

PESCO, or a Common European Army?¹

Pavol HRIVÍK^{1*}

¹ *Ss. Trencin University of Alexander Dubcek, Department of Political Science, Studentska 2, 9111 01 Trencin, Slovakia*

* Corresponding author E-mail address: pavol.hrivik@tnuni.sk

Abstract:

The study deals with the presentation of some initiatives referring to political and security cooperation within European integration, the birth and development of the Common Security and Defence Policy (CSDP), its primary-law frame, with the starting of Permanent Structured Cooperation (PESCO) and evaluating its achieved state. Moreover, there is judged participation and activity of France and Germany within CSDP, forming a new enhanced (supranational) partnership between the both states with a goal markedly to strengthen multilateral cooperation of EU Member States mainly in political, security, defence and military areas, and to shift this cooperation onto the supranational European level. In the study, the attention is also devoted to informal obstacles for a birth and shaping defence-military alliance within the Union (such as national mentality, security culture or strategic culture) and there is judged a possibility of creation of a common European army of a supranational character.

Keywords:

EU, Lisbon Treaty, CSDP, informal obstacles, new Franco-Germany partnership, PESCO, common European army

1 Introduction

Development of political, security and defence dimensions of European integration does not have such successful moments as the economic one. Though at the beginning of the integration process there dominated economic issues of integration of the Western European region in a form of creating the supranational common European market, some political and security-defence themes were permanently actual in background of the main integration stream. Aspirations for deeper political integration in the very process were indeed present, but so-far not too successful or, in some cases, even unsuccessful. By establishing the Western Union (1948) and the Council of Europe (1949), by the unsuccessful French pursuit of creating the European Defence Community and European Political Community through the so-called Plevel's Plan (1952 – 1954), and consequently, in 1954, by the successful British initiative for establishing the Western European Union (WEU) there appeared that states of Western Europe manifested concrete ambitions, visions and forms aiming at deeper political and security cooperation already shortly after the end of the second World War. These efforts early got into the sphere of the NATO's influence, but some influential political figures of that time, first of all French President Gen. Charles de Gaulle, endeavoured to create concrete forms of European political cooperation, whether concerning attempts to establish a Political Union from Member States of European Communities (EC) through the so-called Fouchet's Plans in 1961 and 1962, intergovernmental European Political Cooperation (in the order as the "fourth European community") in 1970 for common coordination of foreign-political activities of EC Member States or in 1976 the intergovernmental European security structure TREVI for fighting against terrorism, radicalism, extremism and violence within the EC space.

All these initiatives of EC Member States were later gradually embedded in corresponding provisions of the founding Treaty of the EU from Maastricht and its later revisions. Subsequently in 2003, the Union adopted its security strategy "A Secure Europe in a Better World" and the updating of this strategy through the Report on the Implementation of the European Security Strategy in 2008 according to which European security and defence are formed not only with regard to the traditional threats and challenges but also to some emerging new security topics as e.g. cyber security or energy security. There were gradually created some permanent political and military structures of the Union such as the Political and Security Committee, Military Committee or Military Staff. Thereinafter were taken decisions to deepen cooperation of the EU with NATO and to finish incorporation of the WEU's capacities into the EU including institutions such as for instance the WEU Satellite Centre or the Institute for Security Studies.

In the last, Lisbon revision of the founding Treaty of the EU, there were really and clearly expressed all aspects of political, security, defence and military cooperation of the Union's Member States, namely in such a measure and extent, in what they have never been so far expressed in a formal-law level within the European integration

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history. Just the Lisbon Treaty became a strong primary-law frame for development and deepening of all sensitive forms of cooperation intervening expressively into the sovereignty of Member States in the mentioned spheres. The main consideration is dedicated to the deepening of defence-military integration within the EU, namely in the areas of Permanent Structured Cooperation (PESCO), the shaping of a political and defence core of the Union in a form of the new Franco-German alliance, and of the specifying of some serious problems standing in the way of forming the supranational Common European Army.

