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The EU Common Security and Defence Policy:
Historical Development, Current Status and Future Challenges

Prof. Robert Schütze   Gianluca Lori   084392

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Supervisor   Candidate   ID Number

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Introduction

At the time of writing, the "Europe Day" of May 9th has been recently celebrated. The history of the European Union is undoubtedly a history of progress and success, having ensured peace in the region for the last 70 years and having developed institutions for constant cooperation and coordination between Member States. Nevertheless, the functions and effectiveness of the Union are still often under scrutiny and increasingly object of criticisms and concerns. The 2016 Brexit vote and the emergence of nationalist and populist movements in Europe represented a hard blow for the integration project, both for its political and economic impact. More recently, the ongoing COVID-19 pandemic and the initially slow response from EU institutions casted new shadows and doubts on the Union ability to ensure safety and aid to its citizens.

However, every crisis also offers new opportunities and challenges that, when effectively exploited and overcame, lead to further development and progress. In this context, this paper aims to reconstruct the history of a specific branch of European politics, the European Union Common Security and Defence Policy (CSDP) to understand its past and try to anticipate its future.

The analysis, supported by references to authoritative literature and official legal documents, starts exactly from a crisis and a failure, the post-Second World War European Defence Community of 1950. From this starting point, the first chapter will build a journey throughout the historical development of security and defence cooperation in Europe examining both positive innovations and unsuccessful attempts.

To understand the CSDP as it functions today, the second chapter will provide an insight in the legal framework of the Treaties that regulate the current conduct and mechanism of this policy, both from a political and from an economic viewpoint.

The third section will develop outside the proper legal framework to discuss how the strategy of the European Union has evolved since the first European Security Strategy of 2003. By analysing official documents, the progress of new initiatives and the practical results of EU civilian and military missions and operations, the goal is to eventually understand whether to expect positive achievements in the CSDP area and foresee where the Union is heading in security and defence matters.

The discussion will focus on the defence role of the EU and its scope as a security provider. Main drivers of the dissertation will be the two fundamental research questions of this paper, namely if the Union can currently rely on an adequate level of strategic autonomy, or if it is still dependent on the

military capabilities of the United States, and whether the Union can impose itself as a security provider at a global level or it can only aspire to be a regional actor in the security and defence sector. The EU activity and contribution to the defence of its citizens is not always on the front page of debates about the Union. However, as shall be clear after the first chapter, this branch of politics represents a fundamental aspect to develop further integration and a true culture of cooperation between Member States. It surely is embedded in and downgraded by some projects that seem quite utopic at the moment, such as a true European army. Such proposals, that aim at speeding up integration, incur the risk of accelerating too much the process when national administrations are not willing to give up sovereignty on delicate matters as security and defence. This rush to integrate leads thus to a backfiring effect that paralyses the development of cooperation and integration, with the latter claiming its own time and conditions.

As it should be clear at the end of the paper, the opinion of the author is that the EU institutions have understood this "time of integration" and are taking adequate, steady and significant, even if not always revolutionary steps to enhance security and defence cooperation at the European level.

The conclusions will help reorganising the topics discussed and draw results to answer the research questions that have been individuated.

To effectively achieve a coherent and useful analysis, it is firstly deemed necessary to discuss the very first steps of defence integration in Europe, a subject that takes us 70 years back, to 1950.

Chapter 1. CSDP History: From the EDF to Lisbon

1.1 The Historical Development of CSDP

1.1.1. *The European Defence Community and its failure, 1950 – 1954*

The first attempt at establishing a European security and defence dates back to the failure of the European Defence Community (EDC), in 1954. The proposal originated from the French Prime Minister Pleven in 1950 and led to the signing of the EDC Treaty of Paris in 1952.[1] However, this first try ended where it began, right in Paris, when the French Parliament rejected its ratification in 1954 after the signing from all of the six founding members of European integration. The political context of the time helps us understand the reasons why the project failed.

The Pleven Plan emerged in years of profound European insecurity, where the fear of communism spreading westward brought concerns in both the United States and European States' administrations, intentioned to keep the communist threat outside Europe. This implied involving the Federal Republic of Germany in a project of European security and defence integration, being it the first line of resistance against a possible attack from the Soviet Union. The idea of enabling a German rearmament raised concerns in several states, above all France and Belgium, due to painful memories of the Second World War. This first condition, necessary for the creation of an effective European defence community, was the first obstacle to an immediate ratification.

 Summed up to the concerns of German rearmament, the French Parliament was irritated by the constant pressure by the United States, hurried to institute the EDC because it would have been under the North Atlantic Treaty Organisation framework. As the Treaty expressly acknowledges, it shall ensure the security of Member States […] by participating in Western Defense within the framework of the North Atlantic Treaty[2].

Moreover, Washington was strongly concerned with a stronger European defence to avoid any Soviet Union attack and expansion, enabling the US to maintain their influence in the area. The process towards EDC differed completely from the initial French perspectives and they 'had lost their initial enthusiasm at the time of the signing of the Treaty' so that 'the psychological picture was of the

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[1] P. Koutrakos*, The EU Common Security and Defence Policy,* Oxford EU Law Library, Oxford 2013, p.6
[2] Art.2 EDC Treaty. Unofficial Translation available at http://aei.pitt.edu/5201/1/5201.pdf

United States forcing France to accept EDC, and thus German rearmament.'[3] These conditions, developed in a context of internal political instability in France, led to the *Assemblée Nationale* voting down the Treaty.

Despite its early failure, the EDC project gives us important information about the intentions that the Member States of the European Coal and Steel Community had. To understand this fundamental aspect of the first European defence attempt, it is necessary to analyse the institutional and legal design that was planned.

Institutionally, the EDC followed the ECSC model and comprised a Board of Commissioners with significant executive and supervisory functions; the Council, consisting of national representatives and entrusted to take the most important decisions […] the Court of Justice, which was the ECSC Court[4].

The novelty that differentiates this project from previous processes of European integration is the wording of its legal framework. The decisive and ambitious tone set the bar of expectations high since the beginning, and it was probably one of the reasons why the failure of EDC deeply affected the future of European security and defence integration. Strictly linked with the security aims already clear in the Schumann declaration[5], the EDC seemed to focus exclusively on defence. Already from Art.1 is perhaps stated that the High Contracting Parties institute among themselves a European Defense Community, supranational in character, consisting of common institutions, common armed Forces and a common budget[6]. What is interesting here is what I call the proportion time / ambition. It is perhaps surprising that so early in the stages of European integration the drafters of the Treaty and the signing Member States already aspired to such a high level of integration, explicitly transferring sovereignty and competences to an independent authority in one of the most delicate branches of politics, whose control is constantly retained and claimed to be under national sovereignty, namely security and defence.

Another interesting feature of the EDC Treaty is the explicit reference to a European Army, and even the inclusion of a Mutual Assistance Clause at Art.2(3), reading that any armed aggression directed against any one of the member States in Europe or against the European Defense Forces shall be considered as an attack directed against all of the member States [that] shall furnish to the State or Forces thus attacked all military and other aid and assistance in their power[7].

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[3] I. M. Wall, *The United States and the Making of Postwar France, 1945-1954,* Cambridge University Press 1991, p. 265

[4] P. Koutrakos*, The EU Common Security and Defence Policy*, p.*7, supra* note 1

[5] Declaration of 9th May 1950 delivered by Robert Schuman available at https://www.robert-schuman.eu/en/doc/questions-d-europe/qe-204-en.pdf. According to the Declaration, the ECSC had a clear security underpinning and the aim to render war in Europe an impossibility

[6] Art.1 EDC Treaty

[7] Art.2 par.3 EDC Treaty

Moreover, according to Art.2 of the EDC Treaty, the Community shall ensure the security of the member States against any aggression by participating in Western Defense within the framework of the North Atlantic Treaty and by accomplishing the integration of the defense forces of the member States and the rational and economic utilization of their resources[8].

From the wording of these provisions emerges the hurry and concern that pervaded the European States at the time of drafting the Treaty. The concrete risk of resuming the military confrontations that divided Europe until ten years before, summed up to new threats and instabilities coming from the Soviet Union, the Communist threat and the Korean War were felt so deeply in the Western administrations that Member States were willing to integrate such delicate policy areas, traditionally at the core of national sovereignty, moreover at the supranational level and just at the beginning of their history of cooperation.

Paradoxically, the first attempt at constituting a common European security and defence policy presents itself as more complete than many other subsequent projects. It comprised the creation of a European Army and a defined institutional settlement, contemplated integration at the deepest possible level and by referring to the economic use of military resources established the link with the main area of European integration, the economic one. It included a mutual assistance clause and established a link with NATO, the main security provider of the region.

The European defence integration started from the end, with standards and ambitions out of its time, and here lies the particular characteristic of this policy area, and the reason of its troubled and discontinuous history. While the other subjects of European integration firstly developed a culture of cooperation, as for economic matters, and only after a process of integration and legal consolidation began, the European defence followed the inverse path. The Member States felt the urge to integrate defence matters in a too ambitious manner, going immediately and straight at the hearth of national systems with so little experience about cooperation on military matters. The failure of the EDC produced a counter-effect proportionate to its extreme ambitions. As the saying goes "the bigger they are the harder they fall".

The disappointment for the failed attempt and the disillusion from realising that a security and defence integration needed a longer process profoundly influenced the following years of European cooperation on these matters. From 1954 on, the Member States humbled their objectives and started building more solid and feasible foundations, in terms of foreign policy and security as broadly defined, to develop a culture of cooperation towards a definitive European Union Common Security and Defence Policy. Here lies the importance of the 1954 EDC Treaty and its failure. The path that will be described from now on should be seen in the context analysed above, with the consciousness

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[8] Art.2 par.2 EDC Treaty

that such delicate policy areas require time and constant work to become integrated. If we imagine security policy as a series of concentric circles, the path of European integration started from the inner and narrower circle, namely defence, and after the EDC failure it bounced back to the larger and external circle of foreign policy and security in broader terms. The subsequent projects can be seen as attempts by the Member States to build on small steps and to develop a culture of cooperation in a deeper and deeper manner, creating the conditions to work again on the narrower circle, a Common European Defence Policy.

1.1.2. *The Plan Fouchet, 1961*

The disappointment for the EDC failure and the downsizing of ambitions for a common European defence is clear from the first subsequent initiative, the 1961 Plan Fouchet. The proposal, by the at the time French ambassador to Denmark, provided for an intergovernmental nature and broadly defined objectives, to create a Union of States to reconcile, co-ordinate and unify the policy of Member States in spheres of common interest[9] including foreign policy and explicitly mentioning defence.

Rejected as misplaced and retrograde in the light of existing ECSC and EEC frameworks[10] the failure of this second attempt condemned defence policy to a period of development outside European integration, becoming a priority of the Western European Union (WEU) and NATO. Established in 1954, just two months after the failure of EDC, the WEU was presented as a solution to the concerns raised in the Pleven Plan. Italy and the Federal Republic of Germany joined France, UK, Netherlands, Belgium and Luxembourg in what previously constituted the Western Union. From this first step followed the creation of an Agency for the Control of Armaments and a Standing Armament Committee. Most important, the FRG was granted the possibility to rearm excluding atomic, biological or chemical weapons, a provision accepted by the French administration.[11]

Despite these positive developments, it is important to clarify that the WEU developed externally from the project of European integration and instead in strict collaboration with and dependence from NATO. This is indicative of the, at the time necessary, presence of the United States to develop a defence system in Europe. As we shall discuss later in this paper, today the scenario is changing and the dependence from US may become more flexible.

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[9] Art.2 of the second Fouchet Plans draft presented in 1961. Available at
https://www.cvce.eu/obj/projet_de_traite_plan_fouchet_ii_18_janvier_1962-fr-c9930f55-7d69-4edc-8961-4f12cf7d7a5b.html
[10] P. Koutrakos, *The EU Common Security and Defence Policy*, p.*10, supra* note 1
[11] A detailed history of the preconditions leading to WEU is available at https://www.cvce.eu/en/education/unit-content/-/unit/803b2430-7d1c-4e7b-9101-47415702fc8e/6d9db05c-1e8c-487a-a6bc-ff25cf1681e0

As stated before, from now on the attempts at European integration on security and defence matters will start a slow and unsteady development inside the broader framework of foreign policy cooperation. The first important achievement in this context is the establishment of the European Political Cooperation (EPC).

To fully understand how foreign policy integration developed through a series of more incremental steps, it is important to understand that the EPC was not a consolidated authority or organisation. It emerged from primary rules of the Treaty of Rome, through which the Member States became used to cooperation, firstly in the economic sector and gradually in the political one. This process is defined by the Neofunctionalist Theory and by Jean Monnet as the spillover effect[12], the idea that integration in one sector will create incentives for cooperating in other policy areas. This is exactly what happened with the EPC. Familiar with a culture of cooperation in the ECSC and EEC framework, Member States started discussing foreign policy together through regular intergovernmental meetings of their Ministers of Foreign Affairs. This process, ongoing throughout the late 1960s led to three Reports being presented to Heads of State and Government in between 1970 and 1986[13].

The Luxembourg Report was the first of the three. Adopted in 1970 it established the first mechanism of foreign affairs cooperation, insisting on the need for an international presence and reach of the Community. To do so, the Report insisted on the coordination of national views and establishment of a common foreign policy mechanism[14] through two simple instruments: consultation mechanisms and a Political Committee. The matters addressed had a potentially broad scope, the Report allowed that Member States may be free to propose any subject they wish for political consultation[15].

In 1973 the Copenhagen Report was presented. Other than reaffirming general objectives and formalising procedural practices, its importance resides in defining two fundamental but often not explicitly mentioned principles of foreign policy cooperation in Europe. The Report stresses that the EPC is distinct from and additional to the activities of the institutions of the Community[16], so affirming the distinct status of foreign policy integration from other areas of Community cooperation. At the same time, given the widening scope of the European Communities and the intensification of political cooperation at all levels[17], the Report also acknowledged the need of addressing different policy areas together, given their mutual influence on each other. In this wording is thus summarised

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[12] T.M. Dumm, *Neo-Functionalism and the European Union,* 2012. Text available at https://www.e-ir.info/pdf/30409

[13] Koutrakos, *The EU Security and Defence Policy*, p. *11, supra* note 1

[14] Ibidem

[15] Art. IV *Luxembourg Report*, text available at https://www.cvce.eu/content/publication/1999/4/22/4176efc3-c734-41e5-bb90-d34c4d17bbb5/publishable_en.pdf

[16] Art.12 *Copenhagen Report*, text available at https://www.cvce.eu/obj/second_report_on_european_political_cooperation_in_foreign_policy_matters_copenhagen_23_july_1973-en-8b935ae1-0a38-42d4-a97e-088c63d54b6f.html

[17] Art.10 Copenhagen Report

the particular nature of security and foreign policy. It develops externally from the main path of European integration, with different pace and depth, but inevitably linked and intertwined with the other areas of European cooperation.

The last Report was adopted in 1981 in London. Following the line of the previous two reports, it emphasises objectives and procedures already established. What is different and surprising is the wording adopted. The Report uses an extremely ambitious tone calling for an active and firm role by the Member States together, that must play a role in the world appropriate to their combined influence […], increasingly seek to shape events and speak with one voice in international affairs[18]. The importance of these words increases even more if we think that this ambition for cooperation and integration developed without a legal or institutional basis to support it but grew exclusively out of constant meetings and discussions. The London Report is also noteworthy for insisting on the need of linking foreign policies and other policies through the maintenance and development of Community policies, and for mentioning security as one important aspect of foreign policy to discuss in Political Cooperation[19], even if still in broad terms.

The analysis of the EPC development is fundamental for the comprehension of the historic development of the EU CSDP. After the failures of the 1950s in addressing defence directly, the Member States decided to walk a longer but more stable path by first cooperating on foreign policy in broad and flexible terms. The EPC represents the first creation of this process of informal cooperation and integration that takes place outside the institutional and bureaucratic procedures characterising the other, already integrated, Community policy areas. In this peculiar process lie the reasons why the EU firstly developed a soft-power approach also in terms of security and defence, and only later decided to restore the idea of a serious defence integration and the development of hard-power instruments, as we shall see later. To have a reference to foreign policy and security integrated into European primary law for the first time we should wait for the Single European Act (SEA), entered into force in 1987.

1.1.3. *The Single European Act 1987*

Despite the main aim of completing the internal market, the SEA, that for the first time amended to the Treaty of Rome in 1987, also had foreign and security policy implications helpful to understand the development of the EU CSDP. The latter can be found in Art.30, which alone constitutes Title

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[18] European Political Cooperation (EPC) (5th edn, Bonn: Press and Information Office of the Federal Government, 1988), at 62-3

[19] See Part I, London Report, text available at
https://www.cvce.eu/obj/report_on_european_political_cooperation_london_13_october_1981-en-869a63a6-4c28-4e42-8c41-efd2415cd7dc.html

III, dedicated to foreign policy and until a late stage intended to constitute a separate Treaty[20]. This last feature already allows us to understand that even though in the SEA foreign policy and security enter primary law, and are discussed together with other policy areas, they still maintain their distinct and separate character. The intergovernmental nature of the policy and the still central role of States are clear because the latter are referred to as 'High Contracting Parties'[21] and not Member States as in the rest of the treaty, to indicate that we still are at a level of cooperation between sovereign states, and not integration into a supranational organisation.

