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History of the European Defense. From the Western European Union to the Permanent Structured Cooperation

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*a i miei genitori
che mi hanno dato tutto
e non hanno chiesto niente*

Summary

Introduction

<i>I. NATO, EDC and WEU</i>	<i>8</i>
<i>1.1 Introduction.....</i>	<i>8</i>
<i>1.2. NATO.....</i>	<i>9</i>
<i>1.3. The Failure of EDC</i>	<i>13</i>
<i>1.4. From activity to lethargy</i>	<i>18</i>
<i>1.5. From revitalization to the Petersberg Tasks</i>	<i>29</i>
<i>1.6. Conclusion.....</i>	<i>35</i>
<i>II. European defence in the Treaties from Maastricht to Lisbon.....</i>	<i>37</i>
<i>2.1. Introduction.....</i>	<i>37</i>
<i>2.2. The Maastricht Treaty</i>	<i>39</i>
<i>2.3. The Treaty of Amsterdam</i>	<i>44</i>
<i>2.4. St. Malo and Nice</i>	<i>52</i>
<i>2.5. The Treaty of Lisbon.....</i>	<i>60</i>
<i>2.7. Conclusion.....</i>	<i>67</i>
<i>III. From the Crimean Crisis to PESCO</i>	<i>69</i>
<i>3.1. Introduction.....</i>	<i>69</i>
<i>3.2. Foreword, the Crimean Crisis and the new European Commission.</i>	<i>70</i>
<i>3.3. The Birth of PESCO</i>	<i>72</i>
<i>3.4. Institutional aspects</i>	<i>77</i>
<i>3.5. PESCO critical issues and future prospects</i>	<i>82</i>
<i>3.5.1. European Union military or civilian power?</i>	<i>82</i>
<i>3.5.2. CFSP and transatlantic relations</i>	<i>84</i>
<i>3.5.3. The current state of the PESCO</i>	<i>88</i>
<i>3.6. Conclusion.....</i>	<i>91</i>

Conclusion

Introduction

The concept of the European defence has been one of the main focus of debate since the beginning of the integration process. The situation in which Europe found itself at end of the Second World War required national states to find a solution not only to the cause of the conflict but also to the issues that were on the horizon. The idea of a military coalition between the European states is not new, however. Over the course of history, we can find multiple evidence of cases both theoretical, like the proposal of Duke de Sully which foresaw the creation of a European army overseen by a “Christian Council,” that could have been used to solve conflicts among European nations and enforce common rules, and practical like the Saint Alliance born after the Wien Council of 1814-15. Of course, the reasons that brought to these initiatives are opposed to the one that moved the founding fathers of the European Union and the future Prime minister and President of the European States, since the previous projects served to perpetuate the structure of power already present. Instead, the proposal of the EU is literally on the opposite side since it is based on the creation of a supernational state.

The difficulties that the project of European defence has found during the last 70 years are due to the delicate nature of the subject. Since the concept of defence contains in it one of the main characteristics of sovereignty. If we consider the definition of sovereignty made by Bodin in *Les six livres de la République* of 1576 which is:

[Sovereignty is] that absolute and perpetual power which is proper to the State.

And if, to this definition, we also add another one made by Weber in *Politik als Beruf* of 1919, about the nature of the state which declares it as:

an institutional enterprise of a political nature in which the administrative apparatus successfully advances a claim to a monopoly on the coercion of legitimate force with a view to the implementation of orders

We can understand why the subject of European defence is of extreme complexity. Indeed, if the state is an absolute and perpetual power that has the monopoly of the force over the population the delegation of this power towards a different institution is to deny the nature of nation state. For this reason, the theme of this elaborate is to detect throughout the course of the European history of the second post-war period if the projects

that were proposed in the field of defence were an actual attempt to deconstruct the nature of the State in favour of something different. In particular if the projects and process through which they happened have some analogy or difference between them. Hence, the research questions that this work wants to answer are; since the development of the last 70 years is there any connection between the first attempt, the European Defence Community of 1952, and the latest the Permanent Structured Cooperation of 2017. Also, throughout the period of analysis is it possible to identify a common pattern not only in the relationship between the major powers of the continent towards the integration process in the field of defence but also between the main European institutions for the security of the continent and the principal organization deputy for the defence of it, NATO. In order to answer these questions, the thesis will be based on an historical analysis of the main institutions deputy for the defence of Europe, the Atlantic Alliance, the Western European Union, the Common Security and Foreign Policy and the Permanent Structured Cooperation. The analysis of this thesis will be divided in three chapters.

The first dealing with initially the North Atlantic Treaty Organization of 1949 which nowadays is the main instrument for the European defence. After this brief explanatory paragraph of the Atlantic alliance the discussion will move towards the main development that were attempted during the first period of European integration which mainly are the failed European Defence Community of 1952 and the later Western European Union (WEU) of 1954 that was created as substitute of the former. In particular the research will involve the period from the foundation of the Western European Union in 1954 to its end in last decade of century. The first period of WEU is marked by the continuous attempt of the British government to block further development in the integration process of the European states which will create after the Rome Treaty of 1957 the European Economic Community (EEC). After the failed in involving other members of WEU in the European Free Trade Agreement (EFTA) of 1960, a project created to oppose the EEC, the London government will start a process of rapprochement towards the European Economic Community that after various attempt blocked by the French President of the Republic Charles De Gaulle will led to entry of the United Kingdom in 1972. The WEU between 1972 and 1984 remained sleepy since defence of the continent had always been deputy of the Atlantic Alliance and the its bridging role between London and the EEC had been fill. The Rome declaration of 1984 started a period of reactivation

that has brought to two achievements the first is the coordination role during the Iran-Iraq war of 1981-1989, especially for what concerns the removal of maritime mine from the Persian Gulf that were endangering the oil traffic of the region. The reactivation process of the WEU had also the merit of the drafting the Petersberg Tasks of 1992 which were the rules for external action of the WEU. The Petersberg Tasks will be later encompassed by the European Union in the Amsterdam Treaty of 1997.

The second chapter will discuss the development that happened in the European defence field after the end of the cold War. Starting with the end of the fall of the Berlin wall the discussion will move towards the Maastricht Treaty of 1992 which established the Common Foreign and Security Policy (CFSP). The chapter will also consider the effects that the tragic events caused by the dissolution of Yugoslavia had over the integration process in the field of security. After the Maastricht Treaty the work will talk about the Amsterdam Treaty of 1997 which will advance some reforms in the CFSP, establishing the figure of the High Representative for Foreign Policy and Security of the European Union, and also introducing some elements of the structured cooperation which will be discussed in the third chapter. In the aftermath of the consultation over the Amsterdam Treaty, the arrival of a new Prime Minister for the United Kingdom in the figure of Tony Blair will give new life to the integration process in the field of defence. In particular the St. Malo initiative of 1999 ensemble with the French President Jacques Chirac will try to move forward the integration process. The effect of the St. Malo initiative and the recrudescence of the conflict in the Balkans will lead to the Nice Treaty of 2001 which has the merit to improving the European structures in the field of defence. The last aspect treated in this chapter will be the Lisbon Treaty of 2007. Born after the failure of the constitutional process started after the Laeken European Council of 2001, the Lisbon Treaty is the final stage of the European reform process started with the Maastricht Treaty of 1992. The main innovation introduced by Lisbon in the field of defence are the Mutual assistance Clause of art. 42(7) and the institutionalisation of the Permanent Structured Cooperation with art.20. The chapter will also include the relations that the reform period of the European Union had created with the main structure for of the Atlantic Alliance, and in particular with the leader of NATO the United States of America.

The last chapter will deal with the latest development in the structures of the European defence which is represented by the Permanent Structured Cooperation (PESCO) of 2017. The international scenario of these years has been shaped by multiple events. The first one is the annexation of the Crimean Peninsula by the Russian government in 2014 following the attempt of Ukraine to sign the association treaty with the European Union which would have led Kiev's government closer to Brussels. The second event is the success in the Brexit referendum held in the United Kingdom in 2016 which in 2021 has led to the departure of London from the European structures. This event has shaped not only the debate over the role of the European institutions but also it has diminished the role of the EU in the world chessboard. The third event of the period is the arrival at the White House of Donald Trump in 2017. His presidency has reached the lowest point in the relations between the U.S. and the old continent institutions. These three events will lead to the creation in 2017 of the Permanent Structured Cooperation. The chapter will try to discuss not only the drafting process of PESCO, but it will also deal with the main institutional aspects and projects of PESCO, and the possible future development of this reform. The chapter will also include a paragraph over the relation between PESCO and transatlantic relationship and how PESCO fits in with the dynamics of soft power typical of the European Union.

The link between these three chapters will be not only the historical development of the European institutions, but also the role that the three main powers of Europe, France, Germany and the United Kingdom and the superpower of the Western world the United States, had in the establishment of such institutions. In particular the relation that interoccurred between these actors will be the reason for the advancement of the block of projects related to the defence of the continent.

I. NATO, EDC and WEU

1.1 Introduction

In this initial chapter the focus will be based on what have been the first forms of cooperation at European level in the field of defence and foreign policy; starting from a short introductory chapter on NATO which has been at the heart of the continent's defence since its inception, in which the description will be centred on the reasons for its birth, its reform phase at the end of the Cold War and the relationship that has been established with the European Union up to the present day. In the second part of the chapter, we will discuss with the European Defence Community, a French initiative linked to the possible creation of a European army in the Fifties. The failure of this initiative, due to the events of the cold war, will lead to the birth of the Western European Union (WEU). Despite the great expectations that led to its birth, the WEU has had a secondary role in the international scenario. In any case, the WEU has succeeded in three moments to fulfill its tasks. In the first case facilitating the entry of the United Kingdom in the European Economic Community (EEC). in the second case during the Iranian-Iraqi conflict of the 80s. In the third case in the 90's with the crafting of Petersberg tasks which still today represent the guidelines for the European External Action.

1.2. NATO

Following the Second World War, the scenario of a confrontation in blocs between the capitalist West and the Communist East had begun to manifest themselves during the Potsdam Conference of 1945. In particular the leader of the Soviet Union, Josip Stalin, was in contrast with the other leaders present on the issue of war reparations to be asked to Germany. All this brought to a cooling of the relationships within the Great Alliance. It should also be remembered that the Potsdam conference was not attended by the other two great leaders of the war. Winston Churchill who had lost the United Kingdom elections of July 1945, that happened during the peace conference, in favour of Labour leader Clement Atlee, and Franklin Delano Roosevelt, who died the same year and was replaced by Vice-President Harry S. Truman. Those two international figures in Stalin's eyes were not at the level of their predecessors. In the years following the war, crises in Greece and Turkey between 1945 and 1949 between factions linked to communist parties and more western-friendly government forces made it clear to the U.S. leadership that tools needed to be introduced to avoid a possible new conflict. Following the coup d'état in Czechoslovakia in 1948 and the subsequent Berlin Blockade in Europe, across the Atlantic discussions started about the possibility of creating a more lasting defensive alliance than the one established between the Western States during the war. In fact, in 1948, Great Britain, the Netherlands, Belgium, France and Luxembourg signed the Treaty of Brussels, which was an extension of the previous Treaty of Dunkirk signed by France and Great Britain the previous year. After the signing of the treaty, some negotiations started for the inclusion of the powerful U.S. and Canadian allies in a mutual security treaty in the event of a foreign attack. The negotiation that followed lead to the signing in Washington in 1949 of the North Atlantic Treaty to which Italy, Norway, Denmark, Iceland and Portugal were also invited to join¹. The fundamental aim that brought to the establishment of the alliance was part of a more comprehensive effort for three purposes: to curb Soviet expansionism, to prevent the resurgence of nationalist militarism in Europe through a strong North American power on the European continent, and to encourage European political unity. These tasks would have been reached through an alliance that put at the centre the security and safeguarde of members' interests through

¹ NATO : North Atlantic Treaty Organization Enlargement Handbook. Washington ;; International business publications, 2006. Print. P.33

political and military means in accordance with the principles of the Treaty of Brussels and the United Nations Charter². But most of all the reason for the creation of NATO at first were psychological; the Berlin Blockade had made realize the European countries that a new war was possible and that in order to win it the United States forces had to remain in Europe.³ As evidence of this, by 1949 only the North Atlantic Political Council and the Military Committee had been created. The event of the Cold War, especially the start of the Korean War in 1950 obliged the members of the alliance to act. The first military structure to be created was SACEUR the Supreme Allied Commander Europe the commander of the American armed forces in Europe. By 1951, a military staff with strategic planning and operational capability, SHAPE and the reform of the North Atlantic Council were crafted, also a Defence Planning group was established⁴. Following the entry of West Germany into NATO the Soviet bloc decided to create the Warsaw Pact, an alliance similar to that of NATO in 1955, this alliance provided for mutual defence by its members in the event of an attack. During this period, NATO embraced the strategy of "large-scale retaliation": if the Soviet Union launches an offensive, NATO will respond with nuclear weapons. The expected effect of this doctrine is to prevent both sides from taking risks, because no matter how small the attack, at the same time, "mass retaliation" allows coalition members to focus on economic growth instead of maintaining the power of large conventional forces. The alliance has also taken the first step toward political and military roles. Since the creation of the alliance, especially the smaller allies have always supported the strengthening of non-military cooperation Paris' disappointment with US domination of the Atlantic Alliance arose from the Suez crisis of 1956, when Washington refused to support Franco-British intervention. Relations deteriorated after De Gaulle returned to office in 1958. He began by withdrawing a certain number of French units from SACEUR's integrated command: the Mediterranean navy in 1959, the Algerian divisions in 1962 and the entire navy in 1963. Conflict over nuclear doctrine arose after France had independent nuclear deterrent⁵. In the fall of 1956, the Suez crisis erupted in a situation of lack of political consultation, which caused differences between some members. In March 1966, France announced its intention to

² NATO : North Atlantic Treaty Organization Enlargement Handbook. Washington ;: International business publications, 2006. Print.

³ O. A. Westad, *The Cold War*, New York, Basic Books, (2017), p. 118

⁴ F. Merand, *European Defence Policy beyond Nation State*, Oxford, Oxford University Press, (2008), p.49

⁵ *ibid*

withdraw from NATO's integrated military command structure and requested the removal of all Allied headquarters from French territory. In March 1967, a new SHAPE headquarters was established in Casteau, Belgium, and in October of that year the NATO headquarters moved to Brussels. Significantly, France remained in the alliance, constantly emphasizing its intention to stand by its allies in the event of hostility⁶. Under detente, NATO's "flexible response" strategy sought to replace the absolute massive retaliation dichotomy in peace or a total nuclear war. Adopted in the wake of the Cuban Missile Crisis, the flexible response improved NATO's conventional defensive position and delivered military responses without full nuclear exchange in the event of conflict. Also at that time, a report entitled "Future Tasks of the Alliance", submitted to the North Atlantic Council by Belgian Foreign Minister Pierre Harmel in December 1967, recommended that NATO follow a political path that would promote dialogue and restraint between NATO and Warsaw pact members. The Harmel report helped lay the groundwork for the convening of the Conference on Security and Co-operation in Europe in 1973. Two years later, the conference led to negotiations on the final law of Helsinki. The law required its signatories - including the Soviet Union and members of the Warsaw Pact - to respect the fundamental freedoms of their citizens, including freedom of thought, conscience, religion, or belief⁷.

The process of NATO reform, due to end of the Cold War in 1989, began in 1991 with the Rome Summit at which the Heads of State or Government of the alliance members discussed the future scenarios of the alliance, in particular on the possible new enlargement towards the Warsaw Pact. In order to improve the relationship between the ex-Communists Republic the member state of the Atlantic path decided to create the North Atlantic Cooperation Council (NACC). The cooperation was seen as a tool to help the new regimes during the transition to a full democracy that what have brought them closer to the west. The role of the NACC was to facilitate the cooperation with East-European countries on security matters. The central idea during the NATO reform phase of the 90's was that the organization needed to increase its influence in other scenario. The end of the Warsaw Pact accomplished the main goal of NATO, leaving the Alliance with the need not just to find a new goal, but also to modify its regional nature for a more global

⁶ https://www.nato.int/cps/en/natohq/declassified_139339.htm

⁷ Ibid.

one. In 1994, at the Brussels summit of the North Atlantic Council (NAC), the NATO's decision-making body, was launched a cooperation programme to open the Alliance and NACC members to a more detailed initiative. This panel was called the Partnership for Peace (PFP), which today still represents NATO's central policy. The PFP is a document in which the participants take a commitment to improve peace in the Euro-Atlantic region. The last of these summits took place in Washington in 1999. At this summit, 3 were the central objectives: first, the resolution of the Kosovo conflict and the organisation of the armed intervention that would take place shortly thereafter; second, the enlargement to include the countries of the former Warsaw Pact; and finally, the relationship that should have been established between NATO's military structures and the new European defence-related institutions created after the Treaties of Maastricht and Amsterdam. The end of the Cold War also started a new chapter in the relations with the new founded European Union (EU). Since NATO was looking for a new role with a more global attitude, the member of the EU sought the possibility to improve their capacity in the fields of security and defence. During the period of the 90s the two organizations had to find an equilibrium in order to not duplicate their efforts, and often tension rose between the members of these two institutions. The effort started in Washington would end up in 2002 with the Berlin Plus Agreement between the EU and the NATO. The document provided that the EU structures for security could use the capabilities of the Alliance for their missions. All the development of the European institutions in the sphere of defence are tied with NATO. Since the first period of European integration the leaders of the old continent saw the complementary of the two projects. In 1952 the proposal for the creation of the European Defence Community (EDC) was based upon the crafting of European army under NATO structures. But after the failure of the EDC NATO was never truly able to complete one of the initial goals of the Alliance, which was to increase cooperation in Europe leaving this task to other institutions and other times. This thesis tries to discuss about this argument⁸.

⁸ Hatzivassiliou, E. and Triantaphyllou, D. (eds.) (2017). *NATO's First Enlargement: A Reassessment*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1497723/natos-first-enlargement-a-reassessment-pdf>

1.3. *The Failure of EDC*

On the 30th of August 1954, the French parliamentary assembly rejected with a slight majority the 1952 treaty of Paris concerning the creation of a European Defence Community (EDC). This was not the first time some politicians tried to promote the idea of a possible European army. During the sixteen century the Duke de Sully, the Finance Minister of Henri the IV, proposed the idea of single European Army foreseen by a Christian council that would have maintained the order, a couple of years after the William Penn wrote *Essay towards the Present and Future Peace in Europe, by the Establishment of an European Dyet, Parliament, or Estates*, the abbot of saint Pierre with *Projet pour la paix perpetuelle en Europe*, and even the Congress of Vienna with its *saint alliance* was a form of integration in the defence sphere⁹. The EDC also known as the Pleven plan, after the French prime minister who proposed it, was a plan fabricated by Jean Monnet, one of the main figures of the first steps of European Integration, tried to solve the problem of the German rearmament, due to the increasing tensions between the two superpowers, with the establishment of a new institution that would have united the military forces of the six founding members of the ECSC and giving them a political structure¹⁰.

Until the aftermath of the Second world war, the European Powers were never interested in cooperating with each other, due to the ramping of nationalist sentiment and a ferocious competition to maintain their colonial possessions. But with the catastrophic consequences of the war, the growing influence of the Ussr on the East made the west European states realized the necessity to increase their level of interconnection¹¹. The first countries to do so were in 1947 France and the United Kingdom with the Dunkirk treaty which established an alliance for mutual assistance against a possible German attack. The

⁹ Frederic Merand, *European Defence Policy, beyond nation state*, Oxford, Oxford University Press, 2008, pp. 1-2.

¹⁰ Rees, G.W. and Rees, G.W., *The Western European Union At The Crossroads: Between Trans-atlantic Solidarity And European Integration*. [Ebook] Taylor and Francis, 2019, available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

¹¹ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf> modificare le note, come sopra

Dunkirk treaty, despite being signed over the possibility of a new German attack, foresaw the fact that the two main European powers had to maintain a strong connection to avoid the mistakes committed when the Second World War started. The possibility of a German revanchism was a difficult one since Germany was divided and without an army but above all the new West German leadership, born in those years, wanted to be strongly tied with the democratic structure of the West. The fear for which the Dunkirk treaty was signed was not merely the German revanchism but was centred over the Soviet Union that was gaining power and territories with the end of the war. The next years also Belgium, Netherlands and Luxembourg decided to join the alliance giving birth to the Brussel Treaty. This time the Treaty was more comprehensive vis-à-vis the Dunkirk one, the fear of German revanchism was still present in the minds of many people, but the real enemy was now seen as the USSR, so the treaty envisioned a more general agreement stating that the signatories of the treaty would have promote economic and social cooperation to rebuild Europe after the war and most importantly creating a defence mechanism that would have protected the members of the treaty from an external attack¹². Less than a decade later the situation was already changed¹³.

The increase threat represented by the USSR and the start of the war in Korea in 1950 made the American realised that they needed something different in their foreign policy. The war was over in Europe, but it was starting elsewhere and the US effort in the defence of the old continent was taking away manpower from other scenarios. The US President Dwight Eisenhower believed in the necessity to protect the Eastern border of Europe which was the newly born German Federal republic. The new western German state had already established good relations with his neighbourhood in the west; the German Chancellor Konrad Adenauer from the Christian Democratic party was able to anchor the Republic to the start of the process of European Integration with the European coal and steel community that allowed his government to return in possession of the Ruhr region, without the Saarland that remained a semi-autonomous region under French rule,

¹² Treaty of Brussels, 1948,

<https://web.archive.org/web/20080616091229/http://www.weu.int/Treaty.htm>

¹³ In. Krigger, foundation and History of the treaty of Brussels 1948-50, in N. Wiggerhaus and R. Forester (eds) *the western community security Community: Common problems and conflicting national Interest during the foundation phase of the north atlantic alliane*, oxford berg:1993 p.231

and that is one of the first step for the future *wirtschaftswunder* the German economic miracle¹⁴.

In the other European states, the idea of a possible German rearmament was not seen with major favour especially in France. Even though a small number the French politicians of the 4th republic saw the necessity and the possibility to use the German rearmament as a tool to speed up the process of European integration. The problem of the West German rearmament was posed by the United States to their European allies because of the increasing tension with the Eastern bloc. The idea that West Germany could have remained a demilitarised state in the centre of Europe was not foreseen by Washington that wanted to impose its will over the continental partners. In this situation the European leaders were obliged to comply with the idea of the United States, so the French Prime Minister in 1950, René Pleven with the help of Jean Monnet proposed the creation of European Defence Community (EDC). This project would have allowed the European countries to have a major control over the Bonn rearmament program and to obtain more freedom of movement towards the American allies. the idea proposed by Monnet and its collaborators was based upon the creation of a European army composed of 6 division, one for member states, under NATO structures and with a European Defence ministry in charge of the control of this army. Also, the article 38 of the treaty proposed by the Italian President of Council Alcide De Gasperi would have equipped the Community a political union that would have had a supernational power that could have been used to promote the creation of common political entity within the signatories of the treaty¹⁵.

The failure in the ratification process in the French parliament ended the possibility of a common integration in the field of defence under supernational basis. The 4th republic was founding itself in a period of major difficulties. From one side the rampant propaganda from the Gaullist parties within and outside the parliament promoted the idea of a return to the French *grandeur* revitalising a strong sentiment of national pride in a period in which the old French empire was at collapse. The other issues were

¹⁴ Rees, G.W. and Rees, G.W. (2019). The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

¹⁵ Rees, G.W. and Rees, G.W. (2019). The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

the decolonisation war that had started just after the end of the Second World conflict, in particular after the Dien Bien Phu defeat in 1954 in the Indochina war had become way more difficult. The French president Pierre Mendes France, in order to gain more support in the National Assembly, proposed some adjustment to its European counterparts that in his mind would have helped in the ratification process, but would have totally changed the nature of the treaty and so was rejected by the other countries¹⁶. The Paris treaty of 1952 despite been ratified in the Benelux and West Germany was rejected by the French Parliament and aborted by the Italian one in which the political situation would have brought to same result that happened in Paris. The failure of the EDC proposal is also connected with the relaxation in the international scenario in particular the end of the Korean war in 1953 and the death of Stalin the same year, which ensemble created the circumstances for the sinking of the project¹⁷.

On the 1st September 1954, the British Foreign Minister published “Alternative to the European Defence Community”. The document was composed of two proposal tied together; the first to allow the entry of the German Federal Republic into NATO, and second the creation of an EDC without its supernational characteristics with the accession of the United Kingdom. The NATO solution to the German rearmament was seen by London as more suitable both for the United states and the French. The Secretary of Foreign Affairs and future prime minister of the United Kingdom Antony Eden, in order to achieve his plan, started a tour in the major European capitals to see if the proposed modification of the treaty of Brussels that had established the Western Union in 1948, in order to include Italy and the German federal republic and the entry of the GFR into NATO, was acceptable for the other members. From the 28th of September to the 3rd of October, the six members of the failed EDC plus the United Kingdom, the United States of America and Canada met in London for the Nine Power Conference. The initial diffidence showed by the Washington government was due to the fact that the Secretary of State Dulles was extremely convinced in the idea of a supernational Defence Europe that would have helped the US to deploy their forces somewhere else, hence it was

¹⁶ Rees, G.W. and Rees, G.W. (2019). The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

¹⁷ Rohan, S. (2014). The Western European Union. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

mandatory for the London government, that had promoted this initiative, that the conference was a success, in order to show to the American ally that the United Kingdom was not only a strategic partner but could also be a leader in the integration process. To speed up the negotiation process the United Kingdom proposed to deploy their troops on the continent. The forces would have consisted in 4 divisions and the Tactical Air Force. The British proposal despite having some restrictions, was a successful attempt to improve the negotiations, and in particular to show to Washington their will to be a leading pattern in this new institution. The result of the negotiation brought in 1954 in Paris to signing of the Modified Brussels Treaty which created the Western European Union, an institution with an intergovernmental organization that was more favourable for the London government. The structure of the organization was based on a council of Foreign Ministers which would have voted unanimously, The Council would have had a real power of decision and would have not just been a consultative organism like the Council of Europe. Nonetheless, its prerogatives were not well defined and the previous creation of the North Atlantic treaty organization in 1949 did not allow the new institution to grow autonomously¹⁸.

