilemma because it wants to be in the driving seat, and has to engage major powers like China, which increasingly is becoming very active. Then China wants to move slowly, and the Western members of the ARF want to push it further (British Corporation 28 July 1999). The idea of former US National Security Adviser Zbigniew Brzezinski, writing in the quarterly *Foreign Affairs* is still far away. He wrote urging the longer-term development of a Eurasian security strategy, involving the US, NATO, Europe and the Asia-Pacific region in a formalised and structured security process (Director General 1999: 84).

The ARF of July 2000 had this to say of its future. The Ministers reaffirmed their commitment to promoting the ARF as an effective and relevant forum for political and security dialogue and co-operation in the Asia-Pacific region. They also reaffirmed the evolutionary approach from confidence-building to PD to elaboration of approaches to conflict. They agreed to continue to move at a comfortable pace and on the basis of consensus, with ASEAN playing its role as

driving force in the process. They underscored the significance of confidence-building as a foundation and the primary focus of the ARF process. They agreed that while moving towards PD, the ARF continue to strengthen its confidence-building process so as to ensure affective implementation of CBMs which would meaningfully augment the comfort level, trust, confidence and understanding as well as co-operation among the ARF participants. Slowness is the tone of progress in the ARF and hence any thought of a collective security institution like the OSCE is far away. Even further is a Eurasian security strategy.

The ARF received a boost with the admittance of the Democratic People's Republic of Korea (DPRK) into its ranks at its July 2000 meeting. "Ministers welcomed the participation for the first time of the DPRK at the Seventh ARF Ministerial Meeting in Bangkok. With regard to the issue of membership, the Ministers reaffirmed the decision taken at the Fifth ARF and agreed that with the current 23 participants, the focus should now be on consolidating the process of dialogue and co-operation among the present participants of the ARF".

Let us turn now specifically to the EU and ARF. Now, with the Amsterdam Treaty, EU is represented by its Secretary General/High Representative, present and future Presidents. Perhaps the presence of the High Representative will interest him to make Asia one of his priorities and ensure the continuity and interest of the EU in the ARF. Continuity has in the past posed as a handicap.

The EU and its Member States, engaged in NATO, WEU and the OSCE, could play a big role in ARF. Mention has already been made of sharing the OSCE experience at CSCAP. It is sharing its experience on CBMs, PD and conflict resolution. Here it has a niche. A European armed presence in Asia is far away. The UK and France will not be able to afford a permanent armed presence there due to commitments to Europe and smaller European defence budgets. The days of empire-building are over. It is not that clear that any permanent armed presence will be welcomed too. Sharing experience in the ARF is the way forward.

## CONCLUSIONS

What can be drawn out of this paper is that European security will be very much closer to Europe's shores like Central and Eastern Europe, the Mediterranean Basin and the Middle East. At the wider level, it will be EU-US relations. However, with the development of the CESDP, it is said that the RRF could operate far from Europe's shores. Will this include Asia? This is left to be seen as this force remains nascent. If it is possible under the UN flag will it be a niche?

For Asian states, do they have concern for European security? It appears that it remains to be much more declaratory within the ASEAN, ASEM or ARF context. There seems to be the attitude that the Europeans themselves can deal with their own security.

Can we compare the CFSP and ARF? The CFSP is the instrument of fifteen Member States who have legally bounded themselves together in the institution, the EU, which is now pursuing CESDP while the ARF is a non-binding forum of states to talk security in a spirit of confidence-building. It is great show of constructive engagement. But perhaps one issue common to both is the sensitivity of national sovereignty to different degrees. The possibility of abstention in the CFSP while not blocking an EU position while in the ARF discussing sensitive issues depend upon confidence-building and perhaps on persuasion and peer pressure.

While the CFSP pertains to the EU Member States, the ARF as a forum provides the opportunity for bilaterals between participating States exchanging and discussing disputes between themselves. Could the issue of the American spy plane be resolved in the better atmosphere of the ARF?

What is clear is that the EU has to get its act together in CFSP and CESDP and make Asia a priority region. Asia has also to get its act together to draw the EU to Asia if that is what it wants.

#### NOTES

1. The Chair's Statement of the July 2000 ARF stated that Ministers noted as Chair of the ARF, Thailand had initiated informal contact with the United Nations, the Organisation of American States (OAS), and the OSCE. They agreed to consider how these links could be further followed up by exchanging of information and sharing of experiences. At the same time, recognising the contribution of non-ARF Track II activities, particularly CSCAP, the Ministers noted that the ARF Chair, carrying out the enhanced role, could serve as a useful channel for the ARF to draw on the resources of these Track II for a. In this regard, the Ministers welcomed the informal contact that had been established between the ARF and CSCAP through the ARF Chair.
2. From the website of the Council, it is stated that the adoption of the "Davignon" report in 1970 in Luxembourg marked the beginning of the EPC. The EPC cooperation was exclusively foreign policy to ensure mutual understanding and to strengthen Member States' solidarity on major international policy problems through meetings between their diplomatic services. In 1973, after 3 years' cooperation, the Member States in Copenhagen, decided to step up the rate of meetings, to seek common approaches and to implement concerted diplomacy. Ten years later, in Stuttgart, a new step was taken: the political and economic (not military) aspects of security were included in the scope of EPC. The Single European Act in 1986, which reformed the European Communities and made provision for the establishment of a large common market for 1992, was to embrace European foreign policy cooperation. An "EPC" Secretariat was established. But the Single Act did not refer to a "common foreign policy" and the divide between the activities of the Communities and those of EPC still loomed large.
3. It has been described as the linchpin of CESDP and CFSP in the Annex III of the Presidency Report on CESDP (page 23), submitted to the Nice European Council: "The PSC will deal with all aspects of the CFSP, including the CESDP ... Without

prejudice to Article 207 of the Treaty establishing the European Community, the PSC has a central role to play in the definition of and follow-up to the EU's response to a crisis. The PSC will deal with all the tasks defined in Article 25 of the TEU. For a little more than two pages, this Annex III describes the tasks and competence of the PSC and even the role and competence of the Council and the Commission in relation to it especially in crisis management. In the Report presented to Nice by the High Representative and the Commission on "Improving the Coherence and Effectiveness of European Union Action in the Field of Conflict Prevention", the PSC is seen as the focal point in developing conflict prevention policies in CFSP and CESDP. One wonders whether in fact it is in which the show rather than the GAC which the report says should address conflict prevention. President Chirac described the PSC as the true kingpin which will be delegated the power to make decisions when the management of crisis so warranted (*Agence Europe*, 13 December: 5). According to *Agence Europe* of 24th January 2001, on 22nd January 2001, the GAC adopted the decision to transform the IPSC into the PSC and the High Representative may chair it especially in case of crisis.

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