

University of Zagreb
Faculty of Law
Jean Monet Chair of European Public Law

European Common Security and Defence Policy: Scandinavians, opt-out and (post)neutrality

Master Thesis

by: Sonja Trgovčić

mentor: prof. dr. sc. Tamara Čapeta

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Authenticity Statement

I, Sonja Trgovčić, declare that my master thesis is an original result of my own work and that no sources other than cited in my thesis have been used in writing it.

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Abstract

This thesis has analysed how security identities and policies of two EU Scandinavian Member States, Denmark and Sweden, co-exist and interact with the EU's Common Security and Defence Policy (CSDP). In the last two decades the EU's CSDP, as the part of the European Common Foreign and Security Policy (CFSP), underwent major reforms. Its character was formed through cooperation of the EU Member states and was encoded in the Lisbon Treaty. The solidarity clause and the mutual defence clause mark its present character. So-called Petersberg tasks give it its operating mechanisms and make it a tool of European involvement in crisis management operations in its geopolitical neighbourhood. Yet it still does not have the character of the common defence it strives to and the decision-making process within it is still hampered with unanimous voting. Denmark and Sweden have each their own distinct security and defence policies and traditions. However, despite Denmark's defence opt-out and Sweden's two-century policy of neutrality and non-alignment, both countries left their signature on the CSDP's development. At the same time, the CSDP also influenced their own security identities.

key words: *CFSP, CSDP, Denmark, Sweden, opt-out clause, neutrality, non-alignment, security policy, defence policy*

Sažetak

U ovom radu prikazano je kako sigurnosni identiteti i politike dvaju skandinavskih članica EU-a, Danske i Švedske, koegzistiraju i utječu na Zajedničku europsku sigurnosnu i obrambenu politiku (ZSOP) te ona povratno na njih. Posljednja dva desetljeća politika ZSOP kao dio Zajedničke europske vanjske i sigurnosne politike (ZVSP) doživjela je značajne reforme. Njen karakter je stvaran kroz suradnju država članica te je kodificiran u Lisabonskom ugovoru. Klauzula solidarnosti i klauzula zajedničke obrane daju joj sadašnji karakter. Takozvane Peterberške zadaće daju joj operativne mehanizme i čine je alatom europske uključenosti u operacije kriznog menadžmenta u europskom geopolitičkom susjedstvu. Ali ZSOP još uvijek nema obilježje zajedničke obrane kojoj stremi te je proces donošenja odluka u njenim pitanjima još uvijek ograničen jednoglasnim donošenjem odluke. Danska i Švedska imaju vlastite posebne sigurnosne politike i identitete. Ali usprkos danskoj klauzuli o izuzimanju iz zajedničke obrane te švedskoj više od dvjesto godina staroj politici neutralnosti i nesvrstanosti vojnim savezima, obje države ostavile su svoj trag u razvoju ZSOP-a. U isto vrijeme ZSOP je utjecao i na njihove sigurnosne identitete.

ključne riječi: *ZVSP, ZSOP, Danska, Švedska, klauzula o izuzimanju, nesvrstanost, neutralnost, sigurnosna politika, obrambena politika*

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List of abbreviations

BALTAP – Allied Forces Baltic Approaches
CARD – Coordinated Annual Review on Defence
CCM – Civil Crises Management
CFSP – Common Foreign and Security Policy
CGH – Civilian Headline Goal
CIVICOM – Committee for Civilian Aspects of Crises Management
CRT – Civilian Response Team
CSCE – Commission on Security and Cooperation in Europe
CSDP – Common Security and Defence Policy
DRC – Democratic Republic of Congo
EC – European Community
ECJ – European Court of Justice
ECSC – European Coal and Steel Community
EDA – European Defence Agency
EDC – European Defence Cooperation
EDF – European Defence Fund
EEAS – European External Action Service
EEC – European Economic Community
EPC – European Political Cooperation
EPPO – European Public Prosecutor Office
ERRF – European Rapid Reaction Force
ESDC – European Security and Defence College
ESDP – European Common Security and Defence Policy
ESS – European Security Strategy
EU – European Union
EUBGs -European Battle Groups
EUISS – European Institute for Security Studies
EUMC – European Union Military Committee
EUMS – European Union Military Staff
EURATOM – European Atomic Energy Community
EUROJUST – European Body for the Enhancement of Judicial Cooperation
EUROPOL – European Police Office

