Permanent Structured Cooperation: a game changer?

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Abstract
Struck by decades of insufficient funding and lack of political will, European defence has not grown in proportion to other sectors of European involvement. However, major recent crises, such as the Syrian war, the unprecedented migratory and refugee crisis and the wave of terrorist attacks across the European continent have forced EU actors to realize that European security is inextricably linked with an assumption of the EU’s political role on the world stage. The publication of the EU Global Strategy in 2016 and the Reflection paper on the future of European defence in the following year, paved the way for the launching of the Permanent Structured Cooperation in December 2017. Yet, the UK’s participation in European defence in the aftermath of Brexit and EU relations with NATO will be the litmus test of PESCO.

Keywords

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**Introduction**

The ongoing conflict in the Middle East, infused with a sectarian logic, calls for a vital intervention of major international security actors (i.e. the USA, the European Union (EU), NATO, Russia and China) to end the violence and related humanitarian disasters. In the same vein, the long-lasting Ukraine crisis maintains an environment of instability at the gates of Europe. For over four years, we have witnessed the intensification of the civil war, without any tangible progress registered, at least by the international community. These conflicts correspond to a relatively small percentage of the enduring power struggles plaguing international society and its founding rules and norms.

The role of key global players regarding mediation in these international and regional conflicts has been strongly debated across the whole spectrum of society, to say nothing of the academic nexus. In particular, the surprising absence of the EU is due to its incapacity to perform as an intervening actor in societies that have long passed their boiling point, as in Syria and Libya. The EU as a security actor in the world has been examined through various theoretical perspectives and methodological approaches. However, in the case of the aforementioned conflicts, the EU has been under attack because its presence and impact is unresolved and vague; one could legitimately argue that the EU is nowhere around in the security field. This judgment is rather disappointing for the EU, in spite of its economic status and political leverage as a major diplomatic actor.

Given these arguments, it is fair to ask whether (or not) the EU is capable of emerging as a significant security actor in world affairs. Does the EU have the capacity to create joint military units that would act efficiently in the security realm? And, if yes, what sort of defence capabilities could the EU member states mobilize in correlation with NATO and their national defence plans? The purpose of this paper is to examine whether recent developments in the defence policy field, spearheaded by the PESCO initiative, will constitute the long expected endothermic process that will light the flame of European defence.

**The EU as a Security Power in World Politics**

The role of the EU in world affairs has been analyzed from various perspectives. The majority of the scholarly research focuses on the economic power of the EU and how the EU performs in trade-related global activities. Most of this research highlights the effectiveness of the EU to act as an influential global power in economic affairs. A large strand of the literature has also examined the political role of the EU in the world, in the sense of its diplomatic leverage as a global actor. In this regard, this literature is associated with the constant effort of the EU to increase its international presence and speak with a «single voice» in world affairs (Delreux 2014). Last but not least, a significant body of literature investigates the behavior of the EU as a security actor in world politics. This research has increased markedly, given the outbreak of conflicts noted on a global scale since the end of the Cold War.

In terms of its security capabilities, is the European Union an effective and significant international actor? This is a long-standing question to which a large number of International Relations (IR) and EU scholars have provided diverse answers over time (Kirchner and Sperling 2007; Howorth 2014). From its inception, sixty years ago, the EU has struggled to form a common security face in world affairs. During the first decades of the life of the European Community, European leaders managed to construct a coherent European identity, thus serving the goal of being distinct from other international actors, such as the USA. This strategy changed over time, because the EU realized that it must be defined by its goals and objectives on the international level. Scholars started to examine the independent actions of the EU on a global scale and how other international actors perceived the EU as a solid international player (Cosgrove and Twitchett, 1970; Sjöstedt, 1977).

