Summary

The elements necessary for the realisation of a genuine European defence understood in the sense of EU defence, by the EU and for the EU are, in theory, easy to name. But moving from theory to practice is a formidable exercise, as it involves choices, and thus renouncements that many find unsustainable, despite the war in Ukraine.

The untenable simplicity of the European Defence Equation

The equation of European defence, understood in the sense of the defence of the European Union by the European Union and for the European Union, is simple to write. It has not changed since Saint-Malo's statement of 4 December 1998 between British and French: In order "to play its full role on the international stage (...) the Union must have *the capacity for autonomous action*, backed up by credible military forces, the *means to decide* to use them and the *willingness to do* so in order to respond to international crises." This can be summarised as a multiplication: European Defence (ED) = Political Will (PW) x Ability to decide (AD) x Capacity for Autonomous Action (CA), i.e.:

$$ED = PW \times AD \times CA$$

If only one of these elements is zero, the product of this equation will also be zero. It is therefore imperative to bring them together at the same time since it would serve nothing to have an autonomous capacity to act without the will to use it or the means to decide on its employment. Three fundamental questions must therefore be answered: who wants to do what (political will), how (ability to decide) and with what means (capacity to act).

This equation is to explain why 24 years after the St Malo Declaration and the Helsinki Summit, 13 years after the entry into force of the Lisbon Treaty, the European Union still lacks a genuine security and defence policy to manage crises in its immediate neighbourhood, such as Syria or Libya. Indeed, the European Union has always focused on "operational capacity" in all its dimensions (industrial, capability, programmatic, institutional) without first seeking to bring together those Member States that really wanted a European defence and without solving the problem of ability to decide, by enshrining the unanimity rule. She also explained the difficulties that would have to be solved in order to achieve this: going beyond the current framework of the Treaties, as not all Member States want a European defence and organise an "ability to decide", implying a shift to qualified majority voting.

The difficulty stems from the fact that this equation is impossible to resolve in an intergovernmental framework, characterised by the predominance of national interests, as it implies the abandonment of the right of veto conferred by unanimity

and a sharing of decisions so far unacceptable for the majority of Member States, in particular France. Above all, there has never been any real agreement on shared strategic interests or on the objective of such a defence - crisis management or participation in collective defence - which conditions its articulation with NATO. This explains why European defence has never really gone beyond the stage of declarations of intent.

The Russian-Ukrainian war has changed the temperature and pressure parameters in which this equation needs to be resolved. Fundamentally, it has shown to all Europeans the importance of having nuclear protection that would have allowed Ukraine not to be invaded and at the same time the US leadership's refusal to engage in a conflict with Russia precisely because of its nuclear weapons.

However, the nuclear blackmail exercised by Vladimir Putin to conduct his war of aggression against Ukraine may well be repeated vis-à-vis Member States of the European Union, which are not members of the Atlantic Alliance, such as Finland or Sweden. Both countries immediately measured the events and, moving from their traditional position, applied for NATO membership. But this accession also shows the ambiguity of the situation, because if Europeans have become aware of the importance of being able to defend themselves, and in the absence of themselves having nuclear weapons at least to be allied or protected by a endowed state. The whole question is how this will be affirmed: Atlantic Alliance, European Defence or National Defence?

1. Europeans' political will to defend themselves has increased considerably

The Russian-Ukrainian war has brought about an astral alignment that is both rare and fascinating. Whereas until now only France had argued for a European defence with an adequate level of strategic autonomy, almost all Member States have become aware of the imperative need to increase the means to defend themselves. In this respect, the most impressive change is that made by the German government, which takes the form of a Copernican revolution.

The problem with astral alignments is they never last long and the stars soon return to their course. The question is in which direction? The first would be to strengthen the transatlantic link through NATO, or to put it bluntly, to ensure the effectiveness of the American protectorate of Europe. The second would be to increase national resources, and in any case to raise financial efforts to 2% of national wealth, a commitment made in 2014 and rarely kept. Finally, the third direction would be to strengthen an authentic European defence.