The Act, following the trend set by the EPC, and fundamentally formalising its results, emphasises the need for cooperation, consultation and coordination among the Contracting Parties on foreign policy matters. As summarised by Art.30 (2) (c) 'in order to increase their capacity for joint action in the foreign policy field, the High Contracting Parties shall ensure that common principles and objectives are gradually developed and defined'[22] in line with the idea of a culture of and attitude to cooperation that the Member States are trying to establish in this process. Art. 30 (3) provides for some basic institutional mechanisms according to which 'The Ministers for Foreign Affairs and a member of the Commission shall meet at least four times a year' and 'The Commission shall be fully associated with the proceedings of Political Co-operation'[23].

Narrowing the focus on security, Art.30 (6) contains all the relevant provisions on it. Firstly, at an internal level, the Contracting Parties recognise that 'closer co-operation on questions of European security would contribute in an essential way to the development of a European identity in external policy matters'[24]. This first point constitutes a further step towards a culture of cooperation and integration, fundamental because it is now formalised in primary law. Then, the SEA acknowledges the importance of maintaining 'the technological and industrial conditions necessary for security'[25]. This statement is surprisingly relevant since it enshrines in primary law the linkage between foreign policy and other areas of integration, namely the industrial and economic aspects of a possible cooperation in security. The discussion is still alive today and it inflames the debate about possible arrangements of a European security and defence industry integration. Lastly, Art.30 recognises that 'Nothing in this Title shall impede closer co-operation in the field of security […] within the framework of the Western European Union or the Atlantic Alliance'[26].

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[20] P. Koutrakos, *The EU Common Security and Defence Policy*,p.14, *supra* note 1
[21] Art.30 (1) SEA, text available at *https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11986U/TXT&from=EN*
[22] Art. 30 (2) (c) SEA
[23] Art. 30 (3) SEA
[24] Art. 30 (6) (a) SEA
[25] Art. 30 (6) (b) SEA
[26] Art. 30 (6) (c) SEA

To draw our conclusions, in the space of a Title, comprising only one Article, we find a comprehensive, although vague and broadly defined, arrangement of cooperation in security matters. Art.30 comprises provisions about general internal principles and institutional arrangements, ambitions of the Member States, and even external linkages with both other areas of Community policies and third organisations as WEU and NATO.

The SEA also presents some flaws that are important to analyse. Firstly, the ongoing absence of any reference to defence is indicative of the fact that Member States are not ready to resume the discussion on it, and still prefer dialogue and coordination on the general framework of foreign policy. Then, despite its comprehensiveness and extensive reach into different important aspects of both foreign and security policy, none of the provisions in Title III of the SEA constitutes a binding commitment by the Member States in matters of security. However, this is understandable given the sensitivity of the subject, the ghosts of past failures when a too ambitious and binding tone was used, and the fact that it is the first time that policy areas of such importance are formalised into binding primary Treaty law.

The importance of the SEA then, resides in it enshrining foreign and security policy into primary law, on the forefront of European affairs, and thus extensively contributing to the role of security becoming more pronounced[27] consistently with the upgrading of the arrangements pursuant to which the Member States agreed to coordinate their foreign policies[28]. The provisions, even if still more theoretically than substantially significant, constitute a solid starting point for closer cooperation, that in the subsequent years will take the form of the Common Foreign and Security Policy as we know it today.

1.2. Security and Defence in The Treaties

1.2.1. *Maastricht and the CFSP, The St. Malo Declaration and ESDP. 1993 – 1998*

Adopted in 1993, the Maastricht Treaty presents noteworthy achievements in the area of security policy, both in symbolic and substantial terms. Although the main objective of the Treaty was the establishment of the European Union, it is of fundamental importance to analyse the new implications for security and defence.

The conflicts in ex-Yugoslavia and the inability of the Member States to produce a single and common opinion and action raised concerns about the need for more cooperation in the foreign policy

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[27] See also R.E. Hunter, *The European Security and Defense Policy: NATO's Companion – or Competitor?,* RAND Publishing, Santa Monica, 7 May 2002

[28] P. Koutrakos, The EU Common Security and Defence Policy, p.15, *supra* note 1

and security sector. The creation of a Common Foreign and Security Policy, integrated in the Union's legal order and elevated at the same level of the other policies, illustrates the determination of Member States to become more active in the area of foreign policy. The explicit reference to security in the title of the policy is another symbolic indicator of the increasing importance that the former is acquiring in the context of European integration.

Set out in Article J, the provisions on common foreign and security policy build on the past achievements discussed in the previous sections of this paper. The upgrade consists in the Maastricht Treaty providing for more detailed and tighter duties on Member States and institutions. The emphasis is still on implementing a common policy to safeguard common values and fundamental interests, to 'strengthen the security of the Union' and to 'preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter'[29]. Art.J.1 insists on 'establishing systematic cooperation' and 'gradually implementing […] joint action'[30], while Art.J.2 and Art.J.3 reaffirm the importance of consultation and confer powers to the Council to 'define a common position'[31] and 'decide […] that a matter should be the subject of joint action'[32]. The provisions on foreign and security policy go on to be more detailed and imposing binding commitments on Member States, but narrowing our discussion on defence matters, Art.J.4 constitutes a breakthrough achievement in the development of a common defence policy. For the first time after the disappointment of the first attempts a reference to defence is explicitly made, and moreover in binding provisions at the heart of the Union legal order. The intentions are clear from Art.J.4 (1) where 'the eventual framing of a common defence policy, which might in time lead to a common defence'[33] is mentioned.

If compared to the wording of the 1954 EDC Treaty, here the tone is less ambitious and acknowledges that this process may only be realised eventually and in time. Having learnt from past failures, the Member States decide to set the bar of expectations low, without extreme commitments and projects. Their intention is that of mentioning defence as a possible area of cooperation but being it the arriving point inside the framework of CFSP. The nature of national defence matters is perhaps maintained distinct and autonomous, to the point that the Treaty allows that 'issues having defence implications dealt with under this Article shall not be subject to the procedures set out in Article J.3'[34], that regulated the institutional and decision-making procedure for CSFP, and acknowledges that 'the

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[29] Art. J.1 TEU Maastricht, text available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11992M/TXT&qid=1584980031773&from=IT
[30] Ibidem
[31] Art. J.2 TEU Maastricht
[32] Art. J.3 TEU Maastricht
[33] Art. J.4(1) TEU Maastricht
[34] Art. J.4(3) TEU Maastricht

provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance'[35]. The Maastricht Treaty signs thus the entrance of defence matters into the Union legal order[36], even if the nature of the latter is still distinct and far from integration. Art.J.4 is however a solid starting point on which subsequent amendments will build to strengthen cooperation in the policy area of defence. The Treaty on the European Union (TEU) will be firstly amended by the Treaty of Amsterdam, adopted in 1997 but into force from 1999. Deeply influenced by the end of the Cold War, meaning the gradual disengagement of US from Europe, and the conflicts in the Balkans, the Treaty provides some major developments in the area of security and defence.

As well as remarking the provisions of Maastricht in a tighter and more detailed tone, the key achievement is the integration of the Petersberg tasks in the Union legal order. Adopted in the framework of WEU in 1992, these were a series of competences that defined the range of military tasks which the EU could undertake[37], namely 'humanitarian and rescue tasks, peace-keeping tasks and tasks involving combat forces in crisis management, including peace-making'[38]. The unique nature of tasks that can be conducted by the EU, distinct from traditional conflict and warfare deployment, are a major indicator of the intention of Member States to develop a European defence based on aid in third countries to guarantee security in Europe and to impose the Union as a powerful and trustworthy international actor, as we shall see in Ch.3. The amendment still emphasises the 'progressive framing of a common defence policy which might lead to a common defence'[39] and as a true novelty, introduces the possibility that the framing of a common defence between Member States will be supported 'by cooperation between them in the field of armaments'[40], further intensifying the defence element.

The treaty of Amsterdam signed the start of an incredible momentum for the European common defence. However, the spark was lit by the joint initiative of two Member States. In 1998 the United Kingdom and France signed the St. Malo Declaration, pointing out that the EU 'needs to be in a position to play its full role on the international stage'[41] and surprisingly mentioning for the first time

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[35] Art. J.4(5) TEU Maastricht

[36] As also explained by J. Giuliani and A. Danjean, *Defence: Europe's Awakening,* in Fondation Robert Schuman European Issue Nº 474, 22 May 2018

[37] Official Website of the European Union External Action Service, *Shaping a Common Security and Defence Policy,* 2016. For detailed information about the Petersberg tasks, see https://eeas.europa.eu/topics/common-security-and-defence-policy-csdp/5388/shaping-of-a-common-security-and-defence-policy-_en

[38] Art. 17(2) TEU Amsterdam, available at https://web.archive.org/web/20060721165930/http://eur-lex.europa.eu/en/treaties/dat/12002M/pdf/12002M_EN.pdf

[39] Art. 17(1) TEU Amsterdam.

[40] Ibidem

[41] Franco-British joint Declaration on European Defence, adopted at the Franco-British summit, St Malo, 1998, text available at https://www.cvce.eu/content/publication/2008/3/31/f3cd16fb-fc37-4d52-936f-c8e9bc80f24f/publishable_en.pdf

'the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises'[42].

The fact that this initiative came directly from two of the most powerful Member States indicates the ambitions of a more effective European Union in matters of security and defence[43], fuelled by the US disengagement in European defence and the struggles to manage the situation in Kosovo. The momentum was kept alive with a series of decisions of the European Council in Cologne in 1999 that included the establishment of an autonomous operational capacity supported by credible means and decision-making institutions for which the Council will be given the competence to use military instruments[44]. In the same year, a revolutionary informal meeting took place for the first time between Ministers for Foreign Affairs and Ministers of Defence, where a plan for a rapid reaction force, adopted months later in Helsinki, was launched to develop an autonomous military capacity[45].

Thus, all the initiatives taken in this short period of time pointed in the direction of a sincere attempt on the part of the EU to create a military force[46], with the aim of that much dreamed strategic autonomy that today still remains the final objective of the EU CSDP. Later, the European Council set a 'headline goal', namely that by 2003 member states must be capable of the full range of Petersberg tasks[47]. This momentum had a profound impact in the formulation of the Treaty of Nice.

1.2.2. *From Nice to Lisbon, 2000-2007*

Adopted in 2000, the Treaty of Nice represented the arrival point of these initiatives and ambitions. Concerned with the objective of creating an EU common defence and given the increased role of the Union itself, the Member States deleted all the relevant provisions regarding the role of and the relationship with WEU. The Union was now fully entrusted with the 'competence to operate within the full range of the Petersberg tasks', becoming 'responsible for the elaboration and implementation of decisions and actions which have defence implications'[48]. The Treaty of Nice also introduced institutional and structural changes to establish the European Security and Defence Policy, later Common Security and Defence Policy. This legal framework will be analysed in Chapter 2. For now, suffices it to say that at Nice was formalised, even if more theoretical than substantial terms, the shift of focus and competences on defence matters from an organisation *de facto* external to the Union

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[42] Ibidem
[43] Paraphrasing R.A. Wessel, *Common Foreign, Security and Defense Policy,* in D. Patterson and A. Södersten, *A Companion to European Union law and International Law,* Wiley-Blackwell, Oxford/Malden, 2016, pp. 394-412
[44] R.A. Wessel, *The State of Affairs in EU Security and Defence Policy: The Breakthrough in the Treaty of Nice*, in Journal of Conflict and Security Law, October 2003, p.273
[45] Ibidem
[46] R.A. Wessel, *The State of Affairs in EU Security and Defence Policy*, p.274, *supra* note 44
[47] Ibidem
[48] R.A. Wessel, *The State of Affairs in EU Security and Defence Policy*, p.274, *supra* note 44

(WEU) to the European Union itself. This transfer implied establishing a relationship between the EU and the main regional defence provider, NATO. In 2003 the Berlin+ arrangements were finalised. Mainly adopted to avoid duplication and guarantee a certain level of capabilities for the EU, Berlin+ allowed the EU to make use of NATO assets and capabilities[49]. The arrangements strengthened cooperation between the EU and NATO and led to the launch of Operation Concordia in 2003 and EUFOR Althea in 2004, the first two military operations under CSDP, at the time still ESDP, carried out respectively in the former Yugoslav Republic of Macedonia and in Bosnia and Herzegovina.

After the European Security Strategy of 2003[50], the EU Constitution failure of 2005 also had a profound impact on the momentum that the CFSP and CSDP had acquired. It signed the beginning of a stagnation phase during which no major development was achieved. Opinions of the scholars differ on the direct effects on defence policy, with some affirming that CSDP lost political priority and got bogged down in daily routine and lack of resources[51], while others argue that the international role of the Union and its security and defence policy never ceased to be one of the core areas[52]. What concerns us in order to carry on with this analysis is not the degree of importance of CSDP at the time, but the fact that the provisions on security and defence policy remained largely unchanged (suggesting) the wide acceptance by Member States and EU institutions[53]. To understand these provisions and analyse the mechanism regulating CSDP is then necessary to analyse the Treaty that enshrined them and finally regulated them as they are today, the Treaty of Lisbon.

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[49] Official Website of the EEAS. A brief but detailed explanation of Berlin+ and other CSDP initiatives is available at https://eeas.europa.eu/topics/common-security-and-defence-policy-csdp/5388/shaping-of-a-common-security-and-defence-policy-_en

[50] Text available at https://www.cvce.eu/content/publication/2004/10/11/1df262f2-260c-486f-b414-dbf8dc112b6b/publishable_en.pdf

[51] S.G. von Kielmansegg, *The Historical Development of EU Defence Policy: Lessons for the Future?,* in Verfassungsblog on matters constitutional, 2019. Text available at https://verfassungsblog.de/historical-development-lessons-for-the-future%EF%BB%BF/

[52] P. Koutrakos, The EU Common Security and Defence Policy, pp.23-24, *supra* note 1

[53] Ibidem

Chapter 2. The current status of CSDP

2.1 Lisbon, CSDP General and Specific Legal Framework

2.1.1. *The Treaty of Lisbon, 2009*

Entered into force in 2009, the Treaty of Lisbon is particularly noteworthy for the institutional setup it created and for enshrining the legal provisions concerning CFSP and CSDP as we know them today. Being the first major achievement of the Union after the failure of the Constitution, it was welcomed by several authorities, so much that the then Commission President Prodi saw it as the moment in which Europe was reaffirming the unique nature of its political organization in order to respond to the challenges of globalisation, and to promote its values and play its rightful role on the international scene[54], or as the European Commission declared, the Treaty will lead to an EU able to play a more responsive and effective part in global affairs[55]. The main novelty introduced at Lisbon was the removal of the previous pillar structure to integrate the different policy areas in a single and unitary framework, thus producing clarified and simplified legal mechanisms. The ESDP became the Common Security and Defence Policy, placed as part of the broader CFSP.

As we shall see in the next subparagraph, the Treaty of Lisbon simplified the legal order only in appearance. The distinct nature of different policy areas, and especially security and foreign policy, is still substantially visible inside this new unified legal system[56]. This because the Member States were willing to deepen the integration in other policy areas but did not want to lose their independence and their different *modus operandi* in the field of foreign policy. The only instrument to preserve this autonomy was to maintain a distinct, still pillar-based nature in CFSP. The true achievement has instead been the integration of CSDP and CFSP within a common set of rules. For this reason, despite the focus our analysis being on CSDP, it is necessary to first briefly discuss the broader legal framework that the Lisbon Treaty set for CFSP. Only then our analysis can be narrowed to the specific provisions directly concerning CSDP.

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[54] Speech delivered in Rome at the ceremony on the signing of the Constitutional Treaty, available at https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_04_479

[55] Opinion of the European Commission on the Conference of representatives of the governments of the Member States convened to revise the Treaties, 13 July 2007, Council 11625/07.

[56] A classic example used to describe the passage to the Lisbon structure is to see the previous Treaties as Greek temples, where the column (pillars) are clearly visible on the outside and the Lisbon Treaty as a Roman temple, where the columns (the different pillars) are still present, but hidden in the inner structure.

2.1.2. *The CSDP inside the CFSP legal framework*

The distinct nature of CFSP is immediately clear in the Treaties. Already Art.2 TFEU lists the different categories of competences[57] of the Union. Perhaps, the Union CSFP falls within none of these but and it is listed separately[58]. Then, attached to the TFEU, Declaration 41 affirms that legislative acts may not be adopted in the CFSP area[59]. If these measures should not be sufficient to understand the separate standing of foreign policy, Art.24(1) TEU explicitly emphasises that 'common foreign and security policy is subject to specific rule and procedures'[60].

These specific procedures can be found in Title V TEU[61]. While Arts 21-22 TEU regulate the general provisions on the Union external action, Arts 23-46 contain specific provisions for the conduct of CFSP and CSDP. The first important novelty, indicative of the increased status of foreign policy matters, is that Art.21(1) TEU provides for a common set of principles and aims that shall guide the Union external action in all its different forms and policy areas. Moreover, Art.21 (2) TEU defines the objectives of the Union external action in very broad terms, including explicit reference of security and objectives traditionally linked to the conduct of CFSP. Thus, the first achievement of the Lisbon Treaty is that it brings together the different strands of the Union's external policies within a single set of objectives[62] and under the same principles. Interestingly, these articles do not mention the role of Member States, indicative of the increasing intention of focusing on the Union as an autonomous international actor. On the other hand, the still vague and broad wording of objectives indicates that Member States still retain flexibility and control over the conduct of foreign policy, remarking once again the separate and distinct status of the CFSP when compared to other strands of European integration. To start narrowing our focus on the area of security and defence, the analysis of CFSP provisions can be limited to those instruments and actors that also exert influence on the conduct of CSDP.