The creation of the Western European Union is a major step in the direction opposed by the founding fathers of the European Union to create institutions with a binding power over their members. The British PM that has followed since the end of the second World war, despite a favourable view of the European process, never believed in the possibility of a power above the one of national state. Since the creation of the Council of Europe, the first European institution, with the London treaty in 1949 the United Kingdom always tried to create structure that were based on an intergovernmental method that would only lead the atrophy of the institutions created. It is emblematic the statement of Henri Paul Spaak, one of the founding fathers of Europe already Prime Minister of Belgium, that ironically would become the first president of WEU. These words could be used to describe the nature of those institutions like the WEU that are based on the intergovernmental method. Spaak previously elected president of the consultative assembly of the Council of Europe stated that:

¹⁸ Rohan, S. (2014). The Western European Union. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

To-day, whether we like it or not, interest in the cause of a united Europe no longer lies, I am sorry to say, within this Assembly. Those who wish to continue along the road we have followed in the past few years now realise that the prospects here have become almost hopeless, that we must look beyond these walls and that it is again by having recourse to propaganda and by rousing public opinion, showing it what the real position is and how it can save itself if it wishes to avoid disaster, that the real solution to the problem will be found¹⁹.

Sadly, these words could refer to the nature of the WEU that in its 50 years of service was never able to actively absolve to its tasks which were to increase the European Integration and to promote the Atlantic alliance. After its first years of activity ended with the accession of the United Kingdom, the new phase from 1973 to 1984 let the WEU remain sleepy relegating the changes to a possible increase of the major integration to other times²⁰.

1.4. From activity to lethargy

The Paris agreement established a very peculiar institution. The idea of the promotor of the WEU was not based on communitarian interests but they saw the new institution more as a container in which insert the various national goals that in the mid-fifties were in act. The London government and, in particular, its Prime Minister Anthony Eden sought in the Western European Union the chance to link the German rearmament to a more Atlanticist platform, united with the more constructivist institution that was created in those years, the ECSC (European Coal and Steel Community) increasing the possibility to establish a different path for the European Project. But despite their efforts, the other European partners in those years were more interested in pursuing a European integration that was based on a common share of power and not just in creating structures that had no actual effect over the issues of those time. Indeed, the failure of the EDC project had the main effect to change the field of European integration from political to

¹⁹S. Guerrieri, *Un Parlamento oltre le nazioni. L'Assemblea Comune della CECA e le sfide dell'integrazione europea (1952-1958)*, il Mulino, Bologna, 2016. P.35

²⁰ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

an economic one. Despite the effort put in place for the creation of the WEU the United Kingdom was still founding itself at the edge of the European integration process.

From the perspective of the Paris government instead the creation of the Western European Union was seen with appreciation from the 4th republic governments. The recent failures in the Indochina war and in the Suez crisis brought strength to the nationalist sentiment that was growing in the society. The fragile equilibrium in which the Fourth republic was founding was impeding the French politicians to focus on European affairs. The rampant propaganda from the Communist party on the left and from the Gaullist from the right, with the adjunct of the inability of the structure of the republic to act in the major crisis of the period, like the decolonisation process, caused the atrophy of the Republic. Under these circumstances the creation of the WEU was seen as a solution to the problem of the German rearmament but also it gave the possibility to the French politicians to not be always in the front row of the integration process. For the Federal German Republic, the creation of the WEU represented the end of a process to regain full sovereignty. Starting after the Second World War the division of Germany in two states with the West government under the control of the western powers, the politicians of the new Federal Republic sought to attach the new democratic institutions to the American sphere of influence in order to regain the status of parity in the international arena. The signing of the Modified Brussel Agreement in 1954. Was the start of a new free and sovereign Germany, in particular the Modified Brussel treaty granted the power to the FGR to recreate its army without any limitation²¹.

From the perspective of the Institution itself, the newly created WEU was a compromise that in practical terms was not able to have a substantial effect. The institutional framework of the WEU was based on an intergovernmental Ministerial Council in charge of taking decisions on the action of the WEU, and a Parliamentary Assembly in which the members were appointed by the national governments. Despite the legitim criticism about the actual effect of this institution during its lifetime, its parliamentary assembly was able to be a useful panel in various issues of those years. From the European Nuclear capability to the Saar referendum, and in particular during the empty chair crisis the Assembly of the WEU was the only framework in which French,

²¹ Rohan, S. (2014). The Western European Union. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

United Kingdom and the other members of the various European institutions were able to have fruitful discussion. At the opening ceremony in Strasbourg on July 5th, 1955 the chairman of the WEU council of ministers, the foreign minister of the kingdom of Belgium Paul-Henri Spaak highlighted the main goals of the new organization. These were basically to pursue a policy of peace, to reinforce security to strive for unity and to encourage a closer cooperation inside the WEU and with the other European organizations. After one year, the situation had already changed. In 1956, the Council reduced its role to ~~on~~ a minimalist position. This decision was taken upon the Modified Brussels treaty art. V and art. VII that stated that despite a clause of mutual assistance between the members, the main body in charge of the defence of western Europe remained NATO, leaving to the WEU only the Agency for the control of Armaments (ACA) and the standing armaments Committee (SAC)²². The SAC was established in 1955 by a WEU Council decision, and it had an advisory role for the standardization of the equipment through the use of common resources, scientific cooperation, and the adoption of a common manufacture of weapons. The ACA instead was a deputy organ for the monitoring over the armament's accumulation. Both these two institutions had a limited role over security issue and most of all no binding power over the member of the WEU²³.

The WEU assembly instead had a much broader objective. For the signatories of the Paris Agreement, the WEU was not just a mere military organization but it had to spread an idea of more interdependent Europe based on a political integration. Despite the will of its founder, the Assembly of the WEU was a mere consultative organ with only an advisory power, however the members of the Assembly tried to get more influence²⁴. The Assembly of the WEU was created through art.11 of the Modified Brussel treaty which encompassed it a sovereign of the Council reports. In writing their own charter the members of the Assembly decided to apply a broader interpretation of the art.1 of the Assembly chart, which defined the power of the Assembly to discuss any matter related with the nature of the Modified Brussel Treaty and with the Council reports. The

²² WEU Assembly, *Proceedings*, (session 1, Part 1) official reports of debate July 1955

²³ Rees, G.W. and Rees, G.W. (2019). *The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

²⁴ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

Assembly hence giving itself a maximalist interpretation of its power, could discuss any matter related to the WEU put itself in contrast toward the Council which preferred a minimalist interpretation of the role of the assembly. The issue was solved in 1957 when the Council agreed with the interpretation of the Assembly. This was pyrrhic victory since the WEU Assembly had no binding power over the work of the Council but served another purpose which was the one to continue the debate inside the European institutions over the creation of an agreement for a Free Trade Area (FTA) ²⁵. The already limited role of the WEU over the European issues of those years, was going to be even more reduced by the decision of the Council to delegate the promotion of the European values to the Council of Europe in order to avoid a possible duplication of the role. This decision had the effect not just of reducing the already limited powers of the WEU and its Assembly but also to delegitimize the idea that had brought to the creation of the WEU favouring an institution like the Council of Europe that as stated before was already inefficient.

The debate in the Assembly during the mid-fifties were centred on two British proposal that were used to contrast the work undertaken by the other members of the WEU in other institutions. In 1955 the members of the ECSC decided to start the negotiation for a complex trade agreement that would have changed the nature of the European institutions. The focal point of this new institution was the creation of an economic zone without barriers that would have implied the born of a strong integrated structure with binding power over its members. The result of the negotiations started in 1955 would end up with the signing of the Rome treaty of 1957 instituting the European Economic Community (EEC). Since the starting of the negotiations the London government proposed through the WEU the creation of the Free Trade Area (FTA) which was a similar project to the one that would end up with the treaty of Rome but without the supranational characteristics that were the centre of the new institution. The project envisioned in the Rome treaty was in contrast with the idea of cooperation of the United Kingdom; for London the way under which establish relations could only be with an intergovernmental method that would have allowed to strong states like the United

²⁵ Rees, G.W. and Rees, G.W. (2019). *The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

Kingdom to control the work of the institution²⁶. After the creation of the EEC in 1957, the relation between the major European powers, the French 4th Republic and the United Kingdom were not at their pike. The Paris and London government after the failure of Suez initiative had taken different direction to pursue their interests. Each of them was looking to obtain a nuclear capability. In particular the other debate of those years after the one over the FTA in the Assembly of the WEU was a document called the *Grand Design Proposal* by the British foreign minister Selwyn Lloyd. This document was based on the possibility that the Atlantic alliance was going to provide more military and political direction for Europe, with the creation of new structure inside the Alliance with the role of covering all aspects of Western states cooperation and to obtain for the members of the WEU its own nuclear capability²⁷. The idea to promote a discussion over this argument was not related to an actual possibility for the WEU to obtain nuclear capability, but instead was used to diverge the cooperation over nuclear matters from other forums. The special relationship between the United Kingdom and the US had worsened after the Suez crisis. Hence the Tory leadership of those years believed that for Great Britain, it was mandatory to obtain a nuclear weapon in order to play an active role in the international scenario. The proposal that was in the mind of its creator, foresaw the possibility to slow down the discussion between the six members of the ECSC about the creation of the future European Economic Community and the EURATOM, an agency which had to be devoted to the creation of a European nuclear capability only for civilian purpose. The discussion over the EURATOM and the European Economic Community was seen by the British leadership as a new reduction of their influence in Europe, since the two new proposed institutions were going to be created with binding power over their members and not with the method used for the creation of the WEU that was preferred by the London government²⁸. The *Grand Design Proposal* of Selwyn Lloyd was immediately blocked by all the actors and had the only effect to worsen the relationship

²⁶ Rees, G.W. and Rees, G.W. (2019). *The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

²⁷ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

²⁸ Rees, G.W. and Rees, G.W. (2019). *The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

between the Six and Great Britain also in the WEU Assembly. As a matter of fact, the Assembly during its April report of 1957 asked to the council to a better understanding of the British participation in the WEU in the light of the new form of integration that happened in that year²⁹. The *Grand Design Proposal* might be seen as the epitome of what the WEU would have become in the future. Despite the triumphal announcement made on its birth by the president of the French Republic Pierre Mendès-France and his German counterpart Konrad Adenauer about the nature of the organization, which in their eyes had to lead the integration process to a political unity, the WEU became more and more as a container to be used to pursue the national interest that could match or not the communitarian one³⁰. Especially, the British position in the WEU reduced the capacity of the new institution to be on the front of the European process. Despite the WEU was a British creation, it was clear that the London government saw an unwanted child rather than an actual tool for its foreign policy³¹.

The major task that was appointed to the WEU in those year was the resolution of the Saar issue. The Franco-German Saar Agreement of 1954 provided that the population of Saarland, a region that after the war was assigned to French supervision, would have had a referendum over the sovereignty of the region. The proposal was for Saar to become a “European Statute” with a commissioner appointed by the WEU Council that should have represented the Saar in the main European institutions, or the to return under German rule. The born of the Federal German Republic brought back a strong sentiment of sovereignty that especially in the territory of Saar was gaining support. The population of the region felt to be an occupied territory and despite the WEU Plebiscite Commission, the deputy organ that arranged the referendum, had made explicit provision to stop German politicians to interfere with the process, the result of the referendum was already written. On the 1st of January 1957 the referendum for the creation of a “European statute” was rejected and Saar returned under German sovereignty. The end of the Saar issue marked a significant momentum in the early life of the European institutions . Despite the major resonance that the integration themes had in the European chancelleries, in particular over the discussion for the creation of the European Economic Community the

²⁹ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

³⁰ Ibid

³¹ Ibid

lost in the Saar consultation can be seen as example of distance between the population and their government on those topics. The overwhelming majority that voted for the return under the Bonn government tells us that the process of European integration could not be pursued regardless of the feeling of the interested populations³². The failure in the approval of the European Statute for Saar created also an understanding that the WEU would not have been the centre around which trying to establish a political union. Hence, in the following years we will see a reduction of the tasks assigned to the institution³³. So as part of a rationalization process of the European institutions of the 60's the cultural and social aspects of the WEU would have now been implemented by the Consultative Assembly of the Council of Europe, which since its foundation was in charge of this task, leaving to the WEU the only task of controlling the armaments.³⁴

The restrictions in the operative tasks delegated to the Assembly started the process that will bring the WEU into a period of lethargy. Despite this process, the Assembly of the WEU tried to maintain its utility continuing to debate the issue of European security. In 1957 the signing of the Rome treaty establishing the EEC and Euratom brought a new wind to the sails of those who believed in a more federalist approach towards the European question. This renewed attitude was immediately stopped by the return to the Elysée of General de Gaulle, which was able to return to its role of leader of France due to increasing inability of the fourth republic to act in the Algerian conflict. De Gaulle had since the beginning of the European integration process showed to be a strong opponent of the integration process. Many political members of his party, the Rassemblement du Peuple Français, and de Gaulle himself never believed in the European project and when he returned to office, he started a policy of impoverishment of the role of the European institutions. In his mind De Gaulle believed that the only use of the European institutions was to increase the French status in the international stage, the EEC for the French state could only be a confederal project that could have or a French

³² Rohan, S. (2014). The Western European Union. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

³³ Rees, G.W. and Rees, G.W. (2019). The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

³⁴ Rohan, S. (2014). The Western European Union. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

leadership or it would have felt under the United States umbrella³⁵. For this reason, he always opposed any further discussion about a political integration and the attempt of the British government to enter in the EEC. De Gaulle, not without wise, saw in the British government a possible trojan horse of the Washington government³⁶.

The other states saw in the arrival of the General not just a reduction of the role of the European institutions as promoter of a broader cooperation but also the charismatic figure of the De Gaulle could end up in monopolising the French leadership in Europe leaving the other members to follow its will. Hence, the Benelux countries tried to engage in deeper contact with the British government, in order to avoid the creation of a French-German alliance to lead Europe. On the other side of the channel, the British government, after the failure of the Suez crisis and the change in the relationship with the commonwealth, decided to use the WE³ Assembly as a vehicle to increase its European ties with the six of the ESCS. In the winter session of 1958 of the WEU Assembly, the United Kingdom promoted an increase of the political competences of the WEU³⁷. Despite their statements, the British government's approach to the European institutions could be regarded as ambivalent. The cabinet now guided by Harold Macmillan, which had substituted its long-time adversary in the leadership of the Conservative party Anthony Eden proposed at first the creation of a new institution similar to the EEC but with more confederal approach the EFTA (European Free Trade Agreement). The proposal for the creation of another European institutions had already started during the negotiations for the birth of the EEC. Indeed, through the WEU assembly the London government in 1956 proposed the establishment of a Free Trade Area, a project similar to the EEC but without the supranational characteristics of the former. This project was seen by London as way to reduce the distance towards its European allies and to get influence over the integration process. But despite the effort of Macmillan the other European states, with the favour of the Washington government, were not keen of this new proposal that envisioned an intergovernmentalist method that was not in the mind of the other European leader. The FTA project was rejected by the Assembly of the WEU

³⁵ Rees, G.W. and Rees, G.W. (2019). *The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

³⁶ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

³⁷ R.L. Pfalzgraff Jr, *Britain Does Europe*, Philadelphia, University of Pennsylvania, 1969, pp. 61-8

in 1958. However, the idea proposed already by the foreign secretary Selwyn Lloyd was later followed by his successor John Profumo³⁸. In the two years from the rejection of the FTA (1958) to the birth of the EFTA (1960) the British minister continued to propose a way to tie the other members of the WEU to the British project. In particular, Profumo promoted inside the WEU ministerial meetings the idea of a possible agreement between the six and the EFTA which immediately was seen as a dead end since only the UK was member of the EFTA; in any case with this proposal Profumo put the WEU at the centre of the European policy of its government. Despite the failure in convincing the other members of the WEU in participating in the FTA in 1960 with the Stockholm convention there was the creation of the European Free Trade Agreement (EFTA). To this new institution took part the other member of the Organization for the Economic Cooperation in Europe (OECE), Austria, Denmark, Norway, Sweden and Switzerland. The finality of this association was the reduction of the tariffs between its members and the promotion of more closed economic ties³⁹. The failure in the proposal to join the EFTA by the six had the effect anyway to draw closer the UK to the WEU since it was the main forum for political discussion in which the United Kingdom was a member and through its first years it was used to introduce the main British proposal over the European integration. The failure in convincing the other member states in participating in the EFTA changed the European policy of the conservative leadership. Since the decrease in the economic ties with the commonwealth and the better economic performance of the other European partners but also to a diminishing of the special relation with the US in particular over the EFTA agreement that was seen by Washington as an attempt to block the development of the EEC⁴⁰. In November 1960 understanding that to be influential in Europe the London government had to draw closer to the other European institutions, the Assembly of the WEU adopted the recommendation 53 in which it was proposed to start the negotiation between the EEC and the London government to join the other European communities⁴¹. Hence, on the 31st of July 1961 the British Prime Minister Harold

³⁸ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

³⁹ J. Profumo, *determined to draw closer to Europe*, *European Atlantic review* 1959-60, p.5

⁴⁰ N. Ashton J., *Kennedy MacMillan and the cold war: the irony of interdependence*, Palgrave Macmillan, 2002, pp.131-3

⁴¹ WEU Assembly rapporteur, Mr Molter, *the policy of member states of Western European Union*, doc.184 17/11/1960

MacMillan went to the House of Common asking the mandate to start the negotiation process for the entry of the United Kingdom in the EEC⁴².

The decision of the United Kingdom to enter in the EEC was not seen with favour by De Gaulle. The French statist blocked the UK accession to the European Community for two reasons: first he saw London as the *longa manus* of the United States that would have interfered with its project for Europe. Secondly, De Gaulle foresaw a Europe guided under the ideology of the *Europe the patries*. In this project Europe had to be governed under an intergovenrametalist method that would have allowed France to be its leader. The project also known as the Fouchet plan would end up with the Elysée Treaty of 1963. The treaty of Elysée was signed with the chancellor of the Federal German Republic Konrad Adenauer had two main goals one to draw Germany away from the Us influence and two to increase the French influence in the European institutions. The reasons for the French President to weaken the American ally were based upon the rejection of Washington to give more power to the Paris in the NATO institution. Indeed, De Gaulle imagined the Atlantic Alliance to be guided by the three nuclear power in it. The refusal of Washington brought to this reaction. The second point was getting closer the GFR to his project of Europe of Motherlands, but the agreement of 1963 Germany was never interested in this project. In his time in office, de Gaulle in order to gain more freedom from the Atlantic alliance decided to remove the French military effort from the alliance. On the 8th of March 1966, the General requested that all the NATO facilities and structure to be dismantled from the French territory. Despite his best efforts de Gaulle was still linked to the Atlantic alliance by the virtue of the Washington and WEU treaty. De Gaulle move to leave the NATO structures was because in the Brussels Treaty there were tools for controlling the military capacity in particular relatively to its armament and the obtainment of a nuclear capability. In his last year in office, in 1967, the General also rejected the second British application for accession to the European Communities underlying the isolation of the Paris government over the European issues. Only with his successor, Georges Pompidou, there was a normalization in the communitarian relations and Pompidou opened to the accession of the UK into the EEC, that happened in 1973⁴³.

⁴² Rohan, S. (2014). The Western European Union. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

⁴³ *ibid*

The period of de Gaulle in office despite being seen, according to many scholars as a weakening time for the European institutions allowed the WEU and in particular its Assembly to gain more importance⁴⁴. The subordination of the WEU towards NATO made it an important part in the Atlantic alliance but it did not allow it a fully functionality over its concrete tasks, which were armament control and armament cooperation. Since the power of the main actor of the Alliance, the US, made its utilities the first option for its European counterparts. The presence of an Assembly which had the power to discuss every major issue regarding the European integration allowed it to have an effective role in those years⁴⁵. In particular, the WEU council of foreign ministries has two merits the first one is of keeping the London government accession to the communities always a possibility. The second one was the capacity, during the French departure from that Atlantic Alliance, to persistently discuss within the Assembly and in the Council over the issues faced by western Europe. With the 1973 United Kingdom entry into the European Economic Community, 4 years after the end of the de Gaulle presidency, the WEU entered in lethargy period that will end up almost decade later. The entry of the United Kingdom in the EEC was not the only effect of the departure of the French General. The entry of the United Kingdom in main structure of European cooperation resulted in an abandon of the WEU institutions. The main purpose for which the WEU was created was not merely related with the concept of the defence but was connected with the will to bring London closer to Brussels. As a proof of this will to put aside the WEU, we can see that already during the negotiation for the third attempt for the British entry, allowed by the end of De Gaulle era, the EEC started a discussion over the creation of its own defence structure. The result of the Davignon report in 1970 led to the creation of the European Political Cooperation (EPC), a forum for regular meetings between Foreign ministry and senior foreign ministry officials in order to harmonise the foreign policies of its members⁴⁶.

⁴⁴ Rees, G.W. and Rees, G.W. (2019). *The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

⁴⁵ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

⁴⁶ C.gordon, *European Defence:a return to Brussels?*, *Foreign service journal*, 1971, vol. 48, no.22, pp.19-21

1.5. From revitalization to the Petersberg Tasks

The lethargy period of the WEU, due to the British entry in the EEC in 1973, concerned the Council parts of the organization which from 1973 following the lack of interests of their members decided not to continue in the confrontation. The assembly instead continued its work constantly. The reasons for the abandon of the WEU have to be found in the new international scenario of the Détente and in the entry of the United Kingdom into the Communities. With the end of the relaxation period, the arrival at the White house of the neoconservative Ronald Regan produced a worsening of the relationship between East and West but also with its other European allies. Inside NATO, the US unilateralism was seen as a bad effect of Regan presidency and brought the member of the alliance closer together in finding their own defence structure and revitalising WEU⁴⁷.

In 1981, Francois Mitterrand the new French president proposed to revitalise the WEU after the declaration of the martial law in Poland the same year. The decision of the socialist president was based on a series of political considerations. The first one was that the FGR response on the Polish issue was seen as not adequate. The second aspect was related with the new American presidency, which was weakening its Atlantic ties. ~~in~~ Since, during the period of détente the Bonn government, and Western Europe overall, had increased its economic power, the Washington government decided to change its foreign policy toward Europe. The third aspect of the Mitterrand proposal was related to the subordinate nature of the WEU towards NATO. Under the umbrella of the WEU it was possible to increase the leading role of the Paris government in Europe⁴⁸. From the other side of the Rhein river, the Government of the Federal German republic saw a big opportunity in the revitalization of the WEU. Such opportunity was based on two aspects: first, the chance to remove the last limitation that were pending on the German army, and second to start to have a leading role in what concerned the defence of Europe⁴⁹. The idea of the newly elected chancellor Helmut Kohl was that the revitalization of the WEU

⁴⁷ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

⁴⁸ K.R. WhereMy *Europeanising NATO*, washington quarterly, vol.7 n.o.2, 1984, p.60

⁴⁹ Rees, G.W. and Rees, G.W. (2019). *The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration*. [Ebook] Taylor and Francis. Available f

would have showed to the other European partners that the German foreign policy was not under US domination and would have brought French closer to NATO⁵⁰. This new cohesion between Paris and Bonn brought to a revision of the Elysée treaty in 1982. This revision established twice a year a foreign and defence ministers meeting and created three joint commissions on strategy, military cooperation and armament procurement⁵¹. This new achievement brought to the creation in 1987 of the French-German brigade under the leadership of a joint French-German defence council with foreign and defence ministries, heads of governments and chiefs of staff with its headquarters in Paris⁵².

On the other side of the channel the Thatcher government was looking with suspicion this new interest for the WEU. Since 1981 the British had made clear that if the integration of European defence had to happen, London would have preferred the structure of the EEC⁵³. But both for London and for Bonn the attempt in revitalising the WEU proposed by Mitterrand could have been a double-edge sword for France. If from one side the revitalization of the WEU could have served the purpose of increasing French leadership over Europe, it would have also draw it closer to the Atlantic Alliance, since the WEU was its subordinate organization⁵⁴. The revitalization process of the WEU had its effective beginning in 1984, 30 years after the Modified Brussel treaty, with the Rome foreign and defence meeting of its members⁵⁵. It brought to the draft of the Rome declaration. Such declaration had as goals the disarmament, more cooperation over the armament's procurement, the improving of the east-west relations and a general repetition of the main goals of the organization such as the defence of Europe under the NATO supervision and the promotion of the integration process⁵⁶.

The effective change that happened in the functioning of the WEU had been promulgated only three years after in the Luxembourg foreign and defence meeting of 1987. Such meeting established twice a year for the defence and foreign ministers of the

⁵⁰ Rohan, S. (2014). The Western European Union. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

⁵¹ Ibid

⁵² W.J. Feld, *Franco-German military cooperation and European unification*, journal of European integration, 1989, pp 151-64

⁵³ Ryan D.A., *the united states and Europe in the twenty century*, pearson 2003, p.100

⁵⁴ P.Tsakaloyannis, *Western European security in a chainging world: from the reaticvation of the weu to the Eureopan single act*, Maastricht: EIPA, 1988, p.4

⁵⁵ *The reactivation of the WEU, statements and Communicate 1984-1987*, Batley WEU, 1989

⁵⁶ https://www.cvce.eu/content/publication/2003/7/11/c44c134c-aca3-45d1-9e0b-04d4d9974ddf/publishable_en.pdf

seven, the creation of a presidency of the Council with one-year mandate, regular meetings between the ministries of defence and foreign affairs of the members with a Council of ambassador created to help them in work, the drafting of the Specialized Working Group active since 1985 that in those years mainly discussed over the implication of the Strategic Defence Initiative of the American President Ronald Reagan which consisted in an anti-missile program and its effect on European security. The Rome declaration also brought to the creation of the WEUCOM in 1988⁵⁷. The WEU's communication network was created to facilitate the share of information within the institution's members⁵⁸. The final effect of the Rome declaration was to identify a more decisive role for the assembly since it was the only body allowed for the discussion of defence issues. Despite these efforts to revitalize the WEU, the attitude of the European states to discuss defence and security issues remained based on a bilateral methodology instead of a communitarian one⁵⁹.

