

Tomáš Karásek

Department of International Relations
Institute of Political Studies
Faculty of Social Sciences
Charles University, Prague

**EUROPEAN ARMY:
THE ULTIMATE INTEGRATION PROJECT?**

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INTRODUCTION

The case of the European Security and Defence Policy – and the related issue of ‘European Army’ - provides us with yet another excellent example of the interrelation between theoretical analysis and politics in practice, and, what is more, it reveals clear determinist nature of this relationship. Although the topic of the European Union’s Common Foreign and Security Policy certainly belonged among the prominent subjects of European integration debates throughout the 1990s, the swift establishment of autonomous EU defence policy after the Franco-British Saint-Malo summit in 1998 and subsequent European Council meetings in Cologne and Helsinki seems to have caught almost everyone by surprise.

This assertion is certainly not meant to negate the potential benefits if theorising; it is, after all, the aim of this article to judge hitherto development of ESDP against a specific theoretical framework. What is necessary is to point out the proximity between the reality of political events and their reflection in theoretical analysis; this close relationship, however common in social sciences, seems to be of particular importance in the field of European integration studies.

The goal of this article is to analyse the security and defence policy and the related issue of ‘European Army’ as a specific area of European integration, in relation to the supranational versus intergovernmental dichotomy. It risks stating the obvious to say that ESDP is as much a problem related to the topic of transatlantic relations – and NATO in particular – as to that of integration process. Nevertheless, for the purposes of cohesiveness of the argument notions of the transatlantic dimension of ESDP will be suppressed in this article to underline the importance of this policy for the integration debate.

Another problem concerns the time span defining this policy. Although it has been formally established only during 1999, given the focus of this article it makes sense to take into account the evolution of security and defence policy in Europe during the whole 1990s. This implies that – besides the EU – the other European security instrument, the Western European Union will be dealt with. The reasons to do so are specified below, here it might suffice to point to the formal link established between EU and WEU in the Treaty of Maastricht.¹

At the end of the introduction, a note has to be made concerning the terminological confusion regarding the terms ‘security’ and ‘defence’. Official terminology of the European Union is of little help here, given the parallel existence of Common Foreign and Security Policy, and European Security and Defence Policy. Since a discussion over the meaning of these terms could well become a subject of a separate analysis, in this article I use a simple yet sufficiently eloquent definition by Geoffrey van Orden who defines ‘defence’ as “any activity involving military resources”, whereas ‘security’ comprises “a full range of essentially non-military, political, diplomatic and economic instruments.”² It stems from the focus of this article that it will deal almost exclusively with the problematic of defence in the defined sense.

SUPRANATIONAL VERSUS INTERGOVERNMENTAL DICHOTOMY: BASIC THEORETICAL FRAMEWORK

Is it justified to treat European Security and Defence Policy as part of the integration process? Although a number of various definitions of ‘integration’ are available, in general it might be argued that integration is something significantly more intensive than traditional interstate cooperation. This claim, dating back to the beginnings of European integration, leads to a twofold conclusion: First,

¹ See Article J.4 of the *Treaty on European Union* (Maastricht version).

² VAN ORDEN, G.: *A European Union Perspective on the European Security and Defence Identity*. in: DEIGHTON, A. [ed.]: *Western European Union 1954 – 1997: Defence, Security, Integration*. Oxford, 1997, p. 120.

“Western Europe was undergoing a quite profound period of transformation in which the established patterns of political authority were being radically reordered.”³ And second, “a new sort of state form *above* [emphasis by author] the nation-state would be the outcome.”⁴

It has since become a notorious fact that the cooperation in the field of security and defence does not reach the intensity of economic – and related – integration. Indeed, after the failure of European Defence Community the security and defence matters were deliberately excluded from the integration process, and the integration effort concentrated on the predominantly economic issues of the Common Market. However, it can be argued that it is the very case of EDC that makes the approach towards ESDP as an integration topic legitimate. Though vetoed before put in practice, the EDC project came very close to becoming reality and constitutes, especially in its early form, an excellent example of supranational approach to defence in Europe. It can thus serve as a pattern against which later developments, including ESDP, can be judged.

Another reason why to treat ESDP as part of the integration effort is the institutional and contractual proximity between this policy and the economic integration within the European Community. It is certainly not an exaggeration to claim that by establishing the European Union by the Treaty of Maastricht, the member states expressed their willingness – although, given the existence of ‘pillar system’ and lack of EU legal personality, a bit confusing one – to treat security (and eventually defence) policy as a legitimate and standard part of the integration process. Since then, CFSP and later ESDP became tightly embedded in the EU fabric, thus allowing to be dealt with by the means of integration theories almost as a matter of fact.