The most likely outcome is that EU member states will choose to achieve all three objectives at once, which, as everyone knows, is the best way to achieve none. This is the path the German government seems to have taken by deciding to buy American F-35 fighter jets, to pursue cooperation with the French in major capability projects (notably the Future Air Combat System) and to promote the development of its own defence industry (Eurofighters) as well as the reorganisation of its forces.

The solution of a national/European/Atlantic capability mix seems all the more plausible as the (temporary?) end of expeditionary wars in Afghanistan and the Sahel, combined with the Russian invasion of Ukraine, have led to a convergence of objectives around collective defence. This convergence can be seen in the shift in

public opinion in Finland and Sweden towards the idea of joining NATO and in the opposite direction in the decision of the Danish people to join the Common Security and Defence Policy (CSDP). Nevertheless, the problem of the relationship between Turkey and the European Union will remain, which will be all the more difficult to resolve as Turkey has hardly shown any solidarity with the transatlantic camp, a fact that will have to be remembered in due course.

2. Despite this, Member States are still not considering building an autonomous capacity to act.

The Strategic Compass, the EU Defence White Book, adopted in March 2022, envisages the creation of a “EU Rapid Deployment Capacity that will allow us to swiftly deploy a modular force of up to 5,000 troops, including land, air and maritime components, as well as the required strategic enablers. Such a modular capacity can be used in different phases of an operation in a non-permissive environment, such as initial entry, reinforcement or as reserve force to secure an exit.”

This is proof that the Member States are still not really determined to set up a genuine European defence, as it seems obvious that such an "operational capability" would be insufficient to manage high-intensity crises outside the Union and of little help in a war such as the one taking place in Ukraine. All the more so as these 5 000 men would not be "standing forces". The principle therefore remains that laid down in Article 42.1 of the Treaty on European Union: "The common security and defence policy (...) shall provide the Union with an operational capability (...) using capabilities provided by the Member States”.

However, whether we like it or not, this autonomous capability will be "European" or not. This is because no Member State will ever agree to send its own forces into combat if it is against the decision to use them. This is all the more true given that the forces of the main European combatant nations, in particular France, are already overstretched. It will therefore have to be decided to set up such a force in addition to the forces of the Member States. However, the constitution of this "European legion" or "twenty-eighth army" is a political problem and not a military one and presupposes the ability to decide.

3. The problem of ability to decide remains unresolved

This problem was first clearly identified by French and German leaders at the Meseberg summit in June 2018. The final declaration of this summit states the need to "explore new ways to increase the speed and effectiveness of European Union (EU) decision-making in our common foreign and security policy. We need a European debate on new formats, such as an EU Security Council, and ways of closer coordination, both within the EU and in international fora. We should also explore the possibilities of using majority voting in the Common Foreign and Security Policy as part of a wider debate on the use of majority voting in EU policies”.

Following this statement, the European Commission, then chaired by Jean-Claude Juncker, published a communication in September 2018 stating that: “To become stronger in the international arena, the EU needs to equip itself with the necessary

instruments, including by making its decision-making more effective." This Communication, which sets out ways and means to advance qualified majority voting in the EU's Common Foreign and Security Policy decisions, unfortunately remained a dead letter and no progress was made at the Sibiu Summit in May 2019.

Finally, the Strategic Compass states that: "The EU must become faster and more capable and effective in its ability to decide and act." But the truth is that it would be difficult to put concrete content behind these words. There is still a lack of political will to move beyond the intergovernmental framework.

Hence the question: how to be able to decide 'faster' and in an 'effective' manner between several Member States of the same Union, but without pronouncing the taboo word 'federal'? The answer can be summed up in a few words: an efficient, legitimate and durable politico-military chain of command.

