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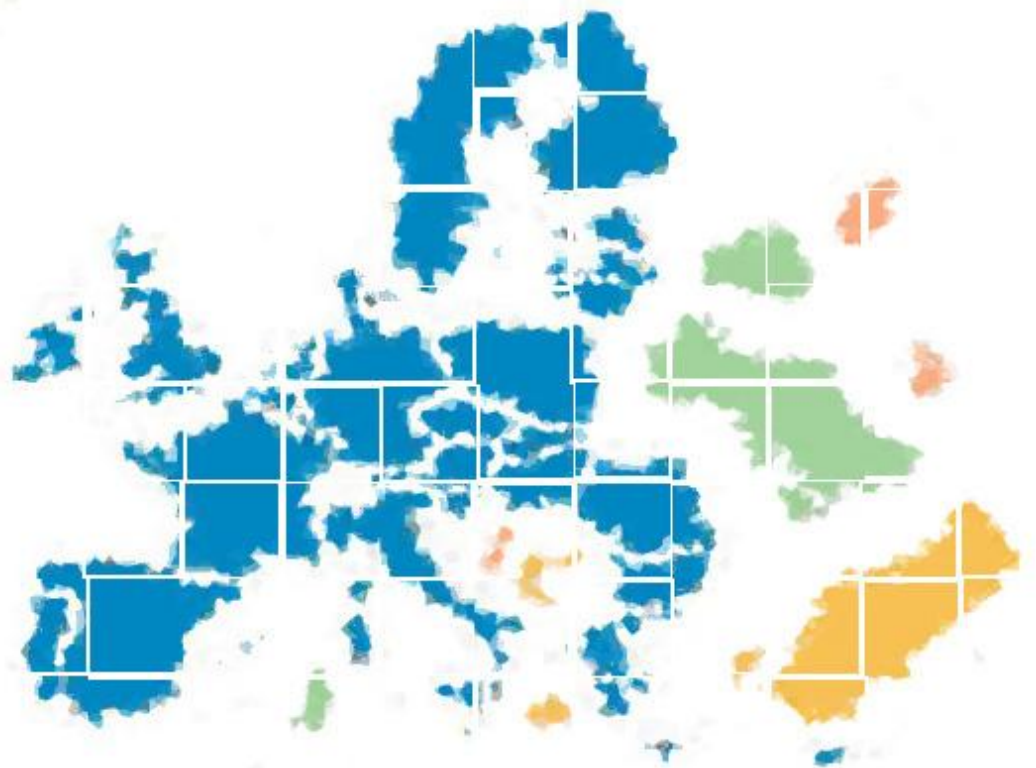
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Lessons of the Libya Crisis

Why the Multi-Level Governance Structure of the EU
Makes CSDP Less Effective

Melinda Krajczár



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Lessons of the Libya Crisis: Why the Multi-Level Governance Structure of the EU
Makes CSDP Less Effective

Melinda Krajczár

Melinda Krajczár graduated in International Relations and European Studies at Central European University (Budapest, Hungary). She also holds MA degrees in History and American Studies from Eötvös Loránd University (Budapest, Hungary). Strongly based on her former research and publications on U.S. foreign policy and Cold War history, her main fields of interests are the foreign and security policy of the European Union, transatlantic relations, and decision-making/negotiation analysis.

Contact: m_krajczar@yahoo.com

Lessons of the Libya Crisis

Why the Multi-Level Governance Structure of the EU Makes CSDP Less Effective

In the spring of 2011, the European Union faced the first major crisis in its neighborhood since the implementation of the Lisbon Treaty. The adoption of the Lisbon Treaty was a remarkable moment in the history of the European common foreign and security policy. Thus, Libya was nothing less than the litmus test of the post-Lisbon CSDP, but the lessons that could be drawn from the EU's performance do not give much ground for optimism regarding the prospects of a common European foreign policy and the role of Europe as a credible global actor.