2 Primary formal-law specification of the EU's defence

The Lisbon revision of the EU primary law presents an outstanding shift within development of European security and defence. The Treaty on the EU in the Article 43(1) adapted the Petersberg tasks to the new challenges and threats in a security policy. The tasks, in the performance of which the Union may use civilian and military means, include 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. All these tasks shall contribute to the fight against various threats including a support for the third countries struggling against international terrorism in their territories. European security and defence is so shaped not only with regard to traditional threats and challenges but also to emerging new security topics such as cybernetic or energy security.

In a text of the revised Treaty on the EU in Lisbon wording, an extraordinary attention is dedicated to a so-called Mutual Assistance Clause (or a Mutual Defense Clause) – a strategic commitment of mutual aid of Member States on the chance when one of them becomes the victim of armed aggression of the third state on its own territory (EU 2009a: Article 42.7). In this case, there exists an apparent likeness with commitments in treaties founding military alliances, e.g. with Article 5 of Washington Treaty establishing the NATO which provides hardest security guarantees.

The present Common Security and Defence Policy (CSDP) covers the gradual determining of the Union's common defence (ibid: Article 42.2) which handles possible creation of a military pact or, at least, its hard core. According to this article, the CSDP shall lead to common European defence, when the European Council, acting unanimously, so decides. Therefore, the executive political power of the Union decides without the public's consent.

The Lisbon Treaty introduces a feasibility of enhanced cooperation among Member States that wish it according to the Article 42(6) TEU, namely in a defence and military area in a form of the so-called Permanent Structured Cooperation (PESCO). In principle, it means gradual development of a security and defence dimension of integration with simultaneous creation of a political and military centre. The states, that want to join PESCO cooperation, have to fulfil strict criteria and adopt engagements in an area of military capabilities mentioned in Protocol (No. 10) on PESCO (founding in the attachment of the Lisbon Treaty). Each Member State, which later demonstrates interest in this form of cooperation have to fulfil conditions for membership in a group of states determined by structured cooperation. This cooperation form so shall lead to the flexible forming of effective multinational armed forces for EU missions.

Thereinafter, the Lisbon Treaty (namely EU 2009a: Articles 42(3) and 45) extends a formal-law basis for the Agency in the field of defence capabilities development, research, acquisition and armaments (referred to as "the European Defence Agency"). Mentioned formal changes, which the treaty brings in a defence area, move the EU towards the shaping of military alliance and its own military capacities. Actual military and police units functioned formerly on the basis of initiatives of some Member States, first of all France and Great Britain.

In term of primary law basis for shaping a defence community within the EU, there has its special significance also the solidarity clause (EU 2009b: Article 222) which allows the EU and its Member States to act in common in a spirit of solidarity, if one is the object of a terrorist attack or the victim a natural or man-made disaster. The Union and its Member States, in doing so, assist a Member States in its territory at the request of its political authorities.

Though the EU does not have any permanent military sources or European army, the Lisbon Treaty clearly demonstrates that the Union intends to continue in development of the common defence capacities. Moreover, it confirms the EU's intention to move some institutional functions into such a position of functioning in order to make possible common military sources to become easily available and flexibly utilizable. The Union thus leads to creation of useable and flexible battle-groups through increased "pooling and sharing of resources".

3 Permanent Structured Cooperation PESCO

Since the signing and approving the Lisbon Treaty more than 10 years have elapsed, but a noticeable progress in security, defence and military cooperation within the EU was not accomplished. Several attempts, becoming hopeful, have been not taken a significant step forward from the standpoint of France and Germany. Despite this,

it cannot deny initiatives of some Member States to start up and develop also this dimension of European integration. The first hopeful attempt became signing the Agreement on PESCO (i.e. the fundamental document about Permanent Structured Cooperation within the common European defence policy) on 11 December 2017. The main initializers of this agreement were France and Germany. The document goes out the content of Article 42(6) TEU and the above-mentioned Protocol (No. 10). The 25 EU Member States, including Slovakia, bound themselves to more deepened integration in the area of defence and military under well-defined conditions. Significance and potential, being adjudicated to cooperation PESCO by the majority of EU Member States, are documented by the fact that only three Members refused participation. For comparing, “only” 19 EU Member States are today participating in enhanced monetary cooperation, thus they are Members of the Eurozone.

