

EU Institutions and Policies



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The Common Foreign and Security Policy (CFSP)



The CFSP: major issues

1. The formal (legal) set-up of the CFSP (paper vs. reality)
2. The various 'modus operandi' of the CFSP (+ 'systematic cooperation')

1. Formal features of the CFSP



CFSP: the formal features (i)

Art. 24 (1) TEU:

"The Union's competences in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating the Union's security, including the progressive framing of a common defence policy that might lead to a common defence"

Art. 24 (2) TEU:

"the EU shall conduct, define and implement a CFSP based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member' State actions".

CFSP: the formal features (ii)/paper vs. reality

...not so 'common' after all...

- Declaration 13: the CFSP provisions “do not affect the responsibilities of the Member States, as they currently exist, for the formulation and conduct of their foreign policy nor their national representation in third countries and international organizations...”
- Declaration 14: the provisions covering the CFSP “will not affect existing legal basis, responsibilities, and powers of each MS in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organizations, including a Member State’s membership of the Security Council of the United Nations”

CFSP: the formal features (iii) paper vs. reality

- 'all questions...all areas' >> CFSP is not all encompassing, it does NOT cover all areas of FP and all questions of security!
- 'defense' >> MS territorial defense is NOT covered by CFSP >> for many MS NATO remains the major forum for security in Europe
- 'the development of mutual political solidarity' >> 'political solidarity' in the area of FP and security is not self-evident but must be developed...its one of the major goals of the CFSP!
- Questions of general interest must be identified and agreed upon each time
- >> convergence cannot be assumed...the aim is to increase the degree of convergence

CFSP formal features: binding/not binding? (iv)

Art. 24(3) TEU: "The Member States shall support the Union's external and security policy actively in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area.

...The MS shall work together to enhance and develop their mutual political solidarity.

....They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations

...The Council and the HR shall ensure compliance with these principles"

CFSP formal features: binding/not binding? (vi)

- In theory > 'shall' imposes respect for and participation in the CFSP upon the MS
- In practice > there are NOT strong binding commitments to the CFSP
- First of all MS 'shall comply' only if there is a common policy (which is not always the case), secondly NO control from the ECJ (nor the Commission)
- 'Political' control by the Council and the HR, which has not legal authority over MS

2. CFSP modus operandi and the systematic cooperation



Art. 25 TEU, the EU shall conduct CFSP by:

A) Defining general guidelines/strategic lines

European
Council

A blue arrow points from the 'European Council' box to the underlined text 'general guidelines/strategic lines' in item A.

B) Adopting decisions defining

Council of
Ministers

A blue arrow points from the 'Council of Ministers' box to the underlined text 'decisions' in item B.

- i. Operational actions to be undertaken by the Union
- ii. Positions to be taken by the Union
- iii. Arrangements for the implementation of: i) and ii)

C) Strengthening systematic cooperation between MS in the conduct of policy

CFSP modus operandi: operational actions

Art. 28 TEU >> "where the international situation requires operational actions by the Union the Council shall adopt the necessary decisions. They shall lay down their objectives, scope, the means to be made available to the Union, if necessary their duration and the conditions for their implementation"...

> Decisions on operational actions commit the MS in their position and in the conduct of their activities...

...they shall provide information on the national action to implement the common actions, and refer to the Council if there is any problem in the implementation...

Note: Art. 28 >> entails serious obligations for MS>> MS usually do not use this article!

CFSP modus operandi: positions

Art. 29 TEU >> "The Council shall adopt decisions which shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the Union positions"

Note: used for the adoption of economic sanctions against other states, individuals and terrorist organizations

Art. 32 TEU >> requires that MS 'consult' each other on any matter of general interest in order to determine a 'common approach'.