This conclusion, of course, does not pre-determine the specific theoretical context to be used in case of ESDP. In this article, the basic supranational – intergovernmental dichotomy will be used. Since the instinctive approach to security and defence policy is that of

³ ROSAMOND, B.: *Theories of European Integration*. Basingstoke, 2000, p. 10.

⁴ *Ibid.*

acknowledging the primacy of nation state, the supranational-intergovernmental debate that “continues to explore the fundamental question of the role of the nation-state and national governments”⁵ seems to be suitable to handle this topic. This is all the more true given the fact that the establishment of ESDP can be considered one of the ‘grand projects’, one that has not been fully established yet. The aim is thus not to craft a comprehensive theoretical approach towards ESDP, but rather form a scale on which the various features of this policy can be placed and against which they can be evaluated. This also stems from the fact that the theories of European integration were, generally speaking, not developed in relation to the security and defence issues.⁶

Three general components of ESDP will be examined: the actual military units available for the purposes of the policy (do they tend to integrate into a ‘European Army’, or do they remain essentially national?), the European-level security and defence structures (do they form an integrated command, or do they serve as a mere consultation forum for the member states?), and the political leadership exercised over the two (does it tend to evolve towards a decision-making center of a European *superstate*, or does it remain a loose coordination centre for the national governments?). Evidently, the visions inherent in the supranational and intergovernmental view are exactly the opposite. Within the supranational context, ESDP serves as a platform for founding a standing European Army under an integrated command and legitimized by the political union that would attract to itself the decisive attributes of external sovereignty. On the other hand, according to the intergovernmentalist paradigm, the policy remains firmly in the hands of member states’ governments, and is organised as a loose cooperation scheme to serve as a means of amplification of their security and defence interests.

It remains to be clarified what to understand under the terms ‘supranationalism’ and ‘intergovernmentalism’ themselves, beyond the general and quite obvious distinction between the visions of ‘*Europe*

⁵ ROSAMOND, 2000, p. 105.

⁶ AYBET, G.: *The Dynamics of European Security Cooperation, 1945 – 91*. Basingstoke, 2001, p. 9.

des Patries' and 'United States of Europe'.⁷ This is significantly more complicated in the case of 'supranationalism' which comprises several competing theoretical approaches, of which federalism and neofunctionalism appear to be the most prominent. Of these two, neofunctionalism seems notably less suitable for the analysis of ESDP: Although not ruling out the possibility of integration in the sphere of 'high politics'⁸, its basic assumption remains that of the key issues being "not those of traditional high politics, but matters of the satisfaction of welfare and material needs."⁹

Quite to the opposite, "one of the basic principles of federalism is the creation of supranational institutions including military and police forces", aiming to "adapt institutions that operate at a national level for use on a regional basis."¹⁰ This approach of replacing the rivalry of European nation-states with a new *superstate*, federal structure, one that could play the role of one of the leading world powers, could be dated back to Coudenhove-Kalergi.¹¹ Hence, for the purposes of this analysis, the term 'supranationalism' can be understood in relation to the federalist goal of a European *superstate* within which a significant transfer of sovereignty from the member states to the supranational centre would occur.¹²

As for the opposing intergovernmentalist view, two problematic aspects have to be mentioned. The first concerns the relationship between 'intergovernmentalism' and 'realism'. According to Morgenthau, the motivation behind states' behaviour is an "interest defined in terms of power"¹³; and the founder of neorealism, Kenneth N. Waltz, based his theory on the hypothesis of international anarchy and self-help principle.¹⁴ Hence, both classical and neorealist approaches see war as inherently – if latently – present in the anarchic relations between

⁷ ROSAMOND, 2000, p. 106.

⁸ Ibid, p. 52.

⁹ Ibid, p. 57.

¹⁰ AYBET, 2001, p. 12.

¹¹ See COUDENHOVE-KALERGI, R. N.: *Pan-Europe*. New York, 1926.

¹² Nevertheless, the distinction between neofunctionalist and federalist approaches ought not to be absolutized, as i.e. the gradual federalists come very close to the neofunctionalist point of view. See AYBET, 2001, pp. 12 – 26.

¹³ MORGENTHAU, H. J.: *Politics Among Nations. The Struggle for Power and Peace*. Boston, 1993, p. 5.

states. Can these assumptions be reconciled with the reality of ESDP? Perhaps surprisingly, it might not be necessary to cast a doubt on the anarchic nature of interstate relations, as this essentially expresses the lack of hierarchic structures. On the other hand, the notion of state of war as the underlying condition of international relations seems to be – given the empirical evidence of the decades of integration process – out of touch with the reality of the European Union. Hence, one could define ‘intergovernmentalism’ as ‘realism’ where, by virtue of historical experience, the notion of war has been moved from the position of latent presence to that of indefinite distance.