The issue

In January 2011, revolutionary movements aiming the overthrow of autocratic leaders swept across the Arab world. As part of the uprisings, the Libyan population challenged the decade-long rule of Muammar Gaddafi. The Gaddafi regime replied to the movement with all-out violence, raising serious concerns regarding the protection of human rights within the international community. The violent actions were condemned by the United Nations countries, and a resolution was adopted by the Security Council in late February. UNSC Resolution 1970 (S/RES/1970) called for the implementation of sanctions on the country and proposed the referral of the Libya issue to the International Criminal Court.¹ S/RES/1970 provided the legitimacy and the authorization for the intervention the United States and several European countries were ready to launch already after the Libyan conflict had escalated. Another UNSC resolution of March 17 (S/RES/1973) proposed the implementation of a no-fly zone over Libya in order to destroy the air defense system of the country and reinforced the sanctions imposed in S/RES/1970.² A coalition of the willing was formed by 18 countries for the adoption of the measures the UN resolution had given the authority for. By the end of March, command and control tasks were passed to NATO (Operation Unified Protector), though the necessary assets were provided by the participating countries. Even though contribution was more bound to national

¹ "Resolution 1970 (2011)," February 26, 2011, under "Documents," http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1970%282011%29 (accessed April 2, 2013).

² "Resolution 1973 (2011)," March 17, 2011, under "Documents," http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1973%282011%29 (accessed April 2, 2013).

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governments,³ it is striking enough that the EU member states were highly underrepresented in the mission. (Out of the 27 EU members, only Belgium, Bulgaria, Denmark, France, Greece, Italy, the Netherlands, Romania, Spain, Sweden, and the UK (11) participated.)

What makes the low level of commitment even more striking is the geographical proximity of the conflict area. The Middle East and the Northern Africa region have always been regarded as primary spheres of interest for the EU. Let us just think about the numerous projects and the EU's Mediterranean Strategy launched for enhancing the development and the security of the region. The EU has invested a considerable amount of effort and resources to demonstrate its commitment for the countries of the region and the broader international community. These efforts seemed to diminish when the EU hesitated to give an adequate response to the changes and prove its commitment despite the greater amount of resources such a response would have required. In the broader context, the EU's reluctance to respond questioned the credibility of its intention to become a truly international actor. The EU was expected to act due to the obvious security concerns the escalating conflict raised. The experience drawn from such conflicts in the past shows that besides a possible huge flux of refugees the neighboring territories have to face, weakened central authority and the disruption of the rule of law in a certain country can invoke the increase of organized crime, create safe havens for terrorist cells, and ultimately shatter the stability of the surrounding region economically as well as from a humanitarian point of view. The concerns listed here can be identified with the security challenges the 2003 European Security Strategy and the 2008 report of its implementation addressed. All this makes the lack of joint European action even more problematic.

The steps taken by the coalition of 18 countries under the control of NATO proved to be effective since the further escalation of the conflict could be stopped soon after the implementation of the no-fly zone and other related actions. Still, the reluctance of the EU member states to elaborate on a joint action plan raises serious concerns regarding the prospects of EU commitment in future conflicts and the future of CSDP in general. As the United States is more and more reluctant to get involved in Europe-related issues so as to preserve its resources for its commitment to other regions, the EU will have to handle conflicts on its own in its backyard. A possible decrease in U.S. willingness to play the role of the global cop has already been shown by its attitude toward the ongoing Syrian crisis. In other words, it is possible that the EU cannot count on the United State to look at it as its junior brother, which means that the EU needs to grow up to its global role claimed for itself in such recent documents as the Report of the Future of Europe Group⁴.

³ Jo Coelmont, "First Lessons From the Libya Operations," *EGMONT Security Policy Brief* 18 (2011), under "Security Policy Briefs," <http://www.egmontinstitute.be/papers/11/sec-gov/SPB18-Libya.pdf> (accessed April 2, 2013).