>> and the HR and MS have to coordinate their activities within the Council once a common approach has been defined

CFSP modus operandi: systematic cooperation (i)

'Strengthening' systematic cooperation...this should not be taken for granted

Art. 32 TEU:

- Before undertaking any action on the international scene or entering into any commitment which could affect the Union's interests, each MS shall consult the other within the European Council or the Council
- MS shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene
- Diplomatic missions of the MS and the Union delegations in third countries and IOs shall cooperate and shall contribute to formulating and implementing the common approach

CFSP modus operandi: systematic cooperation (ii)

'Systematic cooperation' in practice >> information exchange, consultation and coordination >> continuous interactions between national foreign ministries and diplomats in Brussels and third countries

>> MS can formulate their national FP positions on similar information and assessments of the external environment

>> they can develop a common understanding on the issues

Interrelation objectives >> improve MS understanding of the position of the other MS and promote mutual solidarity

Note >> shared information, consultation, etc. >> do not necessarily result in a convergent action!

The Common Security and Defense Policy (CSDP)



CSDP: main issues

1. The nature of the CSDP and its legal basis
2. The military dimension of the CSDP
3. The civilian dimension of the CSDP
4. Military Operations and Civilian Missions

1. The nature of CSDP and its legal basis



CSDP: the legal basis

Art. 42 TEU >> "the CSDP shall provide the Union with an operational capacity drawing on civilian and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance to the principles of the UN Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States".

Operations are limited to peace-keeping and conflict prevention outside the EU's territory...and are NOT related to the 'defence' of its territory!

The EU has NO 'common' instruments or troops of its own >> the EU has to rely on MS' assets!

CSDP

CSDP is NOT about defence (it is not like NATO)

Art. 42 (2): CSDP "shall not prejudice the specific character of the security and defense policy of MS and shall respect the obligation of certain MS, which see their common defence realized in the NATO"

CSDP >> was created to support, complement NATO and/or as a useful device to perform functions and missions which NATO or MS were not (or were no more) willing or able to fulfil

Which types of mission??

CSDP missions:

Art. 43 (1) TEU: "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"

>> missions can also contribute to "the fight against terrorism, including by supporting third countries in combatting terrorism in their territories"

Note: CSDP is not intended to conduct large-scale offensive military operations nor short-term military offensive

CSDP and MS: 'common' or not?

EU has to rely on MS assets >> provided on voluntary basis

>> differentiation, specialization and division of labour are important in CSDP (this situation is formalized in the TEU):

1. The Council can entrust the implementation of a task to a group of MS which are willing and have the necessary capability for such task
2. MS can establish '*permanent structured cooperation*' to perform the most demanding missions (2017/2018)
3. At least 9 MS can create an 'enhanced cooperation'

2. The military dimension of the CSDP



CSDP military capability/NATO: avoiding the three 'Ds'

1. No decoupling of CSDP from NATO
2. No duplication of capabilities
3. No discrimination of non-EU NATO members

2003 >> 'Berlin Plus' to govern CSDP-NATO relations

- The EU can conduct an operation outside the NATO framework
- Make use of the NATO assets and capabilities
- NATO can assure EU access to its planning facilities
- EU can request NATO to make available a NATO European command for an EU-led military operation

