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EUROPEAN DEFENCE:
CHALLENGES AFTER THE TREATY OF LISBON

Nuno Severiano Teixeira

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NUNO SEVERIANO TEIXEIRA

Abstract

This paper argues on European Defence issues, namely, the challenges after the Treaty of Lisbon.

The first part analyses, in an historical perspective, the evolution of European defence, from its origins to the implementation of the European Security and Defence Policy, assessing its decade of existence.

The second part focuses on the changes brought about by the Treaty of Lisbon and the future challenges faced by the Common Security and Defence Policy at institutional, conceptual and capabilities levels.

The third part considers European defence and the transatlantic relationship, in particular the articulation between CSDP and NATO.

Keywords

Introduction

The Treaty of Lisbon stands unarguably as a paramount step in the making of the European integration. As of December 1st 2009, the European Union is equipped with a set of institutional tools allowing a better response to its challenges, both at the domestic and international level; at the domestic level, in dealing with institutional structure change in order to adapt and ensure efficiency in an enlarged Europe of 27, as well as at the international level, with reinforced external action mechanisms allowing for more consistency and coherence in answering the challenges in an increasingly globalized world.

The Treaty of Lisbon has made a reality out of institutional tools. It remains to be seen if the EU will be able to politically translate these tools into a deepening European integration process. Generally, one can argue that these tools are expected to translate into considerable advance in three main areas: firstly, by rationalizing the institutional structure endowing it with a faster and more efficient decision-making process. Secondly, by increasing transparency and democratic legitimacy and empowering citizens and its representatives. Thirdly, by strengthening the EU external action mechanisms, namely, in security and defence.

1. One decade of European Security and Defence Policy

European Security and Defence Policy (ESDP) has now gone over its first decade, initially propelled into action by the Saint Malo French-British bilateral summit, in 1998, subsequently enforced at the multilateral level by the European Councils of Cologne and Helsinki, the then 15 member States of the European Union (EU) decided to take on the taboo of the military dimension of European integration – a topic that had been left on the side ever since the failure of the European Defence Community in 1953 – and to establish the conditions for the EU to "play its full role on the international stage ... [and] to give the European Union the necessary means and capabilities to assume its responsibilities regarding a common European policy on security and defence."[1] This intention was formally consecrated in the Nice Treaty in 2000, a historical step in the process of European integration.

The ESDP has been since one of the most dynamic areas of European integration, regardless of the advances and retreats with the various treaties of the Union.

The European integration was built on the basis of two key methods. On the one hand, through the dominant process over the last few years, namely with the preparation of the Constitutional Treaty of the European Union, which encapsulates the attempt to find a broad political vision and corresponding institutional architecture for the EU (by definition, always imperfect and incomplete). On the other hand, the method which prevailed from Robert Schuman´s European project inauguration in 1950, seeking to unite the 'European ideal' with a demonstrable European capacity to solve the day-to-day problems of its citizens.

One cannot deny the evidence of past experience – namely the failure of the European Defence Community at the start of the process of European integration, and of the Constitutional Treaty in 2005 – which tells us that attempts to leave behind old phases, and to initiate new ones, can cause serious back-tracking not always easy to recover from. By sheer contrast, the path of taking 'small steps' may turn into a more labour intensive process and require greater resilience, but it has also proved to be successful. ESDP clearly illustrates the success of the latter.

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[1] Appendix III – Declaration of the European Council on the Reinforcement of the Common European Security and Defense Policy, Conclusions of the Presidency, European Council of Cologne, 3-4 June 1999, available at: http://ue.eu.int/ueDocs/cms_Data/docs/pressData/pt/ec/kolnpt.htm

Based on the shared principles and values at the heart of the Union – democracy, respect for basic rights and freedoms – ESDP has evolved since 1999 through prudent and concrete steps in the institutional, operational and doctrinal domains, going beyond the body of the treaty.

The EU is now equipped with the institutional structure enabling it to respond to decisions with military implications. At the Helsinki European Council, in December 1999, member States agreed to establish the Political and Security Committee, the Military Committee, and the EU Chief of Staff, thus creating the necessary frame and decision-making mechanisms to address military matters.

In terms of capabilities, the *Headline Goal 2010* was approved in 2004,[2] following a methodology similar to that established in Helsinki – albeit with renewed goals. This guiding document provided for the creation of European Rapid Response capabilities to engage in military peace-keeping and peace-enforcement missions and to help manage crises. It gave way to the mandate to form Battle Groups, declared fully operational in January 2007. This was followed by the publication of the *Progress Catalogue* during the second half of 2007, under the Portuguese presidency of the Council of the EU. This document listed the state of Europe's military capabilities, identifying the main priorities and strategic gaps, with an operational impact to be addressed before 2010. Three areas stand out in particular: military force protection; ability to deploy military forces (strategic transport in particular); and intelligence (in order to acquire information superiority).