Finally, a remark has to be made regarding the term ‘integration’. Indeed, according to the intergovernmental paradigm, *integration* in the sense of creating supranational bodies is strictly limited to the sphere of ‘low politics’ whereas the ‘high politics’ of security and defence can be only described in term of traditional *cooperation*. Nevertheless, in this article, given the reasons mentioned in the introduction, ‘integration’ is used to denote the evolution of ESDP as well.

THE ‘EUROPEAN ARMIES’

Analysing ESDP and the idea of European Army does not make much sense without dealing with the actual military units that might form it. From this point of view, the foundation of *Eurocorps* in the beginning of 1990s is an event of utmost importance. Hailed by some as a cornerstone of a future European Army¹⁵, and, on the other hand, rejected by others as irrelevant and of questionable military value, it does retain its political importance and deserves our attention.

Eurocorps emerged as an outcome of decades-long Franco-German relationship, based on the 1963 Treaty on Cooperation and Friendship between these two nations. Although the treaty did not become an instant basis for autonomous Franco-German defence axis –

¹⁴ WALTZ, K. N.: *Theory of International Politics*. New York, 1979, p. 121.

¹⁵ GIESSMANN, H. J.: *The „Cocooned Giant“: Germany and European Security*. Hamburg, 1997, p. 47.

as French president de Gaulle hoped¹⁶ - it did lay down foundations for regular cooperation, including security and defence. In 1988 this cooperation resulted in the establishment of the Franco-German Security and Defence Council and formation of a joint Franco-German brigade.¹⁷ By combining national units at the level of battalions, the Brigade effectively departed from the consensus reached during the EDC debate in the 1950s when it had been agreed that the minimum effective level of military integration is that of national divisions. As Aybet notes, this trend tended to be replicated throughout the 1990s.¹⁸

Based on the experience with this form of close military cooperation was a joint letter by France and Germany on the Dutch EEC Presidency in October 1991, proposing the expansion of the cooperation to the level of army corps, where other EC member states could participate.¹⁹ Given political considerations over the compatibility of the proposed European corps with NATO and questions over its practical usefulness²⁰, there was never really a chance of this unit becoming a structural part of European Union. Nevertheless, that fact did not prevent France and Germany from going ahead with the project. At a joint summit in La Rochelle on 22 May 1992, French President Mitterand and German Chancellor Kohl proclaimed the formation of Eurocorps. A year later, the corps was joined by Belgium (June 1993), followed by Spain (July 1994) and Luxembourg (May 1996).²¹

As the structure of Eurocorps became both an example and a model for other such formations, it is worth describing. The structure consists of three levels: political leadership, headquarters, and assigned national units. Since the friction over Eurocorps prevented it from becoming part of the EU, the founding nations found it necessary to form a political body to guide it. Hence, the corps is formally independent from any European defence organisation (EU, WEU, or

¹⁶ POSNER, T. R.: *Current French Security Policy. The Gaullist Legacy*. London, 1991, p. 84.

¹⁷ YOST, D. S.: *Franco-German Defence Cooperation*. in: SZABO, S. F. [ed.]: *The Bundesweher and Western Security*. London, 1990, p. 224.

¹⁸ AYBET, 2001, p. 189.

¹⁹ HARRIS, S. A. – STEINBERG, J. B.: *European Defence and Future of Transatlantic Cooperation*. Santa Monica, 1993, p. 15.

²⁰ AYBET, 2001, p. 184.

NATO) and is politically subordinated to so called Joint Committee. This body is made up of national Chiefs of Defence (representing Ministry of Defence) and Political Directors of Ministries of Foreign Affairs.²² On the one hand, this provides Eurocorps with a notable degree of political flexibility; on the other hand, it is questionable whether and why a military organisation of states that all belong both to EU and NATO need a special political body to act as an intermediary between them and these organisations.

Whereas the political Joint Committee makes Eurocorps unique, the multinational headquarters became a model for subsequent development. The headquarters' Command Group consists of the commanding general (answerable not to his national political authorities, but to the Joint Committee), his deputies and the chief of staff, each acting as a Senior National Representative.²³ The headquarters as a whole is organised as multinational in the strictest sense of the term, meaning that individual soldiers from different states directly communicate with one another on a daily basis. That, however, is not true of the pre-assigned combat military units: These – besides the already mentioned Franco-German brigade - comprise an armoured or mechanised division for each of the participating nations, with the exception of Luxembourg. Hence, in the case of Eurocorps national divisions remain the basic combat unit.