The partially overlapping membership of CSDP and NATO



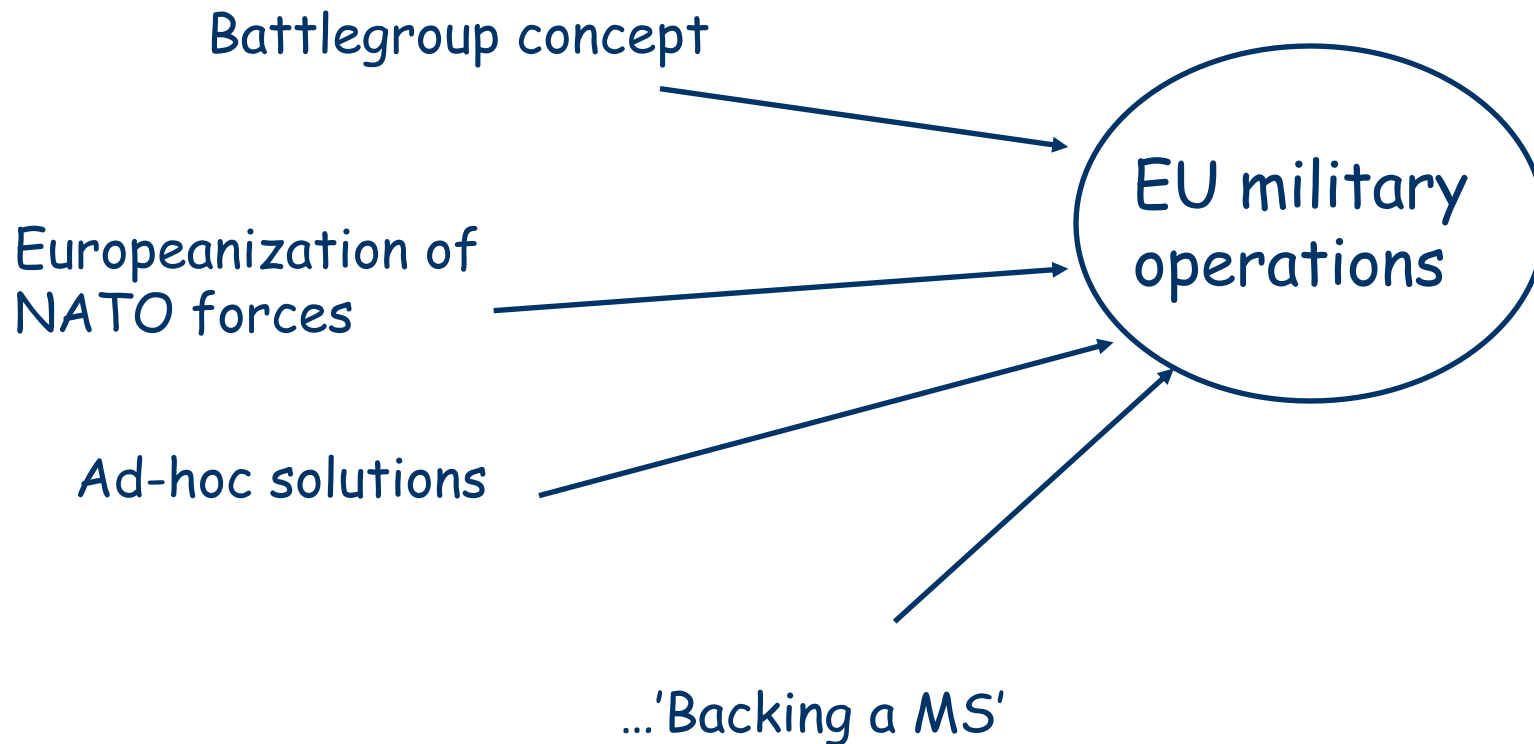
Finland 2023, Sweden soon...

NATO and CSDP, cooperation: main examples

- FYROM (2003) >> EU-led Operation Concordia took over the responsibilities of the NATO-led mission, Operation Allied Harmony (first 'Berlin Plus' operation in which NATO assets were made available to the EU)
- Bosnia and Herzegovina (2004) >> EU deployed Operation EUFOR-Althea (to oversee the implementation of the Dayton Agreement) drawing on NATO planning expertise and on other Alliance's assets and capabilities
- Kosovo (2008)>> The European Union Rule of Law Mission (EULEX), launched under the CSDP to support the Kosovo authorities in the rule of law area (police, judiciary and customs areas). EULEX worked closely with the NATO peacekeeping force in Kosovo (KFOR)

CSDP: soldiers and capabilities

The EU does NOT have 'common' troops or equipment >> for CSDP missions
EU must use capabilities made available by MS



CSDP: Battlegroups

2004 >> 'Battlegroup' concept (to provide the EU with a capacity for rapid military response) (decision: Council, unanimity)

Battlegroups:

- 1,500 troops (with appropriate assets and logistic support)
- With high *state of readiness* >> deployable in 15 days
- Capable of high-intensity operations
- Formed by a single MS or a group of MS

Note: as of today no battlegroup has been used in any concrete crisis! But on a rotational basis, two Battlegroups are always on standby for a period of 6 months

CSDP: Military actions 'beyond battlegroups' (based on temporary contribution of MS) (i)

1. Europeanization of NATO forces >> in Western Balkans troops from EU countries exchanged their 'NATO badge' for an 'EU badge'
 - >> e.g. 2003 NATO mission was taken over by EU Operation Concordia; 2004 NATO mission in B-H was replaced by the EUFOR Althea
2. Ad-hoc solutions >> CSDP operations launched on ad-hoc basis, depending on the entrepreneurship of one or more MS and/or the HR
 - >> e.g. 2006 EUFOR DR Congo, 2008 EU NAVFOR Somalia, with MS committed capable also to provide the major military contribution