The major apport of this period of the WEU was not in its reactivation itself, but instead was the attracting effect that the WEU revitalization had on the major European institutions. Indeed, the nature based on nation state interest of the WEU had the consequence during the period of its revitalization to be a promoter of the European integration in the other European institutions. Since the States that were approaching to the EEC did not wanted to be relegated in the structure of an institution like the WEU in which their role would have been reduced by the nature of the former. The secondary role nature of the WEU permitted a more effective role of the new members of the community such as Greece, Denmark and Ireland which at the time were considered to be "Defence shy". This States to avoid being relegated in the WEU had to change their attitude towards the role of the EPC and overall, about the defence interests of EEC. The revitalization process had also another impact. The creation in 1970 of the European Political Coordination, and the establishment in the same period of the European Parliament, the Assembly of the EEC, were becoming to be overlapping powers towards the WEU. This became even more evident after the approval by the European parliament of the Klepsh

⁵⁷ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

⁵⁸ Rees, G.W. and Rees, G.W. (2019). *The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

⁵⁹ B. Bloom, *Enthusiasm wanes in Europe for reviving the WEU*, Financial times, 29 April 1986

report of 1978 that regarded armaments procurement⁶⁰. The revitalization of the WEU followed a phase in which all the other European institutions were looking to improve their structures. In 1986 with the European Single Act the EEC started its new path. The ESA was the first major amendment to the Rome treaty of 1957, and it gave new stimulus to the integration process that will bring to the 1992 Maastricht treaty⁶¹. As far as defence is concerned, the ESA established as its major goal the creation of a common foreign policy and an increase in cooperation with NATO and the WEU⁶². The ESA started the final period of the WEU providing for the creation of an autonomous foreign and security policy within the major European institution the EEC⁶³.

The highest point of the reactivation process is probably the WEU intervention in Iran-Iraq war of 1986-87. The conflict in the water of the Persian Gulf had started to threaten the security of the oil tankers that were floating in the area, in particular using maritime mine. Hence, given the importance of the oil for the Western states obliged them to act in defence of those vessels⁶⁴. The idea to use the NATO framework by the US administration was immediately blocked by the European members of the alliance obliging the US to act alone in the first moment. However, since the US navy was not provided with Mine Counter Measures the European states to intervene had to intervene to help the American ally⁶⁵. On August 20th 1987, the Dutch presidency of the WEU started the consultation with the other members over a possible intervention in the Persian Gulf. United Kingdom and France rejected the proposal. The first feared the momentaneous loss of sovereignty over its navy for a possible common operation. The second because of the ties of the WEU with the Atlantic alliance and because Paris during the Cold War had established strong ties with Baghdad and was military aiding the Iraqi governments through the sale of weapons⁶⁶. Other members like Belgium, Netherlands

⁶⁰ Security and armaments: role of the European parliament in relation to the European Community
[https://www.europarl.europa.eu/RegData/etudes/etudes/join/1985/457081/DG-4-SEDE_ET\(1985\)457081_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/1985/457081/DG-4-SEDE_ET(1985)457081_EN.pdf)

⁶¹ P. Tsakaloyannis, *the Reactivation of Western European union*, p.100

⁶² E.J. Krichner, *has the Single European Act opened the door for a European security policy*, *Journal of European integration*, vol. 13 no. 1 1989, pp.1-14.

⁶³ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at:
<https://www.perlego.com/book/717330/the-western-european-union-pdf>

⁶⁴ Ibid

⁶⁵ M.R. DeVore, *A convenient framework: the Western European Union in the Persian Gulf 1987-1988 and 1990-1991*, *European Security*, vol. 18. No. 2, 2009, p. 232

⁶⁶ "France Sides with Iraq," *The Iran-Iraq War*, by PIERRE RAZOUX and Nicholas Elliott, Harvard University Press, Cambridge, Massachusetts; London, England, 2015, pp. 88-99. JSTOR, www.jstor.org/stable/j.ctvj2vcj.10. Accessed 12 Feb. 2021.

and Italy had already started to send their vessels in the region to dismantle the mines that were present. The solution adopted in the end was to use the WEU structure to coordinate the national operations on three levels, in the Presidency capital consultation of high level between political and military experts from the defence and foreign ministries of the seven, Point of Contact within the national naval staffs met in the capitals on a rotating basis. At the lowest level regular contact were established between naval commanders in the Gulf⁶⁷. The WEU acted as a catalyser of the national efforts by dividing the region in designated zone in which the participant had to operate⁶⁸. The effect on the European states was that every member of the WEU decided to be a partner in the activities creating a kind of solidarity⁶⁹. After the cease-fire of august 1988 the operation of removal of the mines from the area continued until December⁷⁰. The success of the operation showed that WEU could perform secondary operation in support of NATO, but also that European states could cooperate with efficiency when required despite difference in their national interest⁷¹.

The reactivation process of the WEU is interconnected with the general revalorization of the integration process of the main European institutions. From the end of the 80s to the end of the century, the WEU was used in various external operation of the Atlantic alliance for performing secondary tasks. The WEU returned in the Persian Gulf for the invasion of Kuwait in 1991 by the Iraq government of Saddam Hussain. It participated in the NATO missions during the Balkan wars of the 90s. In all these occasions, despite performing its tasks on a concrete level, the difficulties of the members of the WEU in finding a common voice created the condition for its termination⁷². The last part of this first chapter will be centred on the dissolution of the WEU due to the main

⁶⁷ Rees, G.W. and Rees, G.W. (2019). *The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

⁶⁸ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

⁶⁹ *ibid*

⁷⁰ Rees, G.W. and Rees, G.W. (2019). *The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

⁷¹ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

⁷² Alyson JKBailes, Graham Messervy-Whitning, *Death of an institution the end of the Western European Union a future for European Defence?*, EGMONT-Royal Institute for international Relations, Brussels (2011), p.25

event of the last part of the century the end of the Cold War and the second phase of the European integration. The Soviet Union in last years of the 80's definitely lost its grip over the members of the Warsaw Pact. The process of reform and modernization started with the election as secretary of the USSR of Mikhail Gorbaciov in 1985 had the effect of cutting the ties with the other soviet republic. In 1989 the berlin Wall fall was the beginning of a new phase of European relations. The European institutions and the leaders of the Western Europe saw in the fall of the communist's regime in Europe the possibility to reunite Europe under the same institutions. The relations during the 90's between the EEC, later European Union after the treaty of Maastricht of 1992, and the WEU would have decided which of the two institutions would have become the deputy institutions for the security of the continent. The attempt from the WEU to include those states that were not part of it but were member of the EEC failed over time. The European integration process in those years was developing over the creation of more complete and articulated institutions. In this scenario the limited nature of the WEU could not be useful for the achieving of more comprehensive European institutions. However, in 1992, during a summit in Petersberg a city near Bonn the WEU crafted what can be considered its major contribution to the institutional system of European defence. Under the pressure of NATO, the EU and the crumbling situation in Yugoslavia, the members edited the Petersberg Declaration which included the homonymous tasks which regarded the nature of foreign intervention of the WEU. According to this document, WEU could be used for Humanitarian and rescue tasks, peacekeeping tasks, tasks of combat forces in crisis management, including peace-making⁷³. The importance of these declaration is evident still today, because it was incorporated in the European acquis since it does not contain element relative to a possible ambition of self-defence by the EU, but it is a very useful tool for the deployment of the forces in situation of crisis. The Petersberg tasks are the last sing of the swan for the WEU. From that point onward, despite its attempt to tie itself even more with NATO with in 1996 the creation of the European security and Defence Identity (ESDI) was a proposal to transform the WEU in the European leg of the Atlantic Alliance, the WEU will lose importance⁷⁴. The effort put in place by the WEU structures

⁷³ Petersberg Tasks declaration, Full text of the declaration is at www.weu.int/documents/920619peten.pdf

⁷⁴ Alyson JKBailes, Graham Messervy-Whitning, *Death of an institution the end of the Western European Union a future for European Defencce?*, EGMONT-Royal Institute for intenrational Relations, Brussels (2011), p.25

were going to be without result, indeed after the treaty of Amsterdam of 1997 which declared the WEU as important and autonomous part of the European integration process the arrival of Tony Blair as new Prime Minister of the United Kingdom the faith of the WEU was doomed. Blair wanted to show to the other European leaders its will to draw closer London to Brussel and he saw this possibility in the field of defence that was bearing in the EU. The WEU over time will lose its already limited importance in the field of defence and will be incorporated in the EU with the treaty of Lisbon of 2007 becoming a centre of studies about security issues and foreign policy.

1.6. Conclusion

Despite the strong criticism that have always accompanied this institution the Assembly of the WEU had an important role not just in the debate about how to implement the WEU, but also in the successful negotiation that brought the United Kingdom inside the European institutions in the first period of activity. Besides, the WEU tried to play the role of a possible European pillar of NATO, in particular during the Iraqi-Iranian conflict that showed how a practical cooperation approach to issues of security and defence can bring major results. The creation of the Petersberg tasks which are still now the compass for the European external action⁷⁵.

The WEU despite demonstrating its utility as a second leg of both the Atlantic alliance and the EEC capable of fulfilling its two goals which were to increase the integration in the defence field and to enable the European integration process, the structure of the WEU was too old and too attached to NATO and not under the direct control of the Brussels institutions. Hence the members and the European commission since 1991 with the intergovernmental conferences started a process of reorganization of the previous European structures that started with the Maastricht treaty of 1992 and is still going. In this new project the role of the WEU was simply not seen, the integration process would have been and already had been handled by the European Parliament and

⁷⁵ Rees, G.W. and Rees, G.W. (2019). The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

the Commission and the security issue was now seen at the heart of the integration process, so the Commission preferred to not duplicate the effort over the same issue⁷⁶. The WEU will start a process of reorganization that will terminate in 2009 with is entering in the main European Institutions body with the Lisbon treaty⁷⁷. The dissolution of the WEU happened in 2011 its tasks are now fulfilled by the CFSP common foreign security policy. In the eyes of its creators the WEU could represented much more than what it had done, Pierre Mendes France on the signing of the modified Brussels treaty affirmed:

“The contribution to the construction of Europe is infinitely more important to the future of our civilization that the military clauses of the agreements which are now before you.”⁷⁸

Despite such inspiring intentions the reality is that the WEU and in particular its assembly were the representation of the national will in the field of security and foreign relations, this caused a process of general atrophy and inability of the institution to fulfil its tasks, this is particularly evident for what concerns the more practical aspect of WEU which a reorganization of armaments procurement and armaments control which remained in the hand of national states during the all period of activity of the WEU. It is interesting to note that the WEU was a British creation of the first decades of the cold war to structure a kind of continental defence that could have gave birth to a political union and after 50 years of fragmented activity it took a British Prime Minister in the figure of Tony Blair to end the path taken with the Brussels treaty and to give new hopes to a possible common defence and foreign policy⁷⁹.

⁷⁶ Rees, G.W. and Rees, G.W. (2019). *The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

⁷⁷ Rohan, S. (2014). *The Western European Union*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/717330/the-western-european-union-pdf>

⁷⁸ P. Borcier, *the political role of the Assembly of the WEU*, Paris: WEU Assembly, 1963, p.6

⁷⁹ Rees, G.W. and Rees, G.W. (2019). *The Western European Union At The Crossroads: Between Transatlantic Solidarity And European Integration*. [Ebook] Taylor and Francis. Available at: <https://www.perlego.com/book/1605952/the-western-european-union-at-the-crossroads-between-transatlantic-solidarity-and-european-integration-pdf>

II. European defence in the Treaties from Maastricht to Lisbon

2.1. Introduction

The drastic changes in the international scene brought by the end of the Cold War represents one of the cathartic moments in the history of the 900. According to some scholars, the fall of the Berlin Wall symbolized the end of history as written by Francis Fukuyama. Some members of the ruling classes saw at this time of crisis for international relations an opportunity for the European institutions for a renewal that could put Brussels at the centre of the political chessboard⁸⁰. Others still saw the fall of the Soviet Union as one of the major disasters that had occurred in history⁸¹. Today, 30 years later, it seems clear that no one or perhaps everyone was right. What happened in those years represents a special moment for European and world history because the structures that allowed a reading and understanding of political events were lacking overnight, the ideological divisions that had inflamed the continent for more than 50 years gradually saw their persuasive power lost over political leaders but above all on the masses. The world was now in a US-led unipolar perspective, the Government of Washington had won the Cold War, the “Evil Empire” as President Ronald Reagan had called it had fallen without a shot being fired despite the competition for the supremacy of the world of the two powers⁸².

⁸⁰ F. Bozo; N. P. Ludlow; L. Nuti; Marie-Pierre Rey, *Europe and the End of the Cold War: A Reappraisal*, Routledge, New York, 2008, p.236

⁸¹ Marples, D. R. “Revisiting the Collapse of the USSR.” *Canadian Slavonic Papers / Revue Canadienne Des Slavistes*, vol. 53, no. 2/4, 2011 Europe and the End of the Cold War: A Reappraisal, pp. 461–473.

⁸² S. Hofmann, (2013). The end of the Cold War and the Maastricht Treaty:: The weak Common Foreign and Security Policy. In *European Security in NATO's Shadow: Party Ideologies and Institution Building* (pp. 77-126). Cambridge: Cambridge University Press.

The changes that took place in Europe at the end of the last century are necessary to be explained in order to analyse and understand the evolution of the European defence structures. NATO in those years changed its nature from a regional actor to a global one. Since the collapse of the Warsaw Pact left the Atlantic Alliance without an opponent, the members of the organization had to find a new target for their policy, which would have been found in the enlargement towards eastern European countries and the change of nature of the alliance from regional to a global one. The reforms of NATO left to the EU the possibility to establish its own path in the field of security. During the 1980s, the members of the European institutions tried to relaunch the integration process. In particular, the Single European Act (ESA) of 1987 is the beginning of a process of reformulation and restructuring of the European institutions that lasted until the Treaty of Lisbon in 2008. In those years, in fact, the idea born from the European elites that the collapse of the wall, that had led to the end of the Soviet Union, was putting the institutions in Brussels ahead of challenges that would shape the structure of the Union and transform it for what it is now. The need to fill the mandate of the ESAs with the creation of intergovernmental conferences, the expansion to the east to incorporate those countries that were previously under Moscow's control and the possibility of a constitutionalisation of the European institutions were all issues in which Brussels had to prove itself towards the international scenario and its population. In the words of Francois Mitterrand: «there is no longer an imposed order. Europe is now the master of its choices, or it can become»⁸³.

In this chapter the analysis would be centred on what has happened at the end of the twentieth century to the European institutions in the field of common defence and foreign policy. In particular, the focus would be on the process that has led to the Maastricht and Amsterdam Treaties of the 90s , the effect of the conflict in Yugoslavia towards the further development in the field of security that will bring to the treaties of Nice and Lisbon of the first decade of the new century.

⁸³ C. G Cogan ,, 2001 . The Third Option: The Emancipation of European Defense, 1989–2000 . Westport and London : Praeger

2.2. The Maastricht Treaty

The Maastricht Treaty is the beginning of a new phase in the process of European integration. The final result of the negotiations between the 15 members of the EC changed drastically the structure of the European institutions and the relationship between them and the States. The new entity called European Union was now based on three fundamental pillars: the first, the single market and the economic and monetary union; the second that introduces the Common Foreign and Security Policy (CFSP); and the third, the judicial and internal affairs cooperation. This innovative system of structuring the European institutions will be overcome by the Treaty of Lisbon in 2008⁸⁴.

The process that brought to the birth of Maastricht, and in particular the parts of the treaty regarding the security structure of the ECC, is tied both to the history of the main European institution and to the international context of the late part of the 21st Century. For what concerns the historical aspect of the institution about security, the EEC in 1970 created a forum the European Political Cooperation (EPC) in which the heads of states of Western Europe discussed the main issue of European security. The second aspect that brought to major development in the field of defence started immediately after the approval of the European Single Act (ESA) of 1986, which was the first amendment to the Rome treaty of 1957 and demanded to the members of the EEC to start immediate confrontation over the creation of more powerful structure at a European level. To the general upheaval brought by the ESA the arrival in the same period of Mikhail Gorbachev, a more conciliatory figure as leader of the USSR, generated in the Western chancelleries the idea that the defence structures had to be reformed. This process of reform of the European institutions of defence started at the Hague summit of 1987 of WEU. In this occasion the member states tried to answer the main dilemma of European security pre-1989 was how to maintain the US commitment towards the defence of the continent and develop in it an autonomous European structure⁸⁵. Hague

⁸⁴ Hofmann, S. (2013). The end of the Cold War and the Maastricht Treaty:: The weak Common Foreign and Security Policy. In *European Security in NATO's Shadow: Party Ideologies and Institution Building* (pp. 77-126). Cambridge: Cambridge University Press.

⁸⁵ Frédéric Bozo; N. Piers Ludlow; Leopoldo Nuti; Marie-Pierre Rey, *Europe and the End of the Cold War: A Reappraisal*, Routledge, New York, 2008, p.265

hence became the start of discussion over the creation of a European pillar in the Atlantic alliance⁸⁶. The collapse of the Berlin Wall changed this perspective, now all-over eastern Europe new democracy were blooming and in particular the possibility of the reunification of Germany was becoming a reality. The reunification of Germany was feared by all the European governments. The will of the German population to finally reunite was in contrast with the idea of security that was in the mind of the European head of states. In this situation an important role was performed by the French President Mitterrand. Mitterrand, since the reunification process was going to be inevitable wanted to tie the new German state to the European institutions. From the other side of the Rhein, the German Chancellor Helmut Kohl strongly believed in the idea that the only way to reunite Germany was to create an inextricable bond between Berlin and the European institutions. For what concern the role of the defence Mitterrand and Kohl promoted in 1990 a common document highlighting the main development in the field of European defence promoting in particular the creation of the Common Security and Defence Policy (CSDP). This project will see the light with the Maastricht treaty of 1992⁸⁷.

For what concerns the institutional aspect of the Maastricht treaty we have to recall the mandate written inside the ESA. In regard with the role of security matters the ESA states at art.30 that⁸⁸:

- a) The High Contracting Parties consider that closer cooperation on European security issues can make an essential contribution to the development of a European external policy identity. They are prepared to further coordinate their positions on the political and economic aspects of security
- b) The High Contracting Parties are resolute in safeguarding the technological industrial conditions necessary for their safety. They shall do so both at national level and where appropriate within the institutions of the competent bodies.

⁸⁶ WEU Hauge summit conference text

https://www.cvce.eu/en/obj/platform_on_european_security_interests_the_hague_27_october_1987-en-444f642c-62ed-4fd9-8136-a129d2de3783.html

⁸⁷ Frédéric Bozo; N. Piers Ludlow; Leopoldo Nuti; Marie-Pierre Rey, *Europe and the End of the Cold War: A Reappraisal*, Routledge, New York, 2008, p.267

⁸⁸ <https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=CELEX:11986U/TXT&from=IT>

- c) The provisions of this Title shall not preclude closer cooperation in the field of security between certain High Contracting Parties within the framework of the Western European Union and the Atlantic Alliance.

The provisions of this article immediately gives us two indications ; the first is that, despite the political will to create a European institute dedicated to defence and foreign policy, the preferred structure was still that of the Atlantic Alliance and its European counterpart, the WEU. Secondly, that the drafting of the text leaves a great margin for interpretation and this implies that much prudence from the legislator since the nature of the subject involves one of the main characteristics of sovereignty. Having this in mind, the negotiation for the born of the Maastricht treaty started in 1990 with the Dublin European council which proposed the creation of two intergovernmental conference one on the monetary union the other on the political Union.

The negotiation process in the field of defence that led to the Maastricht treaty were based on two possible outcomes. In 1991 the then President of the Commission of the EEC, Jacques Delors, during a speech at the International Institute for Strategic Studies expressed these two possible solutions⁸⁹. He envisioned that or the dichotomy between the ECC and WEU could become a bridge with the Atlantic alliance or EEC could have followed the Franco-German proposal and duplicate the effort already in place since the creation of an EEC defence institution would have overlapped the tasks performed by the WEU⁹⁰. Another aspect that altered the outcome of the negotiation was the strong uncompromising attitude of the British Prime Ministers that succeed from 1990 to 1991. Indeed, both Thatcher and Major government preferred that the European institution deputy for the security of the continent should have remained the WEU. since the later was already better equipped and with stronger ties to the Atlantic alliance⁹¹. The result that will come out from the Maastricht Treaty will be a compromise that will not satisfy

At the end of the meeting, the members of the EEC met in Maastricht on 9 December 1991 for a European Council to approve the work of the Intergovernmental Conferences.

⁸⁹ Frédéric Bozo; N. Piers Ludlow; Leopoldo Nuti; Marie-Pierre Rey, *Europe and the End of the Cold War: A Reappraisal*, Routledge, New York, 2008, p.267

⁹⁰ Speech by president Delors at the international institute for strategic studies - London, 7 march 1991 : European integration and defence.
https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_91_22

⁹¹ Frédéric Bozo; N. Piers Ludlow; Leopoldo Nuti; Marie-Pierre Rey, *Europe and the End of the Cold War: A Reappraisal*, Routledge, New York, 2008, p.270

The negotiations that were concluded on February 7, 1992 led to the creation of the European Union. This union complemented the single market and strengthened cooperation in the field of internal security and raised the possibilities for the creation of a political union. As far as foreign and defence policy is concerned, the CFSP was created. The new creation replaced the existing EPC, but it did not achieve the objectives of creating a common army and a common foreign policy despite trying to promote a convergence of the different national policies⁹². In addition, NATO and WEU were kept at the centre of the Union's defence. At the heart of this new institution remained the council, which would decide its tasks and concentrate on itself the effective power of the CFSP. Although Maastricht was not the end of a path but the beginning of a long process of integration in the fields of foreign and defence policy, the Treaty on European Union certainly lays a very good foundation for possible future developments, in particular by establishing a set of common rules, obligations and procedures to which all Member States must submit. The objectives of this policy were thus set out in Art. J.1 (2): ⁹³

2. The objectives of the common foreign and security policy are as follows:

- defence of common values, fundamental interests and the independence of the Union;
- strengthening the security of the Union and its Member States in all its forms;
- the maintenance of peace and the strengthening of international security, in accordance with the principles of the United Nations Charter, the principles of the Helsinki Final Act and the objectives of the Paris Charter;
- promotion of international cooperation;
- development and consolidation of democracy and the rule of law, as well as respect for human rights and fundamental freedoms.

The creation of the Common Foreign and Security Policy with the Maastricht Treaty represent both a major development in the structure of the EU and a failure. From one side the EU was able to create its own operational embryo from which start to develop

⁹² Frédéric Bozo; N. Piers Ludlow; Leopoldo Nuti; Marie-Pierre Rey, *Europe and the End of the Cold War: A Reappraisal*, Routledge, New York, 2008, p.268

⁹³ <https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=CELEX:11992M/TXT&from=IT>

an autonomous institution for what concern the defence field. Despite this achievement the Maastricht treaty also represents a failure. The firsts years of the 90's were marked only by the end of Communism but also by the changes that were happening all around the world. In the 1990 new conflict erupted in the Persian gulf but most importantly the desegregation of the Yugoslavia was showing once again that the European institution did not had the ability to act. The fact that Europe was once again was unable to act jointly, despite the effort put in place by Maastricht, outside its borders, left the burdens of trying to end the conflict to its overseas ally, Kissinger was once again was right when he said: «Who do I call if I want to talk to Europe»⁹⁴. Despite the doubts and misgivings raised by the semantic cautions typical of diplomatic language, Maastricht had the merit of having included in the European debate structural bases through which future improvement on the European defence structure could be developed. In particular, the Plenipotentiary Minister responsible for CFSP at the Directorate General for Political and Security Affairs., Giovan Battista Verderame, which declared during the circle of diplomatic studies in Rome asking himself what reforms could be implemented in the CFSP:

The first is that we believe that, precisely so that the CFSP can, within the limits of the difficulty of the exercise, be effective, clearly identify what objectives we want to pursue. There is no doubt that the Member States will always want to keep the foreign policy key in their hands. On the other hand, it is no coincidence that the CFSP is a common foreign policy, not a single foreign policy: this means that a margin for the national interest is still provided for. But if we succeed in including in the Treaty, identifying them much more clearly than has been the case up to now, the principles and areas in which all the Member States recognize that it is more appropriate to pursue a European foreign policy rather than a national foreign policy, we will have taken a small step forward in order also to try to facilitate the decision-making process. In fact, there is nothing to prevent us from thinking that once consensus has been reached on global political platforms, the application of these platforms can be more easily applied than it is today by majority voting. It may not be easy to get there, but if we read the part of the Treaty relating to the principles and objectives of the common foreign policy, we see that it is so general that it leaves room for all possible interpretations⁹⁵.

Maastricht on the point of view of European integration in the fields of defence and foreign policy left a wide margin of interpretation which, immediately after the

⁹⁴ P.Koutrakos, *the EU Common Security and Defence Policy*, Oxford University press, 2013, p16-17

⁹⁵ *Dialogues diplomatiques 149, Maastricht: foreign and defence policy*, circle of studies diplomatiques Rome 1996 p.25

signing of the Treaty, gave rise to a wide-ranging debate on how to extend these structures.

