

REVIEW

THE FUTURE OF THE COMMON SECURITY AND DEFENCE POLICY AND A CONSTITUTIONAL QUESTION

It has become an overused, indeed dated, cliché to claim that the European Union (EU) is at a crossroads. Today it is more common, and perhaps also more accurate, to argue that the EU faces an existential crisis. This is not just an academic opinion, but the language that is increasingly present in the EU's political, policy and strategic documents. The changing, indeed deteriorating, domestic, regional and global security environment, which has openly put the very existence of the EU at risk, has consequently increased demands for a genuine and robust EU common security and defence policy (CSDP). The latter is not a recent invention. It has a long history, with many ups and downs, not unlike the process of European integration, in which concerns about national sovereignty and related national comprehensive, if too often parochial, priorities have been struggling to match normative ambitions, and solemn declarations that have been developed in response to the actual growing security concerns. How have the EU and its Member States coped with the Scylla of national sovereigntist defence priorities and the Charybdis of the objective needs of supranational cooperation in the dire straits of the CSDP? What are the current most acute security challenges? What can or should be done to improve the CSDP and are there grounds for pessimism or optimism with a view to its future development?

These are the questions that this special issue of Contemporary Military Challenges, dedicated to the CSDP, explores across five articles written by legal, international, social and security science academics, as well as security and defence experts. The picture these articles have painted is a mixed one. Modest optimism in terms of the progress of the CSDP mechanisms is combined with chagrin related to missed opportunities, too often due to the culture of non-compliance, and concerns related to the changes taking place in the overall global model of governance. The latter are particularly addressed in the article penned by Senčar. He persuasively demonstrates how, in the course of the last 20 years, the European post-Cold War consensus and mindset, embedded in the Kantian ideals of liberal democracy, rule of law, protection of human rights and solidarity in and between the states has gradually, but almost

without notice, given way to a Hobbesian, strategic and competitive world order, primed by national sovereigntist interests. However, due to technological progress, the collapse of the post-Cold War consensus and the resulting change in paradigm possesses new, as yet still unexplored security threats, which will affect nothing as much as our minds. As Senčar powerfully demonstrates, contemporary and, in particular, future warfare will be directed against our heads, featuring a paramount cognitive dimension. It is for this reason that the EU and its Member States must invest in the cognitive aspects of the CSDP, in particular with an eye on the leading revisionist power, Russia.

However, to do so the EU must be in possession of the necessary and appropriate competencies, backed by a sufficient national political will. The remaining four articles are thus dedicated to the examination of this issue. The article by Katarina Vatovec comes across as the most optimistic. She traces the process of the ‘communitarization’ of the EU’s defence policies and identifies the required socio-political grounds for strengthening this process in the future. In her view, communitarization, which has traditionally stood for bringing a particular policy field from an intergovernmental to a supranational pillar, subject to an ordinary legislative procedure based on qualified majority voting, can be gradually introduced through the presence of a sufficient political will resulting from actual experience, successfully implemented policy initiatives, and growing awareness of the increasing security threats. While according to this author the future of the European Defence Union remains in the hands of the Member States and intergovernmental cooperation, following the important breakthrough with the Treaty of Lisbon, a number of institutional, legal, policy, soft-law and financial measures have intensified the functioning of EU defence policy and, simultaneously, driven it in the direction of further communitarization.

The article by Dick Zandee partakes of a similar normative premise. He believes that the CSDP is faced with the dilemma of making a breakthrough or simply continuing to muddle through. For him the answer is unequivocal. What is needed is a breakthrough, which would contribute to closing the gap between rhetorical commitments and action. A concrete opportunity for that is presented by the Strategic Compass. This is envisaged as a concrete, ambitious and actionable tool that should provide tangible direction for the EU’s role in security and defence over the next five or ten years. To meet this goal, according to Zandee, nothing is required more than realism. The article thus concludes by laying down eight concrete and realistic actions by which the EU could break out of its current status quo in the CSDP and turn itself into a truly global power before it is too late.

Aleksandra Koziol’s contribution, quite fittingly, complements Zandee’s contribution by putting some empirical flesh on the normative agenda. She describes the EU’s current security and defence engagement in Europe and abroad, the major challenges that it poses, and the actual capacity of the EU to address them. This remains relatively weak and sometimes questionable for a variety of political, organizational, financial and sometimes also ad hoc reasons. The latter are currently the most

explicit in form of the Covid-9 pandemic, which has importantly hampered, as the author demonstrates, the European Commission's ambition of assuming the role of a geopolitical commission. In the author's opinion it is decisive for the future development of the CSDP that the EU simultaneously builds on the civilian and the military side of the CSDP and develops its capacities for early warnings, early actions and a rapid response.

Finally, the article by Jelena Juvan, after describing the historical evolution of the CSDP in the context of European integration, looks into the future of CSDP, paying special attention to the role of small Member States, such as Slovenia, in it. The author notes that size matters, and that the development of supranational security and defence structures could especially work to the advantage of the small Member States. Their capacity to shape the development of the CSDP is, however, limited, unless they invest in specialization and cooperation, and also prudently seize the opportunity when presiding over the Council of the EU in their mediating and to an extent also agenda-setting role. While time will tell how Slovenia is going to use its opportunity as the head of the Council of the EU, the article insists that, especially for small Member States with limited human and financial resources, setting the CSDP priorities matter most. When these are set and the agreements entered into, they must also be delivered upon. In the opposite case a culture of non-compliance prevails, which effectively leaves the CSDP as only a half-built house.

In conclusion, the five reviewed articles contained in this volume yet again confirm Kintis' impression that the field of the CSDP, more than any other EU policy field, is torn between ambition and paralysis. This results, in particular, from the discrepancy between the ever-changing security and defence challenges brought about by an increasingly dynamic global environment, and the actual EU capacity to address them that is, in turn, dependent on the national political will. The articles contained in this volume express their concerns with the slow progress of the CSDP, but they also try to overcome it by putting forward some new proposals or, at least, by raising the right questions. Eventually, however, the CSDP can only make a real, qualitative and required step forward when a consensus on the legal and political nature of the EU is formed. As long as the latter stays in its current, sui-generis, hybrid form, the CSDP will remain stuck between 'ambition and paralysis'. The operationalization of the CSDP and its actual functional character thus first requires the addressing of the constitutional question of the nature, object and purpose of the European Union itself.