The collapse of the Soviet Union changed fundamentally the traditional paradigm of the IR theoretical agenda. New security threats arose and the challenges for the international community multiplied. Cooperation between global powers became the talk of the day, but nobody could predict the content or the kind of cooperation. The USA was running a seemingly unipolar world. But, soon, the false promise of the “end of history” was replaced by years of unpredicted changes. The creation
of the Common Foreign and Security Policy (CFSP) of the EU was a necessary response for the management of the world’s volatile political future. Academic research began to focus on the role of the EU in world affairs by examining its “presence” and “actorness” on the international scene (Allen and Smith, 1998). The degree and complexity of international security challenges encouraged a number of scholars to stress the gap between the EU’s expectations and its actual capabilities (Hill, 1993), or to stress the need for an EU military arm that would stabilize and promote its global political influence (Heisbourg, 2000) or impact (Ginsberg, 2001).

One could argue that many positive steps have been noted in recent decades towards the EU’s goal to be characterized as an effective foreign policy and security actor in world affairs. The EU evolved from a moderately marginal actor to a generally accepted foreign policy power through the adoption of a multilateral approach in its international interactions (Laattikainen and Smith 2006). Multilateralism and, especially, the enhancement of interaction within international organizations, most notably within the United Nations (UN), comprise the EU’s main foreign policy approaches in order to excel in global affairs (Galariotis et al. 2017).

From the inception of the Common Foreign and Security Policy (CFSP) to the new institutional reforms brought about by the Lisbon Treaty in the realm of the EU’s external relations, the EU has relentlessly tried to improve its institutional capacity in order to affirm its role on the world stage. The Lisbon Treaty and the modifications it introduced can undeniably be considered as a new chapter towards the direction of a more effective engagement of the Union’s external action. With the aim to “bring increased consistency to [the EU’s] external action” (European Council 2008), the Lisbon Treaty has provided the necessary institutional space for the performance of the EU foreign policy apparatus. In this vein, Article 13 (1) of the Lisbon Treaty calls upon the EU to guarantee the “consistency, effectiveness and continuity of its policies and actions”. As far as foreign and security policy is concerned, the reforms comprised the double-hatted position of High Representative of the Union for Foreign Affairs and Security Policy (HR) and Vice-President of the Commission, actually held by Federica Mogherini, and the EU diplomatic service, the European External Action Service (EEAS). Hence, the HR is mandated to “ensure the consistency of the Union’s external action” (Article 18, para. 4, Treaty on European Union) and, in doing so, she/he “shall be assisted by a European External Action Service” Article 27, para. 3 TEU). Coupled with that, the establishment of the permanent President of the European Council can also be deemed as a significant new step towards the strengthening of the EU’s foreign and security policy (Giannio and Galariotis 2016).

The establishment of the EEAS is a major development for the unity and cohesion of the EU’s external action. The EU diplomatic service was entrusted with an undoubtedly promising role given a) its innovative synthesis with personnel coming from the Commission, the Council Secretariat and diplomats from the EU member states and b) its objective to manage both supranational and intergovernmental aspects of EU foreign policy (Avery 2011). The principal task of the EEAS is to support the HR in her mandate, including “chairing the EU’s Foreign Affairs Council, the conduct of the Common Foreign and Security Policy and the coordination of the European Commission’s responsibilities in the field of external relations” (Avery 2011).

However, and despite the creation of services and institutions with a federative flavor, and the extension of qualified majority voting in certain aspects of the CFSP, the EU foreign policy field, remained an intergovernmental policy arena wherein the diverging interests of member states are prevalent (Rhinard and Kaeding, 2006). This heterogeneity of the EU member states preference formation in foreign policy is a fundamental factor in interpreting the EU’s cohesion (or lack of it) in world affairs; an essential observation when studying the EU’s role in the international system.

In Search of a European Security Strategy
The 2003 European Security Strategy (ESS) is the pivotal EU official document, which identifies explicitly the variety of threats the EU and its member states face as well as the proposed strategies for mitigating those threats. Particularly, the ESS traced five different security threats: proliferation of weapons of mass destruction, regional conflicts, terrorism, state failure and organized crime. In 2008, an updated ESS version appeared with the title “Report on the Implementation of the European Security Strategy”. This 2008 version has expanded the threat spectrum: cyber security and energy

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security were the two challenges added to the earlier list; organized crime and terrorism were combined as a common threat; climate change obtained a higher profile; while the proliferation of weapons of mass destruction remained a major security concern. In addition, the 2008 report highlighted three additional goals, which articulated the security strategy of the EU for the future in a more coherent way: a) making the EU a more effective and capable actor with global bearing; b) engaging more actively in the close neighborhood so as to transform regional governance structures according to EU normative standards; and, c) boosting “effective multilateralism” both at a regional and at a global level.

