THE EU'S SECURITY AND DEFENCE POLICY

210

WILL THE NEW STRATEGY BEAR FRUIT?

Teija Tiilikainen

FIIA BRIEFING PAPER 210 ▪ December 2016

ULKOPOLIITTINEN INSTITUUTTI
UTRIKESPOLITISKA INSTITUTET
THE FINNISH INSTITUTE OF INTERNATIONAL AFFAIRS

THE EU'S SECURITY AND DEFENCE POLICY

WILL THE NEW STRATEGY BEAR FRUIT?

Teija Tiilikainen
Director
The Finnish Institute of International Affairs

FIIA Briefing Paper 210
December 2016

- The recent changes in the EU's common security and defence policy are reflected in the Union's security strategy, in the plans to produce and coordinate capabilities, as well as in the use of the EU's treaty-based competences.
- The focus of the security and defence policy has shifted from external operations closer to the Union's own borders and territory.
- The Commission's policies in the establishment of a European defence technological and industrial base, and in promoting the production of joint capabilities, have the potential to become a unifying agenda for the member states, as well as the EU and NATO.
- The provision of common capabilities will be precipitated through more effective joint planning and coordination; this might also include the use of the permanent structured cooperation (PESCO).
- Along with the implementation of its new Global Strategy, the EU is faced with the question of dealing with its own responsibility for the protection of the Union also by military means.

ULKOPOLIITTINEN INSTITUUTTI
UTRIKESPOLITISKA INSTITUTET
THE FINNISH INSTITUTE OF INTERNATIONAL AFFAIRS

Introduction

The EU's Common Security and Defence Policy (CSDP) is currently affected by three novel political developments, the effects of none of which are univocal. A successful interplay between the developments might, however, open up historical possibilities for a stronger security and defence policy to be established for the EU.

Since 2013, a process has been underway that has paved the way for a broadened interpretation of the foci of the CSDP. The economic downturn and the consequent cuts in national defence budgets executed in many European countries provide good grounds for the European defence technological and industrial base (EDTIB) to be promoted. This new policy, aimed at improving the competitiveness of the European defence industry, has justified the role of the Commission within defence policy; a policy field that is highly sensitive for supranational powers. It has also broadened the scope of common European capabilities from being strictly limited to crisis management tasks towards a more general understanding of European *defence*.

The worsening of the European security political situation linked with the accentuation of threats of various types has been another development speeding up processes within the CSDP. The EU's Global Strategy for Foreign and Security policy (EUGS), endorsed in June 2016, aptly reflected this change by defining the protection of Europe as one of the key goals of the EU's security and defence policy. This strategic shift from a global responsibility and need to prevent and manage crises external to Europe affects the assessment of preparedness and capabilities taking place in the framework of the implementation plan for European defence and processes launched by it. This plan aims to translate the outcome of the common strategy into concrete policies and actions.

For the time being, it is difficult to anticipate how the UK's decision to withdraw from the EU will affect the CSDP in the long run. It is hard to see how a process that increases instability around the EU's unity and leads to the resignation of one of the largest providers of military capabilities could have any positive impact on the vitality of the common policy. An awareness of the EU's weakened credibility might, however, strengthen the support for the reform agenda originating in the two aforementioned processes. With a weakened British voice, deliberation about the full range of defence political needs will be easier as the ideological caution about the EU entering NATO turf will diminish.

This briefing paper focuses on the EU's common security and defence policy from the point of view of how the aforementioned political developments affect its main directions. One of the key questions will be what the strategic shift from external tasks to the protection of Europe and its citizens will mean in terms of concrete instruments and policies. This is essentially also a question of cooperation between the EU and NATO, which thus far has not – for political reasons – been specified when it comes to the more detailed division of tasks between the two organisations.

This paper starts with an analysis of the changes that have taken place in the tasks and agenda of the common security and defence policy. It then studies the conclusions that might be drawn with respect to the Union's common structures and capabilities.