2.3. The Treaty of Amsterdam

The developments that were introduced by the Maastricht treaty had to be put inside the context of the continental event of those years. For what concern the security of Europe two had become the main issue, one tied with the institutional framework that had to be developed between the new EU structures and the one that had been created by the Atlantic Alliance. The second issue was connected with the dissolution of the Yugoslavian federation due to the ethnic cleansing that were happening between the former ex republics. For what concerns the first aspects the reform process of NATO from a more regional actor to a global one has two main characteristics the first is the start already in the late part of the previous decade over the creation of a European Security and Defence Identity (ESDI) inside the Alliance, the Combined Joint Task Force ⁹⁶

In this scenario, however, it is necessary to deal briefly with the conflict in the now former Yugoslav Republic. The birth of *the Socijalistička Federativna Republika Jugoslavija* took place at the end of World War II. The territory of the newly formed Socialist Republic was that of the former Kingdom of the Slovenes of the Croats and Serbs, the nature of the new state entity being that of a federation of socialist republics. These republics saw the leader of Yugoslavia as Marshal Tito as their trait d'union, the charismatic figure of the Communist leader who had liberated alone the Balkan territories that ended up in Nazi hands during the Second World War. In fact, he was the only one able to amalgamate the various and numerous nationalist tendencies present in the federation. With his death in 1980, Yugoslavia began a slow and inexorable process of distraining federal institutions under increasing nationalist pressures from the various federal capitals. In particular the resurgence of a strong Serbian nationalism embodied by Slobodan Milosevic led to a sharp increase in inter-ethnic clashes and a drastic sample of politics by Belgrade. the figure of Milosevic is central in understanding the reasons over

⁹⁶ Hofmann, S. (2013). The end of the Cold War and the Maastricht Treaty:: The weak Common Foreign and Security Policy. In *European Security in NATO's Shadow: Party Ideologies and Institution Building* (pp. 77-126). Cambridge: Cambridge University Press

this horrifying conflict, already at the end of the 1980s Milosevic's leadership made sure to favour the Serbs in spite of other nationalities, his so-called anti-bureaucratic revolution carried on from the 80s until the outbreak of war allowed him to install men loyal to him in 4 of the 8 members of the Yugoslav Republic. The difficult economic situation, the precariousness of federal institutions and the resurgence in every corner of the federation of strong nationalist sentiments led to an armed conflict in 1991 when the fledgling Slovenian and Croatian Republic declared, in compliance with the Yugoslav constitution of 1974 that allowed all republics the right of secession, their independence. The war between Slovenes and the Federal Army lasted only 10 days, this is because the Slovenian territory did not have a strong Serbian minority that could oppose the Ljubljana decision, and so after the Brioni agreement of 1991 mediated by the EEC with the representative of Croatia, Serbia and Slovenia, ended the war between Belgrade and Ljubljana by declaring a freeze of the independence for three months during which the Yugoslavian army had to leave the territory of the new republics. In the wake of endeavouring to get a truce and the suspension of revelations of autonomy, the Twelve proclaimed the indissolubility of the Federation's inward outskirts, an affirmation that was dismissed by Slobodan Milosevic and the Croatian Serbs, who wouldn't be associated with an autonomous Croatia. The EEC arranged a peace conference in The Hague which started on 7 September 1991 under the chairmanship of Lord Carrington, in the past British Foreign Secretary and Secretary-General of the North Atlantic Treaty Organization (NATO). Nonetheless, in light of conflict among the Twelve, they oversaw neither to constrain a finish to the battling nor to concur on a political arrangement. In September, trying to stop the battling, the Netherlands Presidency of the European Community, upheld by France and Germany, proposed sending a Western European Union (WEU) mediation power to the area, yet the United Kingdom, supported by Denmark and Portugal, was against any responsibility of troops. The EEC Member States, unfit to agree on sending an European intercession power, approached the UN Security Council to mediate in November 1991. Also, France at that point required a United Nations Emergency Force to be dispatched, yet the Security Council did close to force a ban on the stockpile of arms to Yugoslavia. In any case, its impact was to hamper the opposition endeavours of the Croatians and the Bosnians against the Serbs, who were at that point broadly prepared. On conflict resolution, the Carrington-Cutileiro Plan, submitted in February 1992 as a result of a peace conference held in September 1991 to

prevent war broke out in Bosnia. The European proposal, taking into account the desire for independence expressed by Slovenia and Croatia, followed by Macedonia (September 15, 1991) and Bosnia and Herzegovina (October 15, 1991), renounced its continued existence. of the Confederation of Yugoslavia but recognizes the conditional Republics based on a common agreement on the rights of minorities, guaranteed by the Court of Justice, based on the special circumstances of certain regions and follow a common customary policy. Milošević rejected the plan because he controlled one third of Croatia. The main issue that brought to the failure of the Carrington-Cutileiro Plan was because the Twelve were divided in the matter of recognition. German Chancellor Helmut Kohl, under pressure from German public opinion, wants to move quickly to Slovenia and Croatia because the relations between these countries with Europe speak German, while France, fearing the expansion of German influence, preferred to maintain some degree of Yugoslav unity. the United Kingdom since its internal situation could never accept the division of Yugoslavia⁹⁷.

On 16 December 1991, the Twelve decided to recognize every Republic wishing to be recognized as such, provided that human rights, minority rights and jurisdiction must be respected. However, proceeding in this manner has the disadvantage of eliminating the previous global agreement between the parties that was once the subject of the peace conference. On 23 December 1991, Germany unilaterally recognized Slovenia and Croatia. Subsequently, on 15 January 1992, by the partner countries after the arbitral tribunal of the conference decided that these two Republics met the necessary conditions. In the case of Bosnia, the Arbitral Tribunal suggested that a referendum be held. That was duly held on February 29 and March 1: the majority of Muslims and Croats voted for independence, the Serbs abstained and declared the 'Serbian Republic of Bosnia', intensifying the war. Bosnia was recognized on 6 April. Even when the principles of the Carrington-Cutileiro Plan were accepted by the three ethnic groups of Bosnia and Herzegovina in April 1992, the proposals included in the final plan of peace were rejected by Bosniak leader Alija Izetbegović. Since this point, conflict in Bosnia worsened. Concerning the Yugoslav crisis, which was a particularly complex issue, the European Community was unable to pursue a coherent policy, mainly due to differences of opinion

⁹⁷ W. I. Hitchcock, *the struggle for Europe*, The Turbulent History of a Divided Continent 1945 to the Present, Anchor Books, New York, 2004, pp.500-520

among Member States. This raises the issue of a common foreign and security policy (CFSP) that was established by the Treaty on the European Union. The community was forced to lodge a complaint to the UN, which has since played a leading role in the Yugoslav crisis, though not entirely satisfactory. The peace conference became a joint work between the EEC and the UN and was held in Geneva from September 1992 onwards as a permanent center for negotiations, but to no avail. In January 1993, United Nations Special Envoy Cyrus Vance and representatives of the European Community Lord Owen, which took over the Carrington-Cutileiro. On June 18, 1993, Lord Owen declared the Vance-Owen Plan - which would provide for the division of Bosnia into ten semi-autonomous regions -. Vance, who resigned in April, was replaced on May 1 by Norwegian Foreign Minister Thorvald Stoltenberg. The two mediators acted under the mandate of the United Nations. Since that time, the European Community has been excluded from the core of negotiations. At the initiative of the Owen-Stoltenberg duo, UNPROFOR's mandate was extended to include Bosnia. However, the Owen-Stoltenberg Plan was rejected by the Bosnians on August 29, 1993. Finally, in November 1993, the European Union regained some kind of cohesion by adopting, at the initiative of France and Germany, an action plan for the former Yugoslavia (Project Juppé- Kinkel) will underpin European diplomacy until the 1995 peace agreement: the territorial integrity of Bosnia and Herzegovina and the territorial concession between communities. The European Union provides the majority of humanitarian aid, but it does not have its own autonomous military capabilities. On an individual basis, it was the European Member States that provided the necessary back-up forces for the United Nations peacekeeping forces and engaged in NATO-led military actions. Serbs had to give in. A 'contact group' consisting of Germany, USA, France, Italy, The United Kingdom and Russian Federation were established in February 1994. At the group's initiative, peace negotiations made rapid progress. However, Slobodan Milošević hampered the good progress of the negotiations by imposing an embargo on the Drina River. The Serbs in Bosnia refused to continue the negotiations in October 1994. on 16 June 1995 creating a Rapid Reaction Force (RRF) tasked with supporting the UN peacekeepers in Bosnia. This provided the

stability required to secure a ceasefire in October 1995 across the entire territory of Bosnia and Herzegovina⁹⁸.

In this geopolitical context, the revision of the Treaties with regard to the CFSP seemed necessary, since the instrument used by the EU to contrast the escalation of violence proved useless. Nevertheless, the divisions between the major European powers between those who wanted to be more tied to the Atlantic alliance and those who wanted to create an autonomous European apparatus for the security of the continent could not be overcome by the Treaty of Amsterdam. The situation in the Balkans, however. Despite the situation in the Balkan was continuing to worsen the European leaders were not able to find consensus over a common way to react. Nevertheless the effect of the Balkan wars of the 90's started a process of discussion over how to implement the role of CFSP in the area of crisis management. The process leading to the drafting of the Treaty of Amsterdam began in 1995 with the Madrid European Council, which mandated the creation of an Intergovernmental Conference to propose amendments to the Maastricht Treaty with regard to⁹⁹:

- making Europe more relevant to its citizens
- making the Union's work more efficient in view of enlargement
- equipping the Union with greater capacity in external actions

Work began with the Turin European Council in 1996, at the end of which, in 1997, with the Noordwijk European Council, the main proposals relating to CFSP by the negotiators concerned the need to identify an institutional figure to deal with the CFSP, the possibility of greater union involvement in the Petersberg operations and a gradual rapprochement between WEU and the EU. , the overcoming or modification of the system of unanimous voting within the Council and greater cooperation in the field of armaments¹⁰⁰.

These proposals were part of a western European context in which the major powers France, the United Kingdom and Germany had positions which were difficult to

⁹⁸ W. I. Hitchcock, *the struggle for Europe*, The Turbulent History of a Divided Continent 1945 to the Present, Anchor Books, New York, 2004, pp.500-520

⁹⁹ 1996 Intergovernmental Conference (IGC '96)

<https://op.europa.eu/en/publication-detail/-/publication/eca47994-fd0b-4c95-8303-ad3544db2ad5>

¹⁰⁰ 1996 Intergovernmental Conference (IGC '96)

<https://op.europa.eu/en/publication-detail/-/publication/eca47994-fd0b-4c95-8303-ad3544db2ad5>

reconcile. In fact, John Major's Tories government, which will be replaced towards the end of the negotiations by Tony Blair's Labour government, tried to obstruct in every way greater integration in the field of defence and foreign policy, always trying to make the interests of the Atlantic alliance prevail. The London Government considered that the CSFP was a threat to NATO and that a possible merger between the WEU and the EU should be countered. European defence policy in Major's eyes was a further duplication of institutions. The Franco-German axis, on the other hand, was at a standstill. Unlike Helmut Kohl's German leadership, which, in the wake of the great success of reunification, will be able to retain power until the end of the century, France in the 1990s was in a stalemate, because both the 1993 and early elections of 1997 created an anomalous situation typical of the French political system defined as cohabitation. Cohabitation is the condition that the Prime Minister, who is expressed by parliament and appointed by the President of the Republic, does not belong to the same party. As for this period, the neo-Gaullist party of Jacques Chirac, former prime minister during the last years of the Mitterrand presidency, a historic member of the French Socialist party, won the 1995 presidential election¹⁰¹. The policy of the new tenant of the Elysée Palace on the issues of European integration in foreign and security policy was different from that of his predecessor. Chirac believed that for the interests of sovereignty French rapprochement with NATO was to be preferred¹⁰². In any case, this should not relieve us from thinking that the French position of rapprochement with NATO was either with regard to European integration in defence. Indeed, at the 1996 Intergovernmental Conference, the government of Paris and its most trusted ally Berlin, remained firm in the idea that there was a need to establish a more effective European defence system, and that the creation of such structures was not a repetition of institutions with the same tasks but the natural process of the European institution to get more complete in order to manage the crisis happening in the continent¹⁰³.

On 2 October 1997, the Treaty of Amsterdam was signed. The negotiations took 18 months to draw up the Treaty, as the British Government did not want to move towards

¹⁰¹ Hofmann, S. (2013). Renegotiating Maastricht at Amsterdam:: The failure to go beyond CFSP. In *European Security in NATO's Shadow: Party Ideologies and Institution Building* (pp. 127-162). Cambridge: Cambridge University Press

¹⁰² *ibid*

¹⁰³ N. Gnesotto, 1996. "Common European Defence and Transatlantic Relations," *Survival* 38, 1: 19–31.

further integrations in the field of defence, in particular Major's leadership was strongly opposed to the Franco-German proposal to merge the WEU and the EU. Since the Brussel treaty was signed in 1948 and its validity was of 50 years, France and Germany wanted that with the expiring of the treaty all the functions performed by the WEU would be then performed by the EU. Major proposal instead consisted in a division between civilian tasks and military tasks. The first performed by the Eu the later by the WEU¹⁰⁴. The decisive sidekick to the end of the negotiations came during the 1997 general election which led to Number 10 Downing Street leader Tony Blair, who wanted to bring a new approach by the British to the European institutions. The same election campaign had been set by Blair on an ideological shift with respect to the relations with Europe. The main focus of the negotiations was on the Franco-German proposal, which partly took up the proposals made at the 1996 IGC for the implementation of the Maastricht-born CSFP by equipping it with a Secretary-General¹⁰⁵. While Chirac was in favour of a major integration of European defence, he was in an ambiguous position with regard to the merger between the WEU and the EU:

I want to see the Community become a wide union, embracing the whole of democratic Europe, in a single market and with common security arrangements firmly linked to NATO¹⁰⁶.

The negotiations, as mentioned above, will only come to an end with the arrival of Tony Blair. the new PM immediately tried to change the relations with the other Member States by abandoning the opt-out clauses relating to the social chapter of the Maastricht treaty. This new approach, however, did not directly translate into a paradigm shift in relation to the issue of European defence, not so much because of continuity with the past but more because of a matter of timing. Indeed, Blair entered the Amsterdam negotiations when they were already ending and therefore did not want as his first act as Prime Minister to drastically change British foreign policy¹⁰⁷.

¹⁰⁴ G. Davididi, *verso un'eurozona della difesa sviluppo delle flessibilità istituzionali nelle politiche europee di sicurezza e difesa*, Istituto Affari Internazionali (IAI), Roma, (2012), p. 61

¹⁰⁵ Hofmann, S. (2013). Renegotiating Maastricht at Amsterdam:: The failure to go beyond CFSP. In *European Security in NATO's Shadow: Party Ideologies and Institution Building* (pp. 127-162). Cambridge: Cambridge University Press

¹⁰⁶ John Major: *The Autobiography*. London : HarperCollins 1999

¹⁰⁷ Hofmann, S. (2013). Renegotiating Maastricht at Amsterdam:: The failure to go beyond CFSP. In *European Security in NATO's Shadow: Party Ideologies and Institution Building* (pp. 127-162). Cambridge: Cambridge University Press. 5

The Treaty signed on 2 October as regards the defence and common foreign policy part presented these innovations approved by the 15.

1. A new instrument for foreign policy is introduced. The Council, the body responsible for defining the principles and guidelines of the Union, shall jointly define the common interests of its members and shall implement strategies enabling such interests to be achieved or maintained.¹⁰⁸
2. The decision-making process relating to the CFSP remains unanimous, except in two cases, that of constructive abstention, thus not using the members' right of veto, or by qualified majority in the case of decisions implementing a common strategy or for the adoption of a joint action or common position adopted by the Council.¹⁰⁹
3. The figure of the High Representative for the Common Foreign and Security Policy is introduced. This figure has the task of assisting the Council in matters within its competence, it conducts relations with third parties representing the Council.¹¹⁰
4. Within the Treaty of Amsterdam, an attempt is being made to improve cooperation between the EU and the WEU, the policy planning and early warning unit is being introduced. The Petersberg Tasks are included, a tool designed by the WEU to try to counter local conflicts. The inclusion of the Petersberg tasks is an objective fact of the inclusion of the WEU within the EU structures¹¹¹.

The Treaty of Amsterdam is, in many people's view, a substantial fact, since, despite the obvious pressures arising from external conflicts, the unpreparedness of the great continental powers for joint action, as in the case of the break-up of Yugoslavia, in which only NATO intervention led by the United States succeeded in putting an end to the conflict. The divisions were once again arising from the eternal contrast between those who preferred the structures of the Atlantic Alliance and the one who believed that European Union needed its own instruments to tackle the issue of foreign intervention. Indeed, the former wanted to equip the EU with more effective instruments but since the internal conflicts within its members led to no result, so once again NATO remained the fundamental structure for European security, especially in view of the fact that Amsterdam does not untie European defence from its Atlantic component but rather in certain respects binds it even more. The negotiations were also concluded with great difficulty and only the change of leadership in the British Government with the arrival of Tony Blair was able to conclude the consultations, but with no major progress on the Union with WEU is minimal and the creation of a figure such as that of the High

¹⁰⁸ Art. J.13(2) TUE, <https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=CELEX:11997D/TXT&from=IT>

¹⁰⁹ Art. J.13(2) TUE *ibid*.

¹¹⁰ Art. J.16 TUE *ibid*.

¹¹¹ Art. J. 7 TUE *ibid*.

Representative gives the idea of a further duplication of roles and structures without effective decision-making power. Towards the Maastricht treaty Amsterdam introduced two elements: the one of constructive abstention inside the Council, which provided that the abstention of one member did not result in the rejection of a proposal. The second innovation is the institutionalisation of the structured cooperation which will be later developed by the Lisbon treaty¹¹². Nevertheless, Blair's entry into the European political scene will change the fortunes of European defence in a few years' time.¹¹³

2.4. St. Malo and Nice

Once again, the international context is giving European legislators the need for action to prevent the conflict in the Balkans from exacerbating. Between the end of 1998 and 1999 in the province of Kosovo, within the territory of the Serb Republic, there was an escalation of ethnic conflict. Since the founding of the Kingdom of Serbs of Croats and Slovenes in 1918, Kosovo, a Muslim-majority region of Albanian origin, had suffered several attempts of assimilation by Belgrade. In fact, there are the first transfers of the Serbian population to Kosovar territories. With the arrival of the Communist dictatorship, Kosovo's territories gain the status of an autonomous province. This particular political structure will lead over the years to a tug-of-war with Belgrade in order to obtain the status of a Federal Republic, but this will never be achieved. Despite the various concessions made by the Belgrade government, coexistence between Serbs and Kosovars was never easily achieved. Tito's death in 1980 and the arrival of Milosevic led to an exasperation of the Kosovan majority which during the 1980s saw its rights within Serbia increasingly reduced. The outbreak of the conflict only increased these divisions, but they never led to an open conflict until the end of the 1990s. In fact, the end of the conflict with Bosnia and Croatia meant that many fighters of Muslim origin moved to Kosovo at the end of the conflict to support the population against harassment by the Serbian minority. The Kosovo Liberation Army KLA (Ushtria Çlirimtare and Kosovës) with these

¹¹² Giorgio Davididi, *verso un'eurozona della difesa sviluppo delle flessibilità istituzionali nelle politiche europee di sicurezza e difesa*, Istituto Affari Internazionali (IAI), Roma, (2012), p. 74

¹¹³ Hofmann, S. (2013). Renegotiating Maastricht at Amsterdam:: The failure to go beyond CFSP. In *European Security in NATO's Shadow: Party Ideologies and Institution Building* (pp. 127-162). Cambridge: Cambridge University Press

new fighters was able to start the conflict in 1997. Unlike in Bosnia and Croatia this time, the international community and first US President Bill Clinton did not find themselves unprepared and immediately tried to end the ongoing ethnic war. In 1998 the UN Security Council approved Resolution 1199 calling on the parties involved to cease fire immediately and subsequently the North Atlantic Council, NATO's decision-making structure, brought its troops to maximum alert. In October of the same year, they sent raids on Serbian positions, without specific provisions by the UN Security Council. Serbia was defeated by the alliance's air raids and agreed to withdraw its troops, allowing OECD officials to arrive and monitor the situation in Kosovo. In early 1999, in Rambouillet, just outside Paris, negotiations began between NATO and Serbia in which Milosevic decided not participate for the fear of being arrested, and during which, despite the efforts, Serbia will refuse. The Belgrade refusal of the agreement started an armed intervention by NATO this time with UN Resolution 1244 with the Kosovo force KFOR mission, which within three months led the Serbian position to be unmanageable and allowing the implementation of UN Resolution 1244 which provided for the demilitarization of the area and the establishment of a force to keep the peace¹¹⁴. The War in Kosovo is not only one of the last massacres in Europe that had led to the destruction of historic sites, war crimes, the deaths of more than 10 000 people and the displacement of more than 800 000 inhabitants, but politically it represents the failure of Europe, which once again needs US aid in its continental affairs¹¹⁵.

In the period between the end of the negotiations on the Treaty of Amsterdam and the end of the war in Kosovo, European foreign policy will seek to find new ways of emerging within the Atlantic Alliance. The factors that led to this change of course are based both on the national dimension, and to an international one. The first regards the demonstration of an effective capacity of implementing governance power both on the international chessboard and on that of the Brussels institutions. the second relates with the escalation of the conflict in the Western Balkans, that made clear not only the American supremacy in terms of armaments as decision-making in the alliance and in the negotiations, but also from the point that it became evident that Washington's aid in

¹¹⁴ M.G.A. Viceroy, *The High Representative and EU Foreign Policy Integration a comparative study of Kosovo and Ukraine*, palgrave Macmillan, 2018 pp 104-108

¹¹⁵ M.G.A. Viceroy, *The High Representative and EU Foreign Policy Integration a comparative study of Kosovo and Ukraine*, palgrave Macmillan, 2018 pp 108-109

continental affairs was taking place at the cost of a general subordination of the European side to the most important aspects and that this aid is not said to be guaranteed again in the future. At the end of the century symmetries being created at the European Chancelleries. In 1998, Germany had a new Socialist-led government which differently from its predecessor did not have need to monopolise the debate over the European theme, indeed the Schröder government preferred to left the front row of the European integration to other actor and to influence the debate later¹¹⁶. The most radical change, however, is certainly the arrival of Labour's Tony Blair at 10 Downing Street. The central point of the Scottish statesman's election campaign was to put the UK "at the heart of Europe". Amsterdam had served to show the goodwill of the new Labour leadership by removing opt-out clauses from the social chapter of Maastricht. London's role in Brussels had been defined up to that of Awkward Partner ¹¹⁷,. In fact, the British were accused of a lack of interest in European affairs and a malicious desire to slow down the integration process, with the arrival of Blair, London wanted to change this paradigm and bring London to the centre of European issues¹¹⁸.

Although in Amsterdam the chapter on defence and foreign policy had been neglected by Labour, which had now entered the end of the negotiations, it could have been the winning bet to show the new European predisposition of Blair's government. At the European Council of Wien, the British Defence Minister, Mr Robertson outlined the British proposal to avoid that other situation like the one happening in former Yugoslavia could happen again. In this proposal the London government envisioned three possible solution to the structures of European defence. The first proposals provided for the effective development of ESDI within NATO structures, the second one looked for a further reform of the WEU, placing it at the heart of both the Atlantic Alliance and the Community institutions¹¹⁹. The third one consisted in the merger of the WEU into EU structures resulting in the reform of the EU institutions within the framework. Blair later decided that the best place to change course was the annual Franco-British summit in St

¹¹⁶ Hofmann, S. (2013). Renegotiating Maastricht at Amsterdam:: The failure to go beyond CFSP. In *European Security in NATO's Shadow: Party Ideologies and Institution Building* (pp. 127-162). Cambridge: Cambridge University Press

¹¹⁷ *ibid*

¹¹⁸ *New Labour and the European Union 1997-2007*, Simon Bulmer , SWP (2008)

¹¹⁹ Hofmann, S. (2013). Saint Malo, Cologne and Nice:: The creation of the robust ESDP. In *European Security in NATO's Shadow: Party Ideologies and Institution Building* (pp. 163-203). Cambridge: Cambridge University Press.

Malo in 1998, when Chirac and Blair decided to put themselves in charge of those who wanted to equip the EU with structures adapted to the challenges of the new millennium:

In order for the European Union to take decisions and approve military action where the Alliance as a whole is not engaged, the Union must be given appropriate structures and a capacity for analysis of situations, sources of intelligence, and a capability for relevant strategic planning, without unnecessary duplication, taking account of the existing assets of the WEU and the evolution of its relations with the EU. In this regard, the European Union will also need to have recourse to suitable military means (European capabilities predesignated within NATO's European pillar or national or multinational European means outside the NATO framework)¹²⁰.

This declaration contained the main changes that will be made in the next few years in the field of defence, and it is the first step towards the European institutions taken by the United Kingdom since the creation of the WEU. St. Malo in addition to changing the engine of European integration from Franco-German to a Franco-British one had also the effect to alerted the American ally. In fact, three days after the declaration of St. Malo the Secretary of State of the U.S., Madeleine Albright, in the columns of the *Financial Times* published a article that went down in history as the speech of the three D's. In this document Albright made unveiled critics towards the European initiative, that according to the Washington official could duplicate the functions already present in the Atlantic alliance, dissociate Europe from NATO and discriminate against non-European NATO partners:

First, we want to avoid decoupling: Nato is the expression of the indispensable transatlantic link. It should remain an organisation of sovereign allies, where European decision-making is not unhooked from broader alliance decision-making. Second, we want to avoid duplication: defence resources are too scarce for allies to conduct force planning, operate command structures, and make procurement decisions twice – once at Nato and once more at the EU. And third, we want to avoid any discrimination against Nato members who are not EU members.¹²¹

The doubts of the US Secretary of State were not unfounded as there has been a number of duplications of structures during the integration process, and it is also clear that a Europe capable of implementing defence instruments independent from the Atlantic Alliance will diminish its specific weight on the international stage but above all within

¹²⁰ From St-Malo to Nice European defence: core documents Compiled by Maartje Rutten, Institute for Security Studies Western European Union Paris - May 2001 p.23

¹²¹ From St-Malo to Nice European defence: core documents Compiled by Maartje Rutten, Institute for Security Studies Western European Union Paris - May 2001 p.25

relations between the members of the alliance itself. This renewed convergence in the European Chancelleries will lead in 1999 to three European Councils, decisive for the structuring of a CSFP with real powers of intervention.¹²²

The discussions to equip Europe with real capacity to react over crisis erupting on the international stage started in the summer of 1999 in Cologne. As anticipated earlier, the new socialist-green leadership that had been established in Berlin had not positioned itself like its Christian Democratic counterpart that believed to be the only political force capable of giving new life to the beginnings on European integration. However, this should not mislead us into thinking that the new Chancellor, Mr Schröder, was less interested in this issue, since Germany held the presidency of both the European Council and the WEU in 1999. This contingency allowed to the German Ministry of Defence to facilitate the handover, of the WEU towards the EU structures of Defence. During the preliminary meetings for the Cologne Council in march 1999, a draft document was redacted by the German Ministry of Defence the *Reinhardtshausen Report* over which the Cologne discussion were held.. This report is the document on which the Cologne negotiations were based. It focused mainly on two aspects: the first was that of the Petersberg tasks and in particular how to equip the Union with such structures, the second aspect of the report concerned over the relations between NATO Member States and non-NATO members in relation to the possibility of access to the assets provided by the alliance and the possibility for NATO members to participate in the Petersberg missions carried out by the EU¹²³. At the Cologne summit, the Member States agreed on what was present in the *Reinhardtshausen report*¹²⁴. In Cologne, the European Security and Defense Policy ESDP was establish by the end of 2000 as the maximum limit for the adoption of provisions regarding the deciding mechanisms, the functioning of military structures and the consequent operational effectiveness. From the institutional point of view, the Cologne Council foresaw the establishment of the Political and Security Committee COPS, the new figure of the High Representative born with Amsterdam and the Council,

¹²² Hofmann, S. (2013). Saint Malo, Cologne and Nice:: The creation of the robust ESDP. In European Security in NATO's Shadow: Party Ideologies and Institution Building (pp. 163-203). Cambridge: Cambridge University Press.

