

The New Institutional Model: Implications for the Common Security and Defence Policy*

Luis Cuesta Civís

Spanish Secretary General for Defence Policy

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The Spanish Presidency of the European Union has had the honour and the responsibility of working under a new legal framework, the one offered by the Treaty of Lisbon. Time has come to take stock of the situation, so let me to share with you my general vision of the efforts made so far to fully implement and consolidate the new structures and institutions, as well as improve and develop both military and civilian capabilities of the CSDP.

Two years and a half now since it was signed in this same town on December 2007 and nearly seven months since it entered into force, the Lisbon Treaty contains a number of important changes that require further discussion and elaboration.

It strengthens the capacity of the EU to speak with a single voice and to act as a single body in crisis management operations, in areas where threats arise to European Security.

In the institutional field the figures of the President of the European Council, the High Representative for Common Foreign Affairs and Security Policy, the European External Action Service and the tri-Presidencies constitute new relevant elements of the Treaty in an attempt to offer greater coherence, rationalising EU's institutional architecture.

With respect to the Common Security and Defence Policy I would emphasize the following:

The mutual defence clause binds all Member States to provide aid and assistance *"by all means in their power"* in the event of another Member State becoming a victim of armed aggression, without prejudicing the neutrality or relationship to NATO that some countries may enjoy.

The solidarity clause represents a new legal mechanism of assistance between Member States when one of them is the victim of a terrorist attack, natural or man-made disaster. The EU will mobilize all the instruments at its disposal, including military resources, in addition to the provisions established on civil protection.

Both clauses pose important innovations that promote the principles of solidarity and assistance on which the EU is based.

The Lisbon Treaty also lifts the ban on using enhanced cooperation in Defence matters. As you know, this mechanism, established by the treaties of Nice and Amsterdam, enables a group of willing states to deepen their cooperation. Any such group of states would put its request to develop enhanced cooperation to the Council for its approval; the HR and the Commission would also give their opinion and the European Parliament would be informed.

Specifically designed for the CSDP, the permanent structured cooperation is referred to as a flexible, unique and permanent measure, which, unlike enhanced cooperation, does not require a threshold of participants to proceed. Its intention is to provide, within the Union framework, an instrument of cooperation for those Member States *“whose military capabilities fulfill higher criteria and which have made more binding commitments to one another in this area, with a view to the most demanding missions”*.

From an operational point of view the Lisbon Treaty also institutionalizes the *“implementation of a mission”* by a group of Member States that are *“willing and have the necessary capability for such a task”* on behalf of the Union and *“entrusted”* by the Council. Trying to align the law with practice, it extends the scope of the so-called Petersberg tasks to: *“joint disarmament operations; military advice and assistance task, peace-making and post-conflict stabilisation; conflict prevention and post-conflict stabilization missions”* and also contribute to combating terrorism *“in supporting third countries in their territories”*.

As regards to capabilities, the Treaty has inserted the European Defence Agency within the legal framework of the CSDP, thereby reinforcing the leading role that the Member States want to assign the Agency in pushing forward the development of EU operational capabilities and the EU as a military actor on the international scene.

In short, the Lisbon Treaty aims to create an enhanced institutional architecture, and to offer better opportunities for strengthened collective action that will enable us to advance in the common project of developing a Common Security and Defence Policy within the Union.

In the words of the Spanish Minister of Defence: *“the world needs Europe to be stronger than ever. That strong Europe – the Europe capable of taking decisions with efficiency and having weight in the world- should be more united and integrated in the fields of security and defence”*. The entry into force of the Lisbon Treaty has implied a qualitative leap in the achievement of these objectives, and Spain has taken responsibility for putting them into practice.

We have assumed our role according to the new institutional framework in this first period of effectiveness for the Treaty, trying to establish an efficient collaboration model and balance with the President of the Council and the High Representative that will serve as a point of reference for future Presidencies.

Spain wants to see a stronger and safer Europe, more able to make a joint defence commitment, not only to defend its member states, but to make the world a fairer place.