Surprisingly enough, within Eurocorps (particularly regarding the headquarters) sharing of sovereignty has become a norm rather than exception.²⁴ How else could we describe a situation when national military representatives are obliged to follow orders issued by their superior from another country? Combined with the principle of rotation, we can claim that at the functional, military level the integration process has apparently gone much further than the cooperation at the political level would suggest.

²¹ See *Eurocorps. A Force for Europe and the Atlantic Alliance*. www.eurocorps.org, 22 April 2004.

²² *Eurocorps. A Force for Europe and the Atlantic Alliance*.

²³ *Ibid.*

²⁴ BÜHL, H.: *K problémům multinacionality ve vojenské spolupráci*. *Mezinárodní vztahy*, 4/98, p. 25.

What is important is that the idea of multinationality had been endorsed by the Western European Union. After Eurocorps was assigned to WEU in May 1993²⁵, the WEU decided to form a pool of multinational forces, known as Forces Answerable to WEU, to be available for the execution of the tasks presented in the *Petersberg Declaration* of June 1992. Besides Eurocorps, six other formations became part of the pool: Multinational Division – Central (part of NATO Allied Command Europe Rapid Reaction Corps), Eurofor/Rapid Deployment Force, Eumarfor – European Maritime Force (both consisting of French, Italian, Portuguese and Spanish forces), the Headquarters of 1st German-Netherlands force, and Spanish-Italian Amphibious Force – SIAF.²⁶ However, it should be noted that some of these forces exist only in the form of joint headquarters, without any pre-assigned combat units. So, to some extent the WEU forces existed as an army without soldiers.

Surprisingly enough, after the European Union decided to establish ESDP and form its own military force after 1999, it did not replicate the structure based on multinational headquarters. An overview of the units making up the EU Rapid Reaction Corps reveals that this ‘European Army’ consists mainly of national contributions of various size, even though some multinational formations are present.²⁷ Apparently, the poor – or rather non-existing – operational record of FAWEU in the 1990s, forced EU leaders to move away from the ambitious yet somewhat rigid organisation based on multinational headquarters to a more flexible arrangement resting on national contributions. A similar development within NATO leading to the foundation of NATO Response Force²⁸ signals a wider trend of creating rather limited but flexible multinational forces that are, however, different from ‘symmetrical’ organisations such as Eurocorps.

²⁵ BÜHL, H.: *Europäische Verteidigungsidentität. Das Eurokorps als erster militärischer Einsatz. Österreichische Militärische Zeitschrift*, 6/94, p. 613.

²⁶ GIESSMANN, 1999, p. 53.

²⁷ *The European Union's „Headline Goal“ – Current Status. Appendix: Forces Attributed to the Helsinki Force Catalogue.* www.cdi.org (Center for Defense Information), 22 May 2002.

²⁸ See *Prague Summit Declaration.* www.nato.int/docu/pr/2002, 21 November 2002.

This trend has recently been approved by British, French and German leaders in their compromise over future shape of ESDP. As Charles Grant points out, “when the European Union conducts an autonomous EU mission, a national headquarters will normally be in charge.”²⁹ This decision represents a sharp departure from the original WEU conception where multinational headquarters were regarded as the basic operational unit. Given the emergence of new threats, such as global terrorism, this emphasis on flexibility is understandable. Nevertheless, unanswered questions persist: Unlike NATO, EU has no tradition of extensive military cooperation, including regular joint exercises and standardization of weaponry and equipment; this could seriously hinder any effective military operation in the future. What’s more, the Helsinki arrangement lacks the integrative impulses that were inherent in the multinational headquarters organisation.

WHO’S IN CHARGE?

Despite the fact that Eurocorps was established outside the (W)EU framework and was endowed with a political leadership of its own, the new strategic situation of the 1990s clearly required that new institutions be founded within WEU or EU to coordinate the military units. As with the case of the armed forces pool, WEU arrangement preceded and anticipated the structures established later within the European Union. The level of European security and defence policy discussed in this part might be termed *administration* of ESDP – as distinguished from both the executive level of military units, and the top political decision-making bodies – and comprises ‘central’ bodies established first within WEU and subsequently within EU.

The Western European Union’s institutional adaptation to the new reality of post-Cold War international environment started in October 1992 when the new Planning Cell was established. This body was

²⁹ GRANT, Ch.: *Reviving European Defence Cooperation*. NATO Review, Winter 2003, www.nato.int/docu/review, 27 April 2004.

tasked with generating so called contingency plans and keeping the records of FAWEU. Having closely cooperated with the Military Delegates Group³⁰ and the Politico-Military Group, the Planning Cell became a core of WEU strategic planning.