¹²³ Hofmann, S. (2013). Saint Malo, Cologne and Nice:: The creation of the robust ESDP. In European Security in NATO's Shadow: Party Ideologies and Institution Building (pp. 163-203). Cambridge: Cambridge University Press.

¹²⁴ From St-Malo to Nice European defence: core documents Compiled by Maartje Rutten, Institute for Security Studies Western European Union Paris - May 2001 p.35

the Military Committee EUMC and the EU Military Staff EUMS. From the institutional point of view, the new ESDP took shape and developed autonomously within the CFSP framework. The end of the year 2000 should have coincided with the conclusion of the WEU experience that, now replaced by the new ESDP, would have had no reason to exist. In fact, the Council, in its Presidency conclusions, invited the then General Affairs Council to prepare the necessary conditions and measures for the inclusion of any residual WEU function. The pre-eminence of NATO over the collective defence of the member states was reaffirmed.

The second EU Council of 1999 held in Helsinki promoted more development for the CSDP. A Headline goal was set for 2003, which included the creation of a European rapid reaction force to complete tasks equivalent to the Petersburg mission, and also the creation of a logistical system necessary to manage combat troops from the Ivorian air base crisis¹²⁵. In parallel with the emergence and development of ESDP, the gradual linkage and transfer of functions and capabilities from the WEU to the EU continues. Further actions approved within the EU / WEU aimed at linking the two organizations, such as the appointment of Javier Solana, CFSP High Representative, as Secretary General of the WEU, have pushed the military organization to gradually exhaust its functions. At the same time, the WEU Council meeting in Luxembourg definitively accepted its fate and decided to «prepare the legacy of the WEU and the inclusion of those functions of the WEU, which will be deemed necessary by the EU to fulfil its new responsibilities in the field of crisis management»¹²⁶. In anticipation of the Intergovernmental Conference in Nice (2000) With the help of the "Marseilles Declaration" of November 13, 2000, the WEU was no longer an operational agency and its authority was transferred to the new CFSP / ESDP of the EU¹²⁷. The WEU would also continue to be a forum and enhanced cooperation in the field of armaments through the work of WEAG which would continue to promote a deeper and more concrete cooperation policy aimed at the establishment of a European Armaments Agency¹²⁸.

¹²⁵ 'A Milestone in the History of the EU': Kosovo and the EU's International Role, Alistair J. K. Shepherd, Oxford University Press, 2009

¹²⁶ WEU Council of Ministers, Luxembourg Declaration, Luxembourg, 22-23 November 1999

¹²⁷ From St-Malo to Nice European defence: core documents Compiled by Maartje Rutten, Institute for Security Studies Western European Union Paris - May 2001 p.120

¹²⁸ *ibid* p.67

The lack of incisive reform brought by the approval of the Amsterdam treaty, especially for what concerns the institutional aspects and the structures for the future enlargement towards the old communist republic of Eastern Europe, obliged the members of the to start a new intergovernmental conference (IGC) for the drafting of a new treaty. The work Intergovernmental Conference began in February 2000 under the Portuguese Presidency. The work of the ICG for the treaty of Nice was already discussed during the EU Council of Feira of 2000. In that occasion the head of governments of the EU accepted to include the development proposed in Cologne and Helsinki in the new treaty. The signing of the Nice Treaty happened in February 2001 and was later ratified by national parliaments in 2003. The Treaty amended a number of articles of the previous two Treaties of the European Union, the Treaty of Maastricht and the Treaty of Amsterdam. As far as the defence and security policy of the European Union is concerned, the amendments made by the Treaty of Nice concerned mainly two aspects. The first concern the removal of all references to the WEU, which was previously the only competent organisation capable of operating within the Petersberg tasks, such as humanitarian and rescue missions, peacekeeping activities, and crisis management missions, including peace-making missions. The second innovation brought about by the Treaty of Nice with regard to the European Security and Defence Policy concerns the institutional structures. The ESDP with Nice was implemented with the structures already proposed by the Cologne Council of 1999. The first is the Political and Security Committee (PSC) composed of national members and ambassadors who have the task of dealing with all aspects of the CFSP. The second structure was the EU Military Committee (EUMC) which instead is composed by the delegates of the Defence Ministries of EU and their military delegates. The EUMC has the task of providing advice and recommendations to the members of the ESDP. The third structure is that of the E.U. Military Staff, (EUMS) which have the task of and guarantee military experts and support to the ESDP and above all the possibility of conducting military operations for crisis management. In addition, the European Union was to appropriate two structures previously owned by WEU. The first was the EU satellite centre; the second the Institute for Security Studies which carried out paper and research related to the development of a European defence. The legal basis for the creation of these structures now became Article 25 of the Treaty. In particular, the pre-existing political committee is replaced by the current policy and security committee which, unlike the previous ones, has powers of control and strategic direction for crisis management

operations and is the institution responsible for the management of external operations by the Union. In addition, the Treaty of Nice created a committee on civil aspects of crisis management. The last structure created by the Treaty of Nice is the European Security and Intelligence Force (ESIF), which consisted of 5000 police forces, 1000 of which could be sent within 30 days to support fishing operations, this force was under the control of the PSC, with effective control being in the hands of the CFSP High Representative. The Treaty of Nice, had the merit to create many structures and instruments to achieve the objectives relating to the defence and foreign policy of the Union. Despite this the fact that article 17(2) allows for qualified majority voting in the Council in the case of some CFSP decisions, those with defence or military implications are explicitly excluded from this decision-making regime. The same exception can be found in the newly introduced article 27B on enhanced co-operation¹²⁹.

Through the Treaty of Nice on 31 March 2003, it was possible for the European Union to launch its first military operation more than fifty years after the failure of the European defence community. In spite of this, the Treaty of Nice does not provide for the creation of a European army and, above all, provides for the restructuring of the European Union to be intrinsically linked to those of the Atlantic Alliance. In fact, in order to operate within the missions responsible there was a need to take advantage of NATO structures. Another very important aspect which is not present in the Treaty is the lack of a common foreign policy, since the Treaties only provide for necessary consultation between the members in order to maintain a common line within international scenarios. But this does not preclude the members themselves from the current foreign and defence policy which differs from each other as represented by the case of the War in Iraq in which some of the main European partners, France and then Germany in particular, were in a position of rejection of the US intervention in the war. A further difficulty that the Treaty of Nice was unable to resolve was the fact that, although the Treaty was approved in 2001, the headline goals ratified at the Helsinki European Council were not reached until 2004. The delay over the Helsinki headline goals (HHG) was caused by the fact that the project to create a multinational action force required the solution of different issue raised by the members of the EU, in order to clear the path for the HHG the EU Council

¹²⁹ R.A. Wessel, *the state of affairs in Had security and defence policy: the breakthrough in the treaty of nice*, Journal of Conflict & Security Law , October 2003, Vol. 8, No. 2 (October 2003), pp. 265-288. : Oxford University Press

started in 2001 the European Capability Action Plan. The plan is based on national decisions (known as a bottom-up approach) and aims to streamline member states' national defense efforts to increase synergy between their national and transnational projects to fill remaining gaps. In the first phase, 19 teams covering the most important gaps were activated to identify the scope of possible solutions to fill these gaps, which caused a one-year delay from the original plan¹³⁰.

The process of creating a European defence structure after the ratification of the Nice treaty in 2003 is linked, like all the rest of the EU development to fate of the Constitutional Treaty that was proposed in those years. Despite the great hopes of the representatives of the main European chancelleries, the rejection by the people of the Netherlands and France will lead to the failure of the Constitutional Treaty.

2.5. The Treaty of Lisbon

Ten months after the Treaty of Nice, the member States of the European Union asked an important question at the Laeken Council in Belgium:

Does Europe not, now that it is finally unified, have a leading role to play in a new world order, that of a power able both to play a stabilising role worldwide and to point the way ahead of many countries and people?¹³¹

On the basis of the Laeken Declaration, therefore, the Convention for the Future of Europe was created. The relator of this project was the former French President Valéry Giscard d'Estaing, whose work proposed a treaty for the drafting of a constitution for Europe which was later signed in Rome in October 2004 by the members of the EU. The failure during the ratification process in the Netherlands and France in 2005 but most of all the halt at the ratification process by the United Kingdom put an end to the constitutional treaty. In order to surpass the shortcomings of the previous Treaties during the EU Council of 2007 the German Chancellor Angela Merkel promoted the establishment of a

¹³⁰ C. Gabrielli, *"Come migliorare la cooperazione NATO-EU prendendo in considerazione il concetto strategico di Single Set of Forces, EU Level of Ambitions e le priorità di intervento definite nell'ESDP Presidency Report della Presidenza francese del dicembre 2008"*, Centro militare di studi strategici (CEMISS), Roma, 2010, p.80

¹³¹ Conclusion of the Laeken European Council (14-15 December 2001), Annex , at 2.

new Intergovernmental Conference at the beginning of 2007, which will lead to the drafting of the Treaty of Lisbon in December of the same year. The Treaty was ratified not without difficulty by all the EU members in 2009, in particular it is worth recalling the difficulties created by the Irish Government during the ratification process. This new treaty encompassed the work of the previous convention for the future of Europe removed of all the referments to a federalist structure. With the Lisbon Treaty the European Parliament and the Commission became the bodies responsible for drawing up and proposing the Union directives in the areas provided by the Treaties. The elimination of the pillars structure of Maastricht represents a further step towards broader legislative autonomy, indeed the article 47 of the treaty gives to the EU legal personality which gives to the Union the possibility to develop its own policies towards the fields in which the treaty allows. Another aspect of the Treaty is that the decision system inside the Council will be from now on, despite some restriction, based on a qualified majority. The Treaty of Lisbon, however, does not guarantee the necessary competences with regard to the CSFP as provided for in Article two of the Treaty itself, conceding only to guarantee the Union's capacity for action on the basis of the provisions of the Treaties by allowing for possible further integration into the areas of common defence policies.

Within the Treaty of Lisbon, the clauses regarding the rules concerning the common security and defence policy CSDP, and no longer ESDP as in the previous Maastricht Treaty, can be found within Title V of the Treaty on European Union (TEU) and Title V of the Treaty on the Functioning of the European Union (TFEU). Despite the failure to ratify the Constitutional Treaty, the Treaty of Lisbon incorporates many of the innovations regarding the Union's defence and security policy that had already been introduced into the various intergovernmental conferences from Maastricht to Laeken. the articles are divided into two sections, in the first there are those relating to the Union's external action from Article 21 to 41, while in the second section, articles 42 to 46 specifically concerning the Union's foreign and security policy. Article 21, on the other hand, outlines the principles and objectives of these innovations by referring to the UN Charter and international law, making clear the legislator's desire to emphasise a multilateral perspective both as regards external action and as the primary source from which it derives¹³²:

¹³² P.Koutrakos, *the EU Common Security and Defence Policy*, Oxford University press, 2013, p. 31

The Union's action on the international stage is based on the principles which informed its creation, development and enlargement and which it aims to promote in the rest of the world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity and respect for the principles of the United Nations Charter and international law¹³³.

The objectives of external action, on the other hand, are outlined in the second paragraph of the article and are characterized by a vagueness of intentions which do not unilaterally concern only foreign and defence policy matters but regards other political aspects.

- a) safeguard its values, fundamental interests, security, independence and integrity;
- b) consolidating and supporting democracy, the rule of law, human rights and the principles of international law;
- c) preserving peace, preventing conflicts and strengthening international security, in accordance with the objectives and principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those relating to external borders;
- d) promoting the economic, social and environmental sustainable development of developing countries, with the primary objective of erasing poverty;
- e) encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;
- f) contribute to the development of international measures to preserve and improve the quality of the environment and the sustainable management of the world's natural resources, in order to ensure sustainable development;
- g) to help populations, countries and regions affected by natural or man-made disasters;
- h) promote an international system based on enhanced multilateral cooperation and global good governance¹³⁴.

In a context of vague legislation such as the one just outlined, two other important legal institutions contained in Art. 42 (7) which are mutual defence clause and the solidarity clause. The first one states that:

If a Member State is attacked by armed aggression on its territory, the other Member States shall provide it with aid and assistance by all means at its possession, in accordance with Article 51 of

¹³³Treaty on the European Union https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0017.02/DOC_1&format=PDF

¹³⁴ Treaty on the European Union https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0017.02/DOC_1&format=PDF

the Charter of the United Nations. This is without prejudice to the specific nature of the security and defence policy of certain Member States¹³⁵.

The second innovation is the solidarity clause which, according to the legislator, should create a concrete capacity for joint action on the part of the members of the Union supported by law:

The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to:

- (a) prevent the terrorist threat in the territory of the Member States;
 - protect democratic institutions and the civilian population from any terrorist attack;
 - assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack;
- (b) assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster¹³⁶.

These clauses create a number of political and legal problems relating over the preferences for defence organisations, as in the case of Denmark. Another case is the articles of the Austrian constitution which states that the Austrian state must remain neutral, another one it's the ideological historical positioning, as in the case of Sweden or Ireland. For this reasons Declarations 13 and 14 on the common foreign and security policy are annexed to the Treaty in order to remedy possible problems which could lead to intervention by the European courts to settle any disputes. those declaration provide that the Member States shall not in any way be prejudiced in their activities in the field of security and foreign policy in their action, since the Treaty does not affect the competences of the Member States or of the Atlantic Alliance¹³⁷.

¹³⁵ Treaty on the European Union https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0017.02/DOC_1&format=PDF

¹³⁶ Treaty on the Functioning of the European Union <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016E222>

¹³⁷ Declarations annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0017.02/DOC_5&format=PDF

On the other hand, with regards to the changes in the Executive Power of the Union, a number of innovations were also being introduced, in particular the establishment of a new decision-making body within the Union, the President of the European Council, which was previously held by the Prime Minister of the country in office of the six-monthly Presidency of the Council. The term of office of the newly elected President of the European Council, lasts two and a half renewable years for a second term, is voted on by the European Council by a qualified majority. A further innovation included in the Treaty is the strengthening of the High Representative of the Union for Foreign Affairs and Security Policy, already introduced by the Treaty of Amsterdam¹³⁸. This role is appointed by the Council by qualified majority and is the vice-chairman of the committee. Both of these two institutional figures have the task of answering Kissinger's famous question about what the European Union's telephone number was, as stated by former European Commissioner Gunter Verheugen.

(it) may not yet provide the proverbial single telephone number for European foreign policy, but the office is exceedingly powerful... the position is so strong that individual member states will find it very difficult to resist the pressure¹³⁹.

This innovation, however, does not make it possible to establish with certainty which of the two figures is to be the primary role of this office. In fact, articles 15 and 27 of the Treaty grant the President of the European Council powers of foreign representation and decision-making in matters of security and foreign policy, thus leaving it to the practice that will be established between the two figures to settle this dispute¹⁴⁰. It is precisely the high representative for foreign and security policy who appears to be the role most responsible by the Treaty, since this institutional figure comes to assume the task of foreign representation in third countries or international institutions as already mentioned, but above all the Treaty guarantees the power to draw up autonomous political initiative which will then have to be voted on by the Council unanimously¹⁴¹. This innovation represents an important step forward in the integration process as it represents

¹³⁸ P. Koutrakos, *the EU Common Security and Defence Policy*, Oxford University press, 2013, p. 41

¹³⁹ J. Rogers, *From Civilian Power to Global Power: Explicating the European Union's Grand strategy through the articulation of Discourse theory*, 2009, JCMS, pp831-854

¹⁴⁰ Comelli M., Pirozzi N., *The European Union's foreign policy after Lisbon*, curated by Istituto Affari Internazionali IAI, Osservatorio di Politica Internazionale n. 72 – February 2013, p.6

¹⁴¹ Treaty on the European Union https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0017.02/DOC_1&format=PDF

the creation of a real independent decision-making figure within the Council. The HR also has executive power guaranteed to it by the Council to implement CFSP policies through the use of national and Union resources, in addition HR is responsible for managing the CFSP and, above all, monitoring member states' participation in Union projects, and coordinating the civilian and military aspects of EU operations¹⁴².

A further instrument introduced by the Lisbon Treaty is the European External Action Service (EEAS), which is entrusted with the task of assisting HR in its functions by working closely with diplomats from the Member States. Its composition consists of diplomats selected by the Member States and officials of the Council of the Commission¹⁴³. This body, which was created not without controversy, particularly on the part of the United Kingdom, the Tories opposition saw the EEAS as a structure that took power away from national governments. Despite the critics the introduction of the EEAS represents a major innovation both from a practical point of view, as it allows greater coordination between the Union's institutions and national institutions, a better capacity to collect information and from a cultural point of view, since more intensive cooperation between national and European institutions is being created¹⁴⁴. The Treaty of Lisbon has also created a new institution, the European Defence Agency (EDA), which has the tasks of development of defense capabilities; promotion of defense technology and research; promotion of armaments cooperation; creation of a European defense equipment market; and strengthening of the European defense technological and industrial base. This new agency is under the political control of the Council, and consists of a decision-making body, the Steering Committee, composed of one representative per member of the Union and one representative of the Commission¹⁴⁵.

When we talk about the Treaty of Lisbon, it cannot be denied that the greatest innovation brought to *the European acquis* is Article 42, in particular paragraphs 5 and 6 concern the flexibility of the Union's action. Paragraph 5 concerns the possibility for a

¹⁴² P.Koutrakos, *the EU Common Security and Defence Policy*, Oxford University press, 2013, p. 40-43

¹⁴³ *The Daily Telegraph*, 9 May 2008

¹⁴⁴ S.Duke, *The European External action Service one year on: First sings of strengths and weaknesses*, CLEER Working Papers, 2012 p.37

¹⁴⁵ Protocol (No 10) on Permanent Structured Cooperation established by Article 42 of the Treaty on European Union. <https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=OJ:C:2012:326:FULL&from=IT>

Member State to be able to act on behalf of the union by referring to Art. 44 the procedures governing such action:

1. Within the framework of decisions taken in accordance with Article 43, the Council may entrust the carrying out of a mission to a group of Member States which so wish and have the necessary capabilities for that mission. These Member States, in association with the High Representative of the Union for Foreign Affairs and Security Policy, agree on the management of the mission.
2. Member States participating in the implementation of the mission shall periodically inform the Council of the progress of the mission, either on their own initiative or at the request of another Member State. The participating Member States shall immediately address to the Council whether the carrying out of that mission has far-reaching consequences or whether it requires a change in the objective, scope or modalities of the mission laid down in the decisions referred to in paragraph 1. In that case, the Council shall take the necessary decisions¹⁴⁶.

Article 44 therefore states that two conditions must be fulfilled in such a way that they can act on behalf of the Union the first is that member states have a willingness to act, and the second is that these willing governments have the necessary capabilities to accomplish the mission¹⁴⁷.

The other paragraph of Article 42 represents Permanent Structured Cooperation (CFSP), which outlines the possibility for the most willing members to make autonomous progress in certain aspects of European integration. This is the main innovation brought about by the Treaty of Lisbon, which presents itself as an agreement of an entirely intergovernmental nature where the areas of autonomy guaranteed to the Union's bodies are severely limited by the control carried out by the Council, which is not formally the decision-making body of the Union,. Paragraph 6 of Article 42 therefore lays down the following:

Member States which meet higher criteria in terms of military capabilities and which have entered into more binding commitments in this area for the most demanding missions shall establish permanent structured cooperation within the Union. Such cooperation shall be governed by Article 46. It shall be without prejudice to Article 43¹⁴⁸.

Article 10 of the Directive is applicable to the Article 46 governing such cooperation declares that in order to participate in such a project it is necessary to have

¹⁴⁶ Treaty on the European Union https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0017.02/DOC_1&format=PDF

¹⁴⁷ P.Koutrakos, the EU Common Security and Defence Policy, Oxford University press, 2013, p. 70

¹⁴⁸ Treaty on the European Union https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0017.02/DOC_1&format=PDF

the military capabilities specified in the dedicated protocol, that such a draft requires the approval of the Council, which shall act unanimously¹⁴⁹.

2.7. Conclusion

At the end of this second chapter, a brief assessment needs to be made to understand what happened to the European defence institutions from the end of the Cold War to the economic crisis of 2007. The process described above has been full of adversity linked to a lack of overall vision that guarantees a coherent direction with respect to a given objective. At the beginning of the 1990s the debate focused on a dichotomy between NATO and its European dimension, which gave rise to several possibilities. The first of this was the idea to reuse the WEU which, with the innovation of the Petersberg Tasks, created a first regulatory embryo for armed intervention by the organization. This idea immediately clashed over two issues the first related to history of those the second ideological. The tragedy of the Balkans and the inability to act of all the European institutions. Both the WEU and the EU failure made clear to the heads of governments that there was a necessity to create something different to avoid similar situations. The second one is related with the vision of those who preferred a European defence under the direct control of Brussels and not a split between various organisations, this vision should have culminated in the achievement of a European army, but all the treaties analysed did not provided for it. Only in the Lisbon Treaty has made an indication that the creation of a European army will be taken only if the Member States ensemble decide so. Within this narrative three were the events that gave a decisive boost directly and indirectly in this field. The first is the outbreak of armed conflict in the former Yugoslavia. It lasted from Maastricht to Nice and made it clear to public opinion and the Heads of Government that the European institutions were totally incapable of remedying what happened in those years. In particular, the intervention of NATO, which was entirely managed by the United States, and subsequently during the Kosovo conflict the negotiations that will lead to the Rambouillet agreements made it clear to Europeans that

¹⁴⁹ Ibid

they needed to have autonomous structures for managing crises on their borders. The second key aspect that has influenced this process is labour's return to government with Tony Blair who, in an attempt to give new credibility to what has always been called the Union's awkward partner, saw in defence the possibility of implementing his project, which began with the St Malo agreements and which is concluded with the Treaty of Lisbon. The third aspect is the failure of the constitutional treaty in which defense was not the most important aspect, but in case of ratification would have led to further innovations. These innovations brought by the constitutional treaty were necessarily translated into the intergovernmental perspective of the Treaty of Lisbon, which, however, succeeded in guaranteeing greater power to the HR, which now becomes an autonomous figure with respect to the Council, with executive and legislative powers. The entry into force of the Lisbon Treaty undoubtedly represents the beginning of a new phase in the history of European defense and security. The commitment of the member countries, sanctioned by the same treaty, to mutual defense and solidarity represents a key step towards the constitution of a European defense hypothesized since the Treaty of Maastricht and now conceptually achievable through the mechanism of the PESCO.

III. From the Crimean Crisis to PESCO

3.1. Introduction

The last part of this thesis will focus on developments in the field of Community defence following the Treaty of Lisbon. The period between the ratification of the Treaty and further implementations in this area is accompanied by four main shocks on the international stage. The first one is the Russian invasion of Ukraine in 2014, and in particular the conquest of the Crimean Peninsula that has always been a strategic position of vital importance for Moscow since it allows the Russian fleet a sheltered position of immediate access to Mediterranean. As a result, the strong outrage and international condemnation of the actions of the Putin Government by the main European chancelleries has not resulted in a strong European mandate that could manage the crisis. Indeed, neither the Council nor the High Representative had an active role in the conduct of the negotiations for the signing of the Minsk Protocol, despite the fact that the crisis between Moscow and Kiev had opened up on the subject of Ukraine's signing of the Association Treaty with the European Union, which would certainly have led to a loss of influence on the part of the Putin government.

The second event that pressure the European institutions even more deeply was the UK's decision in 2016 to leave Brussels for good. The many speculations about the reasons for that decision - the legal validity of the referendum and how to manage relations between the two institutions in the years to come – have thrown both London and Brussels into chaos and inability to take decisions.

The third fact that it cannot be left out because more than the others still have an influence on public opinion is the beginning of a new terrorist season in Europe. This new form of terrorism is not linked directly to terrorist organizations present on European territory, if not for the claims of the attacks, but instead rely on fringes of the European population that are unable to fit into the social context in which they find themselves,

triggering terror and concern for citizens and making clear shortcomings in the security apparatus of the Member States.

The fourth event that gave the final shock was the election of Donald Trump, a wealthy American tycoon who immediately made clear his intentions to change the US geopolitical order by trying to bring him back to some isolationist reflex, which has always been dear to the conservative theories of the Great Old Party. In particular, the grudge shown by the new U.S. leadership towards institutions such as NATO made clear to European leaders that there was an immediate need for action to prevent further upheavals that could leave continental leaders over drafted, so that German Chancellor Angela Merkel:

The times in which we could completely depend on others are, to a certain extent, over,” she told an election rally in Munich on Sunday. I’ve experienced that in the last few days. We Europeans truly have to take our fate into our own hands¹⁵⁰.