CSDP: beyond battlegroups (ii)

4. 'Backing a MS' >> a MS can act as 'first mover' and then the EU follows and support this operation

>> e.g. 2013 France launched a military operation in Mali to stop Jihadist group with support from Mali's forces and other African countries

>> EU provided financial support to the African-led military operation and launched an EU training mission to improve the military capacity of Mali

CSDP: headquarters and institutions

Political level>> EU Military Committee (EUMC) and EU Military Staff (EUMS) in the EEAS provide the expertise for the military-strategic planning process

Operational level >> 3 options for CSDP military operations:

- Under the Berlin Plus agreement it is possible to use NATO's operational headquarters located in Belgium
- It is possible to use the facilities provided by some MS (France, Germany, Italy, etc.) (they must agree with the operation!)
- Command operations from Brussels utilizing the 'Military Planning and Conduct Capability' which is located within the EU Military Staff

3. The civilian dimension of the CSDP



CSDP: civilian dimension (i)

Civilian dimension >> non-military actors who can contribute to provide security: police officers, judges or civil servants

Priorities areas:

- Police forces
- Strengthening the rule of law
- Civil administration
- Capabilities to support the EU special representatives

CSDP: civilian dimension (ii)

- Political level >> 'Committee for Civilian aspects of Crisis Management' (CIVCOM) in the EEAS provides information and advice to the PSC and the COREPER
- Operational level >> 'Civilian Planning and Conduct Capability' (CPCC) is in charge for planning, deployment, conduct and review of civilian CSDP missions
- The Crisis Management and Planning Directorate (CMPD) in the EEAS is responsible for the coordination of the civilian and military dimensions in the CSDP missions

Note: from an organizational point of view the civilian dimension of CSDP is 'smaller' (staff) than the military side....moreover the civilian side cannot rely on the NATO assets and facilities

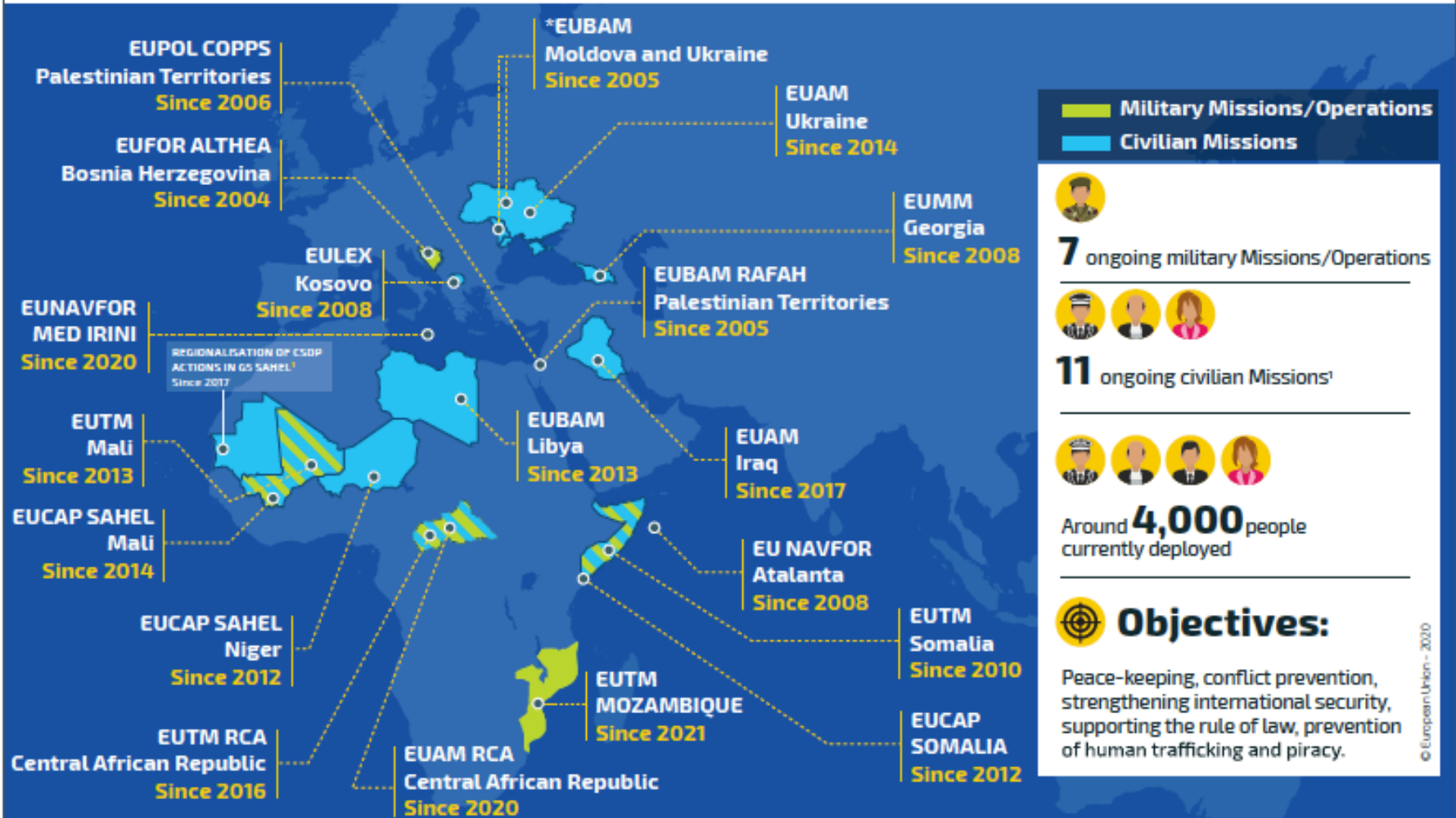
4. Military Operations and Civilian Missions: objectives, rationale and effectiveness