Along with it, several bodies dealing with intelligence gathering and assessment were also established during the 1990s. The Satellite Centre – based at the air base in Spanish Torrejon – became the “first European intelligence centre.”³¹ The Satellite Centre uses the imagery provided both by Franco-Italian-Spanish *Helios* satellite system and by commercial satellites; it does not, however, have programming and operational control over the satellites and is thus unable to assess and communicate to WEU bodies information in real time. Nevertheless, the Centre retains its political importance as a unique multinational intelligence arrangement; no comparable institution exists in global comparison.³²

Two additional intelligence assessment bodies were subsequently founded, both situated in the WEU Council Secretariat. The Intelligence Section – part of the Planning Cell – was tasked with the analysis of classified information passed to it by member states’ intelligence agencies. Unlike it, the Situation Centre assessed open resources, in search for information relevant for potential WEU missions.³³ Obviously, the capabilities of these bodies remained limited and the use of information highly selective. That should not, however, conceal quite an astonishing fact that within the WEU Council structures, a core of European intelligence service was established. When the EU decided to build its own defence structures, the basic patterns of such institutions had already been tested.

³⁰ Composed of member states’ Chiefs of Staff.

³¹ OBERSON, F.: *Intelligence cooperation in Europe: The WEU Intelligence Section and Situation Centre*. in: POLITI, A. [ed.]: *Towards a European Intelligence Policy (Chaillot Paper 34, December 1998)*. Paris, 1998, p. 19.

³² *Ibid.*

³³ *Ibid.*, p. 22.

Although the Treaty of Amsterdam did not integrate WEU into the European Union structures nor did it fix a timetable for this process³⁴, it did form two bodies relevant for the future development of ESDP. One of them was the Policy Planning and Early Warning Unit (PPEWU), established by a declaration attached to the Amsterdam Treaty.³⁵ This body, analogous to the WEU Planning Cell, became the first and basic element of EU risk evaluation and threat assessment mechanisms. What elevated the significance of PPEWU to a higher level was the fact that it was presided by the other newly established function, the High Representative for CFSP.

It is interesting to follow how the post of the High Representative evolved from a mere 'external face' of the EU to a position of a 'linchpin' of the ESDP. According to the Treaty on European Union, the High Representative shall contribute to CFSP particularly through assistance to formulation, preparation and implementation of policy decisions (Art. 26). For the successful execution of these tasks, the position of the High Representative was merged with that of the Secretary General of the Council of the EU. This decision proved to be of particular importance. At the summit in Cologne – where former NATO Secretary General Javier Solana was named the High Representative - EU moved ahead with the plans for autonomous security and defence, including the formation of specialised EU military structures.

These structures were established according to the guidelines issued by the Helsinki European Council. On 22 January 2001, three Council decisions were adopted, founding the Political and Security Committee, the Military Committee and the Military Staff.³⁶ Subsequently, in July 2001, the EU took over the WEU Satellite Centre.³⁷ Directly or indirectly, the High Representative maintains his

³⁴ CAMERON, F.: *The Foreign and Security Policy of the European Union. Past, Present and Future*. Sheffield, 1999, p. 67.

³⁵ *Amsterdam Declaration on the Establishment of a Policy Planning and Early Warning Unit*. in: CAMERON, 1999, p. 132 – 133.

³⁶ Council Decisions No. 2001/78 (Political and Security Committee), 2001/79 (Military Committee) and 2001/80 (Military Staff).

³⁷ Council Joint Action No. 2001/555.

competence over all these bodies. The Political and Security Committee, consisting of member states' Foreign Ministries Political Directors, was tasked with monitoring international situation, preparing adequate policy responses to potential crises and exercise political control and strategic direction over crisis management operations. Its position was reinforced by the Treaty of Nice; the Council may now authorise the PSC to take relevant decisions concerning EU military operations in progress. Although the High Representative did not become the standing president of the PSC, he may preside over it after consulting the Council Presidency, especially during crisis.

The other two bodies consist of military officers. The Military Committee, the highest EU military body, is composed of member states' Chiefs of Defence – or their representatives in practice. It acts as an intermediary between the PSC and the Military Staff, and is tasked with the assessment of international situation and crisis management operations from the military point of view. The Military Staff was incorporated into the Council Secretariat, thus enjoying a direct link to the High Representative. The same holds true for the EU Satellite Centre: it has been subordinated to the Political and Security Committee, with the High Representative exercising operational leadership over it.