3.2. Foreword, the Crimean Crisis and the new European Commission.

The 2014 Crimean Crisis is a central point in the development of the PESCO. In late 2013, rising tensions between Viktor Yanukovych's pro-Russian government and public opinion that was pushing for the ratification of the association agreement with the EU led to violent street clashes in which the Kiev government authorized police to shoot protesters. The protests that made international headlines as Euromaidan were held because the majority of Ukrainian public opinion was against Yanukovych’s corrupt and pro-Putin government. The reasons for the start of the protests, that began in November 2013, were due to the failure to sign the association treaty with the EU. they led to violent street clashes throughout western Ukraine and in particular in Kiev. Mediation by the European Union in this case was delegated to the foreign ministers of the “Weimar Triangle”, i.e. the representatives of Germany, France and Poland, and not the HR Catherine Ashton. The representatives of the “Weimar Triangle attempted a

¹⁵⁰ J. Henley, Angela Merkel: EU cannot completely rely on US and Britain any more
<https://www.theguardian.com/world/2017/may/28/merkel-says-eu-cannot-completely-rely-on-us-and-britain-any-more-g7-talks>

reconciliation between President Yanukovich and the opposition¹⁵¹. Unfortunately, the escalation of violence only increased the conflict between the factions on the ground leading to the subsequent flight to Russia of President Yanukovich on 21 February 2014.¹⁵² In this scenario, the Ukraine has always been a territory linked to both the Tsarist Empire and the Soviet Union, which has always been a central territory in the geostrategic scenarios of the Kremlin, so much so that the Russian Black Sea fleet has its headquarters in Sevastopol, capital of the Crimean Province. It is also fair to remember that Crimea until 1954 was a Soviet territory and that it was granted by the then secretary of the communists Party Nikita Khrushchev to Ukraine as a symbol of the friendship that bound these two peoples. Due to the strong political instability that had been caused by the left of Yanukovich, and the attempt to abrogate a law of 2012 on the principles of state language policy that would have removed the official recognition of the Russian language made the discontent arise in the Eastern and Southern part of Ukraine which is a the Russian majority region. Hence, the Kremlin decided for a direct intervention in Crimea, with the support of the Russian troops that crossed the border and took control of the main government offices, thanks to the help of the local population. The chaos in Kiev made possible the unilateral declaration of independence of the Federal Republic of Crimea on 1 March 2014, followed by a referendum called for 16 March for the annexation of Crimea to Russia in which more than 80% of the population participated. The referendum was a plebiscite in favour of Crimea's returning to Moscow's government. The referendum was not recognised by the international community. In fact, the UN, with Resolution 68/262 of the General Assembly on 27 March 2014, declared the referendum held in Crimea invalid. To date, the situation has not yet been resolved. The civil war in the Eastern and Southern regions of Ukraine was halted by the Minsk Protocol approved on 5 September 2014, which provides for a cease-fire between Ukrainian and Russian forces mediated by the Organisation for Cooperation and Security in Europe (OCSE). In this international scenario, the European elections of 2014 were held in May of the same year: They led to the birth of the Juncker Commission. Given the international situation, the new High Representative Federica Mogherini decided to set up her mandate with a view to strengthening Ukrainian institutions and relations between the EU and Ukraine.

¹⁵¹ M.G.A. Vicerè, *The High Representative and EU Foreign Policy Integration a comparative study of Kosovo and Ukraine*, palgrave Macmillan, 2018 pp 206

¹⁵² *ibid*

For this reason, in December 2014, the EU Advisory Mission Ukraine (EUAM) was created. This Union initiative had the task of sustainable reform of the civilian security sector of Ukraine, providing strategic advice and hands-on support for specific reform measures in accordance with EU standards and international principles of good governance and human rights¹⁵³. In addition, in order to seek a solution to the crisis in the relations between the EU and Russia since the situation between Brussel and Moscow had worsen because of the sanctions imposed by the EU against the Moscow government over the participation in the Crimean Crisis. Mogherini's diplomacy sought to reopen a dialogue with Russia with the presentation of a paper to the Foreign Affairs Council in January 2015¹⁵⁴.

3.3. The Birth of PESCO

The implementation? of a Permanent Structured Cooperation (PESCO) took place in autumn 2017. On 13 November, the Council was notified of the willingness of 23 Member States of the Union to join the project¹⁵⁵. One month after, on 11 December, they were 25 to take part in the formal birth of the PESCO. The United Kingdom, now destined to leave the European institutions, remained outside; Denmark, which over the years has delegated its defence to other structures linked mainly to the United Kingdom and had an opt-out clause in the Treaties on defence issues too, as well as Malta¹⁵⁶.

Structured cooperation began to be discussed as early as Maastricht in 1992 and Nice in 2001, but only with the draft Constitution of 2003 it is possible to find the guidelines, later contained in the Lisbon treaty, that will bring to the actual birth of the

¹⁵³ EU Advisory Mission Ukraine <https://www.euam-ukraine.eu/our-mission/about-us/>

¹⁵⁴ Issue paper on the relations with Russia Foreign Affairs Council of 19 January 2015 <http://blogs.ft.com/brusselsblog/files/2015/01/Russia.pdf>

¹⁵⁵ J Barigazzi., Mogherini hails 'historic' EU defense pact <https://www.politico.eu/article/federica-mogherini-defense-hails-historic-eu-defense-pact-as-23-countries-sign-up/>

¹⁵⁶ European Parliament, Permanent structured cooperation (PESCO): Beyond establishment, March 2018 http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/614739/EPRS_BRI%282018%29614739_EN.pdf

project; These articles are then incorporated into the Treaty of Lisbon, which, by Art. 42 (6), states the following:

Member States which meet higher criteria in terms of military capabilities, and which have entered into more binding commitments in this area for the most demanding missions shall establish permanent structured cooperation within the Union¹⁵⁷.

The CFSP focuses on two principles: flexibility and enhanced cooperation. The first principle identifies the possibility of delegating to a single state or group of willing states the possibility of actions within the CSDP on behalf of the Union¹⁵⁸. The second principle – enhanced cooperation – is the instrument already introduced in the Treaty of Amsterdam, which provides for the possibility for some of the Members of the Union to start independent projects in the process of European integration and in the case other members were interested to allow the subsequent participation of those which were initially extraneous¹⁵⁹. The Treaty of Lisbon regulates this matter by Article 46 and protocol 10 at the end of the Treaty, which provides in detail the criteria for participation in such projects. As far as the institutional set-up is concerned, the Council is the body responsible for approving the draft, after consulting the High Representative, by qualified majority¹⁶⁰.

The first voices inside the palaces of power in Brussels and in the European chancelleries about a new impetus in the new form of the integration process came in 2016 when the German and French Foreign Ministers Steinmeier and Ayrault put forward a joint proposal, open to the members of the Union, for the launch of a project of Permanent Structured Cooperation¹⁶¹. Following this initiative, the High Representative presented the report on the EU's overall strategy that introduced the concept of European strategic autonomy as a means for advancing the process of European integration since this project would help the EU to act more autonomously in different scenarios¹⁶².

¹⁵⁷ Treaty on the Functioning of the European Union https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=uriserv:OJ.C_.2016.202.01.0001.01.ITA&toc=OJ:C:2016:202:TOC#C_2016202IT.01001301

¹⁵⁸ P. Koutrakos, *he EU Common Security and Defense Policy*, Oxford University press, 2013, p. 72

¹⁵⁹ Feraci, O., The implementation of enhanced cooperation in the European Union: a first critical assessment, in *Riv. Say. int.*, 2013, 955 ss.

¹⁶⁰ . <https://eur-lex.europa.eu/legalcontent/IT/TXT/PDF/?uri=OJ:C:2012:326:FULL&from=IT>

¹⁶¹ I. Ayrault and F.M. Steinmeir, *A strong Europe Ofns a world uncertain* <https://www.france-allemanne.fr/spip.php?page=recherche&lang=fr&recherche=ayrault&x=0&y=0>,

¹⁶² N. Tocci, *Strategia globale: per un'Europa autonoma nel mondo* <https://www.affarinternazionali.it/2019/06/strategia-globale-europa-autonoma/>

Subsequently, Mogherini proposed measures for the implementation of the European Defence Action Plan (EDAP) during an informal meeting of the Council of Foreign Ministers on 2-3 September 2016 in Bratislava, stressing the need to take «concrete measures [...] to advance in the field of European Defence»¹⁶³. The concrete measures proposed by the Juncker commission with the EDAP concerns three tasks that EU has given to itself. The first consists in the creation of the European defence fund through the EU will finance with autonomous resources project related to the defence. The second is to provide joint funding for the development and acquisition of strategic defense capabilities, focusing on post-research and technical phases and the development of new products and equipment (including prototypes). For this reason, the European Commission estimates that €5 billion is used each year as a benchmark amount. The third aspect of the EDAP will regard the investment promotion and strengthening of the internal market¹⁶⁴. The debate generated by these meetings brought a substantial division between the High Representative's proposal supported by the European institutions, France and Germany against the proposal put forward by Italy, at the time led by the centre-left government of Matteo Renzi, that in the figures of Foreign Minister Gentiloni and Defence Minister Pinotti proposed a *Schengen for Defence*. The Italian proposal is presented in the document signed by the two Italian ministers envisioned for a stronger European defence through the creation of different structures such as a European headquarters, common structures for the training of military personnel, European funds to finance Community missions are included¹⁶⁵. The vulnerability of this proposal, however, lay in its nature, since it requested a new treaty on defence issues to be created and as we noted in the previous chapter of this thesis the process from the negotiation to the actual ratification of the treaty could take too much time. Following this debate on November 22, 2016, the European Parliament voted in favour of a Resolution on the European Union of Defence that ordered states to proceed on the path of Structured Cooperation and to finance this action with an “initial fund” as per art. 41 (3) of the TEU or through the European budget¹⁶⁶. In the subsequent European budget, the Commission

¹⁶³ https://eeas.europa.eu/headquarters/headquarters-homepage/9444/federica-mogherini-remarks-press-point-following-first-day-gymnich-meeting_en.

¹⁶⁴ Official website of the European Defense Action Plan. <https://www.europarl.europa.eu/legislative-train/theme-europe-as-a-stronger-global-actor/file-european-defence-action-plan>

¹⁶⁵ https://www.esteri.it/mae/it/sala_stampa/interviste/2016/08/gentiloni-e-pinotti-una-schengen.html

¹⁶⁶ European Parliament Resolution of 22 November 2016 on the European Union of Defense(2016/2052 (This))

under Mr Juncker's presidency the same month provided, following the resolution adopted by the Parliament, a line of expenditure in the Union budget for the creation of a Fund dedicated to joint projects ¹⁶⁷. At this point, three points can be identified. First, the French-German leadership once again decided the line of the European institutions. Second, the Italian proposal for a more ambitious project was rejected. Last aspect and probably to most important is that there was not a common majority neither in the European institutions nor in the national governments of the continent for the creation of a common army¹⁶⁸.

Following the French presidential elections in May 2017, the new French leadership was assumed by Emmanuel Macron who had focused his election campaign on The Issues of Europe. In this context, Macron set up a direct dialogue with Berlin, and the first tangible signs can be seen in the Joint French-German Declaration to celebrate the 55th anniversary of the Elysée Treaty, which contains a concrete project regarding the CFSP represented by the union of the proposals of the two governments¹⁶⁹. The division on the Paris and Berlin proposals is part of a more intransigent vision with very ambitious objectives which required very high membership rates on the part of French, linked above all to strong autonomy in the use of the armed forces and in arms cooperation; while on the other hand Germany had focused its idea on a principle of inclusiveness, as new divisions would certainly have created other tensions within the European institutions, this idea is linked to the fact that the CFSP has a very sectoral and specialized nature that leaves little room for partisan ideological interpretations¹⁷⁰. Angela Merkel, the German chancellor, was aware of a unifying necessity at a time when the UK's exit process had not yet ended. The differences between the two countries focused on Article 2 of Protocol 10 of the Treaty of Lisbon and referred also to a more intimate aspects of the nature of the two states¹⁷¹. On the one hand, France has always been directly involved in conflict

¹⁶⁷ Un Fondo europeo per la difesa da 5,5 miliardi <https://www.analisi Difesa.it/2017/06/un-fondo-europeo-per-la-difesa-da-55-miliardi/>

¹⁶⁸ D. Moor, *Towards the defence of Europe, Europe and the new world order*, Il Mulino, 2018, p.67

¹⁶⁹ La risoluzione parlamentare franco-tedesca per un nuovo Trattato bilaterale e per il rilancio dell'integrazione europea <https://www.senato.it/service/PDF/PDFServer/BGT/01063987.pdf>

¹⁷⁰ A. Brown *Two scenarios for a Europe of defence*, in Istituto Affari Internazionali (curated by) Focus Euroatlantico n. VI - October 2017-January 2018, pp.17-18

¹⁷¹ Full text of art. 2 of Protocol 10 attached to the Lisbon Treaty (2007)

To achieve the objectives laid down in Article 1, Member States participating in permanent structured cooperation shall undertake to:

resolution and the semi-presidential nature guarantees the President of the Republic greater powers than the German side. Berlin, in fact, given the history of its armed forces especially after the end of the Second World War, has always been reluctant to take direct action in the field of defence. Moreover, the parliamentary nature of the German Republic makes the process of external action much slower, nevertheless German participation in the Afghan conflict has led to important developments from this point of view which, however, do not seem to satisfy the ally of the other Rhine¹⁷². A further aspect which has led to differences between the two powers is the geopolitical history of the two states. Berlin has always been focused on Central and Eastern Europe which nowadays is governed by Eurosceptics leaders. For this reason, we can comprehend why Berlin preferred to create a less ambitious PESCO that could be more inclusive. While Paris, because of its colonial history, has always had Africa and the Middle East as areas of interest and so an ambitious PESCO could have been used in the scenario in which the French are more comfortable¹⁷³.

The synthesis between the two positions was found at the French-German Council of Ministers in July 2017¹⁷⁴. This convergence led to the signing by France, Germany, Spain and Italy with the support of Belgium, Finland, the Netherlands and Croatia of the joint notification accompanied by the High Representative and the Council¹⁷⁵. On 11 December 2017, the Council approved the adoption of the PESCO. The text represents a

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- (a) cooperate, as from the entry into force of the Treaty of Lisbon, with a view to achieving approved objectives concerning the level of investment expenditure on defence equipment, and regularly review these objectives, in the light of the security environment and of the Union's international responsibilities;
 - (b) bring their defence apparatus into line with each other as far as possible, particularly by harmonising the identification of their military needs, by pooling and, where appropriate, specialising their defence means and capabilities, and by encouraging cooperation in the fields of training and logistics;
 - (c) take concrete measures to enhance the availability, interoperability, flexibility and deployability of their forces, in particular by identifying common objectives regarding the commitment of forces, including possibly reviewing their national decision-making procedures;
 - (d) work together to ensure that they take the necessary measures to make good, including through multinational approaches, and without prejudice to undertakings in this regard within the North Atlantic Treaty Organisation, the shortfalls perceived in the framework of the 'Capability Development Mechanism';
 - (e) take part, where appropriate, in the development of major joint or European equipment programmes in the framework of the European Defence Agency.

¹⁷² F. Mauro, Member of the Commission. F. Santopinto, *The Cooperation Structured Permanent Perspectives National And State Advancement*, Branch Policies External Union Department Thematic, 17 July 2017, p. 25

[https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603842/EXPO_STU\(2017\)603842_FR.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603842/EXPO_STU(2017)603842_FR.pdf)

¹⁷³ Ibid

¹⁷⁴ Council franco-German Defence and Security, Paris 13 July 2017,

¹⁷⁵ D. Moor, *Towards the defence of Europe, Europe and the new world order*, Il Mulino, 2018, p.37

summary of the requests of the participating countries containing both ambitious and inclusive projects, which will have the task of harmonizing their respective armed forces and implementing the development of common defensive capabilities. The *à la carte nature* of the PESCO has enabled 17 joint projects to be set up. These projects bind the members to participate only in those which they deem most appropriate, but it is clear that states such as Poland and Hungary, which participate in a limited number of projects tend to regard PESCO as more of a threat for their national sovereignty than an effective opportunity for joint action¹⁷⁶.

3.4. Institutional aspects

The PESCO, as described in the previous chapters, is a form of enhanced cooperation which guarantees free participation of the concerned countries, and as far as the institutional nature of the PESCO is concerned, it has in itself all the weak point of European decision-making bodies. The first of these issues is linked to the voting procedure of the structures responsible for managing and monitoring PESCO. The second refers to the high participation that this proposal has generated, and which could lead, given the intergovernmental nature of the Union, to delays in the path with regard to the operational aspects of the PESCO¹⁷⁷. In particular, it should be remembered that although the decision on the PESCO is by qualified majority, the use of its military capabilities is delegated to the Council, since the PESCO falls within the CSDP institutions. For this particular case the Council needs a unanimous vote in order to be able to approve these projects¹⁷⁸. The third aspects regards the fact that the presence of all the member state while demonstrating a common will towards a process of improvement in the field of defence could turn the PESCO into a further failure¹⁷⁹.

¹⁷⁶ J. Gotkowska, *The trouble with PESCO The mirages of European defence*, Warsaw, Centre for Eastern Studies, Number 69, February 2018, pp.10-11.

¹⁷⁷ L'Union européenne s'engage dans une coopération militaire renforcée http://lemonde.fr/europe/article/2017/11/13/l-union-Europeenne-s-engage-in-a-cooperation-militar-renforce_5214202_3214.html.

¹⁷⁸ D. Fiott, A. Missiroli., T. Tardy, *Permanent Structured Cooperation: What's in a name? European Union Institute for Security Studies*, Chaillot Paper 142 Paris, November 2017

¹⁷⁹ D. Moor, *Towards the defence of Europe, Europe and the new world order*, Il Mulino, 2018, p.39

Leaving aside the procedural aspects, it is good to analyse the governance of the PESCO. These projects fall within the responsibilities of both the Council and the HR, which is assisted in this task by the Political and Security Committee (PSC), the Military Committee of the European Union (EUMC) and the European Union Military Staff (EUMS) which were introduced by the Treaty of Nice in 2001¹⁸⁰. Other institutions that aid the HR in its tasks are the European Defence Agency (EDA) and the European External Action Service (EEAS),¹⁸¹. The Council is in fact the body of power of the Union and, as laid down in the Treaty of Lisbon in Article 46(6), which specifies:

Decisions and recommendations of the Council taken within the framework of permanent structured cooperation, other than those referred to in paragraphs 2 to 5, shall be adopted unanimously. For the purposes of this paragraph, unanimity shall consist of the votes of only the representatives of the participating Member States¹⁸².

This principle, while on the one hand guaranteeing strong participation, tends, however, to distort the criteria at the basis of enhanced cooperation. That is, it is the possibility for states that have both the means for implementation but above all the political will to make progress in integration in these fields are therefore penalized. In particular, the weakness deriving from the wide participation concerns the decision-making mode of the Council which votes unanimously on every aspect of the CSDP, i.e. the strategy to be followed, the political orientation, the verification of the implementation of the obligations undertaken, a list of projects to be developed in the areas of CFSP, especially with reference to actions relating to the support of military commitments, to establish common rules for the management of projects and to define the criteria for the extraordinary participation of third countries¹⁸³.

Once approved by the Council, the projects are entrusted to the management of the participating countries which have an obligation to monitor the objectives to be achieved and if one of the participating members fails to comply with these obligations, the Restricted Council of Project Participants alone may suspend those who do not fulfil

¹⁸⁰ Treaty on the European Union https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0017.02/DOC_1&format=PDF

¹⁸¹ D. Moor, *Towards the defence of Europe, Europe and the new world order*, Il Mulino, 2018, p.40

¹⁸² Treaty on the European Union https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0017.02/DOC_1&format=PDF

¹⁸³ <https://www.senato.it/service/PDF/PDFServer/BGT/01062567.pdf>

their tasks by qualified majority voting ¹⁸⁴. The Member States must submit an annual report to the Council on the state of implementation of the projects, but in addition to a subsequent evaluation of the institutions by European bodies such as the EDA, the EEAS and the Union's Military Staff (EUMS)¹⁸⁵. These aspects of the CFSP makes it clear that the European Union guarantees much more decision-making power to the Member States than its bodies have, thus creating a system of delegation of power conferred by the Treaties on the Union to the Member States. On the one hand, of course, it will lead in time to greater harmonisation and integration, on the other hand, it will lead to a loss of common interest on the part of the Union, reflecting the nature of the security and defence areas which are inextricably linked to the concept of sovereignty and which have therefore given PESCO a very heterogeneous multi-level governance which reflects the intergovernmental nature of the Union¹⁸⁶.

The advantages of structured cooperation are manifold, but it should be remembered that the PESCO is highly intergovernmental in that it does not provide for any transfer of sovereignty to Community bodies, let alone the establishment of common special forces or a European army which can be defined by that name ¹⁸⁷. On the contrary, the real strength of PESCO probably lies in making the Member States those who are heavily responsible for this reform¹⁸⁸. Since, leaving aside the annual report presented by HR to the Council on the progress of projects, the member states themselves, and in particular those who act as project coordination, will be the one responsible for monitoring the performance of the tasks assigned. The centrality of PESCO is based on a voluntary cooperation between countries which share tasks between them in order to

¹⁸⁴Treaty on the European Union https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0017.02/DOC_1&format=PDF

¹⁸⁵The European Defence Agency (EDA) acts as a catalyst, promotes collaborations, launches new initiatives and introduces solutions to improve defence capabilities. It is the place where Member States willing to develop capabilities in cooperation do so. It is also a key facilitator in developing the capabilities necessary to underpin the Common Security and Defence Policy of the Union.

The European External Action Service (EEAS) is the European Union's diplomatic service. It helps the EU's foreign affairs chief – the High Representative for Foreign Affairs and Security Policy – carry out the Union's Common Foreign and Security Policy.

the European Union Military Staff (EUMS) role is to provide early warning, situation assessment, strategic planning, Communications and Information Systems, concept development, training & education, and support of partnerships.

¹⁸⁶ D. Fiott, A. Missiroli., T. Tardy, *Permanent Structured Cooperation: What's in a name? European Union Institute for Security Studies*, Chaillot Paper 142 Paris, November 2017

¹⁸⁷ J. Coelmont, *Permanent Sovereign Cooperation to Underpin the EU Global Strategy*, Brussels, Egmont, December 2016 (Security Policy Brief No. 80), p.1

¹⁸⁸ S.Biscop, *European Defence: Give PESCO a Chance*, vol. 60 no. 3 | June–July 2018, pp.162-163.

achieve a common goal, that is difficult to ignore collectively, since non-compliance would harm the other members participating in the project¹⁸⁹. Moreover, participants must outline how they intend to join the project; this is done by submitting an annual project implementation plan, modeled after NATO's Defense Planning Process (NDPP)¹⁹⁰. In addition, through the Coordinated Annual Defence Review (CARD) introduced by the High Representative in 2016 at the end of his EU Global Strategy (EUGS) presentation speech, the EDA will have to monitor and coordinate the work of project participants and submit an annual report to see the progress of the projects¹⁹¹.

The PESCO project in the geopolitical perspective in which we find ourselves tries to give an answer to two important questions. The first concerns the state of defense of the Union after the success of the British referendum for the exit of the United Kingdom from Europe. On this aspect, the departure of the London government has led to a loss both from the point of view of status, as the British have always been the driving force behind European integration in the field of defense. Secondly, from an economic point of view, the lack of the British contribution has certainly limited the range of action of the Union as, at the time, it was the third net contributor to the EU and, above all, one of the last countries in Europe to invest more than 2% of its GDP in defense¹⁹². For these two points just described, the PESCO is an excellent response to EU's detractors.

The second answer that the PESCO offers is relating to the relationship with NATO. The difficulties between the EU and the Atlantic Alliance have always been and always related to Europe's commitment to the Alliance. Now with PESCO it could finally be possible to create a prospect of a European pillar within the alliance¹⁹³. This aspect of PESCO is linked to what, under the road, is the aim of any European initiative, namely the harmonisation of the state structures of its members. In this case with regard to defence, leading to an unnecessary reduction in expenditure by duplicating projects between Member States by reducing competition at continental level but increasing it globally so as to place the members of the Union in contact with global powers such as

¹⁸⁹ S. Biscop, *European Defence: Give PESCO a Chance*, vol. 60 no. 3 | June–July 2018, pp.162-163.

¹⁹⁰ NATO Defence Planning Process https://www.nato.int/cps/en/natohq/topics_49202.htm

¹⁹¹ Coordinated Annual Review On Defence (Card) [https://www.eda.europa.eu/what-we-do/our-current-priorities/coordinated-annual-review-on-defence-\(card\)](https://www.eda.europa.eu/what-we-do/our-current-priorities/coordinated-annual-review-on-defence-(card))

¹⁹² Defence Expenditure of NATO Countries (2010-2017) https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2018_03/20180315_180315-pr2018-16-en.pdf

¹⁹³ S. Biscop, *Oratio pro PESCO*, Egmont Paper 91, January 2017, pp.7-8.

Russia or the United States.¹⁹⁴ To conclude this part in which the topic was how the PESCO came to an end and how the governance of this new institution works, it is necessary to make a series of notes, the first of which is that the PESCO does not respond to the vision that the founding fathers of the Union had of a supranational body but responds to the current logic of the Union based on a strong intergovernmental component. It should also be remembered that this project is once again based on a political will of the French-German axis in which the other Member States find themselves settling for one side or another without being able to propose their own initiatives or if they do, as was the case with the proposals made by the Renzi government in 2016, to be dismissed. In the next part of the chapter the discussion will try to describe what the results have been in these four years of PESCO life and what the vulnerabilities of this project are.

The last parts the regards PESCO concerns its financing. Structured cooperation is financed through the European Defence Fund, in particular projects under the Development and Acquisition Section, relating to cooperation in joint development and the purchase of military defence technologies, an increase in the Community contribution is expected from 20% to 30%¹⁹⁵. The European defense fund supports cross-border cooperation between EU countries and between businesses, research centers, national administrations, international organizations and universities. This is true during the research phase and development of defense products and technologies. It has 2 strings. Under the research arm, the EU budget will provide funding for collaborative defense research projects. The EU will create incentives for companies and EU countries to cooperate for the joint development of defense products and technologies through co-financing from the EU budget. The European Commission will also provide practical support and advice on cost-saving financial arrangements that provide terms and framework agreements.

¹⁹⁴ Ibidem

¹⁹⁵ D. Moor, *Towards the defence of Europe, Europe and the new world order*, Il Mulino, 2018, p.44

3.5. PESCO critical issues and future prospects

The analysis of the effectiveness of the CFSP is based on three levels: The analysis on the effectiveness of the CFSP is based on three levels. The first is internal to the Union, that is, what is the nature of the power of the European institutions, referring in particular to the debate on the status of civil or military power. Secondly, it is necessary to try to understand how this new instrument is placed both between transatlantic relations and the relationship with NATO, the third point will be related to how the CFSP adapts to different national strategies.