⁴ "Final Report of the Future of Europe Group," September 17, 2012, under "Infoservice," <http://www.auswaertiges->

Post-Lisbon foreign and security policy

The poor performance of the European Union in handling the Libya crisis was at least in part the result of the peculiarities of the governance structure of the European foreign and security policy. By the Treaty of Lisbon, the purely intergovernmental structure of the CFSP created by the Maastricht Treaty under its second pillar was deconstructed by the strengthening of permanent institutions at the EU level. Still, security and defense policy remained a component of the EU foreign policy that preserved the most from the original intergovernmental structure. Unlike CSDP, such foreign policy areas like trade and development have always been conducted within the existing European institutions in terms of either planning or distribution. When it comes to action bearing more risks and efforts, member states tend to keep decision-making in their own hands.⁵ According to Cornell Professor Andrew Moravcsik, it is most importantly domestic actors who shape national policies, and their interests are manifested in the articulation of these policies and brought to the international level of politics.⁶ Based on this, it can be assumed that security policy and commitments are a very sensitive topic that is strongly connected to the internal political atmosphere of a certain country. Despite the expensiveness of defense developments and the negative connotation military-related issues bear, foreign policy tends to be kept in the hands of the member states due to its very nature of signaling a country's sovereignty and international leverage. Still, if this argumentation takes lead, there is no real prospect for any further development of an integrated European foreign policy. This should not be the case. If there is consensus regarding the global role of the EU as well as some inertia due to the decreasing U.S. commitment, there has to be more integration in foreign and security policies. The CSDP's debacle in Libya shows this necessity.

The Lisbon Treaty established the European External Action Service in order to create a framework for the formulation and the practice of a joint European foreign policy. Even more importantly, the position of the High Representative is aimed to diminish or at least reduce inter-institutional conflicts by interlocking the European Council and the Commission. In terms of pooling military capabilities and assets, seeing the reluctance of member states to agree upon a higher level of coordination, the institution of a Permanent Structured Cooperation (PESCO) was created.⁷ PESCO was a better-than-nothing solution since it relies upon those member states that are willing to commit their resources so as to increase the response capability of

amt.de/cae/servlet/contentblob/626338/publicationFile/171838/120918-Abschlussbericht-Zukunftsguppe.pdf (accessed April 2, 2013).

⁵ Stanley Hoffmann, "The European Process at Atlantic Crosspurposes," *Journal of Common Market Studies* 3, no. 2 (1964): 85-101.

⁶ Andrew Moravcsik, *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht* (Ithaca, NY: Cornell University Press, 1998).

⁷ Michael Merlingen, *EU Security Policy: What it is, how it works, why it matters* (Boulder, CO: Lynne Rienner Publishers, 2012), 37-39.

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the EU. Still, PESCO's underlying idea is to incorporate those who want to and are capable of meeting certain requirements a more effective and deeper integration sets for the EU. In this regard, PESCO can serve as a model for the future development of military capabilities. Altogether, it was the better enhancement of coherence the institutional reforms of the Lisbon Treaty were aimed at. Coherence was missing from the actions taken in the Libya crisis, which reflects the non-decisive effects of such half-solutions the Lisbon Treaty brought into the European integration framework.

Recent developments in the American foreign policy posture should also raise some concerns for the EU. Most importantly, the Obama Administration leads the U.S. to resign from the role of the global police force by setting geostrategic-geopolitical priorities for U.S. foreign policy. From the perspective of the EU, this means that Europe is not anymore on the top of the Americans' priority list. In other words, the EU needs to take responsibility for managing its neighborhood and enforce its interests without expecting American assistance. The Obama Administration called for a European leadership in handling the Libyan crisis⁸, which is an obvious sign of American intentions for withdrawal from regions where European interests are present and a more active American presence would be more disadvantageous than staying in the background. This was exactly the trend the American attitude towards the Syrian crisis reflected. Though the lack of UN authorization paralyzed the Western countries in elaborating on the possible alternatives, the U.S. was always reluctant to formulate any concrete ideas, and so did the Europeans. Regardless of the passivity of the Americans, none of the European countries has taken the lead in gaining the consent of the international community to take any further actions toward intervention, despite the fact that the security concerns the escalating conflict generated were very similar to those of the Libyan crisis.