The EU, by enhancing defence cooperation and creating the structure PESCO, reacts primarily to a long-term deteriorated security environment in its surroundings (North Africa, Syria, Ukraine or the Middle East). However, the decision to enter into enhanced European defence cooperation was also accelerated by political development in the UK and US in 2016. The UK, being a long-time opponent of enhancing defence cooperation within the Union, decided to leave the EU, and in the US the presidential campaign was executed within which there were (and also henceforth is) doubted the NATO, its collective defence principle, and the EU by itself.

However, the EU and its Member States are still regarding the membership in the NATO furthest as a guarantee of collective security and defence for majority of Continental Europe. Alongside, PESCO represents mainly a tool how Members of the Union can commonly more effectively plan development of defence capabilities, what should be practically implement into common European research and progress, developing common military capabilities, more flexible shaping common military missions and consequently also into prospective procurement of new or modernized military technology, equipment and own weapon systems under the trade-mark “Made in the European Union”.

Preferring the national approach to European cooperative one in an area of defence-military research, growth and consecutive procurement was, in the last decades and years in no-being of PESCO, for Member States logical and often also advantageous. However, this was contributing to deeper fragmentation of European defence industry and to inappropriate accumulation various kinds of military technics, equipment and weapon-systems utilized by national armies, whereby their cooperation in common operations and missions became more complicated. It, from a long-term standpoint, presents a problem because the Union could not thus embark on more enhanced defence and military cooperation even in the areas where a political will would exist. In the last period this kind of cooperation shapes namely in western and partially in central Europe, whereby it gains the form of increasingly more frequent debates on possible creation of the common European army in a near future.

As the birth of the European army, first of all its supranational character, is unreal in the next years, EU Member States today are focusing in multiple projects and initiatives which have been up to now formulated within the cooperation PESCO. They are concerned with the most diverse spheres including making more effective cross-border movements of armed forces, improving a logistical support and medical capacities for joint operations and missions of the Union, optimising utilization of test devices and areas, intensifying cooperation and improving capacities in cybernetic defence, intelligence action or in electronic warfare. However, for a nature of the PESCO’s trend there are the most important such projects, which touch development of common military engineering, equipment or weapon systems. Actually, there are PESCO projects for developing an infantry’s armoured combat vehicles, a device intended for underwater shooting, offensive helicopters, platforms for airships or remote-piloted aircrafts (the so-called Eurodrons).

Absolute leaders in PESCO are those Member States that have the biggest armies and invest the largest sources on them – first of all France, Germany, but also Italy or Spain. Very active are also some other states such as Greece, Belgium, the Netherlands or Slovakia. Thus, this is also defence by means of which can further deepen European integration even in areas extremely vulnerable to state’s sovereignty.

PESCO has (as yet) a character of intergovernmental authority, which shall over-roof all so far isolated isles of cooperation in a defence area and at the same time shall open space for shaping common European armed forces. For starting this form of cooperation, the EU had long time from a moment of passing the Lisbon Treaty, but, only in the last period, the first more noticeable attributes of its filling started more expressively to occur in the context of an external threat to the Union and of uncertain evolution of international politics. Member States of the Union furthest remain sovereign within PESCO, they alone can decide which modules and initiatives of structured cooperation they participate in. This form of cooperation, to a certain extent, obliges them because they disclosed their own tangible goals within acceding to the PESCO agreement. These are evaluated every year and in case of their non-fulfilment, a respective state can be excluded by other Members from this cooperation.

The expected gain of PESCO cooperation consists in mainly in joint pooling, sharing and utilizing of resources, in coordinated planning, common development of armaments and military technics. This shall bring not only savings by common giving public tenders, but shall strengthen also interoperability of Member States’ armies. In

this way, European defence should be expressively more effective. Structured cooperation PESCO is supplemented with the European Defence Fund which was founded by the European Commission, and with the procedure for monitoring Member States' investments into defence which shall be performed by the European Defence Agency. PESCO shall be focusing on concrete results as are e.g. joint units of quick reaction forces, developing new arms and technics, and creation of single logistical centres. On the present, there are established 34 joint projects for which concrete Member States are responsible. In 2018, Slovakia engaged in eight PESCO projects from that in sixth ones as a member and in two ones as an observer. It leads a project referring to fire protection.