From crisis management to the protection of Europe

Ever since its establishment, the functional focus of the common (formerly European) security and defence policy has been on crisis management tasks. The incorporation of the so-called Petersberg tasks into the EU treaties in the context of the Amsterdam Treaty formed the legal basis for this function, which was granted the necessary capability dimension along with the establishment of the Helsinki Headline Goal in 1999.[1] Even if the possibility to

1 The current formulation of the Petersberg tasks (TEU, Art. 43) is: joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and crisis management tasks, tasks of combat forces in crisis management including peace-making and post-conflict stabilization. The Helsinki Headline Goal 1999 was a goal the member states set themselves to develop common capabilities. Accordingly, by 2003, cooperating together voluntarily, they were to be able to deploy rapidly and then sustain forces capable of the full range of Petersberg tasks as set out in the Amsterdam Treaty, including the most demanding, in operations up to corps level (up to 15 brigades or 50,000–60,000 persons).

carry out military and civilian crisis management operations from conflict prevention to combat force tasks in crisis management has formed the core of the common policy, the treaties would also have allowed more far-reaching steps to be taken.

References to more traditional approaches to security and defence policy have been at least symbolically included in the treaties, which have enabled the transfer to a common European defence to take place since the Maastricht Treaty. Moreover, the protection of the EU's integrity was added to the goals of the CFSP as a part of the Amsterdam Treaty. Subsequently, in the aftermath of the terrorist attacks in Madrid and London at the beginning of the millennium, a specific solidarity clause (now TFEU, Art. 222) was added to the treaties, enabling for the first time the use of common European troops on EU soil for the purposes of countering terrorism or managing natural or man-made disasters. The incorporation of the current mutual defence clause (Art. 42.7 TEU) into the treaties in the Lisbon Treaty – as the final step in the protracted merger of the EU and the erstwhile WEU – did not become a major issue probably due to the fact that it remained purely intergovernmental and secondary to commitments made within NATO. Many parts of the institutional set-up established to serve the purposes of the common policy from the outset reflected its more ambitious underpinnings. Political structures copied from NATO such as the military committee convening at the level of chiefs of defence, or the Satellite Centre or the European Defence Agency (EDA) with its ministerial leadership, were hardly meant to serve crisis management competences only.

Along with the processes promoted both by the agenda of the European Council meeting on common security and defence policy in 2013 and the seriously worsened security political environment, a comprehensive approach to 'European defence' has started to dominate the formulation of a common policy. It is an approach that addresses European security and defence policy as a shared agenda between the EU and the member states.[2] This approach makes it possible on the one hand to address a wide range of Union policies relevant for security and defence, such as policies related to internal security or border security and their mutual interplay with the common security and defence policy. But, on the other, it also improves the possibilities to coordinate national defence policies in the EU context, of which the policies emerging within the construction of the European defence technological and industrial base provide just one example.

The new comprehensive approach is reflected in all three main dimensions that are decisive with respect to the EU's actorness in security and defence policy, namely its strategy, the utilization and interpretation of its legal competences and the development of its structures and capabilities. The key changes that are currently taking place will be analysed below, considering each one separately.

The new turn in the EU's security strategy

The EU's newest common security strategy, the global strategy for the EU's foreign and security policy, creates the broad strategic framework for the Union's policies within security and defence. Even if the steering function of the EU-level strategies remains weaker than that of corresponding national documents – often called white books in security and defence policy – due to the fact that the key instruments are at the national level, this time the impact of the common strategy might be greater.

Concerning its content, the new global strategy, which was presented to the European Council in June 2016, draws a very different picture of the Union's international environment compared to the previous strategies of 2003 and 2008.[3] While the focus of the older strategies was explicitly on 'the new threats', the countering of which stressed action outside the Union, this time a multitude of threats are seen to be directed against the EU's own people and territory and require the *protection of Europe* in concrete terms. The previous priorities of enhancing peace and stability outside the EU, in a more global framework, co-exist with this new focus, but also in this respect the emphasis has shifted towards the Union's own borders as the

2 This is the expression used e.g. in the Commission Communication (COM (2015)185): The European Agenda on Security.

3 *A Secure Europe in a Better World.* European Security Strategy, 12.12.2003; Report on the Implementation of the European Security Strategy, 11.12.2008, S407/08.

resilience of its eastern and southern neighbours has been raised as a particular external goal.

