



Eurodefense Position Paper

A Strategic Compass and what's next?

Introduction

This draft working document of Eurodefense Working Group 27B has been completed before and during the war in Ukraine. The recommendations in this working document are based on the draft EU-Strategic Compass (05-01-2022, working document of EEAS) and have only gained more urgency and relevance because of this war.

- Lessons learned in the aftermath of the Afghanistan's collapse and the war in Ukraine clearly demonstrate that the moment to create a European Union Defense Organisation (EU DO) within the framework of the EU is now! It is now mandatory to define the mutual and binding defense clause of the TEU (art.42-7) especially for the protection of non-NATO members in the EU such as Austria, Cyprus, Finland, Ireland, Malta and Sweden.
- It reminds us that large scale conventional conflicts and military violence are a continuous and actual threat to the EU and that all conventional and hybrid forms of warfare can be used including the threat of nuclear warfare. Therefore a global reflection on the protection of EU MS against nuclear threats in the present context should be engaged taking account of NATO and European nuclear powers role.
- The Common Foreign and Security Policy (CFSP) and the Common Security and Defense Policy (CSDP) must be developed so that a military doctrine that can meet urgent threats and includes the geographical aspects of EU defence and military deployment.

Consequently we should:

- Convince and request all EU MS to unanimously and urgently decide to aim at the creation of an EU Defence Organisation and instruct a dedicated Board including the Commission to present detailed plans for organisational aspects, its functioning, its policies, its mandate and the decision-making procedures.
- Accelerate the execution of operational and defense planning (including technology) aiming to increase capacities and capabilities both at national level and EU level under coordination at the EU level.

- Create financial instruments at the EU level in order to accelerate development of EU defence capacities and capabilities.
- Redefine how the EU should coordinate its planning and execution with NATO based on the principle that there is no restriction for the EU to take full responsibility for its security and defense policy and for the defense of its territory, citizens, interests and for all EU MS.

The text of this working paper recommends the political steps that will have to be taken by the 27 Member States in order to create a European Union Defense Organisation (EU DO). Once that has been done there will be a legal and organisational framework for European defense cooperation and capacity and capability development. The moment to take these steps is now.

Having an EU Strategic Compass- how to proceed?

The Strategic Compass (as now drafted) warns us about present and future threats in all domains for the European Union but without prioritizing these threats and without indicating who within the EU is being threatened in particular and by what. The most likely explanation for this lack of precision in the document is the need to reach consensus, as comparing the seriousness of threats to individual Member States (MS) would most certainly have led to divergence. However, the present war in Ukraine emphasises the need for immediate action and the capability to protect all 27 MS and in particular the EU Eastern borders. This implies that they must be able to intervene in a high intensity conflict with a short delay and “with all means in their power”.

Nevertheless the SC shows realism and ambition; the “baskets” do have action points and time schedules and cover both military and other civilian threats to the EU. Because of the concise and general content of the SC unanimous acceptance of the document is becoming a reality. The HR/VP considers the SC a basis for action referring to rapid intervention, feet on the ground and Rapid Deployment Capacity. It will enable the EU to give a flexible response to any kind of crisis.

But the question is: where do we stand once the SC has been unanimously endorsed? Still missing are three fundamental aspects that will determine the success of the follow-up of the SC. These are:

1. What are the options for an institutional and organisational framework for a permanent EU integrated security and defense organisation, both at MS and at EU level, to enable the EU to implement and execute the recommendations of the SC?
2. Decision-making. Once it is clear if and how the EU will organise its collective security and defense, decision-making-procedures must be improved in the EU and MS in such a way that the EU can act swiftly and effectively in external and internal crises and conflicts on behalf of all of its 27 MS.

3. What capabilities and capacities will be required, both at the MS and the EU level, to meet the identified threats; what should be done at EU level and what should be done at MS level ?

The first two aspects are primarily of a political nature and should be decided upon before the process of the creation of a European Union Defense Organisation (EUDO) can actually start. This organisation will be responsible for EU defense together with the 27 MS and will be mandated to act accordingly. This all depends on the political will of the 27 Member States. The third aspect, capacities and capabilities, specialisation, “who will do what ? ”, is a long term process and will be gradually implemented during the development of EUDO.