4 Franco-German political and defence core of the EU?

At the session of the European Council (14 December 2018) leading representatives of Member States evaluated the yearly functioning of PESCO. They welcomed certain progress being accomplished in the area of security and defence – examples of which are performing PESCO cooperation and striving for improvement of military mobility. At the same time, they approved the pact on the “civil” CSDP. These initiatives shall minister enhancement of strategic autonomy of the EU and its ability to act as a security guarantee, and that under simultaneous strengthening cooperation between the EU and NATO.

A big “surprise” or shock in an area of functioning the EU and PESCO activities became 22 January 2019, when the top representatives of France and Germany – French President Emmanuel Macron and German Chancellor Angela Merkel – decided in German Aachen to sign the all-embracing Amendment to the bilateral Franco-German Treaty (so-called the Elysee Treaty) from the year of 1963. The Aachen Amendment, which arose secretly in the shadow of a changeable Transatlantic Alliance, is the most ambitious just in the Union's foreign, defence and monetary policies. It establishes the Franco-German Defence and Security Council and creates conditions for closer supranational cooperation of the both states, namely diplomacies, armies and defence industry. Pending the signing ceremony in Aachen, Macron and Merkel hinted that their countries have to more and deeper cooperate, that is just it, as the transatlantic bond weakens and democracy in the EU is jeopardized. “In all our countries nationalisms and populisms achieved their signification, for the first time one Member State is leaving the Union, and multilateralism is questioned” Merkel said after signing the Treaty's amendment. The contemporary process of European integration is too slow for France and Germany, and hence they came with the plan of “super-speed” integration in the Union.

The signing of enhancing cooperation between France and Germany is likely to assess as a manifestation of their readiness for a possible ending of the NATO, hereinafter their disappointment with an achieved level of cooperation in the political and security-defence area of integration in the whole post-Lisbon period, as well as with the very modest results of cooperation of the 25 Member States within PESCO. The reason of this dissatisfaction is also a fact that not all states in PESCO are sufficiently developed for this cooperation forma. Moreover, they prefer intergovernmentalism. The intergovernmental paradigm is, according to France and Germany, a cause of cumbersomeness and inelasticity in decision-making on principal political and defence issues based on unanimity. The French-German engine of integration is endeavouring, in this way, to draw the attention also to a necessity of qualified majority voting in political, security and defence-military dimensions of European integration which are in their extraordinary strategic interest. It is concerned with a fundamental formal-law obstacle which can be overcome only by a revision of the Treaty on EU in Lisbon wording. At the same time, France and Germany, with their initiative, commonly respond also to various obstacles of an informal character, which impede developing these integration dimensions, in an effort to overcome them or at least to abate them.

Coping up what kind of problems of an informal character are in an extraordinary interest of the Franco-German tandem for the purpose of bolstering the security-defence dimension of European integration?

In the last years, the CSDP has expressive ambitions to change the Union into a significant political, security and defence player on the international scene. The EU is, on the present, engaging in many crises regions of the world by means of own civil or armed missions. The CSDP's aim is to make the EU capable to act more effectively and efficiently abroad through development of civil and military capacities for preventing or solving and putting down conflicts, and of crisis management. In this case, it does not concern (at least not now) creation of permanent supranational European army. The national armed forces shall remain under control of their national commanders, and thus under democratically elected authorities in Member States. Only their reserved units for common armed missions will be controlled by a European military commander over a period of approved time for duration of a corresponding EU mission.

Though the Union becomes more and more visualized in crisis and conflict management, and has some built partnership relations with many various international organizations and actors in a security area, there all the time occurs hesitance from the Union's side relating to its military capabilities in comparison with other actors (namely the US and NATO). The key reason of this is a fact, and some former EU military missions confirm it, that force-generating processes may turn into lengthy procedures that, finally, cannot succeed, and finally will not even

succeed without the substantial involvement and support of decisive European military powers, first of all France, Germany and the UK (now leaving the EU).