It is suggested that the policies with which the EU should respond to the needs of its own security should deal – apart from security and defence policy – with counter-terrorism, cyber security, energy security and strategic communications. Enhanced action within these fields is seen to require a more seamless coordination of national and EU-level instruments.

When it comes to the steps to be taken within the security and defence policy, the new strategy follows the new comprehensive approach by outlining the resources both in the member states as well as at the EU level as a pool of resources to build on. Europe is seen to respond to its security political needs both via NATO and autonomously, but in both cases a sufficient level of equipment and organization of defence is argued to be needed from the EU.

The other novel dimension of the strategy, apart from the changing focus of priorities, comes into the picture here, as the strategy launches a 'sectoral strategy' on security and defence policy to be carried out by the Council. In November 2016 this implementation plan on security and defence was presented to the EU Council of Defence Ministers, which endorsed its main parts in its conclusions.[4] The implementation plan is, on the one hand, somewhat less ambitious than the global strategy when it comes to its vision of European defence, apart from crisis management. But, on the other hand, it stresses the close link with the Commission action plan on European defence and the joint declaration on EU–NATO cooperation, and outlines in this way the necessary unity of all the key components in the construction of a European policy.[5] Like the initial implementation plan prepared under the leadership of the High Representative for Foreign Affairs and Security Policy, the Council conclusions also recognize the 'new level of ambition' as the starting point for the measures to be adopted. This is a signal that this time the changes identified in the strategy are also meant to be followed up at the level of policies and instruments.

Utilization and development of EU competences in security and defence policy

The EU treaties provide a much wider selection of competences in common security and defence policy beyond those that have been actively utilized.[6] The broader approach adopted towards European defence has implied an activation of at least three thus far unused possibilities for further cooperation.

The most crucial of these is the mutual defence clause (Art. 42.7 TEU) creating an obligation for mutual assistance between the member states in case of an armed attack. The clause was implemented for the first time in November 2015 in the context of the Paris terrorist attacks. This provision, which thus far has not prompted the establishment of any new joint preparedness or planning in the EU, was emphasized in the global strategy and the implementation plan on security and defence, with a view to ensuring its proper implementation. With NATO as the main forum for cooperation in territorial defence, it is neither likely nor economically feasible that far-reaching joint military preparedness was created in the EU for the implementation of the mutual defence clause. The provision might, however, for its part speed up cooperation in fields such as cyber security or countering hybrid threats, or even support the construction of common capabilities. In this respect, the Council conclusions, when referring to the possibility of involving the EU's joint capabilities in support of a 42.7 action, imply a new opening, as the mutual defence clause takes the form of an obligation between the member states without creating any new competences for the EU.

4 For an analysis of the content and background of the implementation plan, see Niklas Helwig & Tuomas Iso-Markku: *Europe's New Defence Agenda: Major Hurdles Still Remain.* FIIA Briefing Paper 211.

5 Council conclusions on implementing the EU Global Strategy in the area of Security and Defence, 14.11.2016; European Defence Action Plan (COM (2016) 950) 30.11.2016; Joint declaration by the President of the European Council, the President of the European Commission, and the Secretary General of the North Atlantic Treaty Organisation, 08.07.2016.

6 This topic has been addressed e.g. in *Spearheading European Defence: Employing the Lisbon Treaty for a Stronger CSDP* (Clingendael Report, 2016).

Another important part of the treaty, which has now been taken into use, concerns the provisions dealing with the member states' military capabilities and the possibilities to coordinate and steer them at the EU level. The new more comprehensive approach towards European capabilities – outlining them as a pool of capabilities originating from the member states as well as from the EU – finds its legal basis in Art. 42.3 TEU, according to which member states shall undertake progressively to improve their military capabilities. This provision also establishes the role of the EDA in identifying operational requirements and measures to satisfy them.