What is the first step to do in the follow up of the Strategic Compass?

As the HR/VP said in his January 25th speech at EEAS we have entered an era where almost everything is weaponized by States, institutions and individuals. In order to protect their security MS will have to defend themselves collectively because they are no longer able to do it individually against aggression in multiple domains. It is important to note that the mutual defense clause obliges all EU MS to assist a MS that is victim of armed aggression with all available means (unlike NATO’s art. 5 that does not specify what a member should contribute in this case).

As mentioned threats come from all domains including space, cyber, trade, health, energy and conventional and nuclear weaponry. Fortunately, the EU already has several institutions to deal with specific threats in their domain. But although there are certain military-related capabilities at the disposal of the Commission, at this stage the EU as a global political entity on its own cannot deploy military capabilities and capacities when and where needed.

After approval of the Strategic Compass, decisions will have to be taken to deal with the two aspects sub1, 2. These two aspects are interrelated; decisions on institutions and organisations can only be taken on the basis of a clear description of the (democratic) influence of the participating MS. Therefore it is essential to put forward the few options for an EU defense organisation together with a proposal for the decision-making process for this particular option.

Preferred option: A European Union Defence Organisation based on unanimity by all MS

Form the recently agreed SC by all MS as a navigational guide for all EU-MS a logical and necessary next step will be the decision to establish EUDO as the first organisational framework for military action within the EU. After more than 70 years of bi- and multilateral defense cooperation EU MS are still unable to act as one European defense organisation.

The combined EU defense budgets and capacities are impressive but the combined performance is ineffective and unacceptable.

The time is right to irreversibly combine defence capabilities and organise a coherent EU defense organisation under one central EU political and military command. According to the ToL this will require a unanimous “founding” decision by the Council. However, that in itself does not automatically oblige MS to actively participate in the EUDO.

The establishment of the EUDO on the basis of a unanimous decision is “the royal way” , certainly preferable to an alternative like project-wise coalitions based on Article 44 of the Lisbon Treaty.

A comparable approach could be followed with the founding of the European Monetary Union (25 years ago); all MS agreed to establish it, but some did not actively participate from the beginning. In the EUDO there will be a similar situation; MS can actively participate or abstain while agreeing to the principle. Abstention will then mean that a MS is a constructive but initially passive member of the EUDO and will benefit from the protection EUDO presents to the EU as a whole. In order to reach consensus among all MS the proposal for EUDO should offer sufficient detail about the consequences for each MS and the overall setup of EUDO. The basis for EUDO policy and operations will have to be clearly defined from the beginning. As we have suggested in our “Recommendations on EU Defense” (September 27th, 2020) the principles of EUDO should be subsidiarity and specialisation. To strengthen the EU operational effectiveness various scenarios should be deduced from the SC threats analysis and serve as framework to fix the cooperation mechanism and MS role sharing so that the EU can operate with unity of action and leadership. Integration should be looked for where possible and the role of the different EU actors including the EDA and the Commission should be defined.

At the EU level capabilities and capacities should be developed and operationalised that are beyond the possibilities of most if not all individual MS. At the EU level there should be a Rapid Reaction Force capable of rapid and adequate deployment until pre-committed reinforcement units from MS can be deployed to follow-on under central EU command. Unlike national military personnel, permanent military EU personnel will have an EU status and should not serve on behalf of their country of origin.

The SC is only a start but an EU military doctrine and a further elaborated CSDP will be required. The overall threats of the EU will be experienced differently in different geographical regions of the Union. Lots of questions remain but the EU should start planning and specifying what will be needed once the Council has given the instruction to start planning and the implementation of plans along these lines. An essential question before accepting EUDO will be: *how, and by whom will EU security and defense decisions be taken and will the current CFSP and the CSDP provide a sufficient foundation for these decisions?*

Second option: How to proceed without unanimity on a European Defense Union?

In view of the urgency to give the EU the capabilities it needs to protect its citizens, and in case the 27 MS do not all agree on the establishment of EUDO, a first alternative could be the formation of a coalition of those EU-MS that are prepared to combine their capacities and capabilities with each other and at the EU level.