The lack of political coherence and capabilities of applying military forces illustrate a key current tension within the Union, namely that between the EU's traditional role as a soft power (in which it mainly provides support within areas of humanitarian assistance and of economic, ecological and political development) and its recent steps towards acquiring the capabilities of a hard power that, if necessary, the Union is both willing and able to use military operations. Libyan crisis (2011) became a disappointing test for the CSDP structures, because they appeared as unreliable and inflexible. In consequence, the US and NATO did not rely on a possibility of the EU's active participation in solving the Ukrainian crisis and took the initiative of a possible military intervention into their hands, whereby was created a space for future conflict "the West – Russia".

It is obvious that only existence of the primary-law norm in a form of the Lisbon Treaty, secondary-law security documents of the Union and new institutional structures by themselves are not sufficient means to maintain the EU of a credible international politico-military actor. Despite the impressive transformation of the EU in an area of defence and security, the Union does not still manage a problem of its hesitancy and lingering within the CSDP.

To what extent the Union is governed by its shaping into a position of a global security player, it will be, sooner or later, concerned with an issue of forming its own identity, mentality and from them resulting a strategic culture. The Union thus needs to develop a common (European) security and strategic cultures that can foster early, rapid, and when necessary, robust armed intervention within the context of its interests. If a security culture is a topic of top political actors, then a strategic culture is perceived mainly as a matter of top military doers. These come from cardinal political decisions and tasks, and look for the most efficient military means and the most convenient ways of keeping combat operations of which envoi is to ensure accomplishment of the appointed political goals.

Common security and strategic cultures shall make the Union become a more active, sovereign player with greater political importance. Mutual approximation of national mentalities of Member States and similarity of national strategic cultures are one of vitally important conditions for successful applying the CSDP, in this case namely for realization of an intention of pooling and sharing military capabilities of EU Member States which appears as one of offered solutions of responding to economic pressures for reduction of the EU's defence budget. The European strategic culture could be, over time, a result of applying of the CSDP because jointly utilized experience from a continuous interaction can finally become a driver in the convergence process and can bring national strategic cultures into close approximation and synchronizing. However, national mentalities, together with national strategic cultures, are actually so different and conservative that they serve as a convincing explanation of the fact why the EU cannot so early become a strategic global actor and will not be able flexibly and effectively to shape military capabilities commensurable to its aspirations.

Mentality, security and strategic cultures help to understand political preferences and expectations for adequate behaviour in different political areas. The very strategic culture at the same time concentrates on security and defence politics, especially on issues relating with utilization of armed forces. National security and strategic cultures of the EU Member States, if they are suitably synchronized, can in the end enable or make easy implementation of European goals including areas of evolvement of military capabilities and operational activity. On the other hand, if these cultures are not possible to put into mutual harmonization, they can be continuing in the position of a main subverted factor – consequently how to make the Union non-coherent and incapable to live in accordance to its effort.

Member States have widely different national mentalities hence the key issue becomes convergence. The European strategic culture should in time emerge out of national level convergence. The EU should have a vision for its role as a global political actor, but it will not be able to implement this vision in full unless it becomes a supranational state formation. And such a direction of European integration is today unacceptable for the majority of EU Member States, of course, except for France and Germany. In such a case, the best, the Union can hope for, is an issue of specific leadership in changing coalitions of the willing and military capable Member States. The Union's vision should essentially be so to remake the world in its own image without violating international law. This development can lead to the creation of a new "Concert of European powers" within the EU, as only a consensus among the most influenced Members of the Union can have any hope of pushing the EU towards coherence. And the new enhanced Franco-German alliance from January 2019 is an obvious evidence of that.

However, there exists only small approximation in fundamental issues, such as, for example, what sort of armed forces the nations want and for what purpose. Moreover, Member States have vastly different legal and constitutional frameworks for the external deployment of their armed forces in place. These factors support diverse levels of ambitions across Member States and also affect mutual trust among countries. Such political factors will become even more important if pooling and sharing of military capabilities include deployable front-line capabilities. But on the industrial side, pooling and sharing of military-technological capacities can lead to losses of job and skills in some Member States that have a more significant defence industrial and technology base.

Hence, defence industrial interests may stand in the way of successful pooling and sharing of utilization of sources and capacities within the Union as well. This increases mutual dependence and reduces national autonomy. Thus, it raises the issue whether Member States can really rely on each other to make pooled capabilities available, if needed. Moreover in this case, there emerges a possible solution just the new Franco-German alliance of which intentions, goals and strategies will unquestionably force through the whole EU.