At the operation level, the EU has been carrying out missions on the ground uninterruptedly, in coordination with NATO, within the framework of the 'Berlin Plus' agreements, or autonomously. In order to respond to demands for regional security and stability, the EU has promoted more than two dozen ESDP missions–with a current total of 13 missions underway - 9 civilian, 3 military, 1 Security Sector Reform (SSR) - deploying around 7,000 men and women on the ground.

In just a few years, the EU proved capable to respond promptly to crisis situations – as shown in Georgia in the summer of 2008 – as well as to set up missions in specific locations in timely fashion - as seen in the EUFORCHADE mission, a bridging operation with UN forces on the ground.

Lastly, in doctrine terms, the European Security Strategy document presented in 2003[3] identified the main threats to common security. A ground-breaking document in the history of European integration, it defined a joint strategic vision guiding European external actions. In December 2008, five years after its approval, the Council and High Representative for Foreign Policy Secretary-General, Javier Solana, presented a document to the European Council assessing the implementation of the Strategy,[4] in light of the current international context and the new challenges facing the Union, putting forward new policies to render European foreign policy more effective and to ensure it delivers by living up to EU goals and ambitions for the coming decade.

Considering ESDP achievements so far, opposing views originate from the historical cleavage between two different continental and Atlantic strategic visions of European security: those who stand for the 'European army' model believe it far from achieving its goals; those who argue European security is about the defence of the Atlantic necessarily think it has gone much too far. In truth, this dichotomy no longer makes sense. If one is to face today and tomorrow´s threats and dangers, one

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[2]   *Headline Goal 2010* was approved by the General Affairs and Foreign Relations Council on 17 May 2004, and signed by the European Council on 17-18 June of that year. The document is available at: http://consilium.europa.eu/uedocs/cmsUpload/2010%20Headline%20 Goal.pdf.

[3]   The European security strategy document, *A Safer Europe in a Better World,* was approved by the European Council on 12 December 2003. The document is available at: http://www.consilium.europa.eu/uedocs/cmsUpload/031208ESSIIP.pdf.

[4]   The European Council of December 2007 invited the Secretary General of the Council and High Representative for Foreign Policy, Javier Solana, to analyze the implementation of the Strategy together with the Commission and the member States, and to propose new elements for the Strategy to be better executed., The final report presented to the Council of the EU is available at: http://register.consilium.europa.eu/pdf/en/08/st17/st17104.en08.pdf.

must set aside the prejudices of the past and address both European and trans-Atlantic security and defence needs.

2. Challenges of the Common Security and Defence Policy after the Treaty of Lisbon

In order to ensure that 'European Defence' can deal with the coming decade´s strategic and security challenges, it is important for the EU to first ascertain how ambitious its security and defence policy should be, as defined in the Treaty of Lisbon, signed on December 13th, 2007, by the 27 EU member States; secondly, it should be established which institutional, operational and conceptual adaptations are necessary to turn aims into reality. One should consider the Treaty of Lisbon as paramount to achieve both goals.

As the Nice Treaty did for European Security and Defence Policy (ESDP) , the Treaty of Lisbon encompasses the Common Security and Defence Policy (CSDP) within the framework of Common Foreign and Security Policy (CFSP), benefitting from the achievement of an EU external action, namely in legal, institutional and decision-making processes. The latter clearly translate into security and defence aspects; firstly, by recognizing the EU´s international legal personality; secondly, by supporting an external representation with the designation of a full-time President of The Council as well as a High Representative for Foreign Affairs and Security Policy. A dual-hatted position as Secretary-General of the Council, as well as vice-president of the Commission, will improve the Council/Commission articulation, allowing for a better coordination of external action tools, shared between the first and the second pillar, namely development aid and military instrument. Thirdly, by adopting the suited mechanisms to facilitate the decision-making process, namely, broadening the range of matters subject to vote by a qualified majority, with the exception of issues bearing military implications.

Beyond its general alterations, the Treaty of Lisbon embodies a series of specific changes in matters of security and defence, breaking new ground in four designated areas. Firstly, by innovating its semantic nature with a profound political significance, that is, changing its formal designation from ESDP to CSDP, the formal assumption embodied in the Treaty that Member States share common security and defence interests, which they need to further develop together.

Secondly, by introducing two key solidarity clauses concerning security and defence matters: a mutual defence clause (Article 42, nº 7), according to which "If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power"; and a solidarity clause (Article 222), which comes into play when natural or man-made disasters or terrorist attacks occur. According to these clauses, member States commit themselves to mutually assisting their peers in specific situations, thus promoting the EU founding principle of solidarity among Member States.