In view of the multitude of existing forms of bi- and multilateral cooperation this only makes sense if it is the serious intention of all participating EU-MS to gradually develop this start-up coalition into a comprehensive EUDO.

From the start it must be clear that this coalition will be a “general purpose” EU defense coalition, not only for a specific project and that it should be the nucleus of an integral EU defense organisation comprising all EU-MS. In view of the political urgency to structure and reinforce EU defense this second best option should not be considered as a solution if all else failed. It is only a temporary practical solution if unanimity on the establishment of a EUDO proves impossible in the very near future. Does the Lisbon Treaty give enough room for this scenario? Are MS flexible enough to accommodate this? How can permanent institutional and organisational steps be taken at the EU level if not all MS agree on the principles of EUDO? Also in this scenario we come back to the question : *how and when will EU security and defense decisions be taken and by whom?*

Third option: How to proceed with a European Defence Organisation without EU unanimity and outside of the EU legal framework?

History shows that a multitude of bilateral and multilateral (West) European initiatives, be it ad-hoc or permanent, have all failed to meet their objectives. From the WEU to the various coalitions of the willing, they all failed to combine the defense capabilities of European States into one coherent permanent defense organisation, under one single command, operational and with the clear political will to achieve agreed common objectives. Except for NATO, we consider present European defense initiatives outside the EU as temporary solutions for a missing permanent EU defense organisation.

Aspects of decision-making in EUDO

Part of the decision to establish EUDO is a clear description of the decision-making procedures that will govern EUDO in matters of EU security and defense. The preferred method would be the one in which all MS can recognise that their interests are adequately represented. The present situation demonstrates all too clearly that the unanimity mode is a recipe for no-decisions, non-credibility and divide and rule tactics applied by opponents to paralyze EU. In this proposal for an EUDO we have mentioned the possibility for MS to opt-out or abstain at the start of EUDO.

MS that have decided to not actively participate in EUDO will not be able to participate in the decision-making in EUDO. However, being a MS they will have their influence in the relevant Councils and in the policies of CFSP and CSDP that will be the basis of the EUDO mandate. For MS that are actively participating in EUDO majority decisions make use either of abstention or opt-outs for MS who need a way out (while remaining in), without stopping the majority willing to go through, with pressing deployment and operations using lethal force. Other international institutions have resorted to establishing constituencies where lead-nations steer a grouping on a semi-permanent basis (IMF, WB), or majority voting based on relative weight of members in the relevant domain or contributions to the common budget (EU).

It is obvious that in the case of EUDO the approval percentage for decisions regarding serious security and defense actions will have to be high.

In the present EU situation regional MS could form voting-constituencies of a certain minimum population (e.g. a combined total population of a minimum of 50 million) to better represent regional interests.(e.g.: Nordic, Mediterranean, Eastern-Europe); another option is a better representation of population size (possibly combined with GDP size) through the number of votes allocated to a MS.

An essential corollary of such an EUDO qualified majority decision mode would be the acceptance by the non-participating MS of use of their territory, sea, cyber and airspace and cross border transportation links by EUDO.

Summarizing: Member States and EU institutions, including the European Parliament and the Commission should all give priority to the establishment of a European Union Defense Organisation. On the basis of the conclusions of the Strategic Compass, studies must start to define form, content and policies for EUDO. The Council should give the green light for preparing this major project based on a concise description of EUDO.

List of participants of Eurodefense Working group 27 B

Chair	Iric van Doorn (Netherlands)
Austria	Michael Zinkanell
Belgium	Willy Herteleer
Finland	Hanna Ojanen
France	Jean Paul Perruche, Jean Fournet, Olivier Gras
Germany	Ralph Thiele
Italy	Cesare Ciocca, Federica Santoro
Netherlands	Iric van Doorn, Maarten Lak, Ron Keller
Portugal	Augusto de Melo Correia
Spain	Federico Yaniz, Juan Cuadrillero, Herminio Fernandez
United Kingdom	Robin Ashby

