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LAURA C. FERREIRA-PEREIRA

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The European Security and Defence Policy under the Lisbon Treaty: State of the Play and Future Prospects'

This contribution´ focus is the European security and defence. This is a topic which relates directly to the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) of the European Union (EU). While the former was formally established by the Maastricht Treaty in 1992, as part of the reinvention undergone by the European project in the sequence of the end of the Cold War, the latter dates back to 1999 when the European Security and Defence Policy (ESDP), the antecessor of CSDP, was formally established.

The ESDP constituted an attempt to address the EU's failure to act collectively as a coherent and effective political actor in the management during the Yugoslavian wars. It has then emerged as the CFSP's operational arm, conceived to endow the EU with a genuine capacity to respond to international crisis. Overall, these common policies correspond to two specific instruments by means of which the EU has been endeavouring to assert itself as a respected foreign and security policy actor in the international scene.

Both CFSP and CSDP correspond to topical subjects which justify increasing attention not only from those engaged in the field of academic International Relations and EU studies (students and scholars alike), but also those involved in various ways in world affairs. The award of the Peace Nobel Prize to the EU in October 2012 has, indeed, corroborated, if not amplified, the particular relevance of these matters.

Such relevance rests on the circumstance that the CFSP and, especially, the CSDP represent the latest chapter of the European political integration process. Therefore, the understanding of the complexity and global dynamics underlying the Union's current agenda calls for the comprehension of the evolving European foreign, security and defence policy. On the other hand, these two policies are linked to the growing responsibilities that the EU has been taken upon with respect to the promotion of international peace and security. This trend is expected to deepen in the context of the implementation of the Lisbon Treaty which, as will be elucidated later, has created a legal framework favourable to the improvement of the EU's actorness in international politics. Along these lines, the comprehension of what is the CFSP/CSDP and how they operate allows one to read the future development of the EU as a global actor at both political and security level. In fact, it can be said that the CSDP is associated intimately to the future of the XXI century European utopia which might well inspire the European integration process in the forthcoming decades. Incidentally, there is a need for a new utopia in view of the achievement of the two principal ambitions that have encouraged the foundation of the European Communities in the 1950s: to make the war in the European continent both unthinkable and impossible, and to avoid the 'Red' Communism to spread across the Western Europe. It is plausible to link the Union's new utopia to the new role that the organization is, in principle, willing to play in contemporary international relations to promote stability and peace.

Konrad Adenauer Stiftung

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Before considering what the Lisbon Treaty holds in store with respect to the future evolution of the CFSP/CSDP, and its subsequent implications for the EU's international identity and role, it is important portray the state of play of these policies.

Empirical evidence shows that over the last decade or so the EU has been investing substantial time and energy in the development of its political and security persona. As the first evidence of this, one can mention the Union's commitment to foster 'A Secure Europe in a Better World'. This is the title of the so-called European Security Strategy (ESS) which was approved at the end of the 2003. Designed to overcome the inability of the EU to shape itself into a united and influential front in the context of the Iraq, it is considered a reference framework document which has been informing the EU's foreign and security policy-related endeavours. The ESS has identified the main threats to the European security (i.e. transnational terrorism, weapons of mass destruction, failed states, regional conflicts and organized crime), but also the principal means to cope with them. In 2008, the EU members have sanctioned the 'Report on the Implementation of the European Security Strategy' which came to reinforce the first framework document, notably, by adding to the original list of threats major concerns with cyber terrorism, piracy, climate change and energy security. In the course of 2012, grew the voices of support for the review of the ESS.[1]

[1] *In September 2012, voices of support for the reviewing of the EES originated from the Future of Europe Group of the Foreign Ministers of Austria, Belgium, Denmark, France, Italy, Germany, Luxembourg, the Netherlands, Poland, Portugal and Spain in its Final Report of 17 September 2012. See www.auswaertiges-amt.de/cae/servlet/contentblob/626338/publicationFile www.auswaertiges-amt.de/cae/servlet/contentblob/626338/publicationFile/171798/120918-Abschlussbericht-Zukunftsgruppe.pdf;jsessionid=408285A208F3D73A6901B7E3F4A75E7E.*

Another evidence of the EU's resolve to become a stronger political actor on the world stage is linked to the fact that the organization has acquired the capacity for autonomous decision and action to respond to international crisis as a result of a process of building up credible military forces. This military capacity, founded on voluntary cooperation, should not be equated with a European common army, but rather with a multilateral force that enables the EU to play a tangible role in the sphere of crisis management.