Firstly, the European Council has an active involvement in the general conduct of the Union external policy. The latter shall 'identify the strategic interests and objectives of the Union' and its decisions 'shall relate to the common foreign and security policy and to other areas of the external action of the Union'. Institutionally, the 'European Council shall act unanimously on a recommendation from the

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[57] These being exclusive, shared, coordinating, supporting and supplementing competences.

[58] Art. 2(4) TFEU does not explain which category applies to CSFP activities, but merely provides the Union competence in this matter.

[59] Declaration on Art.352 TFEU, text available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016L%2FAFI%2FDCL%2F41

[60] Art. 24(1) TEU, text available at https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

[61] General Provisions on the Union's External Action and Specific Provisions on Common Foreign and Security Policy, Arts. 21-46 TEU

[62] P. Koutrakos, *The EU Common Security and Defence Policy*, pp.32-33, *supra* note 1

Council' and its decisions 'shall be implemented in accordance with the procedures provided for in the Treaties'[63]. The main institutional innovation of the Lisbon Treaty is the introduction of the High Representative of the Union for Foreign Affairs and Security Policy. Appointed by the European Council through a qualified majority voting, the HR 'shall conduct the Union's common foreign and security policy'[64]. The importance granted to this role is indicative of the intention of the Member States to provide the Union's international role with a face' and to ensure 'greater independence and coherence in external policy[65]. The High Representative is entrusted with an external representation role, right of initiative and executive powers for the conduct of CFSP. It is understood that this position also includes responsibilities concerning the CSDP. Specifically, the HR manages those tasks entrusted to a "coalition of the willing" Member States and is responsible for supervising the political and strategic control over the EU crisis management operations. Moreover, the HR is entrusted with the responsibility of 'ensuring coordination of the civilian and military aspects of the EU tasks'[66]. However, despite the intentions of clarifying and strengthening the external representation of the Union, a discussed matter is the *cohabitation* of the HR and the President of the European Council, with no clear dividing line between their functions, particularly in CSDP management. This overlapping of roles suggests that it is in the responsibility and ability of those who cover these posts to ensure together a coherent and effective external policy of the Union, through cooperation and mutual understanding between actors and institutions.

Worth of mention, but not of a deep analysis for our purpose, are the roles of the European External Action Service and the European Parliament. The former, established under the TEU, is essentially the diplomatic service of the Union, whose operate concerns more foreign policy relations than defence involvement. As for the European Parliament, its direct role in CSDP is limited to regular consultation[67], but it exercises indirect influence through its active role in the budget allowance and decision-making, including those funds destined to CSDP activities.

When it comes to CFSP and consequently CSDP decision-making procedures, the Council takes the role of main actor. The HR and Member States have right to initiative[68], so to make a proposal to the Council, which will then adopt Decisions unanimously. Despite unanimity being the norm, Art.31 TEU provides for exceptions and qualified majority voting when the decision is related to another measure already accepted unanimously, for special representatives appointment and in cases of

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[63] Art. 22(1) TEU
[64] Art. 18(2) TEU
[65] P. Koutrakos, *The EU Common Security and Defence Policy*, p.41, *supra* note 1
[66] Art. 43(2) TEU
[67] Never mentioned in CSDP provisions, see Art. 36 TEU for the European Parliament role in CSFP in general.
[68] Art. 42(4) TEU

constructive abstention[69]. A particular condition occurs when a Member State relies upon 'vital and stated reasons of national policy'[70], if its intention is that of opposing a decision, and being these reasons proven, a vote shall not be taken, and the decision shall automatically not be approved. Despite this list being non-exhaustive to increase the use of qualified majority and so guaranteeing a more fluid decision-making process, a separate discussion shall be made for CSDP matters. Perhaps, these exceptions 'shall not apply to decisions having military or defence implications'[71], if not for the constructive abstention mechanism set out in Art.31 (1) TEU that also remains valid for CSDP actions.

2.2 The Specifics of CSDP Legal Framework

2.2.1. *CSDP Specific Provisions*

Apart from the provisions discussed in the previous section, there is in the Treaty of Lisbon another set of rules that directly govern actions under the CSDP. If Title V TEU contains all the provisions related to the Union external action, and Arts 23-46 TEU relate to the wider area of CFSP, Arts 42-46 TEU, referred to as Section 2 of the CSFP provisions, regulate the conduct of CSDP.

Firstly, Art.42 TEU sets out the objectives of CSDP as 'missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter'[72]. The interesting reference to missions 'outside the Union' hints at the role of international and global actor that the drafters seek for the EU. Whether the Union actually has the capabilities and conditions to cover this role will be discussed in Ch.3.

Then, it describes the scope of CSDP, that 'shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides'[73]. The direct reference to a common defence, by now completely integrated in the Union legal order and with its own set of rules, is indicative of the increasing importance that the policy has assumed. The tone is firm and committal, the final outcome clear and ambitious. Despite enshrining the common defence as a Union competence, the Treaty of Lisbon still recognises the importance of other defence organisations and the centrality of Member States national choices. Moreover, it also acknowledges that the Union policy 'shall not prejudice the specific character of the security and

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[69] Art. 31 (1)-(3) TEU
[70] Art.31 (2) TEU
[71] Art. 31(4) TEU
[72] Art. 42(1) TEU
[73] Art. 42 (2) TEU

defence policy of certain Member States and shall respect the obligations'[74] of these Member States to other authorities, above all NATO. The wording of this article allows for a 'catch-all clause aiming to accommodate the security and defence considerations prevailing in different Member States'[75]. To achieve the objectives listed above, the Union may engage in multiple tasks. These 'shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation'[76]. The Union is thus entrusted with a wide and inclusive, and moreover non-exhaustive list of tasks that range from softer to harder security and defence means, even if the former have been used more frequently, with the EU becoming a symbol of soft and peaceful intervention in third countries. Perhaps, as we shall see in Chapter 3, this kind of operations step away from traditional conflict and war missions, and according to several experts represent the future of security and defence interventions. This allows us to understand that the potential intentions and ambitions of those involved in CSDP, if used actively and in a committed manner by Member States, could prove extremely effective and adequate to the new security and defence scenarios. Concerning the wording of the article, it is however necessary to say that the vagueness and ambiguity in defining these tasks makes them flexible and 'inherently malleable'[77] by Member States, whose intentions on security and defence still remain the final say.

To fully understand the functioning of CSDP it is inevitable to discuss the legal rules that regulate its administrative structure and decision-making mechanisms. The first actor is the Political and Security Committee. Established under Art.38 TEU with broad functions, it comprises ambassadors and representatives from the Commission and the European Military Committee. Concerning CSDP the PSC is 'responsible for the political control and strategic direction'[78] of missions and operations.

Specific bodies for military affairs are the European Military Committee (EUMC)[79] and the Military Staff of the European Union (EUMS)[80]. Comprised of Member States Chiefs of Defence, the former is the highest military body of the Union and provides both the Council and PSC with military advice and recommendations, as well as supervising the EUMS and being responsible for the military direction of missions through the EU Operation Commander. The EUMS is instead the analytical and logistic instrument of CSDP. Part of the General Secretariat of the Council and under the supervision of EUMC, it is entrusted with early warning, situation assessment, strategic planning as well as being

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[74] Ibidem
[75] P. Koutrakos, *The EU Common Security and Defence Policy*, p.58, *supra* note 1
[76] Art.43(1) TEU
[77] P. Koutrakos, *The EU Common Security and Defence Policy*, p.59, *supra* note 1
[78] Art.38 subpar.2 TEU
[79] Established under Council Dec. 2001/79/CFSP [2001] OJ L 27/4.
[80] Established under Council Dec. 2001/80/CFSP [2001] OJ L 27/7, amended by Council Dec. 2005/395/CFSP L 132/17

responsible for intelligence gathering, defence capabilities and coordination with NATO. Two more bodies complete the administrative structure of CSDP conduct. Established as units inside the EEAS, the Crisis Management and Planning Directorate and the Civilian Planning and Conduct Capability are the authorities entrusted with the political-strategic planning and review of missions and operations conducted under the CSDP, with the latter being more concerned with civilian missions. The decision-making procedures are articulated on the basis of interaction between these bodies specific to the CSDP and the other EU institutions involved in the process of CSFP conduct.

2.2.2. *The CSDP decision-making mechanism*

The procedure is articulated and deeply institutionalised[81]. It starts with the Crisis Management Planning Directorate submitting a policy brief, the crisis management concept, to the PSC. This draft, produced with the advice of the Committee for Civilian Aspects of Crisis Management and the EUMC, is an assessment of the situation including a proposed course of action.

Once accepted by the PSC, then it is the turn for the Committee on Civilian Planning and Conduct Capability and the EUMS to respectively produce civilian and military options of strategies following the Crisis Management draft. Combining the two elements, the PSC drafts a decision including possible strategies and submits it to the Permanent Representatives Committee COREPER and the Council. At this point the Council takes a decision whether to intervene with a military or civilian action. With this decision the mission or operation is established, the Operation Commander appointed, and the financial arrangements are agreed.

Moreover, the Council also determines whether a military operation will be established in under the Berlin+ arrangements, thus having access to NATO assets and capabilities. After having defined the type of action, the following step consists in the drafting of an Initiative Military Directive, a Concept of Operations (CONOPS) and an Operational Plan (OPLAN). For military operations these are under the responsibility of the EUMC and are later submitted for approval by the PSC and the Council. For civilian missions, the Committee on Civilian Planning and Conduct Capability and the Head of Mission are entrusted with respectively drafting the CONOPS and the OPLAN. Both documents, since the Initiating Military Directive does not figure in civilian missions, need the approval of PSC and Council.

Although the choice between military or civil action sets two different processes in motion, there is in the Union an increasing emphasis on civilian-military coordination. Perhaps, in the framework of

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[81] See 11127/03 Suggestions for procedures for coherent, comprehensive EU crisis management (Brussels, 2003). Text available at https://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2011127%202003%20INIT

the EUMS developed the Civilian-Military Cell[82], entrusted with responsibilities for those actions that require both civilian and military intervention.

Clearly, the CSDP decision-making mechanism is deeply institutionalised and guarantees a constant cooperation and coordination between different actors and institutions. It is necessary to welcome this constant co-working environment in order to create a culture of cooperation in security and defence matters. Perhaps, it is this type of institutional osmosis which may contribute in practice to the gradual development of a shared understanding which is vital for the conduct of CSDP[83].

2.2.3. *More CSDP innovations introduced at Lisbon*

Three more innovations introduced with the Lisbon Treaty are noteworthy. The first is regulated under Art.42 (7) TEU and consists of a basic mutual assistance clause, present for the first time in the Union's constitutional history. According to this clause 'if a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power'[84], thus also considering non-military means depending on the subjective assessment and choices of a Member States on how to intervene. Although the establishment of this clause is significant in terms of solidarity and cooperation, it must be admitted that there exist recorded cases of this clause being completely ignored[85]. Above all, when Greece claimed a Turkish attack to its territorial integrity in the Imia incident 1995, fellow Member States failed to provide any support or aid.

The other two innovations are both introduced in Art. 42 TEU and then specifically regulated under Arts 44 and 46 TEU, respectively referring to the formalisation of flexibility and the possibility of permanent structured cooperation. The former provides that 'The Council may entrust the execution of task, within the Union framework, to a group of Member States'[86], thus allowing for that culture of cooperation and coordination between national administrations and EU institutions, very much needed to strengthen the common approach to security and defence. Regulated by Art.44 TEU, the delegation is voted unanimously after a proposal from the HR or under initiative of a Member State. It is applicable to 'a group of Member States which are willing and have the necessary capability'

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[82] Brussels European Council, 12-13 December 2003, Presidency Conclusions, para 90.

[83] P. Koutrakos, *The EU Common Security and Defence Policy*, p.67, *supra* note 1

[84] Art. 42(7) TEU

[85] For details about the Imia incident see https://www.thenationalherald.com/196733/imia-incident-aegean-violations-brought-greece-turkey-toward-conflict/. Another example was the Perejil island crisis, see https://www.moroccoworldnews.com/2017/07/222830/inside-story-morocco-spains-battle-uninhabited-island-15-years-later/ for details

[86] Art. 42(5) TEU

that 'shall agree among themselves on the management of the task' and 'shall keep the Council regularly informed'[87].

The third innovation allows for a mechanism of even deeper integration and coordination among Member States, the Permanent Structured Cooperation. Firstly mentioned in Art.42 (6) TEU, participation to it is open to those Member States 'whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions'[88]. These criteria are clearly defined in a Protocol[89] attached to the Lisbon Treaty, and require the Member States to 'proceed more intensively to develop its defence capacities' developing contributions 'in multinational forces, in the main European equipment programmes, and in the activity of the Agency' other than cooperating on 'investment expenditure on defence equipment', 'bring their defence apparatus into line with each other' or 'enhance the availability, interoperability, flexibility and deployability of their forces'.

Under Art.46 TEU, the willing and entitled Member States notify both the HR and the Council with their intention. It is then the Council that 'shall adopt a decision establishing permanent structured cooperation and determining the list of participating Member States'[90] acting by a qualified majority. Some basic principles regulate the functioning of the cooperation. Then, Art. 46 (4) TEU enshrines the principle of continuity, affirming that if a participating Member State no longer fulfils the criteria or is no longer able to meet the commitments referred to in Articles 1 and 2 of the Protocol on permanent structured cooperation, the Council may adopt a decision suspending the participation of the Member State concerned.

Concerning participation, Art. 46 (3) allows for 'any Member State which, at a later stage, wishes to participate in the permanent structured cooperation' to do so by notifying its intention to the HR and to the Council, proven that it fulfils the criteria listed in Art.46 (1) and in the Protocol[91]. Given the sensitivity of the policy area and the respect for the will of Member States, Art. 46(5) allows for 'any participating Member States which wishes to withdraw from permanent structured cooperation', to freely do so by once again notifying its intention to the Council[92].

Despite being a fundamental mechanism to enhance coordination among Member States and contributing to the development of a shared understanding and an attitude to cooperation, the vagueness of the relevant provisions seems to acknowledge that their contribution to the Union's

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[87] Art.44 TEU
[88] Art. 42(6) TEU introduces the Permanent Structured Cooperation but states that it shall be governed by Article 46
[89] Protocol Nº 10 TEU, text available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008M%2FPRO%2F10
[90] Art. 46(2) TEU
[91] Art. 46 (3) TEU
[92] Art. 46(5) TEU

foreign affairs is merely to set out broad parameters within which the Member States and the Union's institutional actors may determine how to proceed[93]. Nevertheless, after an initial stage of disappointment for being one of the many useful but often unused instruments of CSDP, today the permanent structured cooperation is the mechanism at the root of the 2017 PESCO, one of the most interesting and potentially effective projects ever launched in the CSDP framework, discussed in Ch.3.

2.3 The Financing Mechanism

2.3.1. *The legal framework*

For the sake of completeness in our analysis, it is deemed necessary to briefly mention the basic principles regulating the mechanism for financing activities under the CSDP.

The rules governing this aspect of the policy are enshrined in Art.41 TEU, where it is stated that 'administrative expenditure to which the implementation of this Chapter', namely the one on CSFP provisions, 'gives rise for the institutions shall be charged to the Union budget'[94]. Paragraph 2 of the same article extends the financing by Union budget also to those 'operating expenditure to which the implementation of this Chapter gives rise' but it then sets out an important distinction.

The provision perhaps applies to operating expenditure 'except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise'[95]. Given this explicit exception, when the expenditure cannot be charged to the Union budget, it shall be charged to the Member States in accordance with the gross national product scale[96].

Art. 41(3) TEU provides two mechanisms allowing for the rapid disbursement of funds. Firstly 'the Council shall adopt a decision establishing the specific procedures for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives'[97] under CSFP, with a specific reference to the tasks mentioned in Art.42(1) and Art.43. When it is not possible to finance them through the Union budget, these activities 'shall be financed by a start-up fund made up of Member States' contributions'[98].

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[93] P. Koutrakos, The EU Common Security and Defence Policy, p.75, *supra* note 1
[94] Art. 41(1) TEU
[95] Art. 41(2) TEU
[96] Art. 41 (2) subpara 2 TEU
[97] Art. 41 (3) subpara 1 TEU
[98] Art. 41 (3) subpara 4 TEU

Given the sensitivity of this specific policy area, a delicate point of encounter between security and budgetary calculations, it surprises that the Treaties do not provide for a well-structured and clearly defined financing mechanism, and moreover leave the burden of financing military or defence operations to the Member States. For these reasons the Council, following the invitation of Art.41(3) to establish 'the specific procedure' for financing CSDP tasks, decided to establish a 'mechanism which handles the financing of common costs relating to EU military operations'[99], ATHENA.

