

EURODEFENSE Working Group n° 16

CSDP development

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During the ICE 2011 in Brussels, the issue of CSDP development has been discussed in one workshop. Following that very fruitful discussion, the Presidents Council has decided to set up a new EURODEFENSE Working Group –EWG 16 -, the mandate of which is attached to this paper.

EuroDéfense-France has been assigned to lead this EWG which is going to involve more and more significantly the EURODEFENSE network into proposals for the implementation of the Defence area provisions of the Lisbon Treaty.

The aim of this first working paper is to launch the discussion within the network by proposing a rough draft meeting the requests of the mandate given by the Presidents Council.

The Lisbon Treaty provisions, the most significant of which are quoted in the EWG mandate, have already been very much looked into, especially within EURODEFENSE ; they are well known now. Henceforth it is very clear that EU could make its way towards a Common Security and Defence Policy (CSDP) through one or several of the provisions of the Treaty. In that respect, the confusion of the *Permanent Structured Cooperation* (PSC) with the *Enhanced Cooperation* (EC), sometimes visible among those who are not familiar with the defence issues, has now gone, what should make the political decision easier.

Let us recall that the PSC aims to gather, with the same goal of better operational and industrial efficiency, the Member States who wish and who can, with regard to their economical and financial situation, go faster and further to integrate their defence means. This opportunity is proposed to all the members of EU ; indeed the PSC has to be inclusive in order to gather the greatest possible number of Member States willing to make efforts towards a genuine common defence.

On their side, the Enhanced Cooperations offer possible cooperations aimed at such or such field of use and are concrete opportunities for going ahead ; they contribute in that way to the move towards the goal of common defence.

Those two ways of cooperation are complementary. However, it is to be stressed that the political implementation of the PSC is rather difficult due to the definition of criteria to be eligible to it and its structural character, the inclusivity of which is not always discerned. It is the same for the Enhanced Cooperations which are enforced by the Lisbon Treaty to gather a minimum number of participants - nine according to the present number of EU members – even though the number of partners in PSC is fully free.

These reminders beeing done, we must ascertain that none of those two ways has been taken until today, even though the crisis forces heavy budgetary constraints on each of the Member States, and limits more and more the manoeuvre margin of each one.

That is why several countries, at first the three partners of the “*Weimar triangle*”, then joined by Spain and Italia, have appealed to the High Representative of the Union for Foreign Affairs and Security Policy. This initiative launched in that way at the end of 2010, and again in pressing terms on the 2nd of September 2011 with the so-called “*of the five*” letter, is clearly requesting a quick setting of significant actions in order to develop CSDP. It relies on the Lisbon Treaty provisions, and its successful conclusion would allow to face a more and more critical situation in the field of European defence capabilities, at NATO disposal in the framework of the article 5 of the Washington Treaty, as well as at EU disposal for Petersberg Missions.

Let us recall some of the actual terms of the “*of the five*” letter : « *We encourage you (HR) to examine all institutional and legal options available to member states, including Permanent Structured Cooperation, to develop critical CSDP capabilities, notably a permanent planning and conduct capability* ».

The mandate given to the EWG stipulates to propose innovative solutions for developing the CSDP. Actually, and paradoxically, it is by referring to the past that the EWG makes innovative proposals.

Stating that the implementation of Lisbon Treaty provisions in the defence area, as recalled above, demands an unanimous agreement of the Heads of State and Government of the European Council, and that this agreement has not yet been reached for reasons specific to each of the Member States, the EWG suggests proceeding through intergovernmental agreement, like it was done in the nineties for setting EuroForces up.

At that time, the CSDP was not yet a reality. It is only after the Franco-British agreement signed in Saint Malo in 1998 that the implementation of the Maastricht and Amsterdam Treaties provisions has started. The commitments taken a few years before by some countries of the Union for setting up EuroCorps, EuroFor and EuroMarfor have something in common with that kind of multilateral agreement. Besides it is the same for the Lancaster House Franco-British Treaties which are strictly bilateral and are not dependent on the European Union as such ; however they contribute at the same time very significantly to the Union defence capability. Actually, such agreements are an excellent example of means “*sharing*” and “*pooling*” for the involved parties.

The five countries which have signed the “*of the five*” letter might propose to the other Member States a multilateral agreement aimed to promote a more efficient and more ambitious CSDP through three ways : immediate implementation of the PSC through the European Defence Agency (EDA), use case per case of some Enhanced Cooperations opportunities, and filling of the gaps of the EU chain of command in order to make it fully responsible to plan and command military and civilian-military operations, from the time onwards that neither NATO nor USA want to commit themselves.

That agreement would be proposed to all the EU Member States. Its character would thus be clearly inclusive and at the same time intergovernmental.

To overcome the reticences which have slowed down the development of the CSDP during these last years, it seems advisable to promote a pragmatic and progressive implementation of the Lisbon Treaty possibilities by getting round its “*letter*” in order to go better by the “*spirit*”. A few months before the NATO Summit in Chicago, to promote the idea of such a multilateral agreement and to incite each of the 27 Member States to join it would be for EURODEFENSE to contribute to give a better efficiency to the European component within the Alliance.