In connection with this, a third evidence worth mentioning is the record of operations conducted by the EU since 2003. To date, the latter has already launched more than 20 military and civilian missions in different regions of the world: Africa, the Balkans, Southern Caucus, Middle East and Southeast Asia. All these missions have been conducted under the aegis of ESDP/CSDP and they have fundamentally changed the Union's external capacity. This had tangible implications to the its external image too since during the Cold War the EU was largely seen as a mere consumer of security generated by NATO and the United States. In the sequence of the launching of these various peace support missions, the EU started to be perceived as a security provider along other key organizations like NATO and the United Nations.

To understand how the EU has reached this stage in which it has an autonomous security and defence component, two strategic documents and military forces to lead its own operations in response to international crisis, it is important to elucidate, even if briefly, the conditions under which the CFSP was born in the framework of the Title V, article J.4.1. of the Maastricht Treaty.

The birth of CFSP was a result of very intricate politico-diplomatic negotiations that only succeeded due to a combination of two major factors. First, there was the invention of a three-pillared structure that allowed for a separation between CFSP and the EU's genuinely common policies (e.g. the Common

Agriculture Policy and the Common Trade Policy). In the pillared-structure on which the EU was deemed to be founded the first pillar accommodated those policies overseen by the European Commission while the third pillar covered justice and home affairs issues. A second and separate pillar encompassed the newly-born CFSP. In securing the intergovernmental nature of the latter, this triptych model enabled the states to secure the hard core of their sovereignty, from which it has traditionally sprung their capacity to define, formulate and implement a national foreign, security and defence policy.

The second factor that has contributed for the CFSP to see the light of the day in 1992 was 'ambiguity' which is patent in the way in which Article J.4.1 was phrased. It reads: "The common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence."[2] In these terms, this article allowed for different interpretations on the part of members states while accommodating both optimistic and skeptical views about the CFSP's future development that, in principle, pointed to a 'common defence', as the ultimate, albeit hypothetical, goal. Despite its ambiguity, this article had its merits. It had a historical significance because it has put an end to the longstanding taboo related to defence that had been haunting the European project since the failure to create a European Defence Community in 1954. Hence, this legal provision represented a conceptual breakthrough in bringing the historic ambition of a common defence back into the EU's agenda. Furthermore, the Article J.4.1 introduced a road map for the future progress of CFSP since it encapsulated the three main phases of this policy's evolution and, ultimately, of the European political integration. There is an initial phase characterized by the implementation of a common foreign and security policy; a second stage in which, besides a common foreign and security policy, the Union's state members are engaged in a functioning defence policy; and a third and last stage in which a common defence is firmly established.

Diverging views regarding the eventual progress of the fledging CFSP become even more noticeable if one look at the two red lines conveyed in the Article J.4.4 as part of a political compromise which was considered critical for some member states. On the one hand, the future evolution of CFSP should not undermine the interests of the Allied i.e. the member states of NATO who advocated the primacy of this organization in the area of collective defence and were already committed to a common security and defence policy under in the framework of the Washington Treaty. On the other hand, the eventual development of CFSP should respect the foreign, security and defence policies of some countries which were traditionally characterized by military neutrality. Symptomatic of the importance ascribed by some states to these two red lines was the fact that they came to be replicated in all European treaties approved since 1992 (i.e. the Amsterdam Treaty, the Nice Treaty and the Constitutional Treaty) and feature in the Lisbon Treaty.