FYORM – The Former Yugoslav Republic of Macedonia
HR/VP – High Representative of the Union for Foreign Affairs & Security Policy
ISAF – International Security Assistance Force
JCPOA – Joint Comprehensive Plan of Action
JHA – Justice and Home Affairs
JSC – The Joint Situation Centre
KFOR – Kosovo Force
MFA – Ministry of Foreign Affairs
MoD – Ministry of Defence
MPCC – Military Planning Conduct and Capability
NATO – North Atlantic Treaty Organisation
NBG – Nordic Battle Group
OSCE – Organisation for Security and Cooperation in Europe
OSINT – Open Source Intelligence
PESCO – Permanent Structure Cooperation
PfP – Partnership for Peace
PII – Partnership Interoperability Initiative
PSC – Political and Security Committee
SAF – Swedish Armed Forces
SHIRBRIG – Standby High Readiness Brigade
SITCEN – European Union Intelligence and Situation Centre
TEU – Treaty of the European Union
TFEU – Treaty on the Functioning of the European Union
UN – United Nations
US – United States
USSR – Union of Soviet Socialist Republics
WEU – Western European Union
WW2 – World War Two
WWI – World War One

Introduction

In this work I will give the overview of the EU Common Security and Defence Policy (further upon the CSDP), its foundations, aims and current challenges. The special attention will be devoted to the involvement of Scandinavian Member states, Denmark and Sweden, in the CSDP. I will present the history of Danish and Swedish involvement in security cooperation, address their particularities, Danish opt-out from the common defence and Swedish neutrality and non-alignment in military alliances and describe both binding strings and differences between them. The main aim of the thesis is to describe and see how the Danish defence opt-out and Swedish neutrality and military non-alignment are able to interact and coexist with the CSDP's provisions and concrete actions undertaken in its scope. Being fascinated by the power and manoeuvring capabilities the small states are given on international forums such as the EU, as well as an admirer of Scandinavian culture and their approach in international politics and European integration, I will describe how the states in the matter adapted their participation in the CSDP to their national interests and particularities. At the end, I will also display current stances of the described countries regarding the CSDP and try to predict the upcoming development or possible changes in countries' stances in the matter.

The thesis is organised as follows. After the introductory assessment of current political context, in the first Chapter, I will describe and explain history and current status of the European Common Security and Defence Policy. Chapter 2 is dedicated to Denmark. In this Chapter I will briefly touch historical reasons that defined Danish security and defence identity. This will be followed by the explanation of drama that surrounded Danish acceptance of the Maastricht Treaty and gave birth to four Danish opt-outs, the common defence opt-out being one of them. The Chapter will continue with the description of how Danes handled the obstacles of the defence opt-out in the CSDP and compensated their inability of full-participation in its policies. The Chapter will also showcase why NATO is still more preferable provider of the "hard" security for the Danes. At the end I will present how the opt-outs are seen today and how much it is likely for the Danes to finally opt-in in the CSDP. Chapter 3 is dedicated to Sweden. The chapter starts with brief description of origins and nature of Swedish neutrality. It further deals with Swedish reluctance and scepticism towards the CSDP that eventually turned into eagerness in participation in the policies and Swedish influence on the development of its crisis management component. The Chapter will further showcase how the fear of marginalisation affected the change in Swedish security identity. At the end I will describe how

the possibility of scraping neutrality depends on Swedish “yes” or “no” to NATO membership. The analyses of each country particularly are followed by their comparison in the Chapter 4. This Chapter highlights the differences in the approach of the two analysed countries in the CSDP. The reasons for differences are found in diverse political cultures of the countries at issue. The concluding chapter will offer findings of the presented analysis.