In 2010, the publication of the Internal Security Strategy (ISS) acknowledged that the majority of threats are cross-border and no single member state can handle them by itself. In the same vein, the ISS stresses that threats cannot be separated across sectors, but are fundamentally cross-sectoral and, hence, very difficult to treat without a common European strategy. One of the goals of this document was to introduce a “shared agenda” for the determination and conciliation of the common security challenges that EU member states face and policy objectives were set up by the European Commission for each type of threat.

These security mappings revealed the desire of the EU to articulate a common security strategy. The threat identification in all documents (2003, 2008 and 2010) implied a search for a joint European strategic response and called for the strengthening of national security policies by EU member states. However, there was an evident lack of a sound military strategy for the pairing of security challenges acknowledged by the three documents. For instance, the 2008 report downsized the EU “preventive engagement” scheme, which was one of the key concepts of the 2003 ESS. In addition, none of the documents made a clear reference to the ESDP Petersberg Tasks or to the obligations to mutual solidarity (Article 222) and collective defence (Article 42) of the Lisbon Treaty.

A Global Strategy for the European Union

The crucial step toward a stronger and more coherent component of a military dimension of EU security policy lies in the publication of “A Global Strategy for the European Union” (EUGS). Presented officially by the EU High Representative, Federica Mogherini, in June 2016, the EUGS lays the foundation for a “global” strategy that encompasses the security dimension. The main EUGS objective is to compose and maintain “a coherent perspective for the EU’s external action as a whole”. In this respect, security and defence are the most crucial elements in this approach. But, this would not have been possible without the alignment and strengthening of all the EU’s external policies, such as enlargement, development and trade or internal policies with the external dimensions such as energy, climate change, migration management and culture.

Within the specific area of security and defence, much progress has been noticed since the announcement of the EUGS; an optimistic sign, given that EU security policy seemed stuck for at least a decade. Recently, many instrumental parts of a European security and defence union have been realized, finalized and promoted (e.g. the June 2017 Council Decision on the development of long-lasting military planning and conduct capability (MPCC) for non-executive EU military missions). The articulation of different military tasks is part of the wider umbrella concerning the security policy of the EU (see, for instance, the objectives set by the Foreign Affairs Council Conclusions in November 2016, which adopted the implementation plan on security and defence and set out proposals for the implementation of EUGS and fixed the new Level of Ambition for the EU). With regard to defence, the EUGS stipulated that “enhanced cooperation between member states should be explored in this domain. If successful and repeated over time, this might lead to a more structured form of cooperation, making full use of the Lisbon Treaty’s potential”.

The movement forward: the establishment of PESCO

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On 11 December 2017, the Council of the European Union adopted Decision 14866/17 “establishing Permanent Structured Cooperation and determining the list of Participating Member States”\(^2\), thus marking a historic stage on the road towards the construction of common European defence. Based on Article 46(2)\(^3\) of the Treaty of the European Union and Protocol No 10 on permanent structured cooperation established by Article 42\(^4\), the Decision created the long-awaited defence framework, between 25 member states\(^5\), on an initial proposal from Germany, France, Italy and Spain. Though the broad participation in this project would normally bestow upon it an aura of success, some fear that the increased number of participants may become its main weakness.