Thirdly, the Treaty of Lisbon broadens the scope of missions – originally known as the Petersburg Missions – in which the EU can use civilian and military means (Article 43), having, for the first time, specified the kinds of missions fit to this category.[5]

Fourth and finally, two important mechanisms for security and defence cooperation have been introduced to the Treaty of Lisbon: the 'reinforced cooperation' mechanism,[6] and the permanent

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[5] This includes joint disarmament actions, humanitarian and evacuation missions, military advisory and assistance missions, conflict-prevention and peace-keeping missions, missions by combat forces to manage crises, including missions to re-establish peace and stabilization missions at the end of conflicts.

[6] See Title IV of the Treaty on the working of the European Union.

structured cooperation mechanism.[7] Concerning reinforced cooperation, this mechanism was established by the Amsterdam and Nice treaties, now covering foreign and common security policy in situations where the Union, as a whole, cannot achieve the cooperation goals within a reasonable time frame, and whenever at least 9 member states participate in the designated action. The permanent structured cooperation mechanism, by contrast, provides for closer cooperation between Member States able to show capacity and willingness to make greater efforts in the security domain. The goal of this mechanism is clear: to promote the establishment of an effective political framework and instrument to develop European military capabilities, according to criteria agreed to by the member States. More specifically, the goal is to encourage states to channel the resources already spent on defence to focus on collective interests, particularly when it comes to the deployment and maintenance of military forces and the promotion of defence research and development (R&D).

The development of this cooperation mechanism can be seen from two different angles. Critics consider that it merely creates the opportunity for main European powers to deepen cooperation, sidelining all other Member States, whereas others feel this may promote the development of the defence capabilities of all Member States, large and small alike, willing to contribute to common defence and security goal, namely by enabling them to participate in international military missions. EU Member States must thus choose which interpretation they find most persuasive.

The essential goal of these newly created instruments is to give the EU a broad and coherent vision, allowing it to become a global player with a decisive role to play in the promotion of a safer and more stable world. For this to happen, it is vital to consider European defence as a priority. It is necessary to strengthen the ESDP.

In order to achieve it, taking into account the challenges faced by the EU in the international arena, it is crucial to promote a series of changes in the institutional, conceptual and operational (in terms of capabilities) domains.

Firstly, in the institutional domain, in addition to defining 'threats' (already outlined in the European Security Strategy document), one must examine how these threats relate to one another, and how the Union can address them effectively. Clearly, it is important to promote coordinated inter-pillar action, so that the strategy is mirrored in the policies and mechanisms adopted to promote global and integrated action. Although complementary, Security and Development domains are divided between two pillars of European integration: the Community pillar, which is managed by the Commission; and the Foreign Security Policy and CFSP pillar, under the aegis of the Council and the Member States. Emphasis should thus be placed on EU internal coordination: both coordination among those institutions with security and developmental competences (the Council and the Commission), and between Member State national policies.

Furthermore, it is crucial to ensure the support, as a whole, of the general public, political parties and civil society for ESDP goals, but also to improve democratic control of the military instruments at the disposal of the EU. This is one of the functions of the Parliamentary Assembly of the Western European Union. After the approval of the Treaty of Lisbon and notwithstanding the competences of the European Parliament, this will also be a reinforced responsibility of national parliaments. The European public needs to be made aware of the importance of security and defence issues, not just at the international level but also for the process of European integration itself.

Secondly, a conceptual change is needed: more specifically, the European Security Strategy needs to be updated. The Union must recognize and face new challenges and risks and keep in mind not just the prevailing international context but also the need to affirm the EU as a global player, willing to share the burden of international security responsibilities. As far as challenges are concerned, the EU

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[7] Articles 42 and 46 of the TEU, and the Protocol on permanent structured cooperation established by article 42 of the TEU.

cannot afford to ignore the importance of EU-Russia relations, as well as with new emerging powers such as India, China and Brazil; it must also address issues related with globalization and the increasing rapidity of flows, be they financial, informational or other. Concerning risks, in addition to those already identified by the Security Strategy, concepts like energy security, maritime, food, and internet security should be considered, as well as the dangers posed by climate change, including natural disasters and pandemics.

It is also necessary to define the rules of engagement for military operations, namely in high-level risk environments. We cannot pretend the international system is free of uncertainty, or ignore growing calls for EU civilian and/or military intervention; and we must also consider that intervention scenarios may increase with the Treaty of Lisbon mutual defence and solidarity clauses among member States.

Furthermore, the EU must take on increasing security and defence duties not just within its own European territory borders, but also promote stability within its "near neighbourhood', particularly in Africa and the Mediterranean. This is the reason why the EU cannot depend exclusively on the military capabilities of the Atlantic Alliance, which would anyway constitute a negation of its own defence responsibilities. We should state things clearly in this regard: the goal is not to establish rivalry with the Atlantic Alliance but, on the contrary, to ensure that capabilities are complementary and autonomous, so that Europe becomes a useful and credible ally in the task of bringing peace and stability to the international system.