At this point of the discussion, it is important to explain under which circumstance the CFSP has acquired an operational component originally structured around the ESDP. Among the principal drivers of the emergence of a European security and defence component, as mentioned in earlier lines, was the EU's failure to manage the Balkans crisis in the wake of the 1990s which caused an enormous political embarrassment to the European leaders that had to rely on the United States and NATO to stabilize the region, notably Bosnia-Herzegovina. Another incentive links to the American urge for a security burden-sharing i.e. for the Europeans to take upon their own share of responsibility regarding security in Europe. Lastly, it should be noted the shift in Britain's traditional position vis-à-vis the EU's role in security and defence domains that constituted a true

[2] See *Official Journal of the European Communities*, No C 191/59, 29 July 1992.

catalyst for change. Indeed, this has allowed for a historical convergence between France and Britain sealed in the S. Malo Declaration of December 1998.

Historically speaking, while the French have always advocated the European autonomy in security and defence spheres, the British have consistently rejected it because this was seen detrimental to both the primacy of NATO and the United States' continued engagement in the European security. Since the time Britain has entered the European Community in 1973, national representatives have continually vetoed any discussion about military security and defence within the European institutions for considering that these matters belonged to the Alliance's domain privé. In 1998, the Prime Minister Tony Blair introduced a fundamental shift in such traditional posture in accepting to endow the EU with the capacity for autonomous decision and action to respond to international crisis. In their turn, the French had to assent that this capacity should be developed in full respect of NATO's primacy, meaning that the EU could only intervene militarily when NATO 'as a whole was not engaged', as it reads in the Joint Declaration issued at the British-Franco Summit of S. Malo.[3]

Such historical British-French agreement paved the way to the establishment of the European Security and Defence Policy, in June 1999, at the Cologne Summit under the German Presidency. Since then, it became clear that France and Britain would emerge as the key players of the European political integration process.

After being in operation on the ground for more than 10 years, the 'European Security and Defence Policy' was formally codified in the Lisbon Treaty as 'Common Security and Defence Policy'. The provisions enshrined in the new Treaty point to the reinforcement of the EU's role as a provider of security and peace not only in its strategic neighbourhood, but also in the world. This is so mainly because the EU takes upon a wide range of missions in which it may use both its civilian and military means. In Article 43.1 of the Treaty on the European Union, these missions are identified as being the following: "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 stabilization". It should be stressed that, as stipulated by the treaty: "All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories." [4]

The Lisbon Treaty also created conditions for the strengthening of the European solidarity. It included a solidarity clause that foresees assistance both in case of a terrorist attack and human or natural disaster (Article 222). It also stipulated a mutual assistance clause in case of a military attack against a member state (Article 42.7) whose eventual implementation is limited by the continued existence of the two red lines, as discussed earlier.[5]

Finally, the Lisbon Treaty has introduced two cooperative mechanisms in the specific domain of security and defence – the so-called 'reinforced cooperation' and 'permanent structured cooperation' which have the potential to speed up the development of

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[3] See *Joint Declaration issued at the British-French Summit of S. Malo*, 3-4 December 1998, accessed at http://www.consilium.europa.eu/uedocs/cmsUpload/French-British%20Summit%20Declaration,%20Saint-Malo,%201998%20-%20EN.pdf

[4] See *Official Journal of the European Communities*, C 83, Volume 53, March 2010.

[5] For more details on European solidarity in CFSP/CSDP, see Laura C. Ferreira-Pereira and A.J.R Groom, Mutual Solidarity' within the European Union's Common Foreign and Security Policy: What is the Name of the Game?', *International Politics*, Vol. 47, No. 6, December 2010, pp. 596-616.

the Union's military capabilities in support of its international role in crisis management.

Along these lines, it can be said that, if and when implemented, the CFSP/CSDP-related dispositions laid down by the Lisbon Treaty can become crucial for the Union's efforts in building its political and military influence on the global stage as an increasingly independent political and strategic actor.