**The notification**

According to Article 46 (1) TEU “Those Member States which wish to participate in the permanent structured cooperation referred to in Article 42(6), which fulfill the criteria and have made the commitments on military capabilities set out in the Protocol on permanent structured cooperation, shall notify their intention to the Council and to the High Representative of the Union for Foreign Affairs and Security Policy.”\(^6\)

This notification\(^1\) was signed by the participating states on 13 November 2017 and handed over to the High Representative and the Council. In its preamble, it is stated that “the common security and defence policy provides the Union with operational capacity drawing on civil and military assets and that the strengthening of the security and defence policy will require efforts by Member States in the area of capabilities”, bringing together the two components of CSDP, namely operations and capabilities. Building on the June 2017 European Council conclusions\(^8\), which called for the joint development of capability projects, the notification is based on comprehensive principles enumerated in its Annex I. Strengthening of the common defence policy, annual regular assessment of the commitments, improvement of defence capabilities and progress on the level of investment expenditure on defence equipment are some of the inclusive principles that, along with the commitments, determine the level of ambition of the EU.

**Governance issues**

The flexibility and the inclusiveness of the PESCO project are mirrored in the way its governance is structured. As described in Annex III of the Notification, the High Representative is expected to be involved in the management of the project through, among other ways, being responsible for the annual assessment, and she is supported by EDA in the capability development aspects of PESCO and by the EEAS and the EU Military Staff on its operational aspects. Foreseeing two levels of governance, one on a Ministerial level (EU Foreign and Defence Ministers meeting twice a year in a joint Council format) and one on a project level, the Notification provides the necessary coherence and

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\(^2\) “Within three months following the notification referred to in paragraph 1 the Council shall adopt a decision establishing permanent structured cooperation and determining the list of participating Member States. The Council shall act by a qualified majority after consulting the High Representative.”

\(^3\) Article 42 (6) TEU:

Those Member States whose military capabilities fulfill higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework. Such cooperation shall be governed by Article 46. It shall not affect the provisions of Article 43.

\(^4\) Belgium, Bulgaria, Czech Republic, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden.


consistency of PESCO projects. The modalities and scope of the cooperation are agreed upon by the participating states by unanimity.

The assessment mechanism is based on i) National Implementation Plans, ii) an annual and iii) a strategic review at the end of every phase. Once a year, the High Representative presents a report to the Council, upon contributions by EDA, EEAS and the EUMS. At the end of every phase (two phases, 2018-2021 and 2021-2025, are set down for the progression of the commitments), there will be a strategic review.

**List of PESCO commitments**

Article 2 of Protocol 10 TUE has set out specific undertakings for member states wishing to participate in permanent structured cooperation. In particular, these consist in: increasing the level of investment expenditure on defence equipment, aligning and harmonising their defence apparatus, enhancing the availability and interoperability of their forces, addressing shortfall in the development of capabilities and participating in the development of European equipment programs in the framework of EDA.

In the Annex to Decision 14866, a list of more binding commitments has been agreed by member states in these five areas. More specifically, the regular increase of defence budgets and of the share allocated to defence research and technology, an active involvement in the development of capabilities and the enhancement of the deployability of the forces are only a few of the twenty commitments undertaken by participating member states.

In this vein, on 7 June 2017, the European Commission published a Proposal for a Regulation establishing the European Defence Industrial Development Programme (EDIDP), as a component of the European Defence Action Plan. On the very same day, a Communication was launched on the European Defence Fund (EDF), a €5.5 billion project, which, for the very first time in the history of the European project, will focus on the funding of two separate but complementary tasks, namely research and capabilities. The research aspect will consist in the Preparatory Action on Defence Research (PADR)\(^9\), though the capability part will support the joint development and acquisition of defence capabilities. The EDIDP initiative is part of the development segment.

**List of PESCO projects**

According to Article 5 of the Decision establishing PESCO, “participating member states which intend to propose an individual project shall inform the other participating states […] in order to gather support and give them the opportunity to join in collectively submitting the proposal.” In this context, the Decision provides for flexibility among member states participating in a PESCO project, given that they “agree among themselves on the arrangement for, and the scope of, their cooperation, and the management of that project”.

Following the adoption of Decision 14866 by the Council, a list with the first collaborative PESCO projects has been endorsed. In this list\(^10\) a variety of initiatives, going from the Upgrade of the Maritime Surveillance System to Military Mobility, have been put forward by participating member states and a lead Nation is designated for every project. For instance, with regard to Cyber Threats and the Incident Response Information Sharing Platform project, Greece is the lead member state, and, along with Belgium, Hungary, Ireland and Portugal, will execute the project.