In comparison to the arrangement within the WEU – and compared to the much more ambivalent evolution of the assigned armed forces – the progress reached within the EU becomes apparent. Instead of a group of semi-isolated bodies, a much more coherent structure came into existence. Beyond doubt, the role of the High Representative as the administrator of ESDP can be regarded as crucial. Of course, his post holds no express or even implied decision-making powers. Nevertheless, his influence over the practical functioning of the whole ESDP apparatus, over policy formulation, agenda setting and decision implementation can hardly be overestimated. The interest awakened by

Solana's proposal of EU Security Strategy³⁸ can serve as a most recent proof.

Position of the High Representative could become even more prominent if the draft Constitutional Treaty³⁹ is approved. According to the proposed Article 27, his position should be merged with that of the Commissioner for External Relations, thus becoming the Union Minister for Foreign Affairs. While being the executor of the political will of the Council, he would become a Vice-President of the Commission and would be bound by its rules when exercising his responsibilities as a Commissioner. Although some authors were quick in downplaying the relevance of this change⁴⁰, the draft apparently expresses an intention to treat the foreign, security, but also defence policy of the EU as a single, coherent issue, and strengthen the position of the High Representative. If implemented, this arrangement could potentially lead to a new situation in EU foreign and security affairs, where the European Council and the Council of the EU would work out a general outline of the policy, leaving its practical implementation to the EU Foreign Minister and the structures over which he presides.

TOWARDS AN EVER CLOSER POLITICAL UNION?

Unlike the administrative base of ESDP, the top EU political bodies did not undergo radical changes during the 1990s. The predominance of the Council of the European Union and the European Council remained unchallenged, as well as the inferior position of the remaining EU institutions. No apparent move towards 'supranationalisation' could be revealed here; in a sense, one might say that it is in the institution of the Council, organised – unlike the Commission – along the principle of national sovereignty where the

³⁸ *A Secure Europe in a Better World*. ue.eu.int/solana/list.asp?BID=111&page=arch, 20 June 2003.

³⁹ *Draft Treaty establishing a Constitution for Europe* (CONV 850/03). The European Convention (The Secretariat), Brussels, 18 July 2003.

⁴⁰ *The CER Guide to Giscard's EU Constitution*. www.cer.org.uk (Centre for European Reform), 30 May 2003.

international anarchy, as Waltz understands it⁴¹, demonstrates itself. However, a number of initiatives have been proposed that challenged this strictly intergovernmental paradigm. These include the introduction of Qualified Majority Voting to CFSP, the idea of the Council of Defence Ministers, the proposal for the President of the European Council, and the debates over EU legal personality. Not all these, however, have the same relevance for the EU security and defence policy.

Qualified Majority Voting is in itself a substantial inroad into the principle of nation-state sovereignty. Besides the existence of supranational *bodies* (Commission, Court of Justice) this *procedure* is one of the defining components of supranational character of European Communities. It was first introduced into CFSP by the Treaty of Maastricht whose Article J.3 par. 2 allowed it for the joint actions to be adopted by the process of QMV. The provision was modified in Amsterdam to include all implementing decisions based on a common strategy, common position or joint action⁴²; in Nice, the appointment of EU Special Representative was included among the QMV decisions. The Draft Constitutional Treaty lays this arrangement practically intact. However, any matters having military or defence implications have been deliberately and explicitly excluded from QMV, and nothing indicates that this stance could change in foreseeable future. Moreover, any member state is entitled to effectively block the use of QMV, stating vital national interests.

To cite the existence of the Council as a universal – as opposed to internally specialised Commission – body as a proof of prevailing reign of realist paradigm is not entirely fair. Within the communitarian pillar specialised Councils naturally exist, contributing to the image of European Union as being more than a usual international organisation. A similar tendency can be traced within ESDP as well. Since 1999, EU member states Defence Ministers have been holding informal meetings, a practice reminiscent of the early years of European Political Cooperation. Although the Convention Working Group on Defence

⁴¹ WALTZ, 1979, p. 121.

⁴² Article 23, par. 2 of the Treaty on European Union.

suggested formalising such meetings⁴³, the Draft Constitutional Treaty contains no express provision to this end. Nevertheless, the creation of a Defence Council could contribute, albeit rather formally, to the transformation of the ESDP from an exclusive topic into a ‘standard’ EU policy.