2.3.2. *The ATHENA Mechanism*

Initially established under the Council Decision 2004/197/CFSP, the functioning of ATHENA is today regulated by the Council Decision 2015/528/CFSP[100], with the latter constituting the reference legal document to analyse the basic principles behind the CSDP financing mechanism. Defined in Art.2(1) of the Decision, ATHENA is referred to as a mechanism to administer the financing of the common costs of operations[101]. These common costs are regulated under Art.15, referring to a series of Annexes[102] to the Council Decision. Each of them is dedicated to the definition of different types of costs:

- Annex I: Common costs borne by ATHENA whenever they are incurred.
- Annex II: Operational common costs relating to the preparatory phase of an operation borne by ATHENA.
- Annex III: Part A. Operational common costs relative to the active phase of operations always borne by ATHENA.

  Part B. Operational common costs relating to the active phase of a specific operation, borne by ATHENA when the Council so decides.

  Part C. Operational common costs borne by ATHENA when requested by the Operation Commander and approved by the Special Committee
- Annex IV: Operational common costs relative to the winding-up of an operation borne by ATHENA.

  To give a more detailed but broad idea of what these consists of, the scope of Annex I may include HQ implementation and running costs, medical service, acquisition of information or

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[99] As defined in the official website of the Council and European Council, available at https://www.consilium.europa.eu/en/policies/athena/
[100] Council Decision (CFSP) 2015/528 of 27 March 2015, text available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D0528&from=en
[101] Art.2 Council Decision 2015/528/CFSP
[102] For the complete text of all the four Annexes see note 100

reimbursement to/from NATO or other organisations. Annex III Part C may cover costs related to essential additional equipment or other critical theatre-level capabilities[103].The fundamental administrative structure of ATHENA is tripartite.

According to Art.5(1) Council Decision 2015/528/CFSP, ATHENA shall be managed, under the authority of the Special Committee, by the administrator, the commander of each operation and the accounting officer. Their respective roles are set out and further defined in Arts 6-9 of the same Council Decision. Two more documents useful for a deep analysis of the ATHENA mechanism but only worth of mention for our discussion are the 'ATHENA-financial rules'[104] and the 'ATHENA operating manual'[105].

2.3.3. *CSDP Operations financed under the ATHENA Mechanism*

To conclude this section by giving an idea of the scope and importance of the mechanism, here is a list of active and previous EU military operations that benefit from or were funded by ATHENA[106]:

- EUFOR ALTHEA (Bosnia Herzegovina)
- EUNAVFOR ATALANTA (Horn of Africa)
- EUTM SOMALIA
- EUTM MALI
- EUNAVFOR MED
- EUTM RCA
- AMIS 2 (Sudan) (July 2005 - December 2007)
- EUFOR RD CONGO (June 2006 - November 2006)
- EUFOR TCHAD RCA (January 2008 - March 2009)
- EUFOR Libya (April 2011 - November 2011)
- EUFOR RCA (February 2014 - March 2015)
- EUMAM RCA (January 2015 - July 2016)

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[103] As defined by the official website of the Council and European Council.
[104] Text available at https://www.consilium.europa.eu/media/21515/athena-financial-rules-2016.pdf
[105] Text available at https://www.consilium.europa.eu/media/21516/web_athena-manual.pdf
[106] The list of previous and past operations is provided by the official website of the Council and European Council, see https://www.consilium.europa.eu/en/policies/athena/

Chapter 3. The EU CSDP Reach and Scope: Global Strategy, Security Role, Missions and Operations

3.1 Today Security Environment and the EU Strategy

3.1.1. *The changing Security and Defence Scenario*

If willing to understand the policy adopted by the EU on security and defence matters, it is inevitable to briefly discuss both the security environment that surrounds the Union and its strategy in relation to this environment. Since the end of the Cold War, the international security scenario has basically changed in two ways. Firstly, the advancement of technology and international terrorism gave birth to a whole new type of threats. Administrations and institutions thus become more and more concerned with developing defence systems against these new untraditional threats, as cyber, CBW, WMD, space or even natural concerns as climate change and energy security.

Then, our international community is faced with a wave of new conflicts […] a time that future historians may describe as the moment when humanity seized -or failed to seize- the opportunity to replace obsolescent mechanisms for resolving human conflict[107]. To better explain, we are experiencing a concept of security and defence away from superpowers confrontations where a single international conflict dominated the international system[108] and increasingly related to small-scale local conflicts. A fragmentation of power that has led to more insecurity and instability, fuelling rivalries and crisis at the local and regional level[109].

In this context the approach and response of States and international organisations must be adequate and effective to cope with the new security scenario. As increasing concern for human rights and international rule constitute the yardstick for international actions, it is important to address conflicts through innovative approaches. Away from the traditional violent armed intervention, military personnel are increasingly deployed for peacekeeping and peace-building operations, alongside civilian personnel engaged with crisis management, state building and capability development in those countries affected by armed conflicts. As we shall see in the next section the EU, and the unique *modus operandi* of CFSP and CSDP, has been at the frontline in implementing these new approaches.

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[107] M. Renner, *Preparing for Peace*, The ending of the Cold War has transformed the nature of conflict and opened new opportunities for peace, in Toward A Sustainable Order, Governance and trade in a sustainable 21st century, 1993, p.48.
[108] H. Miall, *Contemporary Conflict Resolution*, The prevention, management and transformation of deadly conflicts, Polity Press, Cambridge, 2011, p.2. The Cold War is a classic example of this bilateral confrontation where the military machinery of both directly and indirectly involved States was activated.
[109] Main proof of the emergence of local and regional conflicts are the happenings in the MENA Region, from the Arab Springs to the Syrian conflict.

3.1.2. *The EU Global Strategy: Analysis and Evaluation*

Once established the legal order discussed in Chapter 2, CSDP development today continues outside the legal framework, through practical joint initiatives and action on the international stage. Before discussing them, it is first necessary to understand where CSDP is heading, what is the scope of the EU strategy, its objectives and why does it potentially fit the new security environment described in the previous Section.

To do so, there is no better document than the official Strategy released by the Union itself. The first European Security Strategy[110] was published in 2003 under the direction of HR J. Solana. Since then, a consistent amount of literature related to the CSFP and CSDP has been produced. For this analysis the reference documents will be the latest European strategy, namely the EU Global Strategy 2016[111], and its last implementation report[112], both published during the mandate of F. Mogherini as High Representative.

The first important detail to notice is the word 'Global' in the 2016 strategy. Absent in previous documents, it is indicative of the Union renewed intention to develop an international dimension and impose itself as a global actor in the field of security and defence. The logic behind the strategy is coherent and straightforward. In the current unstable scenario, the objective of the EU is to promote peace and guarantee the security of its citizens and territory[113]. Since none of the Member States has the strength nor the resources to do this alone, we need a shared vision, and a common action[114]. Europe must now take responsibility at the international level and become a more effective security provider, both because partners want a stronger Union and because, according to the Eurobarometer[115], citizens increasingly demand protection and security from the Union. They want Europe to step up its response and become a stronger and more efficient security provider[116].

To do so, the 2016 Global Strategy proposed paths to undertake in different security domains. Concerning defence, I reckon three of them to be of fundamental importance. Firstly, the Union has always been seen as a "normative" or "civilian power" more than a military one, and rightly so. As

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[110] *A Secure Europe in a Better World – European Security Strategy*, Brussels, December 2003, available at http://data.consilium.europa.eu/doc/document/ST-15895-2003-INIT/en/pdf

[111] Shared Vision, Common Action: A Stronger Europe, A Global Strategy for the European Union's Foreign and Security Policy, Brussels, June 2016, available at https://eeas.europa.eu/sites/eeas/files/eugs_review_web_0.pdf

[112] *The European Union's Global Strategy: Three years on, Looking Forward,* Brussels, June 2019, available at https://eeas.europa.eu/sites/eeas/files/eu_global_strategy_2019.pdf

[113] EU Global Strategy 2016, p. 7

[114] EU Global Strategy 2016, p. 3

[115] EEAS, *A stronger EU on security and defence*, https://eeas.europa.eu/headquarters/headquarters-homepage/35285/eu-strengthens-cooperation-security-and-defence_en

[116] J. Borrell, *Strengthen Europe, as a Partner,* in European Defence Matters, text at https://www.eda.europa.eu/webzine/issue18/cover-story/josep-borrell-member-states-need-to-make-the-most-out-of-the-new-eu-defence-tools

analysed in the previous chapter, the EU developed CSDP inside the CFSP framework, focusing more on diplomatic and civilian actions. The 2016 Global Strategy is innovative because it introduces the idea of developing the hard power of the Union. The idea is that of developing a "smart power" comprising both soft end and hard end defence capabilities. This will lead to a stronger Union that can act autonomously if and when necessary[117] and finally reach the much-dreamed Strategic Autonomy. This term in particular is constantly present in strategies and implementation reports, being it the desired final outcome of the long process that we are analysing.

The pursuit of strategic autonomy leads to the second fundamental path that the EU must enter, increase the investment in defence. The EU commits to encouraging cooperation with the aim of creating a solid European defence industry, critical for Europe's autonomy of decision and action[118]. To develop an adequate spectrum of capabilities the EU Member States must invest in common defence, and the must invest in the right manner. This is to say, they have to invest with coordination and cooperation between them. In line with this idea, since the presentation of EUGS 2016, the Union has constantly increased its annual defence spending, as shown in Fig. a. The record figure of nearly $300 billion is already a positive achievement, and experts predict that by 2021 the European defence spending will have surpassed this amount[119].

What should be pointed out is that high contribution was provided by the United Kingdom. Brexit was a hard blow for the European defence budget, but also opened to new opportunities that would need a brand-new paper to be addressed. For now, suffice it to say that the British contribution constituted an impressive amount, but statistic still predict a considerable increase in EU defence spending.
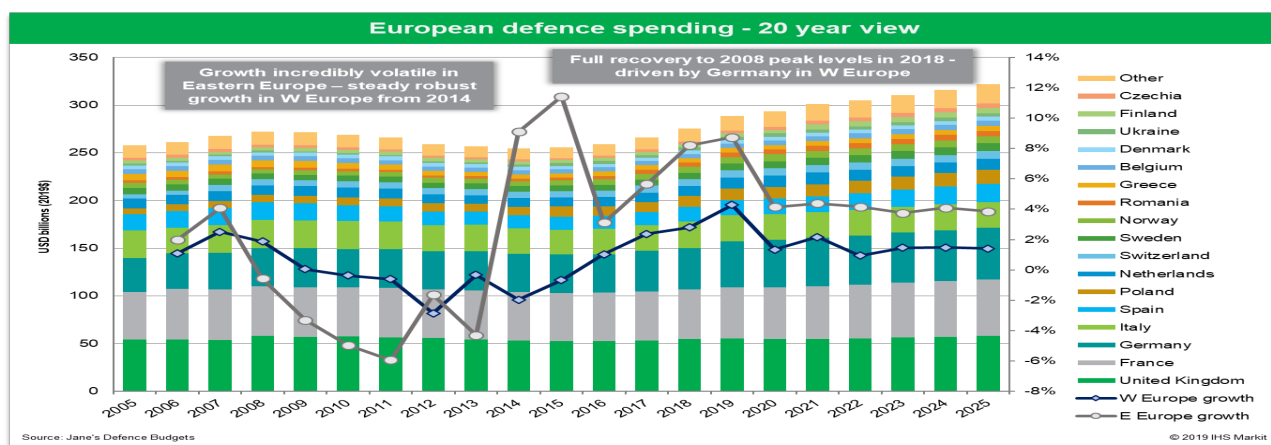

Figure a. After the 2008 crisis, the EU defence spending has steadily increased since 2016 EUGS. Source: European Commission Reflection Paper on the future of EU Defence

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[117] EU Global Strategy 2016, p. 19
[118] EU Global Strategy 2016, p. 11
[119] D. Reid, *Europe's defense spending nears $300 billion as experts say Trump's pressure is paying off,* in CNBC Aerospace & Defense, 31 October 2019, available at https://www.cnbc.com/2019/11/01/european-defense-spending-to-hit-300-billion-by-2021-analysts-say.html

The third and final path to follow is that of strengthening CSDP to promote the five priorities enlisted by the EUGS 2016. These are: The Security of our Union, State and Societal Resilience, An Integrated Approach to Conflicts, Cooperative Regional Orders and Global Governance[120]. The priorities have a wide scope, and they fully cover the spectrum of new security threats and approaches discussed above. We should focus on some of them.

Firstly, in accordance with the pursuit of strategic autonomy, the security of the Union is obtained by strengthening security and defence and translating commitments to mutual assistance and solidarity into action[121]. The CSDP must be ready and able to deter, respond to and protect against external threats, both in cooperation with partners and acting autonomously if and when necessary[122], with NATO still remaining the first choice for many Member States.

The second fundamental priority is the integrated approach to conflicts. The Union CSDP action is rarely based on a pure military intervention but focuses more on the general framework of a conflict or a crisis, including its roots and its future development. For this reason, it is considered more a normative power with a history of non-violent intervention. The European approach is multi-dimensional and multi-phased, acting at all stages from prevention to resolution and stabilisation[123]. These methods based on peacebuilding, crisis management and humanitarian aid are imposing themselves against traditional armed military intervention. In this sense the Union strategy can prove adequate and effective in the current security scenario. Through the unique combination of soft and hard power the EU traditionally developed more acquaintance and expertise with these approaches. Now that these instruments are those required to actively intervene on the international stage, the EU is advantaged, despite ubiquitous obstacles to its role as a global actor, that will be discussed in the next Section.

After having briefly outlined the first European Global Strategy, to better understand the future of CSDP we should refer to the document assessing the implementation of this same strategy, the EUGS 2019. After having analysed this report, the idea is that the EU has actually increased its potential and developed a more international role by implementing the priorities and actions suggested in the 2016 Strategy. It has done so firstly by investing in common industrial and research projects to develop the full spectrum of defence capabilities needed and by granting better coordination and command structures for international missions[124]. The Union has contributed to enhancing multilateralism in

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[120] EUGS 2016, p.9-10
[121] EUGS 2016, p.19
[122] Ibidem
[123] EUGS 2016, p.28
[124] EUGS, *Three Years on, Looking Forward*, 2019, p.4

sensitive events such as the Brussels Conference on Syria, the Quartet for Libya or the International Contact Group for Venezuela[125], main expressions of dialogue and cooperation at a global level.

The period between 2016 and 2019 has been extremely prolific for CSDP initiatives and actions, through which, according to the Strategy, the Union has continued to act as a global security provider with sixteen civilian and military missions and operations[126]. Whether the EU actually is a security actor at a global level will be discussed in the later Section. For now, our analysis shall focus on the developments from 2016 to 2019.

There are two main differences between the original Strategy and its 2019 report. Firstly, the 2016 Strategy called for a global Union, but the actual priorities and focus concerned the neighbours of the EU, especially Eastern Europe and the MENA region. The aim then was to promote resilience in the surrounding regions, because fragility beyond our borders threatens all our vital interests[127]. The 2019 report insists more on the global role of the Union. An entire section is dedicated to analysing the EU role in every corner of the globe, from the Artic to Central Africa, from the MENA region to Latin America, Russia and the Balkans[128]. Among these, the most notable are the new trilateral partnership UN, EU, AU in Libya and the EU missions and operations in the Sahel region and in the Central African Republic. The Union aims at a protagonist seat in the international order, mostly given its expertise in managing local conflicts through peacebuilding and capability development in third countries.

The conclusion is that the EU CSDP is following a coherent path, suitable to the new security environment and in line with the premises of the 2016 strategy, but with an even wider scope. This path is aimed at exploiting all its potential to consolidate the Union a global actor and guarantee its strategic autonomy. This brings us to the second main difference between the original strategy and the 2019 report, the defence initiatives.

A quick read through the 2019 report is enough to notice the enormous increase of practical defence actions, initiatives and achievements if confronted with the 2016 strategy. This is easily explained. As already mentioned, the 2016-2019 has been a period of extremely intense development for the CSDP. This period still continues today, and the EU is experiencing an unprecedent momentum for security and defence matters. The 2016 strategy was the first step, the spark that began this momentum. It is thus clear that the original strategy had a more rhetoric tone and could not elaborate on practical initiatives and actions. The 2019 report instead, finds itself working with an increasing amount of material and can evaluate the operate of the Union through practical and pragmatic defence

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[125] All events took place under the mandate of F. Mogherini as HR and comprised representatives from UN, EU and AU
[126] EUGS, *Three Years On, Looking Forward,* 2019, p. 10
[127] EUGS 2016, p. 23
[128] EUGS, *Three Years On, Looking Forward,* 2019, p. 17-26

actions that have been actually carried out under CSDP. Those initiatives that are particularly noteworthy will be analysed in Section 3.2. For now, suffice it to say that the 2019 report builds on the first steps of the 2016 strategy to further increase the scope of the Union CSDP action in every domain of the contemporary security environment.

The reach of the Union strategy is thus extremely wide and covers the whole spectrum of new threats, challenges but also opportunities in the security and defence field. The themes addressed range from strengthening European planning structures[129] to the new defence domains as cyber threats and security in a broader meaning, involving for example climate or food security. This set of capabilities provides the EU with a unique combination of hard and soft power, thus allowing for intervention in all the different situations and circumstances characterising the contemporary security order.

But is it really a global actor?