At the same time EU organs are stepping up their efforts to assist the development of projects. For instance, on military mobility, the European Commission presented an Action Plan on 28 March 2018 to improve military mobility inside and outside the EU. EU Commissioner for Transport, Violeta Bulc stated that the Plan was devised as a step towards a Defence Union by 2025.

\(^9\)The first ever PADR contract was signed on 8 January 2018, in a competitive call launched by the European Defence Agency.

Following the Joint Communication Improving Military Mobility in the European Union\textsuperscript{11} adopted on 10 November 2017, the Action Plan aims at an improved use of transport networks, while ensuring that military needs are being taken into consideration when planning infrastructure projects. Improvement of deployability of EU defence forces is at the core of this initiative.

The UK’s possible participation in the wake of Brexit
With regard to the UK, it could not be part of this historic step forward in European defence, given that it is actually negotiating the terms of its withdrawal from the EU. However, and within the framework of its future relationship with the EU, a special relationship may be sought, in particular in light of the existing Franco-British defence cooperation as it was convened in the Lancaster Agreements\textsuperscript{12}. In any case, the extent of the UK’s defence participation will constitute, formally or not, part of the wider Brexit negotiation. In this context, an Administrative Agreement (AA) between the UK and the European Defence Agency (EDA) may be signed. Speaking in La Sorbonne in September 2017, the French President Emmanuel Macron proposed a European Intervention Initiative (‘une initiative européenne d’intervention’), as a first step towards an ever-closer Union of defence.

Mais il nous faut aller plus loin. Ce qui manque le plus à l’Europe aujourd’hui, cette Europe de la Défense, c’est une culture stratégique commune. Notre incapacité à agir ensemble de façon convaincante met en cause notre crédibilité en tant qu’Européens. Nous n’avons pas les mêmes cultures, parlementaires, historiques, politiques ni les mêmes sensibilités. Et nous ne changerons pas cela en un jour. Mais je propose dès à présent d’essayer de construire cette culture en commun, en proposant une initiative européenne d’intervention visant à développer cette culture stratégique partagée.\textsuperscript{13}

Both the Communiqué\textsuperscript{14} of the 35th Anglo-French Summit on 18 January 2018 at the Royal Military Academy of Sandhurst and the Security and Defence Declaration\textsuperscript{15} leave no doubt that while “the UK prepares to leave the European Union, the UK is not leaving Europe.”\textsuperscript{16}, should it be only on a project-by-project basis.

EU-NATO relations
The quest for the Holy Grail of the autonomy of European Defence has always been set against the litmus test of EU-NATO relations. While NATO, since its inception, has secured the defence of the European continent for over half a century, the two organisations have different objectives and policies. Though the NATO Secretary General has welcomed the establishment of Permanent Structured Cooperation\textsuperscript{17}, he nevertheless expressed the opinion that PESCO should be


\textsuperscript{12}The Lancaster Agreements on defence and security cooperation were signed on 2 November 2010 between France and the United Kingdom. The Downing Street Declaration contained, among other things, the Defence and Security Cooperation Treaty, which provided for the sharing and pooling of defence material and equipment, as well as collaboration on the technology associated with nuclear stockpile stewardship. It is to be noted that these agreements took place outside any formal linkage with the EU Common Security and Defence Policy, nor did they involve any PESCO or EDA features.

\textsuperscript{13}We have to go farther. What Europe misses the most, [is] this Europe of Defence, a common strategic culture. Our incapacity to act together in a convincing way questions our European credibility. We don’t have the same parliamentary, political, historical traditions and sensitivities. And this will not change in one day. But, starting from now, I propose to try to build this common culture, by putting forward a European Intervention Initiative aiming to develop this shared common strategic culture” http://www.elysee.fr/declarations/article/initiative-pour-l-europe-discours-d-emmanuel-macron-pour-une-europe-souveraine-unie-democratique/.