EU-level action concerning Libya

A couple of days after the protests started in Benghazi, the heads of the top-level institutions of the European Union issued declarations on the evaluation of the events in Libya. All the EU bodies concerned condemned the ongoing violence toward the civilian population and called the Libyan authorities for stopping violent actions against protesters and restoring human and civilian rights in the country. High Representative Ashton suggested the conflict be solved within the country through dialogue between the opposing parties, without envisaging any possibilities for external action.⁹

⁸ Jolyon Howorth, "The EU and NATO after Libya and Afghanistan: The future of Euro-U.S. Security Cooperation," *Yale Journal of International Affairs* (Winter 2013): 33, under "Articles," <http://yalejournal.org/wp-content/uploads/2013/03/Howorth.pdf> (accessed March 30, 2013).

⁹ "Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on events in Libya," February 20, 2011. under "Documents," http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/119397.pdf (accessed April 2, 2013).

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European Council President Van Rompuy emphasized the importance of the vicinity of the conflict area. He also urged a “Libyan-led dialogue” so as to settle the domestic conflict, but at the same time, he called for EU assistance on the ground of “political and moral responsibility” during the democratic transition process.¹⁰ The European Commission, after implementing the Civilian Protection Mechanism and starting to evacuate European citizens from the area, allocated €3 million for emergency humanitarian needs.¹¹ The declaration of European Parliament President of the time Jerzy Buzek did not differ much in content from those of other top leaders.¹²

However, what is striking here is that no remarks containing any information on the prospects of further EU action came from the joint foreign policy body. Right after UN Resolution 1970 was made, High Representative Ashton announced that violent actions and human rights abuses would “not be tolerated” by the international community, and that the EU was working on sanctions and the further evacuation of European citizens.¹³ In mid-March, an extraordinary European Council meeting was called, which is the highest-ranking intergovernmental body of the EU. The meeting interpreted the situation in Libya in the context of the Arab Spring uprisings, and emphasized the importance of multilateral agreement between the regional organizations concerned in terms of response. Further actions were proposed in humanitarian assistance, border control management, and in handling the flux of migrants and refugees.¹⁴ For the latter, Operation Hermes was launched in the framework of Frontex, an EU-level coordination mechanism for monitoring and handling issues related to migrants.¹⁵

After the adoption of UN Resolution 1973 calling for the implementation of a no-fly zone, the leaders of the top institutions made only very clumsy statements on the prospects and the possible volume of EU participation in fulfilling the UN mandate.¹⁶ Still, they did not refuse the

¹⁰ “Statement by Herman Van Rompuy, President of the European Council, on the developments in the EU’s Southern neighborhood,” February 23, 2011, under “Documents,” http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/119450.pdf Downloaded: April 2, 2013.

¹¹ “Crisis in Libya: European Commission allocates €3 million to address humanitarian needs,” February 25, 2011, under “Press Releases,” http://europa.eu/rapid/press-release_IP-11-228_en.htm?locale=en (accessed April 2, 2013).

¹² “Buzek on the situation in Libya,” February 21, 2011, under “Press Room,” http://www.sitepres.europarl.europa.eu/president/en/press/press_release/2011/2011-February/press_release-2011-February-28.html (accessed April 2, 2013).

¹³ “Libya: EU HR Ashton statement on UNSC resolution and latest developments,” February 26, 2011, under “Newsroom,” http://www.eu-un.europa.eu/articles/fr/article_10723_fr.htm (accessed April 2, 2013).

¹⁴ “Extraordinary European Council Declaration,” March 11, 2011, under “Documents,” http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/119780.pdf (accessed April 2, 2013).

¹⁵ “Update to Joint Operation Hermes.” March 11, 2011, under “News,” <http://www.frontex.europa.eu/news/update-to-joint-operation-hermes-2011-PJk64d> (accessed April 2, 2013).