3.5.1. European Union military or civilian power?

The purely economic nature that led to the birth of the European Union has brought scholars over the years to try to identify the characteristics of European power. In particular, in the 1970s, Francois Duchene in his essay *The European Community and the Uncertainties of Interdependence* introduced the notion of civil power by referring to the European institutions, stressing that the power of these institutions should be based on the economy and only in last part on the military¹⁹⁶. This idea followed a line of thought, typical of those years that believed outdated the ability of hard power to influence in favour instead of those forms of control called *soft power* believing that civil and economic means would supplant military power¹⁹⁷. As the international scenario evolved, however, it became clear that the capacity of influence of a civilian power should be implemented with an autonomous military capability, and in fact the European Union introduced the ESDP with the Maastricht Treaty, since civil power, if not accompanied by a strong and autonomous military capability, would have been an ineffective resource on the international stage¹⁹⁸. As evident in the case of the Russian invasion of Ukraine,

¹⁹⁶ F. Dûchene, *The European Community and the Uncertainties of Interdependence* in Kohnstamm, M. and Hager, W. (eds.). *A Nation Writ Large? Foreign Policy Problems before the European Community*. London, Macmillan, 1973, p. 19.

¹⁹⁷ J. Orbie, Everything but arms: a civilian power Europe at work? European Consortium for Political Research (ECPR), 13th – 18th April 2004. <https://ecpr.eu/Filestore/PaperProposal/85d4c2c4-2aeb-4721-9e06-4ab16902811f.pdf>

¹⁹⁸ H. Bull, *Civilian Power Europe: A Contradiction in Terms?* *Journal of Common Market Studies*, 21 (1), 1982, p.152

in which the European Union and the main members of the EU, despite initially succeeded in attracting the Government of Kiev, through the instruments of soft power typical of the Community institutions, were not able to show firmness and capacity for action during subsequent Russian intervention that led to the annexation of Crimea . It should be remembered, however, that the CSDP is a relatively new institution and therefore not yet accustomed to having to deal with situations of international importance, just think that most of the EU missions that have been launched since 2003 are either United Nations peacekeeping missions or post-crisis monitoring to replace NATO intervention, as in the case of the Western Balkans. Furthermore, these initiatives within the European institutions have had the great merit of involving countries that have always been neutral, such as Ireland, Finland and Sweden in joint missions, but above all by getting them out of isolationism in relation to these issues¹⁹⁹.

The European debate, however, has shifted over the years to a new notion of power, namely regulatory power²⁰⁰. The main exponent of this theory is Ian Manners, who believes that the European Union is an innovative player in the current scenario of international relations, since its external power is based on a commonality of values that are at the heart of every action of the Community institutions²⁰¹. This fact involves two aspects. The first is that the European institutions reject a realistic logic in their view of the international scenario and instead propose an idealistic one based on the values of the Union. The second aspect to be analysed is precisely the Union's regulatory power, that is to say, the diplomatic means of promoting international standards, the use of conditionality in foreign agreements for the dissemination of its own standards, and this can be seen in the process of integrating the countries of the former Yugoslavia²⁰². Within these definitions of the EU's power in international scenarios, it can be seen that the PESCO is instead in favour of a *hard politics* that should guarantee the Union a greater capacity for confrontation with those international players that can hardly be combated through the Union's regulatory power. As a matter of fact, in the last part of the chapter we will see how specific projects could in fact render the security and defence action of

¹⁹⁹ B. Giegerich In. Wallace, *Not Such a Soft Power: the External Deployment of European Forces*. Survival, 46 (2), 2004, p.167

²⁰⁰ I. Manners, *Normative Power Europe: A Contradiction in Terms?* Journal of Common Market Studies, 40 (2), 2002, p.238.

²⁰¹ Ibid.

²⁰² Ibid. 240

the EU an instrument of hard power since this issue has stated by the HR Federica Mogherini:

security and defence are priorities for the European Union because they are priorities for all our citizens. Since last year, we are stepping up our European defence to be more and more effective as a security provider within and beyond our borders, investing more resources, building cooperation among member states and taking forward a closer cooperation with NATO. The world is changing rapidly around us and we have to tackle new challenges every day: as the European Union, we have taken the responsibility to address these challenges²⁰³.

3.5.2. CFSP and transatlantic relations

As mentioned in the introduction, the PESCO represents a special moment within the international stage. In 2014, the Russian invasion of Crimea made clear to international public opinion the strong inability of the Union to counter the influence of international actors, in this case Russia, that have a realistic view of international relations and therefore consider that the use of force is always necessary to defend the *raison d'état* while the Union reports on the world stage on the basis of shared values on the part of the Member States²⁰⁴.

The other two aspects that deserve in-depth analysis are the UK's exit from the European Union. As described in the previous two chapters, the contribution of the London Government was crucial not only in 1954 with the birth of the WEU from the ashes of the EDC, because Prime Minister Eden was the initiator of this initiative but above all at the end of the millennium with Tony Blair whose simply political enabled Europe to equip itself with the means for external action that were not previously provided for in the Treaties. The success of the Brexit process will certainly lead to a loss of status in the international relations on the part of the since the importance of the UK is not only related to its role in the world of finance but also because of its ties with the old colony of the British empire and the veto power in the Security Council of the UN. The

²⁰³ The EU Commission's report on defence union, summer 2016.
https://www.europarl.europa.eu/RegData/etudes/STUD/2016/535011/EXPO_STU%282016%29535011_EN.pdf

²⁰⁴ A. Brown, P. Sartori *Recent developments towards European defence: opportunities and challenges for Italy*, Institute international affairs, Rome, 2019

conclusion of the negotiations for the UK's final exit from the EU, given also the concurrent COVID19 pandemic of the last year, does not give a clear view of what the relationship between the EU and the UK will be in the field of defence. However, it seems clear that the difficulties and tensions between London and Brussels generated by the negotiations do not bode well for the future relationship between the two institutions²⁰⁵.

The final point is the arrival in the White House of Donald Trump who has tried to bring the United States back to the isolationist state typical of American political history before the Second World War. This decision has led to a series of major upheavals on the international stage, in particular the US exit from the Iran nuclear agreements with the introduction of new sanctions on the Middle East country and especially on those European companies that would continue to do business with Teheran, in addition to the departure from the Paris climate agreements have damaged relations between the various chancelleries of the old continent and Pennsylvania avenue. This deterioration in relations with the historic ally from across the Atlantic has become apparent at international summits such as those of the G7 and NATO meetings. One of the last NATO reunion has created many concerns in Europe, particularly with regard to the recalibration of the commitment in the Atlantic alliance foresaw by the Trump administration. Moreover that it was clear to Europeans that some progress was needed, especially with regard to economic contributions to the Alliance, since the United States is by far the largest contributor²⁰⁶. In this case, however, American expenditure on the alliance from a numerical point of view is certainly higher than that of the other participants, but if we look at the per capita expenditure on NATO we can see that compared to the 540 million invested by the U.S. Germany spends 350 million France 250 million that divided by population make evident a disproportion in favour of the United States paying 1.68 dollars per capita compared to Germany that spends almost 5\$²⁰⁷. In this scenario, the PESCO performs two tasks that in the eyes of the Trump administration are not likeable. The first is to allow more efficient spending of resources allocated by European governments to defence. The second, which probably scares more the American industry and by

²⁰⁵ P. Sartori, A. Brown, M. NoBecause, *Looking Through the Fog of Brexit: Scenarios and Implications for the European Defence Industry*, Rome, IAI, July 2018, 75 p.

²⁰⁶ S. A. Johnston, "Trump, Europe And NATO : Back To The Future" *Politics Foreign*, Vol.84, No.4 (2019)

²⁰⁷ David Herszenhorn, "Primer for President Trump: How NATO funding really works," *Politico*, 31 May 2017, <https://www.politico.eu/article/primer-for-president-trump-how-nato-funding-really-works/> (last accessed 1 October 2018)

consequence the President, is of favouring the creation of a European defence industry capable of competing with the overseas one on armaments and equipment of the armed forces ²⁰⁸. In 2019 a letter signed by the U.S. Secretary of Defence and by the Under Secretary of State advised that Washington was “deeply concerned” that approval of the rules for the European Defence Fund and the Permanent Structured Cooperation, or PESCO, launched in 2017 to plug gaps in Europe’s military power, would “produce duplication, non-interoperable military systems, diversion of scarce defence resources and unnecessary competition between Nato and the EU”. “It is vital . . . that independent EU initiatives like EDF and PESCO do not detract from Nato activities and Nato-EU co-operation,” the letter said. Washington said the rules for the EDF contained “poison pills” that would prevent companies based outside the EU, including the US, from participating in military projects²⁰⁹. The recent election of a new president to the White House, as desired by all international actors, is not said to led to a resolution of disputes within NATO ²¹⁰. Since HR's 2016 report concerns the concept of " strategic autonomy" which refers to the need for European forces to be able to equip themselves with tools for intervention in conflict resolution that do not require ²¹¹. It is clear that, in order to make this project successful, there is a need for a strong political will on behalf of the Member States of the Union, capable of creating a solid commonality of purpose and that can led to greater interventionism in international scenarios²¹².

Having discussed how the American leadership has taken on board this innovation, it is good to describe how this initiative has been welcomed within NATO. The internal debate within the alliance on whether or not to succeed in creating a European pillar in NATO began with the fall of the Berlin Wall. During the last 30 years the strong clashes between Europe and the United States, as in the case of the speech by the US Secretary of State Madame Albright, have not brought to a major development of

²⁰⁸ Ibid., and, David M. Herszenhorn, Lili Bayer, and Jacopo Barigazzi - Wikipedia, “*EU, founded as project of peace, plans military future*,” Politico Magazine, 12 September 2018., <https://www.politico.eu/article/eu-founded-as-project-of-peace-debates-a-militarized-future-nato-european-defense-fund-russia/> (last accessed 15 October 2018).

²⁰⁹ Financial times of MAY 14 2019 by Guy Chazan in Berlin and Michael Peel in Brussels <https://www.ft.com/content/ad16ce08-763b-11e9-bbad-7c18c0ea0201>

²¹⁰ <https://www.linkiesta.it/2020/09/difesa-europea-comune-nato-russia-usa-turchia-pesco/>

²¹¹ D. Moor, *Towards the defence of Europe, Europe and the new world order*, Il Mulino, 2018, p.149

²¹² The. From France, C. Major, P. Sartori *How to make PESCO a success*, Policy Paper, September 2017, pp.12-14. <http://www.iris-france.org/wp-content/uploads/2017/09/Ares-21-Policy-Paper-Sept-2017.pdf>

the European pillar in the alliance as demonstrated by the confrontation with the Trump administration²¹³. European institutions that have been trying for more than 20 years to create some form of cooperation that with time could lead to a European army as mentioned in the Treaty of Lisbon²¹⁴. Since the Balkan wars of the 90's had shown the need of EU member states to find their own solution in these matters, otherwise their role would have been only to serve the will of the American ally. In this situation, NATO Secretary-General Jens Stoltenberg welcomed this European initiative, stating that: «European defence which is good for Europe but also good for *NATO*. Stronger European defence has the potential to help us increase defence spending, provide new capabilities and also to improve burden-sharing within the Alliance. So, this is a way to strengthen the European pillar within NATO»²¹⁵. In the same statement, he also suggested that this European initiative should in no way duplicate NATO'S functions or increase competition within the Alliance²¹⁶. The relation between NATO and EU during 2016 and 2017 envisioned a program of cooperation starting from the Warsaw joint declaration of 2016 in which in order to face the common challenges the two organizations had to:

- Boost our ability to counter hybrid threats, including by bolstering resilience, working together on analysis, prevention, and early detection, through timely information sharing and, to the extent possible, intelligence sharing between staffs; and cooperating on strategic communication and response. The development of coordinated procedures through our respective playbooks will substantially contribute to implementing our efforts.
- Broaden and adapt our operational cooperation including at sea, and on migration, through increased sharing of maritime situational awareness as well as better coordination and mutual reinforcement of our activities in the Mediterranean and elsewhere.
- Expand our coordination on cyber security and defence including in the context of our missions and operations, exercises and on education and training.
- Develop coherent, complementary and interoperable defence capabilities of EU Member States and NATO Allies, as well as multilateral projects.

²¹³ M. Birnbaum “*As Trump hammers NATO allies on defense spending, military planners worry about his ‘2 percent’ obsession*,” The Washington Post, 10 July 2018.

²¹⁴ Treaty on the Functioning of the European Union <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016E222>

²¹⁵ NATO, Doorstep remarks by NATO Secretary General Jens Stoltenberg at the Start of the European Union Foreign Affairs Council in Defence Format, November 13, 2017.

https://www.nato.int/cps/en/natohq/opinions_148840.htm

²¹⁶ Ibid

- Facilitate a stronger defence industry and greater defence research and industrial cooperation within Europe and across the Atlantic.
- Step up our coordination on exercises, including on hybrid, by developing as the first step parallel and coordinated exercises for 2017 and 2018.
- Build the defence and security capacity and foster the resilience of our partners in the East and South in a complementary way through specific projects in a variety of areas for individual recipient countries, including by strengthening²¹⁷.

In order to achieve the process envisioned in the joint declaration the two organizations every year redact a report. The last report available of 2020 for what concerns the role of PESCO in relation to the Atlantic alliance state that:

the Permanent Structured Cooperation (PESCO) as evidenced by the fact that 38 out of the current 47 PESCO projects also broadly respond to NATO priorities. Moreover, close staff-to-staff contacts at all levels have contributed to ensure mutual awareness of work under way in each Organisation. Under the single set of forces principle, capabilities developed by members of both Organisations, including those developed multinationally, remain in principle available for NATO and EU operations, subject to national political decisions²¹⁸.

3.5.3. The current state of the PESCO

With its approval on 6 March 2018, the Council launched the first 17 projects concerning PESCO²¹⁹. In November of the same year the Council launched a further 17 projects, in 2019 a further 13 were approved leading to a total to date 2021 of 47 joint projects in the field of defence²²⁰. From the beginning, however, the wide heterogeneity of the programmes presented covering all areas of defence from the common formation of the armed forces to the production of corvettes to anti-missile defence instruments or

²¹⁷ Nato EU Joint declaration, Warsaw 2016, <https://www.consilium.europa.eu/media/21481/nato-eu-declaration-8-july-en-final.pdf>

²¹⁸ Fifth progress report on the implementation of the common set of proposals endorsed by EU and NATO Councils on 6 December 2016 and 5 December 2017, 16 June 2020, <https://www.consilium.europa.eu/media/44445/200616-progress-report-nr5-eu-nato-eng.pdf>

²¹⁹ Council of the European Union (2017), Council Decision (CFSP) 2017/2315 of 11 December 2017 Establishing Permanent Structured Cooperation (PESCO) and Determining the List of Participating Member States, <https://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=CELEX:32017D2315>

²²⁰ <https://www.consilium.europa.eu/it/press/press-releases/2019/11/12/defence-cooperation-council-launches-13-new-pesco-projects/>

cyber security-related projects led international relations experts to wonder what the purpose of this initiative was²²¹. In particular, what leaves scholars perplexed three years after the start of the project is not so much the goodness of the initiative than the fact that a Community vision of the projects is lacking, which should identify within a document that indicates the reasons why the European Union is trying to equip itself with these means and with what purposes. Another aspect that has been little evaluated by HR and European institutions is the fact that these projects launched with European funds refer to specific foreign and defense policy needs of nation states. Moreover, the programmatic documents, which indicate the guidelines on the objectives to be achieved and also on how the resources are employed within the program, are divergent not only in the distribution of forces but also in the evaluation of threats or international scenarios, thus lacking a central coordination that would certainly guarantee greater efficiency. Above all, these projects are not necessarily responding to what could be the Union's needs in terms of security and defense²²². To remedy these shortcomings, Germany has proposed the creation of a “strategic compass” which should ensure a faster response to crises, the project would be based on a joint analysis of threats by the Member States, the document then presented by HR will have the task of establishing the Union's priorities and the allocation of resources²²³. However, the *strategic compass*, useful it may be to the Union, does not clarify the role of PESCO within the CSDP, in particular the 2016 European Union Global Strategy (EUGS), which highlighted three priorities for the PESCO the first concerns crisis response, the second capacity building and the third protection of Europe²²⁴. In order to ensure that these three objectives become part of the PESCO, Biscop, one of the main scholars of EU security, proposes a 3-point strategy: the first is to use the Crisis Response Operation Core (CROC), which will have the task of adapting the projects among themselves and establishing a multinational force integrated with the national ones. The second point is to distinguish between priority projects for the EU on which to focus the use of the Union's defence budget. The third point is to promote clear

²²¹ Biscop, Sven (2018), “European Defence: Give PESCO a Chance”, in *Survival*, Vol. 60, No. 3, p. 161-180

²²² Witney, Nick (2019), “Building Europeans’ Capacity to Defend Themselves”, in *ECFR Policy Briefs*, 25 June, https://www.ecfr.eu/publications/summary/building_europeans_capacity_to_defend_themselves

²²³ Strategic Compass: Developing strategic principles <https://www.eu2020.de/eu2020-en/news/article/eu-defense-strategic-compass-foreign-policy/2377030>

²²⁴ A Global Strategy for the European Union’s Foreign And Security Policy https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf

and compliant procedures among project members in order to achieve this aim²²⁵. CROC is a project coordinated by Germany involving Italy, Spain, France, Greece and Cyprus whose task will be:

improve the crisis management capabilities of the EU by enhancing the force generation preparedness, willingness and commitment of EU Member States to act and engage in operations and missions. It should fill in progressively the gap between the EU Battlegroups and the highest level of ambition within the EU Global Strategy²²⁶.

In Biscop's idea, CROC should serve as the primary nucleus for the creation of multinational brigades capable of intervening in external crises²²⁷. The second point stressed relates to the possible dispersion of resources for projects that nation states use for their own purposes and not for the EU. In a time like the present one, in which a pandemic crisis has generated the need for more ambitious public spending, a waste of resources would have to be avoided, as evidenced by the European Parliament's Committee on Foreign Affairs, Human Rights, Common Security and Energy which approved in September 2020 a report containing a draft recommendation on the implementation and governance of the PESCO. In this document, in addition to recalling the need to avoid projects that do not meet the needs of the Union, the parliament underlined a lack of coherence and strategic ambition within the PESCO projects, also highlighting a missing of participation on the part of both the European Parliament and the national parliaments²²⁸. The third point mentioned by Biscop relates to the compliance of PESCO projects with respect to two existing institutions that are the Capability Development Plan (CDP) of the European Union and NDPP of NATO²²⁹. In particular,

²²⁵ Biscop, Sven (2018), "European Defence: Give PESCO a Chance", in *Survival*, Vol. 60, No. 3, p. 161-180

²²⁶ EUFOR Crisis Response Operation Core (EUFOR CROC) <https://pesco.europa.eu/project/eufor-crisis-response-operation-core/>

²²⁷ Biscop, Sven (2018), "European Defence: Give PESCO a Chance", in *Survival*, Vol. 60, No. 3, p. 161-180

²²⁸ Report containing a draft recommendation on the implementation and governance of the Peach ([https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/659280/EPRS_ATA\(2020\)659280_IT.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/659280/EPRS_ATA(2020)659280_IT.pdf))

²²⁹ CDP stands for Capability Development Plan it is an instrument drafted by the EDA with the help of EUMS and EUMC to address long-term security and defence challenges. It looks at future security scenarios and makes recommendations about the capabilities European militaries will need to react to a variety of potential developments. The CDP is a comprehensive planning method providing a picture of European military capabilities over time.

NDPP stands for NATO Defense Planning Process and is one of the most important processes employed in the Atlantic Alliance. It aims to provide a framework in which national and NATO military capability planning activities can be harmonized to ensure that the Alliance as a whole has the necessary forces and capabilities required to meet future challenges.

the CDP is a plan updated each year written in collaboration between the Member States the EDA, the Union Staff (EUMS) and the EUMC which should outline what are the common needs of the various institutions and allocate resources in a better way²³⁰. The non-binding nature of this plan, however, does not guarantee its real implementation, among the proposals made by Biscop is to unite CDP and NDPP in order to ensure greater success of the projects²³¹.

3.6. Conclusion

In this last chapter the analysis focused on the last stage of the process of European integration in the field of defence. Starting from an introductory analysis of the global circumstances in which this initiative was born, recalling the four main upheavals on the international stage that took place from 2014 until 2017 the year of the birth of the PESCO, such as the Crimean crisis, Brexit, the terrorist massacres that have hit the main members of the Union and to conclude Donald Trump's arrival in the White House with the subsequent tightening of relations within NATO. the second paragraph dealt with the proposals made by the main European partners such as France, Italy and Germany on how they intended to move towards the establishment of the PESCO by comparing the principles of ambitiousness demanded by Paris against those of inclusiveness in Berlin and by mentioning the Italian proposal for the creation of supranational structures for European defence²³². The third paragraph discussed the legal aspects within the Treaties, in particular the Lisbon Treaty, which allowed such an evolution of the European institutions, in particular Article 46, Protocol No 10, and then introduced the systems of governance and financing of the PESCO. The fourth paragraph framed the PESCO within three subparagraphs concerning the first the nature of the union's power and how PESCO helps the EU has greater visibility and bargaining power both with Member States and third countries or other international organisations, the second sub-paragraph on the state

²³⁰ Capability development Plan, <https://www.eda.europa.eu/what-we-do/our-current-priorities/capability-development-plan>

²³¹ Biscop, Sven (2018), "European Defence: Give PESCO a Chance", in *Survival*, Vol. 60, No. 3, p. 161-180

²³² R. Pinotti, *Italy's vision for stronger European defence*

https://www.difesa.it/Il_Ministro/Eventi/Pagine/La_visione_italiana_per_una_difesa_europea_pi%C3%B9_forte.aspx

of transatlantic relations with the introduction of the PESCO, in particular the relationship not so much with the Atlantic Alliance as with the US administration, and the third subparagraph on the current state of the PESCO focusing on future critical issues and prospects.

Conclusion

The research questions that this thesis has posed in the introduction were if it was possible to find some connection between the first institution deputy for the defence of Europe the European Defence Community of 1952 and the latest development made by the European structure in the field of security the Permanent Structured Cooperation (PESCO) of 2017. The second question was if it was possible to find a common pattern in the relations between each other of the main European powers the United Kingdom, France and Germany. And also if there are some similarities between the relations of the European institutions with the Atlantic Alliance during the period discussed in the thesis.

In order to answer these questions, the work has tried to highlight first the main development that happened after the failure of the European Defence Community (EDC) in 1954 and the further evolution of the concept of European Defence in the Western European Union (WEU). The work of the WEU and in particular of its parliamentary assembly is highly undervalued since it ended being absorbed by the main European institutions. Despite the criticism around its work the WEU had a some merit, the first one is of course its foundation that granted the possibility to the then Federal Germany an autonomous military apparatus well included in the Western defence system, the second merit of this institutions has been the one the keep an open dialogue between the European Economic Community (EEC) of 1957 and the United Kingdom. Not only during the continuous attempt of the London government to block the work of the EEC but also in the period of the De Gaulle Presidency, which blocked for two times the access of the London government in the main European institutions. It is right to say that the after 1973, year of the entry of the UK in the EEC, the role of the WEU has decreased, starting a period of lethargy, that in general can also be referred to the other European institutions. But with the signature of the Rome declaration of 1984 and of the European Single Act in 1986 there is a revitalization of all the European institutions that has as it symbol the activity of coordination of the WEU in the Iraq-Iranian War of the eighties. The WEU during that time showed the capacity of the institutions to act on concrete issues involving its members. The last merit of the WEU is the crafting of the Petersberg Tasks that up to these days are the guidance of the European institutions for their external action.

The second chapter regarded the development of security of Europe in the treaties that were signed from 1992 to 2007. The process started with the Maastricht Treaty of 1992 introduced the pillars structure of the European Union. The second one of the pillars one regards the foreign and security aspects of the Union and established the Common Foreign and Security Policy (CFSP) which was the evolution of the European Political Cooperation (EPC) of 1970. With Maastricht the EU started a process that will bring, up to these days, one of the major global actors in conflict situations. The road taken at Maastricht will then be continued with the treaty of Amsterdam in 1999. In this occasion the members of the EU decided for the creation of the High Representative a figure which is nominated by the Council, and its present during the Council reunions, but it is also the Vice-president of the European Commission, giving it the possibility to influence the work of both organs. The second important aspect of the Amsterdam treaty related with the CFSP is the inclusion of the Petersberg tasks into the European treaty. The third aspect that is important to recall is the institutionalization of the Structured Cooperation that has been discussed in the third chapter. After the Amsterdam treaty the relations that occurred between the new British Prime Minister Tony Blair and the EU brought to further development in the field of defence. In specific Blair in concert with the French president Chirac and with the agreement of the new German leadership of the Social Democratic Party (SPD) launched in 1999 the St. Malo initiative in which the Anglo-French governments asked for an improvement of the European institutions regarding the security of the continent. With the St. Malo initiative the process inside the European institutions to increase its security and foreign actions organs gain momentum. After two years in 2001 there will be the signature of the Nice treaty in which the EU created the structures necessary to deploy its forces under the Petersberg tasks declaration, and also improved the cooperation between its members with regard to the internal security with the establishment of the Euro corps and the European Gendarmerie. Despite the greater expectation for the drafting of the treaty that allowed in 2003 to deploy the first EU mission in Bosnia and Herzegovina the Treaty of Nice did not create the assumption of the establishing of a possible European army. In the aftermath of the negotiations for the Nice Treaty a new constitutional attempt started in Europe. The common belief that the European Union could become an institution with federal characteristics crashed over the refusal of the France and Dutch referendum that voted against this project in 2005. After the failure of the constitutional treaty the European

chancelleries decide that a new treaty on the function of the European Union had to be crafted, so in 2007 there is the signature of the Lisbon treaty, which is a mere copy of the constitutional treaty of the previous years removed with all the supranational characteristics. For what concerns the CFSP the Lisbon treaty does not introduce important innovation despite one. Already introduced with the Amsterdam treaty but never being implemented, the Lisbon treaty established with art. 42.6 the Permanent Structured Cooperation, this innovation allows the most willing of the members of the EU to promote with the approval of the Council common project in the sphere of security and defence. This new institution represents a major innovation for the EU because it allows its members to be directly involved in a possible major integration of the European institutions, it is also clear that the possibility to use the PESCO even if it regards only the CFSP could be a useful example to improve other aspects of the European integration.