Thirdly, capabilities must be changed. To speak about 'Defence Europe' is to speak about the development of autonomous, credible and adapted military capabilities, which take the new international strategic environment into account.

Given the challenges the EU faces, it will be necessary to deepen Europe's rapid response capabilities to address crisis situations in three major ways: forming land, air and naval Battle Groups; reinforcing the capacity for autonomous planning and operations; and creating a European Defence technological and industrial base. To that end, an inter-governmental mechanism is needed to promote the harmonization of military needs, establishing economies of scale which may sustain a shared defence industry among EU Member States. This should be the central role of the European Defence Agency (EDA).

Concerning the development of European capabilities, three broad guidelines should be followed: firstly, developing capabilities that include European rapid response mechanisms; secondly, developing capabilities allowing more demanding operations; and thirdly, promoting projects within the framework of the EDA. The ultimate goal of this effort, one that should be shared by all the member States, is the creation of a competitive and efficient European defence market.

Finally, concerning the operational dimension, the EU has played an increasing role in conflict-prevention, conflict-management and conflict-resolution missions, particularly on the African continent. These missions have a civilian as well as a military component, involving various state institutions (military and police forces, justice system), and instruments (development aid). In other words, the goal is to promote integrated security, state-building and development capacities. This can take place at two levels: firstly, by promoting shared and 'integrated' knowledge about security and by working jointly on development issues; and secondly, by establishing multi-disciplinary teams – including representatives from defence, foreign, development, justice and home affairs, among others – to promote the adoption of integrated strategies to frame the external action of the European Union.

On the other hand, we must try to improve the operational results of European military forces. More specifically, it is essential to increase the percentage of deployable *vis-à-vis* effective forces, and to develop the capacity to sustain them abroad, establishing smaller more expeditionary groups based on combined or joint forces. This is the path followed by various European countries in the modernization process of their Armed Forces.

Finally, we must rethink and adapt ESDP financing mechanisms to suit the needs generated by international crises, particularly those requiring a rapid response. Member States must take on the civilian and military costs of ESDP missions just as they have accepted the duties associated with the creation of international security conditions. On the other hand, it is also important to consider innovative financing formulas, both at the national and community level, which may facilitate the availability and use of military forces within the framework of the EU.

3. European Defence and Trans-Atlantic Relationship

The Atlantic Alliance and the EU are two fundamental pillars of multilateral security and defence. Insofar as this is the case, any ESDP developments will be coordinated with, and complement, the central role NATO plays in Western European defence. We must find the institutional means to permanently articulate respective priorities, coordinate missions, and maximize security and defence capacities and means. The goal is not to create a rivalry between the two, but rather to establish a useful and credible alliance between both.

European defence should not rival the international security system or NATO; it should, without a shadow of doubt, play a complementary role. This is the spirit of the 'Berlin Plus' agreements, which are the foundation of the strategic partnership between the EU and NATO, and should be the spirit guiding the member States and the Atlantic Alliance.

The strategic framework for the relations between the Atlantic Alliance and the European Union must be clearly defined and reinforced in the areas of security, defence and crisis management. It is true that there is already concrete cooperation between the two institutions, but what is most needed is a shared strategic vision, without which defence and security complementarities between the Atlantic Alliance and the European Union cannot evolve stably and permanently. This must be the goal to achieve in the context of the transatlantic relationship, to fully restore trust between the two pillars of the Alliance: the European and the North American. The time to do this is now. Today, the United States acknowledge the need for a strong and cohesive Europe and for the reinforcement of autonomous European defence capabilities with a framework that allows the EU and the Atlantic Alliance to share responsibility for the collective defence of European citizens. It is also necessary for EU Member States to confirm their determination to reject strategies that stand in the way of, rather than consolidate, the internal cohesion of the Union as well as the cohesion of the transatlantic relationship.

This commitment is paramount so the Atlantic Alliance can address its growing international security duties, and the European Union can take on its European defence and near neighbourhood security responsibilities.

It should be noted, in the light of recent events, that NATO´s new strategic concept outlines strategic partnerships as a priority. For as much as these partnerships may be occasional or international context-led, the EU remains solely the true permanent structural strategic partnership at the core of the transatlantic security community.

On that note, the EU must accept its responsibilities if Europe is to have a future as an international player. Europe should aim at remaining an economic power, as well as a civil power, but it must also have a military dimension. Thirty years ago, the idea that the European Community might become an international player was nothing short of an Utopia. Today, it has become a stepping stone for European security and global stability. The goal of making the EU a global player with broad capabilities should guide the effort to consolidate Europe's Security and Defence Policy.

Author contacts:

Nuno Severiano Teixeira

Nova University of Lisbon

Campus de Campolide

1099-085 Lisboa

Portugal

Email: nst@unl.pt