Figure b. The MPCC. Source: EUGS 2019

3.1.3. *Strategic Autonomy and Global Role*

The two main objectives of the European strategy are thus clear. Firstly, a strategic autonomy must be reached. Then, the EU should strengthen its role as a global actor. It is then necessary to briefly discuss the obstacles and opportunities in achieving these results.

The limits to the pursuit of strategic autonomy are mostly linked to the internal policies of the Union. To begin, there is certainly a constant degree of resilience in States to let go part of their sovereignty in military and defence matters. Despite the recent initiatives, the final decision always remains within

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[129] Fig. b, Source: The EUGS, *Three Years On, Looking Forward,* p. 34, Brussels, 2019

national administration and more cooperation is needed. Luckily, recent trends indicate clearly that Member States and EU institutions have already embarked upon this road[130].

Doubts about a European mechanism of defence derive especially from a basic consideration. The European industrial capacity is potentially effective if exploited at Union level but becomes weak and difficult to manage when not integrated. A major problem in this sense is the absence of interoperability and cooperation in the defence industry at the European level. Perhaps, a rational economy of the available assets is a key to optimization of security undertakings and profitable investment in the security field[131].

Another main difficulty is that strategic autonomy does not have a standard definition, but a rather broad and vague meaning if not clearly defined. The fact that member States do not share a common understanding of what such autonomy entails, means that the EUGS political level of ambition was not fully translated in military terms[132]. In particular, they do not share a common perception of threats, they have different institutional frameworks with different rules of engagement, and they do not share a common vision on the role of the EU[133].

The last main obstacle is the decreasing but constant US presence in Europe. Despite the recent 'pivot to Asia-Pacific' and partial disengagement from European defence, the Union alone is still to develop a number of capabilities enough to guarantee autonomous action. The defence of Europe is thus still too reliant on NATO presence and assets, that remains the primary framework when it comes to collective defence[134].

However, the existence of these obstacles also opens to new opportunities and solutions to overcome them and reach strategic autonomy.

Firstly, the Union should try to enhance integration in different security domains, where Member States may be more willing to grant sovereignty and administration to EU institutions. The rapid increase of non-traditional threats, and the insufficient ability of EU Member States to cope with them individually opens an opportunity of cooperation and integration. Main examples are the cyber and space domains. The Union has moved encouraging steps in this way, with investments in the Galileo system and the Copernicus security applications, opening the way for a growing role of the European

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[130] F. Mogherini and J. Katainen, *Reflection Paper on the Future of European Defence*, part of a series of reflection papers covering key topics for the future of the European Union, European Commission COM (2017) 315 of 7 June 2017 (Brussels, 2017), text at https://ec.europa.eu/commission/sites/beta-political/files/reflection-paper-defence_en.pdf
[131] A. Gruszczak, *European Defence: Opportunities and Challenges,* in Komentarz Zakładu Bezpieczeństwa Narodowego, Nr. 12 (54)/2019, 18 December 2019, text at
https://www.academia.edu/41392137/European_Defence_Opportunities_and_Challenges?auto=download
[132] J. Coelmont, *European Strategic Autonomy: Which Military Level of Ambition?,* in Security Policy Brief N°109, March 2019, text available at http://www.egmontinstitute.be/content/uploads/2019/03/SPB109.pdf?type=pdf
[133] European Court of Auditors, *European Defence,* Review N°09, p. 26, (Luxembourg, 2019), text at
https://www.eca.europa.eu/lists/ecadocuments/rew19_09/rew_eu-defence_en.pdf
[134] Ibidem

Union Satellite Centre (SatCen)[135]. Moreover, the concept of cyber security has taken a prominent place in the latest EU strategies, with the latter emphasising the launch of seven new Union projects in the cyber sphere[136]. Perhaps, when Member States cannot independently fulfil their needs, they are more open to revisit concepts of sovereignty and allow the EU to develop and supply a common set of technologies and services[137]. This is an opportunity for integration that the Union must not lose.

Then, the institutions and Member States shall continue their step-by-step approach without being too ambitious and demanding, but by developing a steady culture of cooperation, both in defence planning and industry. In this sense, Europe must pool and integrate its best industrial and technological capabilities. Only then, these common assets can be used to consolidate strategic autonomy. As we shall see later, several new initiatives have been launched to increase coordination, but they may not be enough. When current EU capabilities are analysed and projected in 2030, a study reveals that 'there are extensive capability gaps across all domains and often less than one-third of the force requirement would be met', so that 'the European strategic autonomy is limited to the lower end of the operational spectrum'[138].

The spirit and practical basis for strengthening CSDP and engage in a more efficient European defence are present. Now is the crucial time for the Union to choose the right direction and exploit this momentum, but the process must be flawless. The key points are to spend more, better and together to create European defence assets and avoid the already high duplication of defence systems, as shown in Fig. c. Through these initiatives the Union will be able to effectively integrate hard-power instruments in the CSDP, towards a European defence community of integration and cooperation. This without the over-ambitious idea and harbinger of a European Army, that if pushed too far could lead to deeper divisions between EU Member States[139].

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[135] J. Darnis, *The Future of EU Defence: A European Space, Data and Cyber Agency?,* p. 2*,* in IAI Commentaries 17, (Rome, 21 October 2017), available at https://www.iai.it/sites/default/files/iaicom1721.pdf

[136] The complete list of projects launched is presented in the EUGS 2019, p. 13, refer to note 109 for text.

[137] J. Darnis, *The Future of EU Defence,* p. 2, *supra* note 135

[138] IISS and DGAP, *Protecting Europe: meeting the EU's military level of ambition in the context of Brexit,* November 2018, in ECA, *European Defence,* 2019.

[139] See V. Bilcik article in, *After the EU Global Strategy: Consulting the Experts,* p.11, European Union Institute for Security Studies, (Paris, 2016).
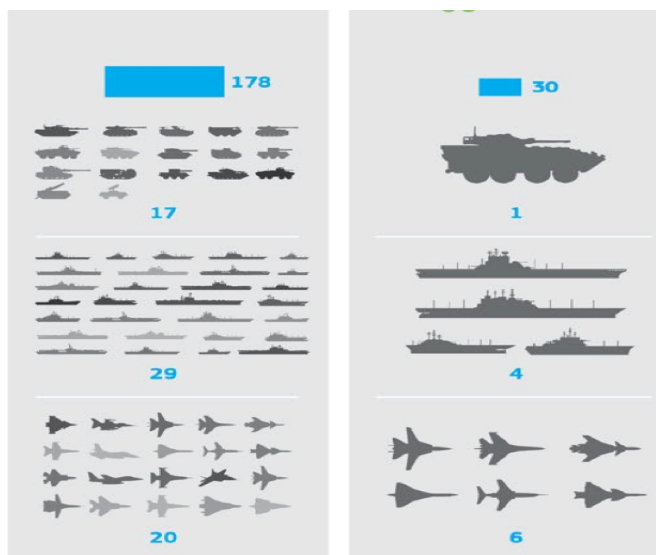
Figure c[140]. Comparison of the different type of weapons deployed inside each weapon category between EU (left) and US (right). .

 The Union should thus focus on the recent, extremely useful and adequately ambitious, initiatives and build on them to strengthen CSDP. According to the Eurobarometer, the consensus for this policy is present among EU citizens[141], and the latest developments also show willingness from the Member States. In this context, with the discussed caveats and through the initiatives that we will discuss soon, reaching an EU strategic autonomy sounds as an achievable goal, even if not in the immediate future. The importance of the Union ability to act alone is fundamental both for the whole integration project, and even more for enhancing the possibility of seeing the EU play the role of a global actor.
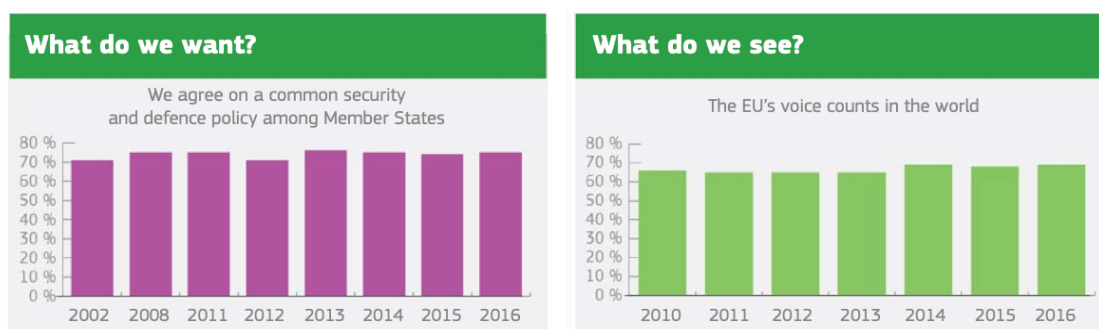

Figure d. The consensus among EU citizens in security and defence matters was already high before the 2016 package of initiatives.

Perhaps, despite being recognised as one of the most important international organisations, and despite having launched a strategy with a worldwide reach, the pursuit of a global role still presents obstacles for the Union. Firstly, as for strategic autonomy, the still strong dependence from the US

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[140] Fig. c, Source: Stockholm International Peace Research Institute (2016 data), International Institute for Strategic Studies (Military Balance 2017), European Political Strategy Centre, Munich Security Report 2017
[141] Fig. d, Source: Eurobarometer, in Reflection Paper on EU Defence, (Brussels, 2019).

and NATO represents an impediment for the EU to be considered an international actor with a truly global reach.

Then, despite the rhetoric of official strategies and reports, the CSDP action has been focused on neighbour areas, and even the EU intervention is contested for slow actions towards many international crises such as Libya and Ukraine[142]. The 2019 Strategy reported progress on intervention in Latin America and Asia, mostly through the EU participation in the International Contact Group on Venezuela and because of the upgraded relationship with ASEAN[143]. The involvement of the Union in these areas still remains too weak to properly identify it as a global actor.

Then, another main obstacle is the EU tradition of a normative and civilian power. The non-military aspect of EU CSDP could prove as an asset for the new scenario of strategic interventions previously discussed. However, without adequate full-spectrum, hard-end defence capabilities, the Union cannot be recognised as a security provider at the global level.

A further obstacle is external and derives from the different idea that other nations have of the EU as a global actor. Perhaps, Russia will see it as a move away from the long-held alignment with the US, which instead see the EU global role as that of defending Western values and the transatlantic relationship[144]. However, in other areas such as the MENA region, the Union is seen as an experienced organisation that can help develop free-market economies and more open and democratic societies[145]. This is due to its noteworthy history of cooperation, and the attractiveness of hard and soft power mix.

The influence is limited to the soft end of security intervention, namely diplomatic missions and civilian presence on the territory. Concerning narrower military matters, the Union still lacks credibility. Fundamentally, this happens for two main reasons: lack of coherent and unified interests among Member States, and lack of an adequate full-spectrum capability system. Becoming a global actor in an increasingly fragmented international scene seems unachievable. Instead, the solution could be that of being a central actor of international multilateralism. This can be done by strengthening collaboration and cooperation with the biggest powers, as US, Russia and China, and by further developing partnership with the main international and regional organisations, from the UN to the AU and ASEAN.

It is thus clear that the Union must address a series of obstacles and challenges to qualify for the role of a global actor with an adequate and effective strategic autonomy. In particular, there are some

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[142] F. Dogan, *Europe as A Global Actor? – The Common Security and Defence Policy in Question,* Universiteit Leiden, (Leiden. 2016), available at https://www.universiteitleiden.nl/en/research/research-projects/governance-and-global-affairs/europe-as-a-global-actor---the-common-security-and-defence-policy-in-question
[143] EUGS 2019, p.19
[144] L. Bomassi and P. Vimont, *Reimagining a Global Europe,* Carnegie Europe, (Brussels, December 2019)
[145] Ibidem

general fundamentals that the EU should focus and insist on. From what we have discussed, they can be summarised in further action through joint decision making and in developing an integrated defence industry with the final objective of creating a single market and guarantee more internal financial solidarity and coordination to strengthen its image outside the Union.

Since 2016 the Union started walking the right path to build on these points and strengthen its CFSP and CSDP. The way in which both Member States and institutions will manage their relation and the new initiatives will determine, other than strategic autonomy and global role, the entire future of EU defence. Particularly, three main outcomes have been identified for 2025[146]. Illustrated in a detailed manner by Fig. e, these are: security and defence cooperation, shared security and defence and common defence and security[147]. The current state of the CSDP can be placed in the first and less developed scenario. However, the number of recent initiatives and projects launched under CSDP open new possibilities and closer integration. The immediate future is determinant. If the EU will be able to effectively exploit this momentum, and achieve the layer of shared security and defence, this will directly increase the probability of seeing a true EU common defence and security. This achievement will mean further strengthening the integration process towards strategic autonomy and unity. Needless to say, with repercussions on the EU role in international affairs. The first signals of where the Union is heading will derive from the approach to new crises, firstly the COVID-19 emergency, and from the management of the new, potentially ground-breaking initiatives. Exactly these new projects shall be better discussed in the next Section.

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[146] F. Mogherini and J. Katainen, *Reflection Paper on the Future of European Defence*, p. 11-17, part of a series of reflection papers covering key topics for the future of the European Union, European Commission COM (2017) 315 of 7 June 2017 (Brussels, 2017), text at https://ec.europa.eu/commission/sites/beta-political/files/reflection-paper-defence_en.pdf
[147] Fig. e.

Figure e. The different characteristics of the 2025 EU Security and Defence scenarios. Source: European Commission Reflection Paper on the future of EU Defence.

3.2 The recent initiatives

After the publication of the EU Global Strategy in 2016, the CSDP gained more and more momentum. Between 2017 and 2019 a package of initiatives has been launched by the EU, to develop the Union strategic autonomy and to strengthen its global role. Among these initiatives, three are particularly noteworthy, and will be hereby presented.

3.2.1 *The Permanent Structured Cooperation (PESCO)*

In December 2017, by exploiting the full potential of Art. 42(6), Art. 46 and Protocol 10 TEU[148], the Council gave birth to the first ever permanent structured cooperation (PESCO). After suggestions from the EUGS 2016[149] and the European Council consensus to launch PESCO[150], in November 2017 the participating Member States presented a signed joint notification[151] to the Council and to the High Representative to render clear and official their intention to establish such structured cooperation. The same year, PESCO was officially established under Council Decision (CFSP) 2017/2315[152].

The partnership was established with the main objective to jointly arrive at a coherent spectrum of defence capabilities available to Member States, in order to enhance the EU's capacity as an international security actor, contribute to the protection of the EU citizens and maximise the effectiveness of defence spending[153]. More specifically, the aim is to regularly increase defence budgets in real terms and to invest 20% of these increased budgets into joint defence capability projects and 2% into joint research and technology[154].

The true innovative character of PESCO derives from two important characteristics. Firstly, in line with Protocol 10 TEU[155], it is regulated by twenty binding commitments to invest, plan, develop and operate more defence capabilities together, thus increasing the level of ambition and credibility of the Union. Then, binding commitments were voluntarily accepted and even proposed by Member States

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[148] Previously explained in the context of the innovations introduced in the Lisbon Treaty, Ch.1, p.18-19
[149] EUGS 2016, p.11, (Brussels, 2016)
[150] European Council conclusions on security and defence 22/06/2017, Conclusion Nº8 (Brussels, 2017). The full press release is available at https://www.consilium.europa.eu/en/press/press-releases/2017/06/22/euco-security-defence/
[151] Notification on Permanent Structured Cooperation (PESCO) to the Council and to the High Representative of the Union for Foreign Affairs and Security Policy, (Brussels, 2017). Text at https://www.consilium.europa.eu/media/31511/171113-pesco-notification.pdf
[152] Council Decision (CFSP) 2017/2315 of 11th December 2017 establishing permanent structured cooperation (PESCO) and determining the list of participating Member States, (Brussels, 2017). Text at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017D2315
[153] See the official website of PESCO at https://pesco.europa.eu
[154] D. Fiott, A. Missiroli and T. Tardy, *Permanent Structured Cooperation: What's in a Name?,* p.45, EUISS, (Brussels, 2017).
[155] Art. 2, Protocol Nº 10 TEU, 12008M/PRO/10, (Brussels, 2008). Text at https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12008M/PRO/10&from=EN

themselves. This choice suggests an underlying intention and willingness to move forward and strengthen defence cooperation at the European level.

PESCO is a Member States driven initiative that operates through collaborative projects to fulfil the required high-level commitments. The results of these projects fundamentally consist of enhanced capabilities that, developed under the PESCO framework are owned by Member States, which can decide to use them in other frameworks such as NATO[156]. This proves as a useful mechanism to reinforce strategic autonomy without endangering national sovereignty, a still fundamental concern for Member States. This certainly limits the European character and the Europeanisation of these projects and capabilities, but it is the price to pay to see a closer cooperation among Member States inside the EU framework. As stated in the previous Section, the idea of the EU as a defence community, a forum enabling dialogue and collaboration on security and defence matter, is a much more realistic and achievable objective than a proper EU defence policy or even army, at least in a foreseeable future.

The activity of PESCO brought to life a total of 47 projects in three years. These have an extremely wide scope and reach, classified in seven categories: Training and Facilities, Maritime, Air and Systems, Cyber and C4ISR, Space, then Land, Formations and Systems, and finally Enabling and Joint[157].