CSDP as of 2022



EUROPEAN UNION CSDP MISSIONS AND OPERATIONS



¹This Mission is not managed within CSDP structures, but its objectives are very similar to the other Missions, so we include it here

¹The Regional Advisory and Coordination Cell is a CSDP action which facilitates EU support to security and defence cooperation amongst GS Sahel countries (Mauritania, Mali, Burkina-Faso, Niger and Chad).

CSDP operations and missions (i):

Relational (R) vs. Structural (S) foreign policy:

- Some m/o are focused on managing conflictual relations between third actors (R) in the framework of conflict-prevention/peace-keeping
- Other m/o have a S-FP approach (shaping or supporting new institutions and rules) >> e.g. capacity-building in Horn of Africa, Kosovo (EULEX)

CSDP operations and missions (ii):

Objectives and rationale behind m/o:

- Some m/o correspond to strategic goal of the EU FP >> e.g. Western Balkans, Horn of Africa, Sahel region
- Other m/o correspond to general FP objectives >> rule of law, support UN
- Finally, other m/o are better explained by looking at internal objectives (integration, identity, interrelational)
- ...several small m/o sought to expand the reach of CSDP to demonstrate that the EU is an international actor
- MS (mainly F) activism can also explain the launch of m/o ('uploading of national preferences')

CSDP operations and missions (iii):

Effectiveness and/or added value of m/o:

- Assessing the success/failure of the m/o is not easy >> depends on the explicit and 'hidden' objectives of the m/o
- For many m/o the impact or added value is limited >> limited size, short duration, lack of resources
- There are some cases of success: Western Balkans, and (partly) in Somalia
- But many examples also show that m/o can have success in tackling a specific aspect of the security problem (i.e. capacity-building) but cannot solve the overall situation in the country

CSDP: conclusive remarks



CSDP: conclusive remarks

- The label 'CSDP' is misleading >> this policy is not about territorial defence of MS and it is not so 'common'
- CSDP has been able to move forward when MS consider the relations between CSDP, national FP, and other actions by IOs as a positive-sum game
- Added-value of CSDP >> it can complement unilateral actions and/or crisis management operations of UN, NATO, or regional organizations (e.g. African Union)
- CSDP >> 'niche approach' to international security by the EU