

COVER NOTE

from :	Secretariat
to :	Convention
Subject:	Contribution from Mr Pavol Hamžik, member of the Convention : The European Security and Defence Policy as part of the European Union's Common Foreign and Security Policy

The Secretary-General of the Convention has received the contribution annexed hereto from Mr Pavol Hamžik, member of the Convention.

Contribution from Mr. Pavol Hamžík, member of the Convention:

The European Security and Defence Policy as Part of the European Union's Common Foreign and Security Policy

Establishing a strong Common Foreign and Security Policy (CFSP) represents one of the most important EU priorities for the future. This is an area, which has been until now considered to be the most internal part of the state's national sovereignty. And even despite achieving, thus far, only partial progress, its short history proves that **this policy can be further coordinated and harmonised**. It is obvious that for a long time, yet, this policy will remain a **common** and not a single policy, as it does not rule out the ability of each Member State to execute its own foreign policy. However, a broad consensus as well as the application of a certain degree of flexibility are required whilst maintaining the internal solidarity and efficiency of a unified procedure, along with the immense financial, material and human resources necessary for the functioning and effectiveness of the said policy. Its application has also been reflected in the changes of the nature of the EU itself.

Thereby the implementation of the CFSP requires a further shift towards the **community type** of decision-making, including an extension of the areas with decisions made by a qualified majority, which should be related to the strengthening and deepening of the role of the EU as a sovereign entity consisting of international relations. As such, only military aspects of cooperation should be excluded from this communitarization process and remain the domain of intergovernmental policy-making. It's a fact based on reality: no single European state is able to face threats exclusively on a national basis.

The fight against international terrorism requires the strengthening of the bond between internal and external security, for instance between military and intelligence bodies. This enhanced interaction between foreign and defence policy should be reflected in the establishment of corresponding agencies. Enhanced cooperation between the Commissioner for International Relations and the EU High Representative for the CFSP should equally contribute to the reinforcement of EU's role. In the long-term perspective both offices could be merged, which would, however, require the application of the community method to non-military aspects of the CFSP.

Equally, any possibility of weakening or questioning the Trans-Atlantic bond should be rejected, as NATO must remain the primary forum for coordination of policies between both Atlantic Ocean shores. An enhanced and efficient EU must not weaken the Trans-Atlantic solidarity or lead to isolation from the USA. Further enlargement of the EU will contribute to the strengthening of the Trans-Atlantic dimension, since NATO presents a key priority of foreign and security policy for all candidate countries.

Newly established institutions within the European Security and Defence Policy (ESDP), which constitutes part of the broader CFSP, highlighted the EU's new involvement and role in the security and defence area, but has also produced further complications regarding the relations between the individual institutions within the aforementioned policy.

In the current CFSP and ESDP structure the powers and position of the Political and Security Committee (PSC) and of the High Representative for CFSP are overlapping in the area of CFSP, which includes the new ESDP agenda as well. The roles of the Commission and the European Parliament have to be taken into consideration as well, especially in the area of non-military crisis management. This problem again concerns the relation of two sides – the community and the intergovernmental one.

The rapid development of the ESDP also has a direct impact, not only on its broader framework constituted by the existing CFSP, but also on reviving the long-term issue of the necessity to outwardly maintain the EU coherence. The artificial division of EU activities into three pillars, to a certain degree, constitutes a problem since reality cannot be divided in such an unambiguous way. This is due to the differing nature of each of the three pillars, especially in regard to the decision-making rules and procedures and the prevalence or combination of the two basic principles – the community principle and the inter-governmental principle.

A long-term division of EU activities, within the first and second pillars, carried out by the Commission or the Council and new ESDP bodies without a clearer coordination and apparently even integration, may only lead to the outward deterioration of the significance of the EU on the world stage. The EU Treaty talks about the consistency of EU activities, which can be distributed not only vertically (between EU activities and Member State activities), but also horizontally (between the individual EU pillars).

This shows, above all, the practical need to eliminate the currently prevailing dichotomy in the individual areas which, although they are currently perceived as being divided, may lead to mutual conflicts down the road. For instance the necessity to create a strong, so-called Schengen

Border along the eastern borders of new Member States, would quite markedly hinder the West's ability to establish human contacts and cross-border cooperation with their neighbours in the East. Therefore all legislative drafts concerning issues of cooperation within the area of justice and home affairs must also be assessed by taking into consideration their potential impact on the relations with neighbouring non-EU countries. Candidate countries should also be involved in the formulation of such policies which would affect „neighbourhood“ relations with Eastern and South-Eastern European countries.

Although the process of building the ESDP as a new dimension of the EU and the strengthening of its position as an important actor on the international stage did acquire its own dynamics, still most of the negotiations took place either between military and technical experts, or on a political level where they focused on building new institutions charged with overseeing this new area of cooperation. To the contrary, very limited progress has so far been achieved regarding the discussion on the political framework for the utilization of new structures and means of the European Rapid Reaction Force, in the area of military as well as non-military means necessary for crisis management.

Another drawback is the fact that in the process of establishing the ESDP the pragmatic functional approach continues to prevail with progress being made by technical agreements **without greater public involvement**. This was probably convenient during the initial stages, however, from a long-term perspective even this part of the European integration cannot successfully continue without larger public involvement. The gradual pressure exerted to maintain, and eventually even slightly increase defence expenses, which is not simple in any country, will certainly be politically sensitive.

Even current structural changes in the armed forces, which will lead to the elimination of some military specializations and skills in favour of the European alternative of jointly operated or fully integrated forces and means, will not be successfully completed without greater public involvement. For these are radical measures, which directly impact a very important part of the national sovereignty, especially where small countries are concerned.

These few institutional ambiguities are a problem, but the European integration process has already faced them in other areas in the past. There are other more significant practical political-military problems as well:

- One of them is the necessity to introduce security rules within the EU institutions, which would lead to the clash of two principles – the EU transparency principle and the need to keep certain information in the security area confidential;

- Another problem is for instance the necessity for quick and flexible decision-making in the event of a crisis, which may be hindered by a slower political procedure of EU bodies and the mechanisms of its democratic control.

In way of conclusion I would like to express support for the proposal to issue the **White Paper on European Defence**, which would specify the possible threats to the European continent, define a broad range of military, political and diplomatic possibilities for facing these threats and which would also take into consideration the EU enlargement and the ongoing NATO transformation process. At the same time it would also define the areas of joint actions which, in the not-too-distant-future, would allow us to truly speak of a **common foreign, security and defence policy**.