As for the President of the European Council, the new shape of this position proposed in the Draft Constitutional Treaty certainly does not signal a turn towards forming a European superstate. Rather than being a ‘President of Europe’, the new function “would confirm that the EU’s foreign policy and grand strategy rests with the governments, represented in the European Council.”⁴⁴ This assessment deals, however, with only one aspect of the new post, particularly in relation to the EU interinstitutional balance where the President of the Commission is about to lose some weight.⁴⁵ But the fact that the President (or ‘Chair’) should be elected by a qualified majority⁴⁶ marks a notable departure from the previous practice of rotating presidencies. Indeed, it is the first instance of non-consensual decision-making among the EU heads of state or government. No matter how distant from the notion of the president of ‘United States of Europe’, the new European Council Chair could become a focal point of EU foreign, security and defence policy, an equal partner of the foreign heads of state.

What is more, the European Council President is likely to preside over a European Union whose legal status is finally clarified: According to Article 6 of the Draft Constitutional Treaty, “the Union shall have legal personality”. Although the Constitution has not been approved yet, this provision does not seem to raise significant concerns. That is remarkable given the historical record of the previous proposals. When the European Parliament presented the Draft Treaty establishing the European Union in February 1984⁴⁷, the idea of merging the intergovernmental European Political Cooperation with the then

⁴³ See Art. 68 of the *Final report of Working Group VIII – Defence* (CONV 461/02, WG VIII 22). The European Convention (The Secretariat), Brussels, 16 December 2002.

⁴⁴ *The CER Guide to Giscard’s EU Constitution*.

⁴⁵ *Ibid.*

⁴⁶ *Draft Treaty establishing a Constitution for Europe*, Art. 21, par. 1.

European Economic Community into a single legal entity looked more like a utopia than a serious political proposal. The Dutch presidency then tried to revive this idea during negotiations leading to the foundation of the European Union in 1991, only to provoke massive opposition from Britain and France.⁴⁸ Also its second proposal in 1996⁴⁹ was rejected.

Does the acceptance of a single EU legal personality and organisational unity signal a development towards a statehood-like existence? Such a conclusion is questionable. In reality, the difference of separate 'pillars' under the current Treaty, and a single Union under the proposed Constitutional Treaty is rather limited. It seems that lost in the discussion over the EU 'pillar structure' was the fact that the pillars merely express different decision-making procedures; these, however, are set to remain largely intact. The draft certainly clarifies the legal external posture of the EU. But in this context it is worth reminding that since the Treaty of Amsterdam the EU was entitled to conclude international agreements within the CFSP pillar; since then, these have become a common practice.

There is no doubt that the accord on the unified legal personality of the Union is an important symbol of the progress of European integration. Nevertheless, in practical terms no significant changes should be deduced from this decision. Legal personality is not common only for states but for international organisations as well. Besides, a state-like character of the European Union according to the Draft is further undercut by a new provision allowing for a voluntary withdrawal from the Union.⁵⁰

⁴⁷ *Draft Treaty establishing the European Union*. www.eurotreaties.com/spinelli.pdf, 17 May 2004.

⁴⁸ AYBET, 2001, p. 183.

⁴⁹ *Intergovernmental Conference on the Revision of the Treaties – Dutch Presidency: Collected Texts*. Brussels, 1997.

⁵⁰ *Draft Treaty establishing a Constitution for Europe*, Art. 59.

THE MIRAGE OF 'EUROPEAN SUPERSTATE'

Do the developments analysed above mark an evolution towards a European Army, standing at service of 'United States of Europe', or do they rather preserve the image of ESDP as a strictly intergovernmental, sovereignty-based cooperation? Where on the imaginary scale between 'supranational' and 'intergovernmental' do we position this policy?

Regarding the top political institutions of the EU, no overall tendency towards overcoming the predominance of member states' governments within the CFSP and ESDP structures can be traced. As the analysis of the Centre for European Reform notes, the Draft Constitutional Treaty not only preserves but possibly even strengthens the influence of the European Council over the European Commission.⁵¹ The introduction of the European Council President, or granting the EU legal personality should be thus interpreted as steps to consolidate and 'finalise' the shape of the European Union as established in Maastricht, rather than attempts to federalise the EU structures. When serious controversies arise, it is the member states not the 'Union' who is in charge. As the case of the war in Iraq has revealed, diverging national interests still dictate the level of cooperation – or competition - at European level, as far as military and defence matters are concerned. Despite the grand vision of "mutual political solidarity" and "identification of questions of general interest and achievement of an ever increasing degree of convergence"⁵², the definition of ESDP remains unchanged: ESDP is what the member states agree ESDP is.