Security has certainly been one of the primary targets of European cooperation in the last couple of years. After overcoming the challenges of financial crisis of 2008,¹ Brussels found itself in the neighbourhood of crises and raging conflicts in North Africa and the Middle East, namely the breakdown of Libya and the wars in Syria and Yemen. It has also witnessed the never-ending conflict in Afghanistan and wars followed by humanitarian crises in Sub-Saharan Africa – the crises that have provoked the biggest influx of refugees and migrants in the recent history – the influx that has divided the EU partners on many levels. In the external matters, alongside with the U.S. and the UN Security Council, the EU has participated in the creation of Iranian nuclear deal of 2015 (Joint Comprehensive Plan of Action or JCPOA)² through the European External Action Service (EEAS), and it has answered the Russian annexation of Crimea with sanctions.³ The EU had its credits in clearing pirates from the waters of Somalia⁴ as well as in establishing a dialogue between Kosovo and Serbia in the Western Balkans.^{5,6} In the internal matters, the EU has faced Brexit⁷ – the British “no” for staying in the Union. The increasing popularity of right-wing nationalist parties followed by wired fences being built right alongside the Member states’ borders had its roots in dissatisfaction in common

¹ <https://voxeu.org/article/economic-crisis-europe-cause-consequences-and-responses> (1/11/2020)

² More on the JCPOA and its current status read on: <https://www.cfr.org/background/what-status-iran-nuclear-agreement> (1/11/2020)

³ More on the EU sanctions to Russia on: <https://www.consilium.europa.eu/en/policies/sanctions/ukraine-crisis/> (1/11/2020)

⁴ Read about the EU’s Operation ATALANTA on <https://eunavfor.eu/mission/> (1/11/2020)

⁵ More on the latest EU involvement in the process on: <https://www.euronews.com/2020/09/07/kosovo-serbia-talks-resume-in-brussels-after-stateside-economic-agreement> (1/11/2020)

⁶ <https://www.economist.com/special-report/2017/03/23/the-importance-of-a-european-foreign-and-security-policy> (1/11/2020)

⁷ <https://www.economist.com/britain/2016/05/14/security-concerns> (1/11/2020)

response to the fore-mentioned migration crisis.⁸ On the other hand, in economic matters, the EU has encountered steep growth of Chinese economy followed by its ever bigger global influence that is most notably expressed through Belt and Road Initiative.⁹

Today independence, strength and meaning of European position on the international stage is at stake.¹⁰ The strengths of the EU policy are stretched from handling cunning Russian “tsar” Vladimir Putin, Recep Tayyip Erdogan’s autocratic rule in Turkey, competing with ever stronger Chinese tiger, to dealing with before-mentioned ongoing instabilities and proxy wars in the Middle East and North Africa that threat with new migration wave and always present fear of terrorism. The biggest challenge could however be coming from the White House and unpredictable policies of the U.S. president Donald Trump. With his abrupt decisions Mr. Trump has shaken the world’s foreign and security policy. By his announcement of pulling out of Iranian nuclear deal he has put in question one of the biggest EU achievements in the foreign field. Furthermore, he has criticised Europe for free-riding on the back of American defence and for the (lack of) contribution of its Member states to the NATO budget. Recent developments have put the EU and the U.S. on the opposite sides in ongoing trade war over steel and aluminium tariffs. His hard-line backing of Israel and the grand opening of American embassy in Jerusalem alongside with the support to Brexit build the other causes of present Europe – U.S. foreign policy incompatibilities. Unlike Mr. Trump his close associates have shown positive attitude to both NATO and the EU. At the Munich Security Conference in February 2017 then defence secretary, Mr. Mattis, has called NATO “the best alliance in the world” while the vice president, Mr. Pence assured his audience during his visit to Brussels of American “strong commitment” to the European Union.¹¹ The dichotomy in the U.S. stances has certainly left the Europeans in an unenviable position.¹²

The important question is what the EU should do in the environment of changed and more than ever unpredictable global political and security circumstances. Having in mind

⁸ <https://www.theguardian.com/world/2020/oct/08/europe-migration-crisis-prejudice-eu-refugee-orban-christian> (1/11/2020)

⁹ Details about the Belt and Road Initiative can be found on: <https://www.cfr.org/background/chinas-massive-belt-and-road-initiative> (1/11/2020)

¹⁰ <https://www.politico.eu/article/emmanuel-macron-europe-dependency-us-arms/> (1/11/2020)

¹¹ <https://www.economist.com/europe/2017/02/23/europe-is-starting-to-get-serious-about-defence> (1/11/2020)

¹² <https://www.politico.eu/article/no-more-mr-nice-europe-eu-foreign-policy/> (1/11/2020)

differences between the EU Member states, being united in diversity may pose the biggest challenge in the formation of joint strategies. This paper, as already explained, aims at analysing the Danish and Swedish positions within the EU security policy. Although many would put the sign of equality between the two Scandinavian neighbours, there are indeed differences between them. Denmark is proud to be one of NATO's founding states and today it committedly participates in many NATO operations, most notably in Iraq, Afghanistan and Libya. On the other hand, Sweden cherishes its two hundred years old policy of not interfering in the armed-conflicts while being involved on the edge of security cooperation as NATO's Affiliate member, actor in peacekeeping operations, committed participant in the CSDP's civil component, is partnered with other Member states in Permanent Structure Cooperation (PESCO) and one of the world's largest defence industries.