¹⁶ “Joint Statement by President of the European Council Herman Van Rompuy and EU High Representative Catherine Ashton on UN Security Council resolution on Libya,” March 17, 2011, under “Documents,”

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idea of the no-fly zone anymore. Despite the pressure coming from France and Britain, EU member state representatives strongly opposed plans regarding the no-fly zone prior to the UN resolution.¹⁷ Baroness Ashton also criticized these ideas claiming that the legal basis was missing and that the high number of civilian casualties could not be avoided.¹⁸ After NATO took over command and operative tasks from the coalition as part of Operation Unified Protector by the end of March, the EU initiated a joint military action with a mandate for humanitarian tasks under the name EUFOR Libya.¹⁹ Activation was made dependent on the formal request of the UN, which has however not been issued.²⁰ This eventually did not mean that EU forces have been waiting for the request in stand-by mode. Though planning was launched on the basis of the Council's approval according to the EU military action decision-making protocol, the divergent member state interests slowed down the process considerably. The preparation of the EUFOR Libya ConOps for instance manifested the differential preferences of member states.²¹ Therefore, in case of a UN formal request, actual planning would have taken a considerable amount of time and several more rounds of disputes on member states' interests.

The decision on launching a CSDP military mission was therefore strongly related to the all-out participation of NATO forces. Moreover, it was the United States that contributed with the largest amount of air and naval assets.²² However, it is hard to assess whether the EU member states would have been more inclined to assign greater amount of resources and capabilities if the United States had not taken the lead or had participated only with limited efforts. Even though the established EU-level structures operated relatively well in terms of common threat perception, the relatively similar content of public messages, and launching crisis management operations planning procedures, the role of the member states in decision-making could paralyze the process.

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/120012.pdf (accessed April 2, 2013).

¹⁷ "Libya no-fly zone plan rejected by EU leaders," March 11, 2011, under "World," <http://www.guardian.co.uk/world/2011/mar/11/libya-no-fly-zone-plan-rejected> (accessed April 3, 2013).

¹⁸ Ibid.

¹⁹ "Council Decision 2011/210/CFSP on a European Union military operation in support of humanitarian assistance operations in response to the crisis situation in Libya (EUFOR Libya)," April 1, 2011, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:089:0017:0020:en:PDF> (accessed April 3, 2013).

²⁰ Nicole Koenig, "The EU and the Libyan Crisis: In Quest of Coherence?" *Istituto Affari Internazionali Working Paper 1119* (2011): 5-6, under "Publications," <http://www.iai.it/pdf/DocIAI/iaiw1119.pdf> (accessed April 2, 2013).

²¹ Ibid., 11.

²² Henry Boyd, "Operation Unified Protector – Allied Assets Deployed to Libya," 2011, under "Publications," *The International Institute for Strategic Studies website*, <http://www.iiss.org/whats-new/iiss-voices/operation-odyssey-dawn-ellamy-harmattan-mobile/> (accessed April 3, 2013).

Member states' action concerning Libya

The deep abyss between the standpoints of the EU member states were brought to light at the extraordinary Council meeting in mid-March. While most of all Britain and France were running for an EU joint contribution to the launch of air strikes and the implementation of a no-fly zone, the idea failed on the opposition of Germany, the smaller member states, and HR Ashton herself. Though at the highest levels the EU turned to support offensive military actions after the UN resolution was made, no eventual action in order to conduct such an operation has ever started.

The arguments at the March Council summit mirrored national priorities, and at the same time signaled the significant differences in attitude toward a European common foreign policy. British Prime Minister David Cameron claimed that the support for a NATO-led action for the enforcement of a no-fly zone was a commitment being part of Europe's alliance commitments. As he argued, "Of course the EU is not a military alliance and I don't want it to be a military alliance. Our alliance is NATO."²³ In other words, this reflected the traditional British affiliation with the transatlantic cooperation system and at the same time some aloofness towards the further integration of the European foreign and security policies. Though France was standing on the same platform regarding the necessary actions to be taken in Libya, the argumentation was a bit different. France had stepped up with the idea already before the UN resolution was concluded, but then it was not supported, not even by the British. However, French motivations were less bred by alliance commitments; moreover, France was reluctant to give its consent to the NATO command takeover.²⁴