In this atmosphere, a coordination mechanism of defence spending has been included in many recent political proposals,[7] and the Council finally decided to launch it as a part of the implementation plan on security and defence. The details of this mechanism are supposed to be agreed by the Council at the proposal of the High Representative in spring 2017. While in earlier discussions parallels were sought in the system of macroeconomic policy coordination with a "European semester of defence capabilities" in mind, the Council plan stresses the *voluntary* character of this coordination.

The Commission-driven project on the establishment of the European defence technological and industrial base ties in with this work as it aims to strengthen the European defence industry and promote defence industrial cooperation between the member states. Here the competences originate in the policies of the single market and industry, but also in the European Council decisions, as it has repeatedly tasked the Commission, together with the High Representative and the EDA, with contributing to the availability of joint capabilities.[8]

Permanent structured cooperation (PESCO) is the third thus far unused possibility for defence cooperation, which again has been raised onto the political agenda (Art. 42.6 and 46 TEU). It provides the opportunity for a group of member states to make more far-reaching commitments with respect to capabilities provided for the EU's joint tasks of security and defence policy. The broader political purpose of PESCO is – by establishing an avant-garde group in terms of commitments and level of cooperation – to enhance the capability processes. The treaty offers a wide range of possibilities when it comes to the content of deeper cooperation of this sort. One option could be to execute the aforementioned coordination mechanism of defence spending in the framework of PESCO, which could give it a more solid normative framework.

The need to finally take the permanent structured cooperation into use was increasingly stressed after the UK referendum (EUGS; Franco-German proposal) and was approved by the Council as a part of the implementation plan of security and defence. The High Representative was tasked with providing elements for further reflection.

Development of structures and capabilities

The key argument of this paper is that a new, more comprehensive approach has been adopted towards the European security and defence policy. When it comes to the way of *meeting* the increased security challenges identified in the global strategy, the novelties of the EU policy deal, apart from the idea of

7 *A strong Europe in a world of uncertainties* by Jean-Marc Ayrault and Frank-Walter Steinmeier, June 2016; EUGS 2016.

8 The European Council invites the High Representative, notably through the European External Action Service and the European Defence Agency, as well as the Commission, all acting in accordance with their respective responsibilities and cooperating closely as required, to develop further proposals and actions to strengthen the CSDP and improve the availability of the required civilian and military capabilities, and to report on such initiatives, at the latest by September 2013, with a view to the December 2013 European Council. Member states will be closely involved throughout this process (European Council Conclusions 12-13 December 2012; EUCO 205/2012).

defence being a shared agenda between the EU and its member states, with the EU–NATO relationship. A third new element deals with the new 'level of ambition' pursued by the capability development, referring to its broadened goals.

To start with the latter, the political goals of the implementation of the Union's security and defence policy are clearly set out in all three new strategy documents, which define the goals – in accordance with the new level of ambition – as protection of the Union, capacity- building of partners, and responding to external conflicts and crises. The consequences for the EU's capabilities and structures are, however, softened by the role given to NATO in particular when it comes to responding to the first of these priorities. The fact that – apart from the role played by NATO – there is a perceived need for the EU to pursue its strategic *autonomy*, is an old dilemma that also gives rise to some ambiguity in the very recent formulations of policy. The exact nature of the EU's responsibility for the first goal – the protection of the Union – when it comes to its policies of security and defence remains open to a large extent on the basis of the recent documents, or has been postponed for the next few years.

When it comes to the division of tasks between the EU and NATO, there is a greater effort this time to bypass the old dilemma by focusing on instruments and capabilities, whilst the need to enhance synergies and complementarity between the two organisations has become the leitmotiv in the EU's policy. Here the emphasis placed on the development of national capabilities and their coordination, as well as the strengthening of the European defence industry, are key as they serve the purposes of European defence irrespective of its closer institutional framework. The Council conclusions on implementing the global strategy on security and defence point out that the member states have a single set of forces that they can use in different frameworks. Consequently, better coordination of both planning and production of European capabilities serves the interests of all the key actors that are supposed to take advantage of them.

Here the idea of EU-level measures in promoting the coordination and cooperation of European defence industries is important as they contribute to a more coordinated effort in capability planning and production. The Commission's current action plan in European defence suggests a joint funding instrument for defence-related research as well as the establishment of a specific fund for joint capabilities to consolidate demand and support defence materiel cooperation between member states.