The Europeans will have to fight hard to defend its independent position in the international arena and to answer the challenges of dichotomy of the U.S. foreign policy, China's uprising and instabilities in its geopolitical neighbourhood in the post-Brexit period. Could European experience of diverse policies and particularities of individual Member states – in this case Denmark and Sweden inspire the EU to find solutions both in internal and external matters?

Chapter I.: Common Security and Defence Policy as an Integrated Part of Common Foreign and Security Policy

The lessons learned throughout turbulent history of the European continent, especially through atrocities of the World War Two directed the European states to the process of political integration and institution building. The building of Common Foreign and Security Policy (CFSP) accompanied the process of political and economic integration and unity. By developing its capacities in the Common Security and Defence Policy (CSDP), the EU has taken the step “in assuming responsibility for regional (and to a certain extent global) security and stability”¹³

¹³ Jolyon Howorth, Security and Defence Policy in the European Union (PALGRAVE MACMILLAN 2007) p. 2

The CSDP is an integral and the most important part of the EU CFSP, “a political and strategic project, with a common body of instruments, which all Member states – except Denmark – agree to implement collectively and which has acquired its own distinct profile and footprint”.¹⁴ The CSDP represents the Union’s comprehensive approach towards crisis management drawing on civilian and military assets. Its existence enables the EU to take a leading role in peace-keeping operations, conflict prevention as well as in the strengthening of the international security. It is a result of volition of the sovereign states to form an alliance to coordinate their activities in the field of security and, in the future, their common defence. The CSDP is implemented through separate relations with NATO, meaning that the EU will act only if NATO would not to do so. Coordination and cooperation with European Council are led by the High Representative of the Union for Foreign Affairs & Security Policy/ Vice-President of the European Commission (HR/VP).

In this chapter I will briefly describe historical foundations of both the CFSP and the CSDP and derive special attention to the characteristics of policies as regulated in the Lisbon Treaty. The latter will serve me as a basis to describe specific positions of Sweden and Denmark in the CFSP’s and the CSDP’s implementation in the following chapters.

1. Development of the EU Common Foreign and Security Policy and Common Defence and Security Policy¹⁵

Development of the CSDP (till Lisbon treaty known as the European Security and Defence Policy or ESDP) is inherent to the development of the CFSP and a reaction to the block division of the Cold War Period. During the Cold War existed two contrasting approaches in the development of the CSDP: the Europeanist (internalised) approach and Atlanticist (externalised) approach. The first one is aimed on cooperation within the Union, while the other

¹⁴ Ibid. p. 1

¹⁵ This section represents a brief presentation of the CSDP’s development. For a more detailed and elaborated review the author points to Duić Dunja, Vanjska i sigurnosna politika Europske unije, Narodne novine, Zagreb, 2018.

one is aimed on the cooperation outside the Union. The Atlantic approach prevailed at the time through the trans-Atlantic partnership.¹⁶

The roots of the CSDP can be found as early as in the Brussels Agreement of 1948 signed between the United Kingdom of Great Britain and the Northern Ireland, France, the Netherlands, Belgium and Luxembourg, that established the Western European Union (WEU).¹⁷ The aim of the WEU was an economic, social and cultural cooperation. The collective self-defence was as well included in the agreement, however because of the role and the influence of the North Atlantic Treaty Organisation (NATO)¹⁸ that was founded the following year the WEU has never played a major role in the European security.