\textsuperscript{16}Communiqué, para. 7

\textsuperscript{17}https://www.nato.int/cps/en/natoq/news_148838.htm.
complementary to NATO structures and capabilities and avoid duplication. We can presume, with some validity, that the priorities voiced by SG Stoltenberg equally reflect the position of the United States in relation to the emergence of this new EU defence pillar. It is to be remembered, of course, that the Treaty of the European Union itself stipulates that the security and defence aspect of CFSP shall respect the obligations of certain member states under the North Atlantic Treaty. However, the problem doesn’t lie in the existence of EU member states that are simultaneously members of NATO (EU and NATO share 22 members), but in non-EU NATO allies. In his doorstep statement on 13 November 2017, before attending the European Union Foreign Affairs Council in Defence format, the NATO Secretary General highlighted three priorities for NATO:

i. Ensuring coherence in capability development;
ii. Forces and capabilities developed under PESCO to be also available to NATO, and;
iii. The fullest possible involvement of non-EU NATO member states in PESCO consultations and processes.

The third issue risks being the thorniest of all. Bearing in mind, among other parameters, the existing impediments that the unlawful non-recognition of the Republic of Cyprus (a fully-fledged EU member state) by Turkey (a NATO ally) has created, the question whether NATO allies will and, in the affirmative, to what extent, participate in PESCO consultations will be a delicate exercise for EU member states to determine. This attempt at equilibrium will become grueling, should the speculation about Turkey’s likely end of accession process be verified.

**PESCO Funding**

The flexibility in the decision-making process, as it has been promoted by the Council Decision establishing PESCO, and the flexibility in the interoperability and deployability of member states forces, must also be reflected with flexibility in funding. Only when the 3 Fs are met, can we aspire to an enhanced cooperation that can be both effective and efficient. In the final analysis, everything comes down to human resources and budget implications. The need to fund Research and Technology (R&T) is self-evident. When faced with hybrid warfare and cyber threats, the R&T expenditure is critical in securing immediate, unhindered and uncompromised exchange of information. In order to achieve this aim, cross-fertilization between defence related and civilian R&T is an indispensable feature.

**Conclusion**

After PESCO, the next significant steps should be a common defence budget (which, of course, will not substitute existing national budgets), a common defence doctrine, the gradual development of a European intervention force and, down the road, the shaping of “a common Union defence policy”.

In the Reflection Paper on the Future of European Defence, published in June 2017, the European Commission, under the telling title *Europe in 2025 - moving towards a security and defence union*, underlines the need for increasing the efficiency of defence spending and establishing a single market for defence. The Paper envisions three possible scenarios for the development of European defence;

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18 Article 42 (2) TUE:

“The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Section shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework”.

19 Article 42 (2) TUE.

whether a security and defence cooperation, a shared security and defence or a common defence and security, it is undeniable that after decades of underfunding and lack of political will, the path is paved for the next act of the play – the level of integration will depend on the will of the actors.

In December 2017, the European Parliament Plenary adopted the Gahler\textsuperscript{21} report,\textsuperscript{22} which, among other proposals, expressed the wish for the creation of a new Directorate General for Defence (DG Defence) in the European Commission, which “would coordinate defence initiatives and also facilitate, amongst others, the free movement of troops and equipment within the EU. This could be one of the first tasks for the new European Commission in 2019. Maybe, after all, the “fully-fledged European Defence Union” by 2025, envisioned by the European Commission President Jean-Claude Juncker, isn’t so very far away.

Going beyond the question of whether the establishment of PESCO will be a game changer in the way in which the EU weighs in international affairs and is perceived by the world, there is a possibility that PESCO can bring both a change in attitudes and further promote European integration. More European defence in Brussels means less nationalism in European capitals. At a critical moment, when emerging global actors, such as China and India, are attempting to expand to geographic areas far from their traditional sphere of influence, the EU can prove to be a better security provider in Africa and a significant political actor in the Middle East, while at the same time its deterrence and dissuasion profile will be effectively enhanced in the face of possible threats. This European reinforcement can act as a counterweight to national outbursts of old-fashioned nationalism.

\textsuperscript{21} Michael Mahler (EPP, DE) is the European Parliament’s rapporteur on CSDP.

References