Due to the strong economic relations between the two countries, Berlusconi's Italy first opposed any sanctions against Libya arguing that such measures would harden Gaddafi to make a possible compromise.²⁵ Even after the adoption of the U.N. resolution, Rome was reluctant to give its consent to military operations, which was even more crucial due to the number of military bases in its land.²⁶ By mid-March, the content of the Italian government's public messages switched to emphasizing the importance of alliance relations, but one can just wonder what the exact reasons were beyond that shift.²⁷

²³ "Libya no-fly zone plan rejected by EU leaders." March 11, 2011, under "World," <http://www.guardian.co.uk/world/2011/mar/11/libya-no-fly-zone-plan-rejected> (accessed April 3, 2013).

²⁴ Claudia Louati, "Military intervention in Libya: Where is ESDP?" April 20, 2011, under "Geography/South – Turkey," <http://www.nouvelle-europe.eu/en/military-intervention-libya-where-esdp> (accessed April 3, 2013). France's skepticism towards NATO command rooted in its traditional view of NATO as an institution hindering the evolution of a European defense policy by seeing it as a tool for the enforcement of American interests.

²⁵ Ben Lombardi, "The Berlusconi Government and Intervention in Libya," *The International Spectator* 46, no. 4 (2011): 35-36.

²⁶ *Ibid.*, 36.

²⁷ *Ibid.*

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Germany was the only major country in the EU that could not be persuaded on the importance of military action. It also abstained from the vote on Resolution 1973 in the UN Security Council. German Chancellor Angela Merkel, in accordance with Foreign Minister Westerwelle, claimed that the German federal government considered the option of the military intervention too risky to commit German troops to its fulfillment.²⁸ German abstention is on the other hand explained by the impact of the upcoming federal elections,²⁹ reflecting how binding public opinion can be for the foreign policy choices of a certain country.

Apart from Germany, there were a number of smaller EU member states that stood against intervention. The Slovak government for instance called any military steps as actions of last resort, regardless of the existence of a UN approval. As State Secretary Ondrejcsák replied to an inquiry about Slovakian standpoint regarding NATO actions in Libya, "We surely won't be the ones to block any steps of NATO."³⁰ Put it together, domestic constraints, special national interests in the region or Libya in particular, as well as the different conceptualizations of alliance commitments have all influenced the standpoints the EU member states have taken regarding the necessary steps so as to normalize the situation in Libya and ultimately put an end to the conflict. Unified EU action was seriously hampered by the lack of consensus and coherence in member states' attitudes and commitment, which can be traced back to the multi-level governance structure of the EU in general and CFSP/CSDP in particular.

Alternatives and recommendations

The most important lesson of the Libyan crisis for the EU is that European decision-making on military operations can easily get paralyzed by the conflicting interests of the member states. Unlike civilian missions, military operations have always been more difficult to launch due to the high costs of human life, resources, and technical assets. The institutional decision-making process on military missions is structurally the same as that of civilian missions,³¹ being based on a sensitive balance of EU-level and intergovernmental decision-making elements. Though this structure theoretically recognizes the two types of missions as of the same importance, it ignores the peculiarities of member state behavior when it comes to military missions. As the Libyan crisis has shown, the EU's common military

²⁸ "Policy Statement by Foreign Minister Guido Westerwelle in the German Bundestag on current developments in Libya," March 18, 2011, under "Infoservice," http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Reden/2011/110318_BM_Regierungserkl%C3%A4rung_Libyen.html (accessed April 3, 2013).

²⁹ Koenig, "The EU and the Libyan Crisis," 11.

³⁰ "Slovak Defense Ministry states its positions on NATO action in Libya," March 21, 2011, under "Articles," http://spectator.sme.sk/articles/view/42054/10/slovak_defence_ministry_states_its_positions_on_nato_action_in_libya.html (accessed April 3, 2013).