A gradual extension of the EU's production of joint capabilities can be perceived in the aims of CSDP towards more general goals. In the Capability Development Plan (CDP) approved by the member states in 2011, cyber security, intelligence, surveillance and reconnaissance were defined as development priorities along with helicopters or strategic airlift. The Global Strategy linked the Union's capability demands to all the main priorities of the Union's security (EU protection, resilience of neighbours, management of external conflicts and crises) and stressed the need for full spectrum land, air, space and maritime capabilities, including strategic enablers. The Council's conclusions on implementing security and defence, in addition to mentioning the current priority areas for the CDP, tasked the relevant actors – the Commission, and the EDA along with the member states – with reviewing and complementing the existing capability priorities on the basis of the new level of ambition set in the global strategy. The political momentum for a broadened scope for common capabilities was thus maintained in the implementation strategy with, however, the key decisions being postponed until spring 2018 and the review of the CDP. The need to maintain a close link with the NATO Defence Planning Process was also stressed in this process.

When it comes to the development of planning and conduct capabilities, concerns about the EU having structures that overlap with those of NATO seem to have steered the Union's policy towards more consensual waters. The plans for establishing a permanent EU military planning and conduct capability and a corresponding civilian one seem to have developed in the direction whereby better facilitation of these tasks is primarily pursued through the current structures of the External Action Service. In parallel with the task of advancing this goal, given to the High Representative, better use of the current national or multinational headquarters is set to be explored. The need to reinforce the EU's access to autonomous situational awareness is considered important as well as regular exercises in line with the three strategic priorities of the EU to enhance its decision-making capacity in crisis situations.

Conclusions

The EU's common security and defence policy is facing significant challenges, and attempts are being made to overcome them by changing the focus and perspective of the policy. A lot more can be done in the Union's framework to strengthen the security of European citizens through a more efficient use of the EU system. The change of focus in the Common Security and Defence Policy closer to the Union's own territory and borders chimes with the expectations of its citizens. A broader approach enables the EU to gather together the wide diversity of policies and instruments at its disposal for the protection of its security. In many of these, such as border security or cyber security, the Union's role is to coordinate or support the policies of the member states, which maintain the key responsibility. By focusing on defence capabilities, their production and coordination, the EU is able to use its political potential, the full use of which has thus far suffered from political controversies in defining the division of tasks between the EU and NATO blocking the agenda.

Along with its newest strategy documents, the EU is being guided to face the key question of dealing with its own responsibilities in a situation where the common territory needs to be protected by military means. To have NATO as the main actor responsible for these kinds of extreme threats does not liberate the EU from defining its own responsibility. In the treaties, this responsibility is embodied by the mutual defence clause, which is also important from the point of view of its deterrent function. To take full advantage of its far-reaching political union in issues of external security, the EU should be more at ease with the system of mutual interdependencies it has created and communicate all of its external implications as a key part of its security policy. In this respect the mutual defence clause only makes explicit the fact that members of such a far-reaching political union can hardly avoid the consequences of an attack against any of them, which makes a joint action likely. While the distant character of such a threat has thus far discouraged the member states from taking their joint preparedness any further when it comes to such an extreme scenario, it can no longer be avoided. A clearer vision of the demands that implementation of the mutual defence clause imposes on European capabilities as well as on the EU's planning and decision-making structures paves the way for a more self-confident EU that is willing to take full advantage of its potential in security and defence policy.

The Finnish Institute of International Affairs
tel. +358 9 432 7000
fax. +358 9 432 7799
www.fiia.fi

ISBN 978-951-769-515-2
ISSN 1795-8059
Language editing: Lynn Nikkanen.
Cover photo: Yoppy/Flickr.

The Finnish Institute of International Affairs is an independent research institute that produces high-level research to support political decision-making and public debate both nationally and internationally.

All manuscripts are reviewed by at least two other experts in the field to ensure the high quality of the publications. In addition, publications undergo professional language checking and editing. The responsibility for the views expressed ultimately rests with the authors.