As far as the military part of the chain of command is concerned, the first step would be to strengthen and centralise the intelligence of the European Member states, in all its human, electromagnetic, image and open-source dimensions, which is a very delicate matter. Autonomous intelligence, which does not mean isolated intelligence, is essential for European defence. To achieve this, the Union must make a substantial financial effort in the areas of satellites, electromagnetic surveillance, and the pooling of information exploitation capabilities (supercomputers, artificial intelligence, cyber), all of which European resources are insufficient because they are fragmented.

As far as the military command itself is concerned, it is the age-old question of a European headquarters that has been blocked until now by the British leadership, but which has not been resolved since their departure. Furthermore, a simplification of the command structure between the European Union Military Staff (EUMS) and the European Union Military Committee (EUMC) seems indispensable. When will there be a real EU Chief of Staff with a sufficient number of experienced staff under his command?

But all this would be pointless without the political part of the chain of command; the part that decides on the use of force and the size of the budget.

The most obvious solution would be that, in accordance with Article 42.2 of the Treaty on European Union (TEU), the European Council "acting unanimously" decides on the "common defence". Unfortunately, this provision of the TEU, which could serve as a legal basis for important developments, has little chance of being adopted, since it must be adopted unanimously. And as evidence at the Versailles Summit in March 2022, the "common defence" option was never put on the table. Will it be necessary for Vladimir Putin to invade the territory of one of the Member States for it to be so?

That is why it would be appropriate, without waiting for new tragedies on European soil, to establish — outside the Treaties — a 'European Defence Union'. These words were pronounced during the preparatory work of the Treaty establishing a Constitution for Europe (TECE). And they were reused by the President of the European Commission, Ursula Von der Leyen, in her last State of the Union address in September 2021. The aim would be to bring together those Member States that wish to do so in an *ad hoc* Union, a 'Eurogroup' (report of the French Senate of

2013[1]) or a ‘defence eurozone’ if it is preferred (preparatory work for the TECE in 2001).

This grouping should bring together as many members as possible, and that is why it should be clear from the outset that all States wishing to join will be welcomed. The Union would itself define the strategic objectives and interests it intends to pursue; objectives and interests which will vary over time and therefore cannot be set in advance *do not* vary, which is the great disadvantage of fixing them in a treaty. That role belongs precisely to a ‘Security and Defence Council’ composed of the Heads of State and Government who take their decisions by qualified majority.

This executive body could be supported by two separate Councils: a Council of Foreign Ministers and a Council of Defence Ministers, on the same footing as decisions. Indeed, it is necessary to end the subordination of defence to foreign policy, as both policies need to be pursued *pari passu*.

This Security and Defence Council would take the most important decisions, in particular: the level of ambition assigned to the autonomous capacity to build together and the budget needed to achieve this, as well as the decisions on the use of force.

These decisions should be approved by a Parliamentary Assembly composed of the European Parliamentarians of the States Parties, possibly involving representatives of national parliaments. Such an Assembly already exists in the framework of the Atlantic Alliance under the name of NATO Parliamentary Assembly. It is quite possible to design an *ad hoc* assembly for the European Union.

Such changes would provide the "quantum leap" that European defence so badly needs to move from near zero energy to the beginning of something. The war of conquest provoked by Vladimir Putin's Russia may be a powerful catalyst, for if not now, when?

Conclusion

Real European defence will only begin when the Member States decide to put in place a genuine "ability to decide" together, either through a revision of the current treaties, or through a new treaty to be negotiated by a vanguard of nations willing to do so.

The European Commission is doing all it can to try to coordinate the defence efforts of the Member States. The European Defence Fund, the European Peace Facility and the recent proposal to contribute with common money to a common procurement mechanism for military equipment are all steps in the right direction.

But all this is not commensurate with the historical events we are going through. One day, European leaders will have to accept sharing their defence decisions, just as the navy once had to mourn the loss of sailing ships. The sooner the better.

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[1] Report No 713 of 3 July 2013 by Daniel Reiner, Jacques Gautier, André Vallini and Xavier Pintat — Finding Europe of defence — towards a (genuine) European defence

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