The privileged position of the member states remains evident also at the 'executive' end – the EU military units. The initial emphasis on close and permanent multinational cooperation, resulting into the list of Forces Answerable to WEU, gave way to a more flexible approach based on the catalogue of national units. That does not mean the multinational formations like Eurocorps have lost their importance altogether, and that the thoughts on the spill-over-like processes

⁵¹ *The CER Guide to Giscard's EU Constitution.*

⁵² *Draft Treaty establishing a Constitution for Europe, Art. 39.*

present within these units⁵³ were totally erroneous. Eurocorps is, for that matter, part of the Helsinki Force Catalogue, comprising the EU-assigned units. After all, multinational headquarters presumably have a role to play in future EU military operations.

What seems to have been overcome is not so much the idea of multinationality but rather its often rigid form comprising units unsuitable for the tasks of post-Cold War warfare. Rather than 'European Army', the future development will see various forms of 'EU task forces'. However, certain degree of harmonisation of equipment and training, as well as regular exercises and standing communication will be necessary to make this system effective. With the example set by NATO and with the experience – both positive and negative – with multinational formations in the 1990s that objective should not be out of reach. After all, the problems of European defence policy have not stemmed from the lack of cooperation or fear of multinational organisation, but rather from the lack of common political will when a crisis broke out and a coordinated response was required.

The competence over the ESDP may remain firmly in the hands of the member states who also control the military means to be used. However, that did not prevent them from agreeing upon and building a system of EU military structures, coordinated by the High Representative for CFSP. This arrangement does not openly challenge the intergovernmentalist paradigm, embedded in the ESDP character. One could even argue that NATO political integrated command structure brings the idea of integration further than the EU. On the other hand, not even NATO operates its own multinational satellite centre, neither does its Secretary General aspire to the function of Foreign Minister. If the conception outlined in the Draft Constitutional Treaty materialises we might be able to see an EU centre – not just administrative, but to some extent political – strongly influencing the agenda, formulation and implementation of the ESDP. After all, a combination of an elected European Council President with the Union Minister for Foreign Affairs would go notably further than any comparable analogy within NATO.

⁵³ BÜHL, 1998, p. 25.

When Rosamond defines *confederation* as an entity “where policy competence in key areas affecting sovereignty remains largely in the hands of component member states”⁵⁴, such a definition seems to be much more appropriate to describe the European Union than the notion of federation. But on the other hand, retaining competence in the sphere of security and defence obviously does not hinder intensive and deep cooperation. The European Union - even in areas governed by the principle of intergovernmental cooperation – is simply more than just another ASEAN, NAFTA, and presumably even NATO. The suppression of the basic component of realistic theory, the underlying ever-present danger of war, seems to allow the states to cooperate in sensitive areas of security and defence deeply enough to overcome the intergovernmentalist paradigm. Though not a ‘federation’ or a ‘superstate’, the term ‘Union’ seems to denote the EU accurately enough.

CONCLUSION

This article attempted to analyse the European Security and Defence Policy and the idea of a European Army against the background of an intergovernmental-supranational scale. Reasons for this decision were stated hereinbefore, but it is clear that the use of general framework based on the mix of federalism and modified realism cannot provide answers to all relevant question relate with the topic. As the EU military structures, coordinated by the High Representative for CFSP evolve, an approach based on the theory of multi-level governance might be applicable, however much the area of defence might seem to be outside of its scope. Also the theory of international regimes could provide some help: Aybet’s analysis of the developments of European security cooperation till 1991 might serve as a precedent for similar undertaking concerning the 1990s.

⁵⁴ ROSAMOND, 2000, p. 26.

The problem with theories of European integration seems to be their focus on the *internal* matters of the EU, i.e. the relations between the member states and other EU institutions. That reveals – once again – a similarity between the ESDP practice and its theoretical reflection. The consensus over ESDP seems to hold well as far as the institutional issues are concerned but the unity too often disappears when a consensus on an external issue is to be reached. That is, of course, highly paradoxical: Why invest so much political energy into an apparatus that, in the end, is not used? Something similar holds true for the theoretical explanation of ESDP. As the EU foreign, security and defence policy evolves and possibly reaches maturity, a theoretical tool is necessary not just for the internal functioning of this policy but also for the analysis of the relations between the Union and the outside world. Does the EU use its foreign policy instruments – including military force – in a different way, compared to states? And if yes, why so? These and many other questions remain to be answered.

Nevertheless, to move to the just outlined questioned, a basic compromise has to be reached regarding the nature of the EU security and defence arrangement itself. This article tried to offer one possible approach to this matter but obviously a general compromise will be hard to find. But if we agree on the fact that the European Union is a unique entity – and that, among all the controversy, might be the common ground – than an according theory explaining its relations towards the international environment is indispensable. The security and defence aspects of this relationship ought to be no exception.

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