The third chapter discussed the international scenario after the Crimean Crisis of 2014 and the process that brought to the establishment of the Permanent Structured Cooperation in 2017. From 2014 to the birth of PESCO the European Union had to face multiple challenges, the first one is of course how to react to the Russian annexation of Crimea and the relations with the Ukrainian government, in this phase the role of the new High Representative (HR) assumed a central role in the direction of the action of the EU. The HR, in the person of Federica Mogherini, immediately promoted the establishing of a EU advisory mission in Ukraine with the task of promoting the reform of the civil security sector according to the EU and international standard. Then she promoted to restart a dialogue with the Moscow government. Two other events happened in 2016 that increased the pressure on the Brussels institutions the win of the leave campaign in the British referendum for the abandon of the EU and the arrival of Donald Trump as new president of the United States. The former indeed had formulated its foreign policy over a return to American isolationism and in a continuous contrast with the other member states of the Atlantic alliance. In this international scenario the election of the new French President Emmanuel Macron, which won the electoral contest with a campaign centred on the European debate brought a renewed spirit in the EU, with the win of Macron there is an initial discussion over a new project in the sphere of Defence that will bring in 2017 to the establishment of the first 17 project with the Permanent structured cooperation, the debate between the ambitious French proposal and the more inclusive German one is the object of the final part of the chapter. After this explanation of the negotiation that had

brought to the born of PESCO I highlighted the main institutional features of the project in particular its legal apparatus, its decisional structure and the modality under which the PESCO is financed. Then I moved to a discussion over the role of PESCO in three main area the first one is the typology of power that the EU exercises in his external action distinguishing between the civilian, military and normative power, the last one in particular suites better then the other the role of the EU since the agreement over with the Union is founded is not just related with an economic sphere but it is an ideological tie that link its member to series of common values that can attract other countries and in this case PESCO is an important example of the convenience of the EU. Later I discussed the role of PESCO in the transatlantic relations that despite all the rumours raised by the Trump administration is seen by the alliance itself as tool that could render the CFSP the European pillar of the alliance. Finally, I spoke about the problems that PESCO presents. One of the main critics that the projects has received is linked with its nature to be an institution that its tied with the integration process inside the EU, but it serves the purpose of the nation states necessity in the sphere of security and defence, so lacking a European coordination to which are the EU needs in the CFSP domain. Despite the control operated by the HR over the PESCO projects there is no clear path to where this new chapter of the European integration will be led. In this last part I also briefly analysed the Crisis Response Operation Core, which as project that is centred over the creation of a multinational brigade that should be used as an immediate force of intervention in situation of crisis.

On the basis of what has been analysed in these three chapters we can answer the research questions which were the relations between the first project of European defence the European Defence Community and the Permanent Structured Cooperation. The relations between the main European power in the sphere of defence and the relations between the Atalntic alliance and the European institutions.

The relationship between the European Defence Community of 1952 and the Permanent structured Cooperation of 2017 is dual. From one hand we can see that the ideological pattern of constructivism is the method used to create the two institutions. From a political point of view we can see that the two organizations had same finality which is to create a European army. The ideological similarities between EDC and PESCO are based on the fact that both of these structures are of practical nature. The idea

of European integration through constructive ideology is the one realized by Jean Monnet, one of the main actors of the first part of the European integration process. This ideology is based on the idea that Europe to become a political supranational entity has the necessity to be developed through concrete projects which create common solidarity between the participants. The EDC indeed was a project that wanted to establish a European army through the merge of national military divisions and so creating a common solidarity between the member States able to show how cooperation between states can improve the life of the population inside them. The PESCO project despite not being directly drafted to create a common army has the same merit of establishing a common solidarity between the members of the EU able to show to the population the positive effects of cooperation. The second aspect of the answer concerns the political implication of both projects. The EDC of 1952 had in it article 38 drafted by the Italian Prime Minister Alcide de Gasperi which proposed the creation of common political institutions in charge of the army that the EDC treaty should have created. It is evident that art.38 if approved would have further developed in a political community with supranational characteristics. The Permanent Structured Cooperation despite not being drafted for such purpose has in it one project which is the Crisis Response Operation Core (CROC) which with time could led to a possible institutionalization of a European army able to act in crisis management. The EDC project is the first attempt to create a European army with federal characteristics, the project also known as the Pleven Plan from the name of the French Prime Minister who proposed it is the continuation of a functionalist ideology that was born in the French IV republic after the Second World War. The two main exponents of this ideology were Jean Monnet and Robert Schuman, these two figures were the first to promote a concrete idea that the integration between the European states could not just eliminate the possibility of war between them but that it could be also a way through which the populations of those states could be improved. In the Schuman declaration of 1950, the moment that started the process that has brought to the nowadays EU says:

“Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity.”²³³

²³³ Declaration of 9 may 1950, <https://www.robert-schuman.eu/en/declaration-of-9-may-1950>

The idea of the founding fathers of the EU was that, in order to create a possible federation, there was the necessity to create concrete projects in which the integration could have showed its success. Differently from first part of the European integration process, the second phase started with Maastricht and ended with Lisbon tried to create a confederation of states that were agreeing over common values and a currency but that had no necessity to grant more of their sovereignty to the European institutions. PESCO in this case shows a different perspective because it is a project centred on the concrete and voluntary cooperation between states that shows the benefit of cooperation. At first the PESCO launched 17 projects in 2017 now in 2021 the projects are 47 and the participation to it is unanimous, despite the lack of a clear direction to what PESCO should lead, it has showed to all the members the benefits of the integration process, also the CROC project if implemented correctly could result in the first embryo of a European Army.

The second was the relations between the main power of the EU and the reforms in the defence field. The centrality of Germany, France and in particular of the United Kingdom in the integration process is evident. The failure of EDC project in 1954 brought closer the members of the Atlantic pact. In particular the figure of the British Prime Minister Anthony Eden took advantage of the failure of the EDC to promote a British vision of Europe, the creation of the WEU was seen by London after the departure of Eden because of the Suez Crisis in 1956, as a bridge between the European Economic Community born with the Rome treaty in 1957 and London. During the period from 1957 to 1973 the WEU helped the British government in maintaining an open channel of discussion with the other European states even after the two failures to access the EEC. In the second phase of the European integration process the arrival of Tony Blair as new Prime Minister gave a strength to the European integration. The idea of the Labour Prime Minister was that the UK had to be at the heart of Europe, as its campaign motto said. To do so he saw the possibility to lead the integration process in the field of defence; the St. Malo initiative of 1999 gave to its government the credibility to become a true European member and not just the awkward partner as the UK was seen under the Thatcher and Major governments. The Brexit referendum of course has been a strong hit to the European institutions but the start of the PESCO project and specifically its possibility to be participated by third countries could be a possible option to improve the difficult relations between Brussels and London, like the WEU made in its first years. France and

Germany since the beginning of European integration have always been the motor of the integration process. The French government despite the party that was ruling has always been ambitious with its proposal, the German side of the axis have always been more prudent, even in the first part of the integration process West Germany was not so favourable to regain its army in the years after the war but the fear to be left aside by the other powers made the Adenauer leadership realize the centrality of the European agenda for the upholding of the power. So, even after more than 50 years chancelleries like Angela Merkel with the PESCO realized the centrality of the project but tried to render it more suitable to Berlin requirements. When the leadership of the government was in the hand of the Social Democratic Party however the situation was different. In the case of the St. Malo initiative of 1999 the Berlin government which was informed of the London and Paris government intentions, preferred not be involved in the first stage of the process and to enter in the discussion later, so giving more freedom of movement to the other two members, showing not only to be different from their counterpart of the CDU, but also that the European link of Germany was still the centre of the government but that there was not a necessity to control every aspect of it.

The third question was the relations between the EU institutions and NATO. This question has in itself a problem. While from the European side, despite the differences spotted during the Balkan wars, we can say that with time the EU as its own voice, with the Atlantic alliance it is more difficult to detect. The problem of the Atlantic alliance is related with the central role of the United States which is the *Deus ex Machina* of the entire organization. So, for example when we discuss the problem of duplication of roles with Albright 3D's speech in the second chapter, we cannot say that that the position taken by the U.S. Secretary of State is the position of NATO but in any case, we assume it since the role of the United States in the Atlantic alliance. After the first part of the European integration in which the United States were one of the main promoters of the process, we can see with time a change in the attitude towards the European institutions. When we discuss the role of NATO in the Balkan wars, we are dealing with what the United States foresaw for the region not what the Atlantic alliance ensemble believed to be the best possible solution. In the last chapter we have also analysed how the arrival of Donald Trump as shaped the relations inside the Atlantic alliance in particular over the budget expenditure. The PESCO project is seeing from the other side of the Atlantic as an attempt from the EU to reduce the influence of Washington not only in the Atlantic

alliance but also the role of its military industry which has always been the principal armaments supplier of the EU members. It is evident that the Atlantic alliance to improve its role in the security of the Western world has the necessity to recalibrate the leadership role in it. The creation of a more integrated EU in the sphere of defence could have the merit to counterbalance the U.S. leadership and giving to NATO more capability and more solutions.

After having answered the main questions of this thesis we can also describe other connections found in the course of the development of the European institutions of defence. The first is that the Brussels institutions to promote an integration in the defence field need an external event to proceed. With the European Defence Community was the start of the Korean war in the 1950 and the consequent necessity to rearm the Federal German Republic. The failure of the EDC in 1954 would have brought to the born of the Western European Union in 1954. In the case of the second phase of the European integration process the end of the cold war, with the collapse of the Soviet Union gave a new momentum to the Brussels institutions. During these years the disintegration of Yugoslavia and the subsequent ethnic wars between the various members of the socialist federation created the necessity to give to the structure drafted with the Maastricht treaty in 1992 a full capability, in order to show that the EU was not unable to operate in the conflict situation in its neighbourhood. The third phase of the integration process linked with the field of security and defence is the annexation of Crimea by the Russian Federation, which showed again the inability of the EU to act in defence of those countries that were interested in a possible entry in the Brussels institutions. The already weak EU institutions were hit also by the arrival of Trump and the Brexit referendum leading to a new phase of the EU integration process with the start of the Permanent Structured Cooperation projects in 2017. We can see that the European institutions in the fields of defence tend to develop over external crisis that shows a lack of power of the EU which every time tries to create countermeasures that tend to not solve the problem.

The last analogy that we can see in all the period highlighted before is the inability during more than 70 years of European integration history to create a common European interest and the inability to act before a crisis. For the first part of this reasoning, we can underline that, the foundation of the WEU made evident that the institution was a possibility for the European states to establish an organization that served their national

interests' purposes. Particularly the British government believed that the WEU could serve their vision to gain more control over their European counterparts. In the second phase of the European integration process the British again became the promoter of their new view of the continental organizations related with the security and defence to gain more credibility towards the other members. With the PESCO projects instead we saw that the lack of a European address to the necessity of the EU is, from a certain perspective, increasing the involvement of the members states in the PESCO projects, but it is leaving the EU without the ability to gain what it is necessary for its development in the security and foreign affairs fields. The second consideration that we can see is that the need to increase the institutions of the Union in the sphere of the defence and security is always related to crisis that happen to its border. The European institutions inability to act on time, remembers the nature of philosophy described by Hegel like the owl of Minerva that come out when the sun is going down always unable to act immediately but only when event has already happened. As Jean Monnet said once "*Europe is going to be made through crisis*" but if this can be true for the economic sphere when we discuss about the problems of security and foreign affairs every crisis tends to reduce EU credibility leaving a vacuum of power that other forces, that does not have the same values of the EU, will fill. The road started with the EDC in 1952 as not yet being accomplished but the role of the European institutions has shown over time their centrality to solve the problem that we have to face. Despite the departure of the London from the EU I want to close this work with the words of an English poet which I think describe the role of the those who foresaw a closer future more untied more and more integrated for the EU citizens:

We are not now that strength which in old days
Moved earth and heaven, that which we are, we are;
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.

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Abstract

The concept of the European defence has been one of the main focuses of debate since the beginning of the integration process. The situation in which Europe found itself at end of the Second World War required national states to find a solution not only to the cause of the conflict but also to the issues that were on the horizon. The idea of a military coalition between the European states is not new, however. Over the course of history, we can find multiple evidence of cases both theoretical, like the proposal of Duke de Sully which foresaw the creation of a European army overseen by a “Christian Council,” that could have been used to solve conflicts among European nations and enforce common rules, and practical like the Saint Alliance born after the Wien Council of 1814-15. Of course, the reasons that brought to these initiatives are opposed to the one that moved the founding fathers of the European Union and the future Prime minister and President of the European States, since the previous projects served to perpetuate the structure of power already present. Instead, the proposal of the EU is literally on the opposite side since it is based on the creation of a supernational state.

The work of this thesis is going to analyse the development that happen in the course of European integration and in particular the role of the Atlantic Alliance, NATO, of 1949, the European Defence Community of 1952, the Western European Union of 1954, the Common Security and Defence Policy of 1992, with all the reforms that happened in the treaties from Maastricht 1992 to Lisbon 2007, and the latest development happened in the subject which is the Permanent Structured Cooperation (PESCO) of 2017. Hence, the research questions that this work wants to answer are: since the development of the last 70 years is there any connection between the first attempt, which is the European Defence Community of 1952, and the latest, the Permanent Structured Cooperation of 2017. Moreover, throughout the period of analysis, is it possible to identify a common pattern, not only in the relationship between the major powers of the continent towards the integration process in the field of defence, but also between the main European institutions for the security of the continent and the principal organization deputy for the defence of it, NATO. In order to answer these questions, the thesis will be based on an historical analysis of the main institutions deputy for the defence of Europe, the Atlantic Alliance, the Western European Union, the Common Security and Foreign

Policy and the Permanent Structured Cooperation. The analysis of this thesis will be divided in three chapters.

In order to answer these questions, the work has in the first place tried to highlight the main development that happened after the failure of the European Defence Community (EDC) in 1954, and the further evolution of the concept of European Defence in the Western European Union (WEU). The work of the WEU, and in particular of its parliamentary assembly, is highly undervalued since it ended being absorbed by the main European institutions. Despite the criticism around its work the WEU had some merits, the first one being of course that its foundation granted the possibility to the then Federal Germany of an autonomous military apparatus well included in the Western defence system. The second merit of this institution has been to keep an open dialogue between the European Economic Community (EEC) of 1957 and the United Kingdom. Not only during the continuous attempt of the London government to block the work of the EEC, but also in the period of the De Gaulle Presidency, which vetoed twice the access of the London government in the main European institutions. It is right to say that after 1973, year of the entry of the UK in the EEC, the role of the WEU has decreased, starting a period of lethargy, that in general can also be referred to the other European institutions. But with the signature of the Rome declaration of 1984 and of the European Single Act in 1986 there is a revitalization of all the European institutions that has as its symbol the activity of coordination of the WEU in the Iraq-Iranian War of the eighties. The WEU during that time showed the capacity of the institution to act on concrete issues involving its members. The last merit of the WEU is the crafting of the Petersberg Tasks that up to these days are the guidance of the European institutions for their external action. Despite the strong criticism that have always accompanied this institution, the Assembly of the WEU had an important role not just in the debate about how to implement the WEU, but also in the successful negotiation that brought the United Kingdom inside the European institutions in the first period of activity. Besides, the WEU tried to play the role of a possible European pillar of NATO, in particular during the Iraqi-Iranian conflict that showed how a practical cooperation approach to issues of security and defence can bring major results. Furthermore, the creation of the Petersberg tasks are still now the compass for the European external action.

Despite demonstrating its utility as a second leg of both the Atlantic alliance and the EEC capable of fulfilling its two goals which were to increase the integration in the defence field and to enable the European integration process, the WEU's structure was too old and too attached to NATO and not under the direct control of the Brussels institutions. Hence, the members and the European Commission – with the intergovernmental conferences – started since 1991 a process of reorganization of the previous European structures. This began with the Maastricht treaty of 1992 and is still undergoing. In this new project the role of the WEU was simply not seen, the integration process would have been and already had been handled by the European Parliament and the Commission and the security issue was now put at the heart of the integration process. The Commission preferred not to duplicate the effort over the same issue. The WEU will eventually start a process of reorganization that will terminate in 2009 with the Lisbon treaty and its entrance in the main European Institutions body. The dissolution of the WEU happened in 2011 and its tasks are now fulfilled by the CFSP common foreign security policy. Despite such inspiring intentions the reality is that the WEU and in particular its assembly were the representation of the national will in the field of security and foreign relations; this caused a process of general atrophy and inability of the institution to fulfil its tasks. This is particularly evident for what concerns the more practical aspect of WEU which are reorganization of armaments procurement and armaments control, that remained in the hand of national states during the entire period of activity of the WEU. It is noteworthy that the WEU was a British creation of the first decades of the cold war to structure a kind of continental defence that could have given birth to a political union. After 50 years of fragmented activity, it took a British Prime Minister in the figure of Tony Blair to end the path taken with the Brussels treaty and to give new hopes to a possible common defence and foreign policy.

The second chapter regards the development of security of Europe in the treaties that were signed from 1992 to 2007. The process started with the Maastricht Treaty of 1992 that introduced the pillars structure of the European Union. The second pillar concerns the foreign and security aspects of the Union and established the Common Foreign and Security Policy (CFSP) which was the evolution of the European Political Cooperation (EPC) of 1970. With Maastricht, Brussels started a process that, up to these

days, would have made the EU one of the major global actors in conflict situations. The road taken at Maastricht will then be continued with the treaty of Amsterdam in 1999. In this occasion, the members of the EU decided for the creation of the High Representative, a figure who is nominated by the Council, and its present during the Council reunions, but it is also the Vice-president of the European Commission, giving it the possibility to influence the work of both organs. The second important aspect of the Amsterdam treaty related with the CFSP is the inclusion of the Petersberg tasks into the European treaty. The third feature that is important to recall is the institutionalization of the Structured Cooperation that has been discussed in the third chapter of this thesis. After the Amsterdam treaty, the relationship that occurred between the new British Prime Minister Tony Blair and the EU brought to further developments in the field of defence. Blair, in concert with the French president Chirac and with the agreement of the new German leadership of the Social Democratic Party (SPD), launched in 1999 the St. Malo initiative in which the Anglo-French governments asked for an improvement of the European institutions regarding the security of the continent. With the St. Malo initiative the process inside the European institutions to increase its security and foreign actions organs gain momentum. After two years, in 2001, with the signature of the Nice treaty the EU created the necessary structures to deploy its forces under the Petersberg tasks declaration, and also improved the cooperation between its members, with regard to the internal security, through the establishment of the Euro corps and the European Gendarmery. Despite the greater expectation for the drafting of the treaty that allowed to deploy in 2003 the first EU mission in Bosnia and Herzegovina, the Treaty of Nice did not create the assumption of establishing a possible European army. In the aftermath of the Nice Treaty negotiations, a new constitutional attempt started in Europe. The common belief that the European Union could become an institution with federal characteristics crashed over the refusals of the France and Dutch referenda that voted against this project in 2005. After the failure of the constitutional treaty the European chancelleries decide that a new treaty on the function of the European Union had to be crafted. Therefore, the Lisbon Treaty would be signed in 2007. The provisions of the Treaty are a mere copy of the constitutional treaty of the previous years, with all the supernational characteristics removed. Concerning the CFSP, the Lisbon treaty does not introduce important innovations, except for one. Already institutionalized with the Amsterdam treaty but never implemented, the Lisbon treaty established with art. 42.6 the Permanent Structured

Cooperation (PESCO). PESCO allows the most willing of EU Members to promote common project in the sphere of security and defence, with the approval of the Council. This new institution represents a major innovation for the EU because it allows its members to be directly involved in a greater integration of the European institutions. It is also clear that the possibility to use the PESCO, even if regards only the CFSP, could be a useful example to improve other aspects of the European integration. In this second chapter, a brief assessment needs to be made to understand what happened to the European defence institutions from the end of the Cold War to the economic crisis of 2007. The process described above has been full of adversities, linked to a lack of overall vision that guarantees a coherent direction, with respect to a given objective. At the beginning of the 1990s the debate focused on a dichotomy between NATO and its European dimension, which gave rise to several possibilities. The first of these was the idea to reuse the WEU which, with the innovation of the Petersberg Tasks, created a first regulatory embryo for armed intervention by the organization. This idea immediately clashed over two issues: the first being historical, and the second ideological. The history of the period is commonly represented by the tragedy of the Balkans Wars, and the inability to act of all the European institutions. Indeed, both the WEU and the EU failures made clear to the heads of governments that there was the necessity to create something different to avoid similar situations. The second issue is related with the vision of those who preferred a European defence under the direct control of Brussels and not split between various organisations. This vision should have culminated in the achievement of a European army, but all the treaties analysed did not provide for it. Only in the Lisbon Treaty an indication has been made for the creation of a European army, which would eventually been taken only if the Member States ensemble decide so. Within this narrative there were events that gave a decisive boost – directly and indirectly – in this field. The first is the outbreak of an armed conflict in the former Yugoslavia. It lasted from Maastricht to Nice and made clear to public opinion and the Heads of Governments that the European institutions were totally incapable of remedying what happened in those years. In particular, the intervention of NATO, which was entirely managed by the United States, and subsequently during the Kosovo conflict the negotiations that will lead to the Rambouillet agreements made it clear to Europeans that they needed to have autonomous structures for managing crises on their borders. The second key aspect that has influenced this process is Labour's return to government with Tony Blair who, in an attempt to give

new credibility to what has always been called the Union's awkward partner, saw in the defence field the possibility of implementing his project. This began with the St. Malo agreements of 1999 and was concluded with the Treaty of Lisbon of 2007. The third concern is the failure of the constitutional treaty in which defence was not the most important aspect, but its ratification would have led to further innovations. These features brought by the constitutional treaty were necessarily translated into the intergovernmental perspective of the Treaty of Lisbon, which, however, succeeded in guaranteeing greater power to the High Representative, which now becomes an autonomous figure with respect to the Council, holding executive and legislative powers. The entry into force of the Lisbon Treaty undoubtedly represents the beginning of a new phase in the history of European defence and security. The commitment of the member countries, sanctioned by the same treaty, to mutual defence and solidarity represents a key step towards the constitution of a European defence system hypothesized since the Treaty of Maastricht and now conceptually achievable through the mechanism of the PESCO.

The third chapter discusses the international scenario after the Crimean Crisis of 2014 and the process that brought to the establishment of the Permanent Structured Cooperation of 2017. From 2014 to the birth of PESCO the European Union had to face multiple challenges. The first one is of course how to react to the Russian annexation of Crimea and the relationship with the Ukrainian government. In this, phase the figure of the new High Representative (HR) assumed a central role in the direction of the activities of the EU. The HR, in the person of Federica Mogherini, immediately promoted the establishing of an EU advisory mission in Ukraine with the task of promoting the reform of the civil security sector, according to EU and international standard. Then, she promoted to restart a dialogue with the Moscow government. Two other events happened in 2016 that increased the pressure on the Brussels institutions: the win of the leave campaign in the British referendum for the abandonment of the EU and the arrival of Donald Trump as new president of the United States. The latter indeed had formulated its foreign policy over a return to American isolationism and in a continuous contrast with the other member states of the Atlantic alliance. In this international scenario the election of the new French President Emanuel Macron, which won the electoral contest with a campaign centred on the European debate brought a renewed spirit in the EU. With the

win of Macron there is an initial discussion over a new project in the sphere of defence; it will bring in 2017 to the establishment of the first 17 project with the Permanent Structured Cooperation. The debate between the ambitious French proposal and the more inclusive German one is the object of the final part of the chapter in the second paragraph there will be also a discussion over the proposals made by the main European partners such as France, Italy and Germany on how they intended to move towards the establishment of the PESCO by comparing the principles of ambitiousness demanded by Paris against those of inclusiveness in Berlin and by mentioning the Italian proposal for the creation of supranational structures for European defence. After this explanation of the negotiation that had brought to the birth of PESCO, the main institutional features of the project were highlighted. Particularly, its legal apparatus, its decisional structure and the modality under which the PESCO is financed. Then, the work moved to a discussion over the role of PESCO in three main areas. The first one is the typology of power that the EU exercises in his external action distinguishing between the civilian, military and normative power, with the latter suiting better than the previous. Later, the role of PESCO in the transatlantic relations was discussed. Despite all the rumours raised by the Trump administration, the Structured Cooperation is seen by NATO itself as tool that could render the CFSP the European pillar of the alliance. Finally, the problems that PESCO presents were presented. One of the main critics the project has received is being an institution that is tied with the integration process inside the EU, but serving the purpose of the nation states in the sphere of security and defence. This system lacks a European coordination to account for EU needs in the CFSP domain. Despite the control operated by the HR, over PESCO projects there is no clear path to where this new chapter of the European integration will lead. In the last part, the Crisis Response Operation Core was briefly analysed. It consists of a project centred over the creation of a multinational brigade, that should be used as an immediate force of intervention in situation of crisis. In this last chapter the analysis is focused on the last stage of the process of European integration in the field of defence. The second paragraph deals with the proposals made by the main European partners such as France, Italy and Germany on how they intended to move towards the establishment of the PESCO by comparing the principles of ambitiousness demanded by Paris against those of inclusiveness in Berlin and by mentioning the Italian proposal for the creation of supranational structures for European defence. The third paragraph discusses the legal aspects within the Treaties, especially

the Lisbon Treaty, which allowed such an evolution of the European institutions. With particular regards to Article 46, Protocol No 10, and then introduced the systems of governance and financing of the PESCO. The fourth paragraph framed the PESCO within three subparagraphs concerning the first the nature of the union's power and how PESCO helps the EU has greater visibility and bargaining power both with Member States and third countries or other international organisations, the second sub-paragraph on the state of transatlantic relations with the introduction of the PESCO, in particular the relationship not so much with the Atlantic Alliance as with the US administration, and the third subparagraph on the current state of the PESCO focusing on future critical issues and prospects.