The projects are adopted by the Council following a recommendation by the High Representative. However, the management of each projects is in the hands of the participating Member States, under the oversight of the Council and coordinating with the PESCO Secretariat. The latter is represented by EDA and EEAS, including the EUMS[158]. Each Member State is required to communicate every year a National Implementation Plan (NIP)[159] about the progress made under binding commitments. For the time being, the NIPs constitute the main basis of assessment mechanism, together with the High Representative annual report and the 2019 Council recommendations[160].

To summarise them, the latter call for more progress on aligning defence apparatus and to address capabilities shortcomings. PESCO should respond to the full range of EU capability development priorities identified in the CDP and develop projects that aim to exploit cooperation between existing military capabilities[161]. Moreover, in Art. V (14), the HR is invited to provide in the 2020 annual report first proposals with a view to the strategic review process at the end of the first PESCO phase

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[156] ECA on EU Defence, p. 55, (Brussels, 2019).

[157] A complete list of the projects for each category is available at https://pesco.europa.eu

[158] PESCO Factsheet, *Deepening Defence Cooperation Among EU Member States,* EEAS, (Brussels, 2019). The factsheet is available at https://eeas.europa.eu/sites/eeas/files/pesco_factsheet_november_2019.pdf

[159] Ibidem

[160] Council Recommendation 2019/C 166/01 of 14 May 2019, (Brussels, 2019). Text at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019H0515(01)&from=EN

[161] Art. II (7) Council Recommendation 2019/C 166/01 of 14 May 2019, (Brussels, 2019).

(2018-2020). This year thus represents a watershed to assess the effectiveness and progress under PESCO, and to prepare for a new round of projects that will take place in 2021.

PESCO can certainly be a breakthrough initiative and a driver for European defence integration. However, it is not exempt from critics and from room for improvement. Maintaining the momentum of CSDP to move PESCO beyond its initial phase is considered a first challenge. Then, some commentators are sceptic about its ability to cope with the EU objectives unless the very largest capability projects, as satellites or combat aircraft, are developed[162]. Another main critique is the extent of participation of PESCO. By being too inclusive, there is a risk to slow the entire mechanism down, rendering it ineffective or leading to a differentiated form of integration towards a 'two-speed' common defence[163]. PESCO has been made far too inclusive, with certain states only joining in order to 'slow it down', and as such, there is no value-added in any of these[164].

PESCO is thus a fundamental initiative, certainly a success and an improvement for the Union CSDP, but its risks of failure should not be underestimated. ARES experts[165] draw five main conclusions and recommendations to consolidate and strengthen PESCO: apply very strictly the obligation to have binding commitments, choose compatible crisis management and collective defence projects, limit the number of capacity projects and distinguish the most important from smaller ones, reconcile the need to involve PESCO Members DTIBs with the need to develop the most effective defence capabilities, and finally accept third states in the projects only if their contribution is substantial. Through these actions PESCO can realistically be the driver of a new age for European defence, in close coordination with the other initiatives proposed after the EUGS 2016, such as the Coordinated Annual Review on Defence (CARD).

3.2.2. *The Coordinated Annual Review on Defence (CARD)*

Once again suggested by the EUGS, the CARD is an intergovernmental mechanism aimed at providing a more structured way of developing the required capabilities, based on greater transparency and commitments from the Member States[166]. After the adoption of the IPSD, in the

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[162] C. Mills, *EU Defence: The Realisation of Permanent Structured Cooperation (PESCO),* in House of Commons Library, Briefing Paper Number 8149, (London, 23 September 2019).
[163] J. Maulny and L. Di Bernardini, *Moving PeSCo forward: what are the next steps?,* ARES Armament Industry European Research Group, N° 39, p. 8, (May 2019). Full text at https://www.iris-france.org/wp-content/uploads/2019/05/ARES-39.pdf
[164] N. Witney, first chief executive of EDA, in U. E. Franke, *Pesco, the impotent gorilla,* European Council on Foreign Relations, (17 November 2017). Full article at https://www.ecfr.eu/article/commentary_pesco_the_impotent_gorilla
[165] Refer to note N° 160.
[166] F. Mogherini, *Implementation Plan on Security and Defence,* to Council, p.22, Art. 30 (Brussels, 14 November 2016). Full text available at https://www.consilium.europa.eu/media/22460/eugs-implementation-plan-st14392en16.pdf

November 2016 Council conclusions[167] the Member States invited the HR to present proposals on the scope, modalities and content of CARD. Moreover, the EDA produced a concept paper detailing the various CARD elements[168]. Finally, in May 2017, the Council officially launched the one-year trial run of CARD.

The initiative could lead to ground-breaking achievements for the Union common defence, especially in bridging national efforts and EU collective endeavours in defence by gradually synchronising defence planning and promoting cooperation[169], the final outcome being a stronger and more coherent European defence policy. The annual review will help foster capability development addressing shortfalls, deepen defence cooperation and ensure more optimal use, including coherence, of defence spending plans[170]. A fundamental role in the process is covered by the European Defence Agency. The latter shall provide an overview of three main blocks: Member States' aggregated defence plans, the implementation of the EU Capability Development Priorities resulting from the CDP and the development of European collaboration.

The functioning principle is quite revolutionary and innovative. Basically, the CARD does not aim at assessing or measuring a Member State's performance according to pre-set metrics. What it will instead do is perform a forward-looking analysis with a view to identifying means of achieving its stated goals: greater cooperation and more consistency[171].

The mechanism of such analysis is straightforward and effective. The EDA will firstly produce a document based on its initial available information about Member States' capability. Then, the agency together with the EEAS will enter bilateral dialogues with each of the Member States individually. The outcome of these dialogues will be a CARD aggregated analysis that presents an overview of the European defence situation and identifies opportunities and challenges to collaborate and strengthen CSDP capabilities. The final product will be the consolidated CARD Report that, presented to the Minister of Defence, will be the main document guiding the discussion at intergovernmental level.

In 2018 this mechanism led to the CARD Trial Run Report. The document confirmed a positive trend, since investment in general and procurement expenditure in particular are increasing across Member States. However, the very different pace and scale raises concerns about a 'two-speed' EU also in the CARD project. Suffice it to say that just 12 Member States cover the 81% of the total EU Defence

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[167] Council Conclusions 14149/16 on implementing the EUGS, (Brussels, 14 November 2016). Full text at https://www.consilium.europa.eu/media/22459/eugs-conclusions-st14149en16.pdf

[168] EDA, *Coordinated Annual Review on Defence (CARD). https://www.eda.europa.eu/what-we-do/our-current-priorities/coordinated-annual-review-on-defence-(card)*

[169] European Defence Matters, *The Coordinated Annual Review on Defence (CARD),* (Brussels, 2019). Full text at https://www.eda.europa.eu/webzine/issue14/in-the-spotlight/the-coordinated-annual-review-on-defence

[170] EDA, *Coordinated Annual Review on Defence, supra* note 168

[171] Ibidem

investment. Other positive findings concern the growing awareness and use of CODABA, and the welcoming by Member States of tailored collaborative opportunities, such as those in Short Range Air Defence, satellite communications or tactical Unmanned Aerial Systems. Shortfalls remain, especially in the field of research. Investment in R&D has decreased and the collective benchmark of 2% of the total spending invested in R&T has not been reached. Moreover, the EUMC stated that the EU does not have available all of the required military capabilities necessary for the implementation of EU CSDP military Level of Ambition derived from the EUGS[172].

The recommendation emerging from the trial run are thus to continue working toward greater coherence and more cooperative activities, enhancing participation in the other European collaborative initiatives. To know whether the situation has changed and if these have recommendations followed, we should wait for the November 2020 Report. After the trial run, perhaps, the first full CARD cycle was launched in September 2019 and will be assessed at the end of 2020. At the time of writing, after the March 2020 bilateral dialogues, the process is at the Aggregated Analysis stage.

Apart from its mechanism, what is truly important to understand of CARD is the added value that it can bring to European defence, if exploited at its full potential. It represents the high-level coordination format with a specific forward-looking capability-oriented mandate that was lacking in CSDP. In this sense, it can be the pathfinder in the identification of opportunities where Member States can join their efforts in collaboratively developing or procuring defence assets[173]. The fact that CARD is heavily reliant on trust and coordination between Member States, makes it an even more useful instrument to enhance coherence inside the Union, towards the omnipresent and central objective of strategic autonomy.

The initiatives and projects discussed so far certainly need an adequate financial apparatus to support them. A key innovation in this direction could be the European Defence Fund (EDF).

3.2.3. *The European Defence Fund (EDF)*

The EDF is a new financing mechanism of the EU, yet to be fully implemented, that could prove as a true revolution for the Union CSDP. The main aim is to generate real financial incentives for systematic defence industrial cooperation[174], and to foster competitiveness, efficiency and innovation capacity of the EU defence industry[175]. Initially proposed in the 2016 EDAP, the fund was officially

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[172] EDA, *CARD Factsheet,* p.1, (Brussels, 2019). Full text at https://eda.europa.eu/docs/default-source/eda-factsheets/factsheet-card-(updated-26-11-2018)

[173] European Defence Matters, *CARD: From Trial Run to Firs Full Cycle Starting in 2019, (Brussels, 2018). Full text at https://eda.europa.eu/webzine/issue16/in-the-spotlight/card-from-trial-run-to-first-full-cycle-starting-in-2019*

[174] EUGS 2019, p.11, (Brussels, 2019).

[175] ECA on EU Defence, p. 57, (Brussels, 2019).

launched by the Commission in 2017[176]. The official communication explains that the fund should help Member States make cooperation the norm and thereby develop and acquire key strategic defence capabilities. The reason and necessity of establishing the EDF derives from the EU defence industry being characterised by insufficient levels and quality of investment in the development and procurement of future capabilities, […] leading to inefficient use of taxpayers' money, unnecessary duplication and suboptimal deployability of defence forces[177].

As an initial test, two pilot programmes have been in place since 2017. The €90 million Preparatory Action on Defence Research (PADR) for 2017-2019 and the €500 million European Defence Industrial Development Programme (EDIDP) 2019-2020. These projects are currently been assessed and starting to give results[178]. With this first phase soon to be concluded, the Union has even greater plans for the future.

In 2018, a total €13 billion European Defence Fund was proposed by the Commission[179] for the 2021-2027 period. This financial setting proposed an allocation of €4.1 billion for research actions and €8.9 billion for development actions. A considerable amount that will place the EU among the top four defence research and technology investors in Europe, and act as a catalyst for an innovative and competitive industrial and scientific base[180]. To highlight the military and security underpinnings of this initiative, up to 5% of the financial envelope shall be devoted to support disruptive technologies for defence[181].

The fund will practically consist of two main windows, research and development, and a financial toolbox[182]. The latter is a standardised set of financial tools that can be used flexibly by Member States to jointly finance projects benefitting from the support of EU budget[183].What the Union wants to do is to encourage defence cooperation by reducing the risk in the earlier stages of the industrial development cycle[184]. The funds will especially welcome SMEs from the defence sector and will be

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[176] Communication from the Commission COM (2017) 295 final, Launching the European Defence Fund, (Brussels, 7 June 2017). Full text at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017DC0295&from=EN
[177] Ibidem
[178] See for instance https://www.eda.europa.eu/webzine/issue18/cover-story/european-defence-fund-(edf)
[179] Commission Proposal 2018/0254 (COD) for a Regulation of the European Parliament and of the Council establishing the European Defence Fund, (Brussels, 13 June 2018). Full text at https://eur-lex.europa.eu/resource.html?uri=cellar:03540883-6efd-11e8-9483-01aa75ed71a1.0001.03/DOC_1&format=PDF
[180] European Commission Press Release of 12 February 2019, *Defence: European Commission paves the way for first joint industrial projects under EU budget*, (Strasbourg, 12 February 2019). Full text at https://ec.europa.eu/commission/presscorner/detail/en/IP_19_1050
[181] Art. 4(4) Commission Proposal 2018/0254 (COD)
[182] Fig. f
[183] Commission Communication COM (2017) 295 final of 7 June 2017, (Brussels, 7 June 2017)
[184] Ibidem

only granted to collaborative projects involving at least three eligible entities from at least three Member States or associated countries[185].
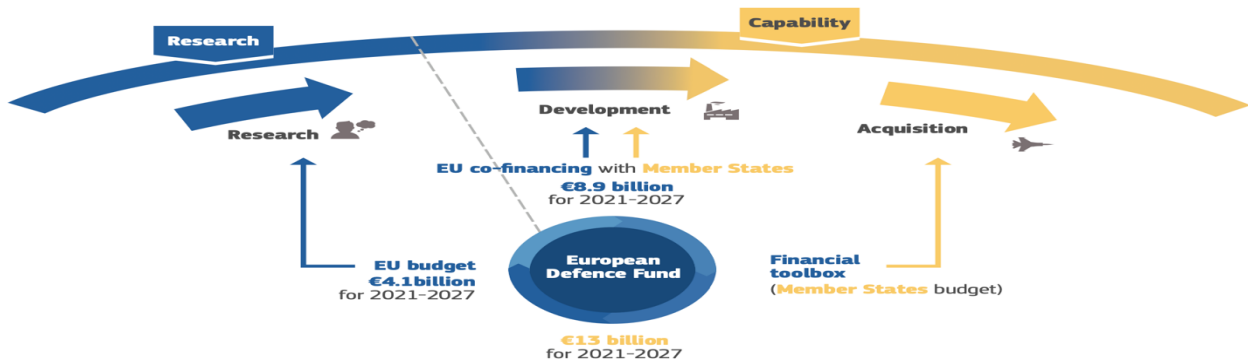

Figure f. The proposed functioning mechanism of EDF 2021-2027. Source: Commission Communication COM (2017) 295 final of 7 June 2017.

It must be remembered that the EDF is still to be fully implemented and its full potential yet to be discovered. Special attention must thus be made to the next years, in which the fully-fledged EDF will take place. This initiative can truly prove itself as a revolutionary one and become a major pillar of an industrial policy that strongly contributes to the constant final aim of EU strategic autonomy. This proves even more true when the EDF is analysed as connected with the general package of EU defence initiatives that are keeping the CSDP positive momentum alive[186], and in light of the future projects that the Union is planning, most notably the 6.5 billion Connecting Europe Facility and the 100 billion research and innovation program Horizon Europe[187].
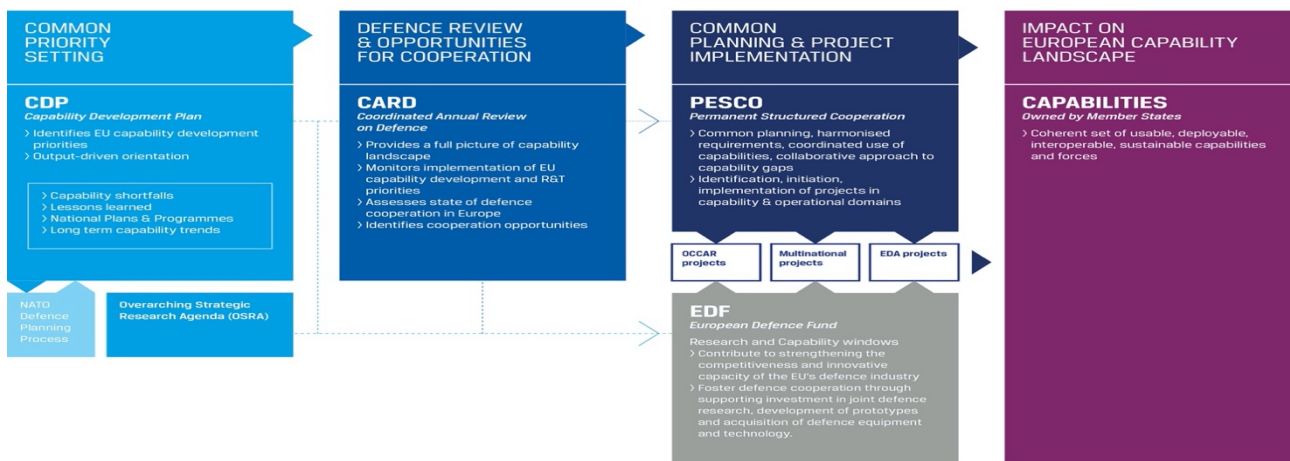

Figure g. The functioning mechanism connecting all the recent EU initiatives in the defence sector. Source: EDA, PESCO and other EU defence initiatives.

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[185] European Commission, *EDF Factsheet,* p.3 (Brussels, 2019). Available at
https://ec.europa.eu/docsroom/documents/34509
[186] Fig. g
[187] European Commission, *EDF Factsheet*, p. 4, (Brussels, 2019).

3.3 EU CSDP Missions and Operations

Surely, the EU strategic autonomy and its role in global defence affairs cannot be proven by only looking at its legal framework or at its latest innovations. The consolidation of CSDP needs a practical feedback. The indisputable yardstick to evaluate whether the Union operates at a global level in security and defence matters is analysing the scope and strength of its civilian missions and military operations. Since the decision-making process has been already analysed in Chapter 1, now we will limit ourselves to a general discussion about the characteristics of CSDP actions.

3.3.1 *The 'European Way', Strengths and Weaknesses.*

The history of EU CSDP Missions and Operations began in 2003 with the military operation Concordia in North Macedonia[188]. Since then, many more actions have taken place, and at the time of writing the count is of 35 total missions and operations, with 17 of them currently deployed and ongoing[189]. In the first year, three military operations were launched, but as analysed by the EP, after 2004 the balance shifted increasingly towards civilian missions[190].