With these criteria, a number of priorities were established for our Presidency in the field of CSDP, grouped into three main areas of action: the institutional field, the development of capabilities, and the consolidation of a global approach to crises response.

On the institutional front, Spain raised the strengthening of the formal meetings of Defence ministers from Member States, without breaking their links with the Foreign Affairs Council. This objective, broadly shared by member states, has finally been taken by the High Representative who will now summon the Ministers of Defence in the form of Foreign Affairs Council, for the purpose of discussing and autonomously decide on matters which fall within its exclusive competence.

In the development of capabilities, the Presidency has sought a clarification in one of the most important changes introduced by the Lisbon Treaty, the permanent structured cooperation,¹ which has posed many questions on its purpose and timeliness. With this aim, the debate has begun to determine entry criteria and commitments for those Member States that would gain access to such an instrument. This initial discussion has made progress toward a common vision of the Member States and the European Institutions, but there are still areas of uncertainty, so a foreseeable long distance discussion process will have to be taken up by the next Presidencies.

The search for synergies between civilian and military capabilities² for crisis management has been deepened, promoting and facilitating the task to develop a work plan and a road map to improve such synergies, including the rationalization and the facilitation of the use of Battle Groups.³

A great impulse has been given to the European Defence Agency,⁴ supporting the efforts it has undertaken to improve the areas that have greater capability gaps, and promoting progress in its relationship with other European institutions in the field of armaments. In relation to capability shortfalls, Spain has assumed responsibility for the completion in Saragossa of the multinational training exercise AZOR⁵ for

1 Workshop in Brussels on March 16th.

2 Seminar in Brussels on February 10th: "Developing synergies between civilian and military capabilities of the EU in crisis management".

3 Workshop in Brussels on February 2nd, organised by the Joint Military Staff and Seminar on deployability in Seville on March 1st and 2nd, organised by the European Union Military Staff.

4 Two workshops in Madrid: "European Structures of Cooperation in the field of Armament and Program Management" (February 15th - 16th) and "State of the process of restructuring the Defence Industry" (March 8th - 9th).

5 Sponsored by EDA, from June 9th to 24th, 40 helicopters, 700 troops from 9 countries: Austria, Belgium, Czech Republic, Italy, Slovenia, Sweden, United Kingdom, Germany and Spain. DVD on June 17th attended by EU Ministers of Defence.

helicopter crews in hot, desert and mountain environment, the first exercise of its kind conducted in the EU.

The consolidation of a global approach to crisis response has been an objective of particular interest. Spain strongly believes that achieving a more balanced and coordinated relationship between the EU and NATO will benefit both organisations. To take advantage of the synergies that can be generated by the coincidence in time of the implementation process of the Lisbon Treaty and NATO's Strategic Concept review, we have promoted a discussion⁶ in search for improved collaboration in theatres where both organisations are present. Conclusions made so far show a range of promising measures to be explored in both organisations with full respect for their own autonomy of decision (joint planning, access to training programs, coordination in the theatre, exchange of lessons learned and best practices, complementarities in the development of capabilities,...)

In the maritime domain,⁷ the Spanish Presidency has driven the search for a global approach of the EU to security in these areas, which is a key element for the Maritime Policy to succeed. In that sense, Spain has raised definite proposals that have finally come down to a specific mandate of the Council to the High Representative, so as to constitute a group of experts to examine the options for developing a "European Security Strategy for the Global Maritime Environment".

From this comprehensive perspective of the European Union, our Presidency has decided to study the problem of piracy off the coast of Somalia from a new angle, launching a debate from the point of view of the three main European institutions of the Union: the Council, the Commission and the Parliament. The results of the Symposium on Piracy, which was held in Brussels last week, must now be analyzed in detail for possible implementation.

The participation in CSDP of third countries with which the Union shares common threats and risks is a way to complete this comprehensive approach. That is why Spain has promoted the mutual understanding between the Member States and the countries of the southern shore of the Mediterranean Sea included in the 5+5 initiative, through their participation in the informal meetings of Defence Ministers (Évora, 2007). The dialogue in Palma de Majorca has enabled to show our partners an initiative endowed with a great potential defence dimension.