5 Conclusion

Although the Lisbon Treaty formally provides the EU with a strong primary-law basis to be allowed to become an influential global player also in key issues of international politics and security, but shaping and application of the CSDP have, not up to now, taken a step exceedingly forward, in spite of starting the PESCO project. This unquestionably requires to have markedly formed common security and strategic cultures as well as to own developed, efficient and flexible military capabilities on the basis of own European armament sources and technologies.

New institutions and structures of crisis management created by the Lisbon Treaty, have disappointed when confronted with the Arab Spring in North Africa (2010 – 2013) with the complicated situation in the Middle East (first of all in Syria, Iraq and Iran) and, last but not least, with the Ukrainian crisis (2014) which is continuously running up to now. The Union has, at the same time, still a chance to play a constructive and useful long-term role in the supporting of transformation processes in the mentioned regions. More flustering for the CSDP and the problem of whether the applying of this policy is shifted onto a higher qualitative level in the next time, is a fact that there exist no hints of governments of Member States limited by different national mentalities, to overcome a central problem namely that the CSDP does not seem to be very good in creating extraordinarily needed capabilities for tasks of crisis management and operations controlled through the CSDP, whereas those successful are not strategically important. As a result is disappointment mainly of those EU Member States that are vitally important for shaping the reliable and effective CSDP.

In the area of the EU's defence being extraordinarily sensitive, there are fairly examples from the past which document such initiatives during European integration that did not have the direct support in founding treaties of the EC/EU. The interesting initiative of a group of Member States was e.g. the meeting of top political representatives (the mini-summit) of France, Germany, Belgium and Luxembourg (April 2003) to place the basis of a future European defence alliance. On the present, this intention is confirmed by the amendment to the Franco-German Treaty (1963) signed in January 2019 which creates a strong formal-law basis for new strategic Franco-German partnerships with an eventuality of constructing a common super-state – say, Franco-Germany. From such and similar events there can arise next initiatives that significantly affect a heading of integration process to new areas and sectors including those relating to state sovereignty such as e.g. an area external security and defence of the EU. Nevertheless there is not excluded that these ambitions can reinforce some disintegration forces in the very Union.

Results of these initiatives of Member States, on the basis of historical experiences from development of European integration, can mostly fall down among those activities which emerged as nonviable. On the other hand, but all the most significant steps in European integration followed the agreements of a “small” group of States of which signatories were first of all France and Germany, ever and again, with pragmatic participation of Great Britain. In next periods thus will much depend on that whether there is found a wider concordance in a question of European defence leading to creating a common (supranational) European army. The looking for an own security and defence identity of the Union is henceforth going on, whereby its successfulness depends on very progress of the CSDP.

The road to creation of a common European army, e.g. through the enhancing of defence cooperation within PESCO, will be unquestionably complicated and time-consuming, full of various risks, conflicts and uncertainties. Today it emerges that forming hard politico-defence core of the EU can be exclusively realized through the EU's decision-making centre of which basis now becomes a new supranational (not intergovernmental) alliance of France and Germany, but at the moment without a support of French and German public. This core will be open also for other Member States which will have pre-requisites and military capabilities for it, will have a will to become a member of such a collective defence authority in the Union, and will demonstrate a respect for the Franco-Germany political leadership.

The concept of a possible future military alliance within the EU and its functioning can be likened to the “model of Saturn” with a colossal centric planet surrounded by ringlets which should, sooner or later, come together into a planet centre. (Hrivík 2008: 117-118) External ringlets present emplacements of EU Member States. A distance of the corresponding ringlet from the core, on which is located some of states, depends on its interest in and its potential for defence-military cooperation, further on a depth and extent of involvement into PESCO cooperation. The core will be created first by big Member States with strong defence-military potential and influence, and will

be open for others. Placement of EU States into ringlets round about the core will have a “temporary” character, whereby a goal should be the facilitating of whole convergence in an area of defence and military.

A chance for long existence has admittedly PESCO, creating a supranational common European army, as a part of the military core of the Union, will in the long term meet difficultly solvable and manageable informal obstacles, mentioned above. Thus, shaping a robust European army is not foreseeable in spite of accentuated French-German ambitions.

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