This trend has characterised the 'European way' to peace and security, with a main goal not to militarise the Union but to put the security and defence tools at the service of peace[191]. The CSDP suffered a major blow after the international financial crisis, and the period 2008-2012 was marked by an increasing sense that CSDP operations were underachieving against the stated ambitions. The incapacity of the EU to act in Libya in 2011 and in Syria led to a period of inactivity and to scholars arguing that most EU missions remain small, lacking in ambition and strategically irrelevant[192].

As previously discussed, the EU then entered a positive momentum in defence matters, but the considerable progress in policy has not been reflected in the launch of more ambitious military operations[193]. The amount of initiatives and activities has certainly increased, but an increase in the number does not necessary imply an increase in the quality of missions and operations launched.

The lack of official documents and effective assessment methods makes it hard to evaluate CSDP actions. If some authors argue that most of the EU's military operations were largely or completely

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[188] CONCORDIA/FYROM 2003, official website of the operation at
http://www.eeas.europa.eu/archives/csdp/missions-and-operations/concordia/index_en.htm
[189] EEAS, Military and Civilian missions and operations. Full text at https://eeas.europa.eu/headquarters-headquarters-homepage/430/military-and-civilian-missions-and-operations_en
[190] European Parliament, *CSDP Missions and Operations,* p.5, (Strasbourg, January 2020). Full text at
https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/603481/EXPO_IDA(2020)603481_EN.pdf
[191] See HR F. Mogherini foreword to the EU CSDP Missions and Operations Annual Report 2018, p. 2, (Brussels, 2018). Full text at https://eeas.europa.eu/sites/eeas/files/european_union_common_security_and_defence_policy_-_missions_and_operations_-_annual_report_2018.pdf
[192] J. Howorth, *Security and Defence Policy in the European Union,* p.147, Palgrave, (Basingstoke, UK, 2014).
[193] European Parliament, *CSDP Missions and Operations,* p. 6, *supra* note 190

successful in meeting their mandated goals[194], others see a lack of realistic balance between the level of ambition and resources available[195]. In my opinion both views are acceptable. The Union has undoubtedly achieved positive results through its operations, with main examples such as EUNAVFOR ATLANTA considerably reducing piracy in Somalia[196] or EUTM-RCA helping the crisis management in the Central African Republic.

However, the activities carried out by the Union have always kept a low intensity and do not have a global reach, but more an 'extended-regional' one. They certainly do not mirror the scope of a global security provider that operates in every area of the globe. A possible explanation for this is that initial military CSDP operations until 2009 were less embedded in broader EU foreign policy aims, while post-2008 missions tended to be more, thus explaining the priority of diplomatic and civilian initiatives over military intervention.

As explained in the previous sections, the trend set by the Union for the future is that of combining soft and hard power by strengthening the latter. This, summed to the new capability development initiatives may lead to stronger and more determined actions in the CSDP framework to affirm the EU as a security actor at the global level. Before looking at the external sphere, there are internal obstacles that the Union must tackle to reach the ambitious objectives of its global strategy.

A key challenge, hopefully not to be addressed, will be the reaction when a mission or operation will be no longer a question of choice but of necessity. This could derive from the activation of the mutual assistance clause[197], and the responsiveness and effectiveness of the Union will be fundamental to inspire trust also in foreign countries and to deliver a convincing image of someone who aspires to address security on a global scale. Another may obstacle, that affects the EU in several fields, is the lack of unanimity. Here in particular, the different and incompatible national attitudes to the use of force that continue to hamper decision-making and force generation[198]. A key weakness in the CSDP mechanism is that there are currently few systemic, in-depth and truly independent reviews of the performances, and limited work has been done to identify and learn from the most important and actionable lessons that missions and operations can offer[199]. If the Union will focus on establishing such mechanism, as it has been done for capability review and projects assessment through CARD and PESCO, then future scenarios could witness a new momentum in CSDP military operations.

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[194] A. Peen Rodt, *Effectiveness in Operational Conflict Prevention: How Should We Measure It in `EU Mission and Operations?,* Seminar Publication on Contemporary Peace Operation: From Theory to Practice, pp.97-106, 2017
[195] G. Højstrup Christensen et al., *Success and Shortfalls of European Union Common Security and Defence Policy Missions in Africa: Libya, South Sudan, the Democratic Republic of Congo and the Central African Republic,* p.13, Fak Brief, 2017
[196] Total attacks decreased from 24 in 2008 to 1 in 2019. Official figures available at https://eunavfor.eu
[197] Art. 42(7) TEU
[198] European Parliament, CSDP Missions and Operations, p. 11
[199] Ibidem

This holds true even if recent steps, as the Civilian CSDP Compact[200], suggest a tendency by the Union to keep giving priority to civilian missions. It must be acknowledged that this double lane may eventually be coherent with the EU intention to strengthen both the soft-end and the hard-end of CSDP actions. The former through new practical missions and the latter through initiatives aimed at increasing military capability and strategic cooperation. Whether the civilian end will remain predominant, or the military one will reach its level, is a question that can only be answered by monitoring and constantly analysing future developments.

For our analysis, let alone the nature and type of intervention, we can see that the Union is certainly active in security and defence matters. However, a complete picture of its involvement outside the Union borders, shows that it cannot be considered a true global security actor. As clearly demonstrated by Figure h, the influence of the EU CSDP reaches the African Horn at its maximum. Engagement in the Americas, the Middle East or Asia, where the interests of international relations are shifting, remain null or irrelevant. If the EU truly aims at a role as global actor, it needs to improve its engagement and CSDP missions and deployment. As discussed before, the rights steps have been taken towards strategic autonomy, and possibilities of concretely achieving it are increasing. However, for what concerns becoming a global security provider, the analysis shows that the Union is not totally putting the effort in, and there are no signals of willingness to improve, except for the rhetoric in official documents. Nevertheless, it is probable that after having enhanced strategic autonomy, with increased capacity, the EU will start engaging on a wider scope and in new areas. After all, the basic preconditions for effectively deploying missions and operations derive exactly from a solid capability base and from a consolidated strategic autonomy.

3.3.2 *Present and Past CSDP Missions and Operations*

For the sake of completeness, the EEAS offers a complete list of ongoing and past civilian and military missions and operations. As visible both from the names of the actions and even more from the visual representation, the scope of the Union is undoubtedly limited to a regional extent, at least for what strictly concerns security and defence matters.

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[200] For more details about the initiative see: the European Parliament, *The Civilian CSDP Compact,* 2018 at https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/630295/EPRS_BRI(2018)630295_EN.pdf and C. Håkansson, *What does the new Civilian CSDP Compact mean for European strategic autonomy?,* in European Leadership Network, (15 April 2019). Full text at https://www.europeanleadershipnetwork.org/commentary/what-does-the-eus-new-civilian-csdp-compact-mean-for-european-strategic-autonomy/
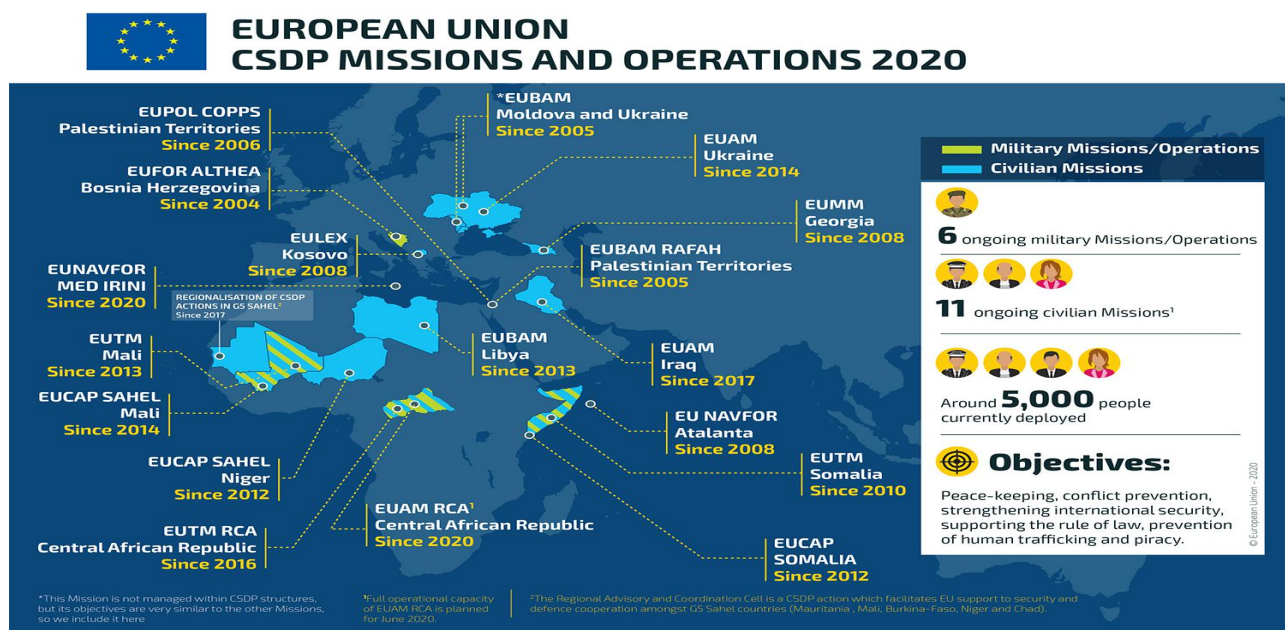
Figure h. Current ongoing CSDP Missions and Operations. Source: EEAS

Completed EU Missions and Operations, table based on EEAS available information:

NAME	TYPE	AREA	PERIOD
EUPM/BiH	Military	Bosnia and Herzegovina	2003-2012
EUNAVFOR MED Operation Sophia	Military	Mediterranean (Libya)	2015-2017
CONCORDIA/FYROM	Military	Macedonia	2003
EUPOL Afghanistan	Military	Afghanistan	2007-2016
EUPOL PROXIMA/FYROM	Military	Macedonia	2003-2005
EUPAT	Civilian	Macedonia	2005-2006
EU SSR Guinea-Bissau	Civilian	Guinea-Bissau	2008-2010
EUFOR Tchad/RCA	Military	Chad/RCA	2008-2009
EUJUST THEMIS/ Georgia	Civilian	Georgia	2004-2005
EUJUST LEX-Iraq	Civilian	Iraq	2005-2013
EUAVSEC South Sudan	Civilian	South Sudan	2013-2014
EUMAM RCA	Civilian	Central African Republic	2015-2016
ARTEMIS/DRC	Military	RD Congo	2003
EUPOL RD CONGO	Military	RD Congo	2007-2014
EUSEC RD CONGO	Civilian	RD Congo	2005-2016
EUPOL KINSHASA (DRC)	Military	RD Congo	2007-2014
EUFOR RD Congo	Military	RD Congo	2006
EUFOR RCA	Military	Central African Republic	2014-2015
Aceh Monitoring Mission-AMM	Civilian	Aceh, Indonesia	2005-2006

Final Remarks

Coming to the end of this paper there are some main conclusions that must be highlighted.

The first two sections provided us with an insight on the history and current situation of the CSDP. The development of this branch of European policy has thus been characterised by significant innovations and successes, as well as sudden halts and failures. From 1950 to 1992 security and defence cooperation in Europe developed outside the proper legal framework of the Community and was instead embedded in various forms of political cooperation between individual Member States, often with the supervision of the United States. To summarise the first chapter, the approach during these years derives from the failure of the too ambitious EDC in 1954. This failure lowered expectations and ambitions, so that defence integration remained in the background for some time, while Member States focused more on cooperating in broader political and foreign policy terms.

This *modus operandi* led to the CSDP legal framework as it functions today, inevitably linked to the broader CFSP but with its own autonomy and specific principles. The results that emerge from the analysis show that the current rules provide an increasing number of opportunities aimed at building a culture of cooperation between Member States to fully integrate security and defence matters at the EU level. However, it is also undoubtedly true that the CSDP norms still recognise the importance of individual Member States and national administrations, leaving them the last word on all types of initiatives under the CSDP, from starting a Permanent Structured Cooperation to launching missions and operations.

What does not result clear enough is in my opinion the role of the EU institutions. Although the Treaties virtually mention and define competences for the Council as the leading institution in conducting European security and defence, its authority at the practical level overlaps with the increasing role of the Commission. The latter, especially under the Juncker presidency, started imposing itself as the main institutions for the development of CSDP actions, thus summing up to other authorities that retain an important amount of decision-making power and authority, from the High Representative of the Union to the European Defence Agency, an ever more point of reference for the conduct of new initiatives and projects. I thus consider necessary a clarification of the different roles and authority of each organ and institution to simplify the mechanism and guarantee a clearer process in the conduct of CSDP matters. The debate about granting which role to which organ certainly requires more than a paper and an appropriate forum to discuss it. For now, suffice it to say that despite the indisputable progress in this area, the overlapping of power and responsibilities still represents a significant slowdown in the integration of defence matters.

The last, but most important section for the research, reviewed the EU strategic documents, the new initiatives and the conduct of civilian and military missions and operations to understand, outside the

legal norms, where the European integration is heading. Above all, the third chapter provided the answers for our research questions, namely the level of strategic autonomy of the Union and its potential role as a global actor and security provider.

The analysis revealed that the EU CSDP is experiencing a momentum of positive development, but its results and achievements are sometimes overrated and over celebrated. Without a doubt, the role of the Union is security and defence matters has come a long way since the initial failures and fears to integrate discussed in Chapter one.

However, obstacles related to scarce interoperability of the armaments, different visions among Member States and a still significant dependence from the United States limit the EU possibility to develop an effective strategic autonomy. The sensibility of the policy and the importance of maintaining control over a defence apparatus contributed to the unwillingness of Member States to cede too much sovereignty in security and defence matters.

In this context, the latest package of revolutionary initiatives including PESCO, CARD and EDF has already contributed, despite its young age, to significantly increase the opportunities for coordination and integration of defence matters at the European level, thus enhancing its strategic autonomy.

These initiatives must remain the focus and the reference instruments to further strengthen the EU strategic autonomy and to understand what the future holds for the CSDP.

Inevitably associated with the Union strategic autonomy are the possibilities to perform the role of a global actor in security. The Union surely has a global engagement in the broader area of foreign policy and diplomatic channels worldwide. However, when it comes to proper security and defence issues, the reach of the EU action is limited to a no more than regional extent. The CSDP external activity is mostly focused on the MENA and Balkans regions, namely the areas surrounding Europe, with the furthest operations reaching the Horn of Africa.

If we conduct a deeper analysis, we can understand that the Union intervention in these scenarios does not derive from a vocation to act as a security provider in every crisis worldwide.

The Union presence is instead inevitably connected to the own interest of guaranteeing economic and political stability in the European neighbourhood for self-defence, afraid that crisis in the nearby areas could lead to disastrous consequences for the EU trade and political equilibrium.

Although this being a perfectly understandable reason, that nevertheless stimulates positive intervention in countries where external aid is much needed, it surely is a limited role to define the EU a global security provider. Moreover, the Latin America and Asian regions are far from being stages of European action, and the lack of EU level intervention in scenarios such as Libya and Syria confirm that, despite the rhetoric of official documents, the European Union cannot be considered a security actor at a global level.

To conclude, the EU CSDP is certainly a European policy branch to keep under scrutiny and analysis. The momentum that it is experiencing, if exploited in an effective manner, could lead to unexpected and outstanding achievements. There are certainly obstacles and challenges, but the so far achieved progress, that this paper intended to present, gives hope and opens new opportunities for further development towards a EU strategic autonomy, a strengthened role of the Union and the worldwide spread of the 'European way' to security to increase cooperation and coordination on the international stage.

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Summary (Italian Version)

Riassunto in lingua italiana dell'elaborato finale

Introduzione e Capitolo Primo.

In questo momento storico, il ruolo e il potere dell'Unione Europea sono costantemente sotto pressione e oggetto di dubbi e critiche da diversi fronti. Tutto ciò nonostante l'indiscutibile successo del progetto Europeo nel garantire stabilità e pace nella regione.

La nascita di nuovi movimenti populisti e nazionalisti, il duro colpo inferto dal voto Brexit e la risposta dell'UE alla recente pandemia, da molti giudicata lenta quando non assente, hanno ulteriormente contribuito alla crisi dell'organizzazione.

Tuttavia, in questo contesto di incertezza, una branca particolare delle politiche europee ha vissuto un periodo di continuo e inaspettato sviluppo e miglioramento, la Politica Comune di Sicurezza e Difesa dell'Unione Europea. Per comprendere il presente, la storia di quest'ultima deve essere brevemente analizzata.

I primi tentativi di integrazione europea in materia di sicurezza e difesa risalgono alla creazione della Comunità di Difesa Europea del 1950. Iniziativa favorita dal contributo statunitense per rafforzare collaborazione e stabilità nella regione, si rivelò un duro fallimento data la bocciatura del progetto da parte dell'*Assemblée Nationale* francese nel 1954.

Tuttavia, proprio da questo fallimento, e dalla consapevolezza che processi più elaborati erano necessari per integrare ambiti tanto sensibili a livello europeo, si sviluppa un approccio più ampio, non troppo ambizioso e più sistematico che punti a una iniziale collaborazione nella sfera diplomatica e della politica estera.