6 Meeting of the EU Defence Ministers in Palma de Majorca with NATO's Secretary General Anders Fogh Rasmussen. Workshop in Madrid on June 2nd attended by foreign affairs and defence officials from EU and NATO countries, think-tanks and experts.

7 Seminar in Madrid on January 28th - 29th "Maritime Policies for a prosperous and secure Europe".

Missions and operations for crisis management have been of paramount interest during the period of the Presidency.

Spain strongly supported from the outset every effort to deal with the earthquake in Haiti.

At the national level by assuming immediately a leading position in the sending of troops (Emergency Military Unit) and means (transport aircraft of the Air Force). Later on, our Government decided to make an additional effort and launched the so called operation HISPANIOLA, comprising 450 troops aboard the amphibious assault ship "Castilla", equipped with hospital and operating room on board, a shipped air unit with 4 helicopters and a Marine Tactical Group. For three months (February 4th to May 4th) the Spanish military carried out their mission in the area of Petit Goave. Four military men lost their lives in a helicopter crash while fulfilling their duty.

As Presidency by supporting the establishment of a coordinating unit of the EU in Brussels (EUCO Haiti) to efficiently manage the dire humanitarian situation. After the lessons learned in the participation of the EU, Spain has stimulated an internal debate within the Member States on improving some of the Union's crisis management capabilities (such as the Battle Groups) in order to respond more effectively to humanitarian disasters.

The effort on the involvement of the EU in the fight against piracy in the Indian Ocean has been definitely significant. At the request of the Spanish Presidency, Operation ATALANTA has adopted a new operational pattern which affects anti-piracy operations, with emphasis on close monitoring of the logistics of the pirates and the interdiction of these action groups, which has been very effective in reducing the threat.⁸ ATALANTA is one of the most important missions combating piracy on the ground and our country is fully committed to this operation⁹ for the sake of the safety of the fishermen operating in the area and of the entire international maritime traffic.

In words of the Spanish Minister of Defence the European Union has a particular responsibility to provide "*all the necessary means*" within its power to help deal with the root causes of the problem, which are "*on dry land*", and prevent Somalia and

8 The number of attacks that result in kidnapping has been reduced by half (In one year we have gone from one out of three to one out of six).

9 Spain's Minister of Defence announced in the European Parliament on Thursday 10th that Spain would be stepping up its contribution to the ATALANTA mission by sending a Galicia class amphibious assault ship and an ocean-going patrol craft to relieve the frigate Victoria, which is currently in the region, along with the P-3 Orion surveillance aircraft, which will also stay in the area.

its authorities, which are *“incapable of guaranteeing security in their own land”*, from being held *“hostage by a group of criminals”*.

On this issue, the Spanish Presidency has promoted the adoption and launch of a training mission for the Somali Security Forces (EUTM - Somalia). This mission, which has already started work on the ground under the command of a Spanish officer, is essential for a comprehensive approach to the problem, and our country is acting as the framework nation, since it is providing the largest amount of troops, one-third of the total¹⁰.

To sum up, the effort made by the Spanish Presidency on CSDP this semester is reflected in the multiplicity of high-level events conducted: two ministerial meetings; two meetings of directors for defence policy; ten workshops; a multinational training exercise plus the launching of two new operations and the improvement of the pattern of an already existing one.

Spain believes that the political weight of Europe is also measured by its capacity to project it through the necessary civilian and military structures and capabilities, so as to effectively act in the new international scene with its own voice, being able to manage crisis there where threats arise to our security.

We have been fully engaged in the development of the new Common Security and Defence Policy as a key instrument to extend the framework action of the EU on security issues, paving the way to take on its responsibilities in maintaining peace and stability, and in the construction of a better world.

This is the path Europe is starting out and the tools that the Lisbon Treaty offers in the area of security and defence will help us in this journey.

¹⁰ 38 troops out of 141 from 14 EU countries.