³¹ See Merlingen, *EU Security Policy*, 119.

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and defense policy needs to be seriously reconsidered. There are a number of alternatives ahead.

One possible alternative is to *leave everything as it is*. Though this idea goes against the arguments developed above, there are some factors that most probably would serve as the pillars of the argumentation of its supporters and attract a considerable amount of political capital. This option is doubtless the most cost-saving. Due to the recent crisis, the majority of the EU member states are still fighting against recession by austerity measures; therefore, the public is expected to strongly oppose any initiatives that urge the increase of national defense spending. Accordingly, the EU's role as a global actor can be effectively defined by the "Normative Power Europe" term.³² A transatlantic division of labor enhanced by a stronger cooperation with the United States could serve as the framework for the further improvement of the normative power profile. Despite these inevitable advantages, in the light of the recent trends in U.S. foreign political stance, most importantly acting according to the priorities of American interests and the abandonment of the role of the global cop, this alternative is highly disadvantageous for the EU in the long run. As the European Union claims broader leverage and a greater role in transatlantic decision-making by constantly referring to itself as having foreign political potentials, it has to acknowledge that the United States is an independent actor with its own preferences. First of all, the EU needs to define its foreign policy profile in the way that is in line with its capabilities as well as with its willingness to further improve these capacities. In the long run, the EU needs to move toward greater independence in terms of defense and foreign policy, which inevitably requires the enhancement of stronger integrated capabilities. Therefore, the leaving-everything-as-it-is option is certainly not a viable alternative.

Another option is to create a *transatlantic security system that incorporates both military and civilian tasks*. A body responsible for civilian operations can either be absorbed by the existing NATO framework or created as a twin-body that is institutionally isomorphic with NATO. The problems the creation of the Berlin Plus mechanism brought into the light have shown that the lack of overlap between NATO and EU member states makes it extremely difficult to establish an institutional structure that is reliable enough and does not necessitate the conclusion of side-agreements that can undermine the original idea of cooperation. Besides the serious concerns the sharing of confidential information between the EU and the 'Civilian-NATO' would raise, such an institution would also reduce the leverage of the EU as an independent international actor, which would ultimately weaken its credibility.

Therefore, once the European Union is aspiring for global influence as well as for the capability to leave remarkable footprints in its spheres of interest, it certainly needs to *further improve its integrated capabilities* so as

³² The EU's normative power is understood as a capability to shape the value content of international politics by promoting its strong fundamental principles. See for instance Ian Manners, "Normative Power Europe: A Contradiction in Terms?" *Journal of Common Market Studies* 40, no. 2 (2002): 239.

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to be as effective militarily as it is in civilian missions. Since such goals need to overcome the conflicting interests of the member states and the reluctance of the European public to increase defense spending, further integration and the reduction of member state influence in operational decision-making takes a lot of time. Though the rationalization of developments to avoid capability duplication would certainly raise the concerns of member states regarding their own defense capacities, the collective defense clause incorporated into the Lisbon Treaty provides a satisfactory solution for this. Therefore, considering the further enhancement of integration in terms of a common European security and defense policy as the most viable alternative in front of us, in order to meet this goal, the following recommendations are made:

- most importantly, a summit on EU security and defense strategy needs to be called in order to revise the European Security Strategy by identifying current security threats and challenges and agreeing upon the mechanisms and commitments necessary to meet these challenges;
- further discussions are recommended on the exact capabilities the security challenges identified necessitate and the amount of resources and assets the individual member states would devote to the common European defense capability;
- regional security concerns should be mitigated by concluding bilateral or multilateral security cooperation agreements between the EU and other countries or organizations;
- until the required level of capability integration is reached, stronger cooperation with the United States, allies, and other countries and organizations in the surrounding regions is crucially important.

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Published:

Center for EU Enlargement Studies
Central European University

Contact:

Nádor utca 9, Budapest, H-1052, Hungary

Tel.: + 36 1 237-3000 ext. 2391

cens@ceu.hu