Esattamente in quest'ottica possono essere inquadrate iniziative minori come il Piano Fouchet, la cui importanza risiede nel creare una 'cultura di cooperazione' tra Stati senza invadere troppo la sovranità nazionale e senza trattare l'integrazione di temi considerati estremamente sensibili come la sicurezza e la difesa. Durante questo periodo si assiste dunque a una differenziazione tra politica estera e politica di sicurezza e difesa. Se la prima è parte attiva dell'integrazione tra Stati Membri, la collaborazione in materia di difesa si sviluppa all'esterno della Comunità vera e propria, basandosi su due istituzioni fondamentali nel suddetto periodo e contesto: la NATO e l'Unione Europea Occidentale (UEO), che costituiscono i principali forum regionali di dialogo militare. Nel 1987 l'Atto Unico Europeo introduce norme relative alla sicurezza europea all'interno del diritto primario dell'Unione, senza tuttavia menzionare questioni di difesa, che rimangono priorità di NATO e UEO.

La prima vera svolta è riconducibile al Trattato di Maastricht 1993 e alla dichiarazione di St. Malo 1998. Con il primo si assiste all'introduzione delle nozioni di sicurezza e difesa europea nei trattati fondanti dell'Unione. I miglioramenti ottenuti consistono nell'imposizione di norme più dettagliate per Stati Membri e istituzioni per la collaborazione nelle politiche in questione. Viene inoltra menzionata nell'articolo J.4 (1) la possibilità di un eventuale politica comune di difesa. L'attenzione principale rimane dunque sull'integrazione nell'ambito generale della politica estera, con rimandi a possibili aree di cooperazione nella difesa.

Nel 1998 l'iniziativa anglo-francese, sancita nella dichiarazione di St. Malo, apre alla necessità di forze militari europee per garantire l'azione autonoma dell'Unione. Questa linea politica verrà mantenuta nei Trattati di Amsterdam 1999 e Nizza 2000, emendamenti al Trattato sull'Unione Europea che segneranno una svolta con l'introduzione delle Missioni di Petersberg nei Trattati e con l'eliminazione di ogni riferimento all' UEO. L'Unione Europea acquista dunque autonomia e responsabilità anche in materia di sicurezza e difesa. Il Trattato di Nizza introduce inoltre modifiche istituzionali volte a creare la Politica Europea di Sicurezza e Difesa, predecessore dell'attuale Politica Comune di Sicurezza e Difesa.

L'importanza di questa prima fase storica consiste dunque nell'individuazione da parte dei policymakers3, dopo un fallimento iniziale, dei processi e meccanismi di integrazione europea che possano garantire uno sviluppo non immediato ma costante della collaborazione in materia di sicurezza e difesa.

Anche questa branca della politica diventa dunque un ulteriore aspetto di collaborazione e cooperazione per l'Unione. Assunta l'eredità di tipo militare dall'UEO, l'UE tratta gli accordi Berlin+ con la NATO e già nel 2004 vengono lanciate le prime due operazioni militari, Concordia ed EUFOR Althea.

Un esempio utile per riepilogare e comprendere questa prima fase storica può essere paragonare la politica estera a dei cerchi concentrici con diversi gradi di sensibilità: inizialmente ampi e meno sensibili, e infine più dettagliati ed estremamente sensibili, come la sicurezza e difesa. Il fallimento iniziale della Comunità di Difesa Europea si deve alla troppa ambizione che ha puntato a integrare immediatamente gli aspetti più sensibili, senza una precedente cultura di collaborazione nei cerchi generali della politica. Il fallimento e lo scoraggiamento iniziale hanno dunque riportato ai cerchi più esterni e alla necessità di sviluppare una tendenza al dialogo e alla collaborazione per poter in seguito estendere l'integrazione anche in argomenti più sensibili. La struttura della Politica Comune di Sicurezza e Difesa dell'Unione Europea come appare oggi viene definitivamente sancita nel Trattato di Lisbona del 2009.

Capitolo Secondo.

In forza dal 2009, il Trattato di Lisbona si presenta rivoluzionario soprattutto per la decisione di rimuovere la precedente struttura 'a pilastri' dell'Unione per meglio integrare le differenti aree politiche in un contesto singolo e unitario. Tuttavia, questa rivoluzione acquista un aspetto retorico più che pratico. Alcune branche della politica europea, come quella di sicurezza e difesa, mantengono un carattere autonomo e distinto dalle altre politiche.

Vera innovazione è invece l'integrazione di PESC e PSDC in un'unica struttura di norme e regole. Al fine di comprendere il funzionamento della politica di sicurezza e difesa risulta quindi indispensabile analizzare, anche brevemente, le caratteristiche della più generale politica estera e di sicurezza dell'Unione.

Primo indicatore di quanto esposto è l'articolo 24 (1) del Trattato sull'Unione Europea, che esplicitamente spiega come la politica estera e di sicurezza sia soggetta a norme e procedure specifiche. Queste ultime costituiscono il Titolo V del TUE, divise negli articoli 21 e 22 TUE per le disposizioni generali sull'azione esterna dell'Unione e negli articoli dal 23 al 46 TUE per le disposizioni specifiche su PESC e PSDC. Il primo importante risultato di Lisbona è dunque aver integrato in un sistema omogeneo i differenti filoni della politica estera europea riunendoli in un Titolo specifico e regolandoli, nell'articolo 21 TUE, con obiettivi e principi comuni. Un punto critico costante riguarda il ruolo degli Stati Membri. Sebbene non esplicitamente menzionati negli articoli, indicativo di una maggiore attenzione sull'Unione, il loro ruolo rimane importante e questi ultimi mantengono indubbiamente controllo e flessibilità sulle scelte in materia di sicurezza e difesa.

Con il Trattato di Lisbona vengono specificati o introdotti organi e ruoli che contribuiscono direttamente alla condotta della PSDC.

Primo tra questi è il Consiglio Europeo, al quale è affidata la responsabilità di identificare interessi e obiettivi strategici dell'Unione, agendo unanimemente su raccomandazione del Consiglio dell'Unione Europea. Il Consiglio diventa anche attore principale nelle procedure di decision-making. Innovazione fondamentale introdotta dal Trattato di Lisbona è il ruolo di Alto Rappresentante dell'Unione Europea per la politica estera e di sicurezza. A quest'ultimo sono affidate funzioni rappresentative, d'iniziativa e poteri esecutivi per la condotta della PESC. Altri organi degni di nota ma che non contribuiscono direttamente alla condotta della PSDC sono il Servizio di Azione Esterna dell'UE e il Parlamento Europeo, il primo costituisce il servizio diplomatico dell'Unione, mentre il potere del Parlamento in questo contesto è esercitato solamente in relazione all'approvazione del budget.

La Sezione 2 del Titolo V TUE, comprendente gli articoli 42-46 regola in maniera specifica e diretta la condotta della PSDC. L'articolo 42 definisce gli obiettivi di questa politica come missioni al di

fuori dell'Unione per mantenere la pace, prevenire conflitti e rafforzare la sicurezza internazionale, alludendo dunque al ruolo dell'UE come attore e promotore globale di stabilità e sicurezza. Lo scopo ultimo e fondamentale della PSDC include la creazione progressiva di una politica di difesa comune, indicativo di quanta importanza abbia assunto questa branca della politica all'interno dell'UE. Non vengono ignorate le altre organizzazioni internazionali, e nello stesso articolo viene regolato il rapporto con NATO e ONU, sulla base del rispetto di principi comuni. Il Trattato dispone poi una lunga e non esaustiva serie di operazioni eseguibili sotto la PSDC che variano dall'intervento militare ad attività di soft power.

Le procedure decisionali in materia di sicurezza e difesa si presentano articolate e coinvolgono numerosi organi. Per comprenderlo brevemente, è sufficiente spiegare che il Comitato politico e di sicurezza approva dei resoconti forniti da organi secondari, sulla base dei quali il Comitato Militare e Civile dell'Unione elabora delle strategie di intervento. Successivamente, è il Consiglio a decidere se istituire una missione civile o una operazione militare, nominando gli organi rispettivamente necessari e inserendo l'attività in un contesto di collaborazione con NATO e ONU oppure in maniera autonoma.

Altre innovazioni apportate dal Trattato di Lisbona riguardano la clausola di assistenza reciproca e la possibilità di istituire una partnership strutturata permanente, iniziativa attuata nel 2016.

L'enorme ingranaggio burocratico, politico e soprattutto militare alla base della PSDC necessita di un adeguato meccanismo di finanziamento per svolgere correttamente le proprie funzioni. Quest'ultimo, stabilito dalla Decisione 2004/197/PESC del Consiglio, prende il nome di ATHENA. L'articolo 2 (1) della Decisione definisce ATHENA come un meccanismo per amministrare il finanziamento dei costi comuni delle operazioni che rientrano nella PESC e quindi automaticamente anche delle operazioni condotte sotto la PSDC. Definiti in maniera precisa dall'articolo 15 della Decisione, questi costi comuni e i fondi per essi allocati devono essere gestiti, sotto l'autorità di una Commissione Speciale, dall'amministratore, il comandante e il contabile di ciascuna operazione.

Definiti gli aspetti storico, legale ed economico della PSDC, è necessario ora approfondire la sua importanza politica e il ruolo dell'Unione come attore globale in materia di sicurezza e difesa.

Capitolo Terzo e Conclusioni.

I documenti chiave per comprendere il *modus operandi* dell'Unione in materia di sicurezza e difesa sono fondamentalmente di due tipi: le Strategie Europee e i rispettivi Report sull'implementazione e i progressi raggiunti. Al fine di condurre un'analisi sullo stato attuale della PSDC i documenti di riferimento sono la Strategia Globale Europea del 2016 e l'ultimo relativo Report pubblicato nel 2019.

Primo tratto caratteristico dell'approccio UE è un'azione basata non esclusivamente su massicci interventi militari, ma che si concentra più su un approccio civile e normativo. L'intenzione alla base di questa condotta è integrare potere militare e civile e creare uno 'smart power' adoperabile nel contesto generale di sicurezza e in tutte le fasi di eventuali conflitti, dalle cause più profonde alla ricostruzione del sistema Paese nella fase post-conflitto. L'obiettivo finale è fornire aiuto a livello regionale e non, per costruire Stati forti e garantire stabilità nelle regioni limitrofe all'Unione vera e propria. Per questo motivo, e per l'ovvia assenza di conflitti armati in Europa, le azioni condotte sotto la PSDC sono esclusivamente concentrate al di fuori dell'UE e soprattutto presenti nelle regioni dello spazio post-sovietico, in Medio Oriente e Nord Africa e nella regione del Corno d'Africa, zone la cui condizione influenza pesantemente la stabilità politica ed economica dell'Unione.

Dopo un'analisi dei documenti ufficiali, gli obiettivi dell'Unione risultano dunque chiari. Dapprima, è necessario consolidare l'autonomia strategica dell'UE per garantire coerenza ed evitare duplicazione tra i sistemi militari degli Stati Membri. In secondo luogo, raggiunta la suddetta autonomia, le capacità dell'Unione in materia di sicurezza e difesa dovranno essere impiegate per rafforzare il ruolo e l'impegno in ambito PSDC a livello globale, possibilmente estendendo gli interventi a quelle regioni spesso non oggetto della politica in questione, ovvero America Latina e Asia.

I principali ostacoli al raggiungimento di questi obiettivi sono la costante influenza esercitata dagli Stati Uniti, e la conseguente dipendenza europea in ambito militare, e il poco entusiasmo dei Paesi Membri nell'integrare e quindi cedere sovranità in ambiti talmente delicati.

Tuttavia, dal 2016 e grazie soprattutto alla visione della Commissione Juncker e all'operato dell'Alto Rappresentante Mogherini, è stato avviato un periodo di incessante attività ed estrema innovazione nella PSDC. Per comprendere la direzione dell'UE in materia di sicurezza e difesa risulta dunque necessario presentare alcune delle nuove iniziative. Nel contesto di progresso generale, tre progressi risaltano maggiormente: la Cooperazione Strutturata Permanente, la Revisione Coordinata Annuale sulla Difesa e il Fondo Europeo di Difesa.

La CSP, introdotta dagli articoli 42 (6) e 46 TUE e attivata nel 2017 con la Decisione del Consiglio (CFSP) 2017/2315, è fondamentalmente una partnership istituita con l'obiettivo di costruire un sistema comune e coerente in ambito militare per contribuire agli obiettivi di autonomia e rafforzamento del ruolo dell'UE sopra citati. L'iniziativa si presenta come rivoluzionaria per il carattere obbligatorio degli impegni assunti dai 25 Stati partecipanti. In 3 anni la CSP ha dato vita a un totale di 47 progetti in 7 categorie diverse nell'ambito della difesa e della sicurezza. I progressi vengono monitorati attraverso dei Piani di Implementazione Nazionali annuali presentati dai governi

partecipanti che, attraverso la discussione, permettono di rafforzare la cooperazione e il coordinamento della PSDC.

La seconda importante iniziativa è rappresentata dalla RCAD, un meccanismo intergovernativo con la funzione di individuare le aree e le competenze in materia di difesa da sviluppare a livello europeo. Stabilita anch'essa nel 2017, è stata dapprima lanciata con un periodo di prova di un anno e al momento gli unici risultati disponibili sono riconducibili al Report sul periodo di prova del 2018. Le raccomandazioni e le mancanze emerse dal suddetto Report sono state affrontate, e nel 2019 è stato lanciato il primo ciclo completo e ufficiale della RCAD, i cui risultati saranno esaminabili da Novembre 2020, data della pubblicazione del Report aggiornato. L'innovazione di questo progetto e la sua importanza risiedono nel costituire un forum concreto e integrativo per individuare tutte le aree dove una seria e proficua collaborazione tra Stati Membri possa essere introdotta, tenendo in mente l'obiettivo finale di rafforzare le capacità militari dell'UE e la sua autonomia strategica.

La terza iniziativa, ancora in fase di sviluppo ma dalle potenzialità rivoluzionarie è il FED, nuovo meccanismo di finanziamento per supportare le spese comuni della PSDC. Dopo i due progetti piloti lanciati per il periodo 2017-2020, il fondo verrà propriamente introdotto per il periodo 2021-2027, con un budget di €13 miliardi, da dividere in spese di ricerca (€4.1 miliardi) e sviluppo (€8.9 miliardi). Coprendo le spese e garantendo finanziamenti adeguati ai progetti di sicurezza e difesa, il fondo contribuirà ulteriormente alla cooperazione e coordinazione tra Stati Membri e al rafforzamento dell'autonomia strategica dell'UE e della PSDC.

Per conoscere il ruolo dell'Unione a livello globale è indispensabile analizzare le missioni e operazioni condotte sotto la PSDC.

L'attività dell'UE come garante di sicurezza internazionale ha subito periodi più intensi e momenti di inattività. Al momento si contano 6 operazioni militari e 11 missioni civili dispiegate per un totale di 17 missioni. Osservando una qualsiasi mappa è subito evidente come questi interventi operino in territori che circondano l'Unione, fondamentalmente nell'est Europa e nell'Africa del Nord e Sub Sahariana, con presenze anche in Medio Oriente. Da qui la comprensione di come il ruolo dell'UE non possa considerarsi propriamente globale, ma il suo raggio è fondamentalmente regionale e si estende in quei territori limitrofi, dalla cui stabilità dipende anche l'equilibrio dell'UE.

Un aspetto positivo delle missioni e operazioni sotto la PSDC è il loro carattere misto civile-militare, che consente interventi non aggressivi, permette di seguire crisi e conflitti in tutte le loro fasi e aiuta a costruire e mantenere pace e stabilità, presentendo l'Unione come fornitore di aiuti concreti e non come invasore armato. Questo modello di intervento si presenta potenzialmente fondamentale nella risoluzione dei conflitti su piccola scala che si consumano soprattutto a livello locale in regioni prive di stabilità e con scarsa conoscenza del processo democratico.

Giunti alla fine di questo breve sommario, alcune conclusioni devono essere tratte.

Analizzando in maniera più approfondita i temi e gli spunti proposti, i risultati indicano come l'autonomia strategica dell'Unione diventi un obiettivo sempre più raggiungibile grazie alle nuove iniziative e al nuovo entusiasmo che contraddistingue la PSDC. Tuttavia, la presenza statunitense e le discrepanze interne all'Unione costituiscono ancora un serio ostacolo.

Riguardo invece al ruolo dell'UE come attore e promotore di sicurezza a livello internazionale, i risultati sono più deludenti. L'impegno militare non ha certamente un raggio globale, ma piuttosto regionale e vicino ai territori dell'Unione stessa. Gli attori globali in materia di sicurezza e difesa rimangono le grandi potenze mondiali, che assicurano altissime capacità militari e soprattutto una coerenza e un pensiero unico nella strategia, elemento che all'interno dell'UE risulta debole quando non assente. Potenziali progressi per l'accesso dell'Unione tra gli attori internazionali di sicurezza derivano da una eventuale diffusione e preferenza per il modello europeo e il caratteristico approccio misto all'intervento.

Lasciati da parte successi e fallimenti, la PSDC europea risulta sicuramente una politica da tenere in considerazione e i cui sviluppi devono essere seguiti e analizzati attentamente per comprendere le attuali e future dinamiche in materia di sicurezza e difesa a livello nazionale, regionale e internazionale.