¹⁶ Kok, J.A.M Caroline, *Europeanisation of National Defence Policies, A Comparative Study about Impact of EU Security Governance on the Domestic Security Policies of Small Member States*, Leiden University, 2016, p. 12

¹⁷ Western European Union (at the time Western Union) was founded in 1948 by the Treaty of Brussels or the Brussels Pact signed between Belgium, France, Luxembourg, the Netherlands and the United Kingdom. In 1954 it was amended as the Modified Brussels Treaty (MTB) during the Paris conference which was regarded as the WEU's foundation act until its termination in 2010. The amendment was a result of French decision to not ratify the Treaty Establishing the European Defence Community. The treaty set grounds for economic, social, cultural and military cooperation between the signing states. It also contained provisions about mutual defence i.e. the mutual defence clause in the sense of article 51 of the United Nations Charter. Until 2010 WEU consisted of ten Member states with full membership and 6 adjoint states which were also NATO members. During its existence the WEU was both institutionally and in action subordinated to NATO. After the Cold War WEU's reform was seriously concerned. The Maastricht Treaty of 1992 established the base for its integration into the EU by expressing the idea of WEU becoming the centre of European defence policy. The mutual defence clause was integrated in the Lisbon Treaty of 2009, a decision which brought the question of WEU's further purpose and existence. On March 31 2010 the WEU's Council Presidency concluded that the WEU has accomplished its purpose and in the name of all the member states brought the decision of WEU's dissolution. The WEU officially ceased to exist on 20 June 2011.

¹⁸ NATO was founded in 1949 as military and defence alliance of Western European Countries, the United States and Canada. The main purpose of the organisation was the collective defence against the Soviet threat and opposing Warsaw Pact. The North Atlantic Treaty of 4 April 1949 stipulates the system of collective security. In other words, the attack on a certain Member state represents the attack against all the NATO Member states, an act that activates the collective defence clause and all its provisions contained in the article 5 of the treaty. In its actions NATO highly respects the role of the United Nations, especially of its Security Council in preserving of international peace and security. NATO and its Member states shall respect the provisions of the UN charter and sustain from any action that would be contrary to the UN's system of collective security and the article 51 of the UN Charter.

To some extent the Treaty of Paris of 1951 that established European Coal and Steel Community (ECSC)¹⁹ contributed to European security by creating and institutionalising the common market of resources used in armed conflicts. In words of Schuman Declaration, the main goal of European unification was to “make war not only unthinkable but materially impossible”.²⁰ In the mid 1950s the creation of pan-European military named the European Defence Community (EDC) failed due to rejection of the Treaty of the EDC in French National Assembly over sovereignty concerns. At the end the highlight of the integration in the 1950s were the creation of the European Economic Community (EEC) and of the European Atomic Energy Community (EUROATOM) under the Treaty of Rome of 1957.

Concerned over the “Soviet threat” at the Hague Summit of 1969 the foreign ministers of the Community were requested to increase cooperation in the field of foreign policy and thus the European Political Cooperation was created (EPC). It came into force in 1970, however it was recognised as late as 1986 in the Single European Act. The EPC represented a platform for coordination in foreign policies between Member states’ foreign ministries. Intergovernmental in its scope the EPC cooperation led to non-binding decisions that were excluded from military aspect. Even though the EPC was outside the Unions institutional framework, it is considered to be direct forerunner to the CFSP established by the Treaty of the European Union (Treaty of Maastricht) of 1992.

The Treaty of Maastricht²¹ integrated the CFSP in its second pillar and it is the first document that explicitly mentions the word defence. The Maastricht treaty’s preamble states that the EU Member states are resolved “to implement a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world”. The latter is after reaffirmed by provision that the Union presents its new set of objectives – the Union shall assert its identity on the international scene through the implementation of a common foreign and security policy

¹⁹ The treaty was signed between Germany, France, Italy, Belgium, the Netherlands and Luxembourg which are considered to be the founding states of the future union.

²⁰ Schuman Declaration, https://europa.eu/european-union/about-eu/symbols/europe-day/schuman-declaration_en, (1/11/2020)

²¹ https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf (1/11/2020)

which will eventually lead to a common defence.²² The treaty points out that objectives of the CFSP shall include all questions related to the security of the Union and emphasises once again that the final stage of the CFSP development shall be the creation of a common defence policy “which might in time lead to a common defence”.²³ It has also stipulated that the intergovernmental decision making in the matter shall be based on unanimity.

The end of the Cold War and subsequent conflicts in the Balkans made clear that the EU had to assume its responsibilities in the fields of conflict prevention and crisis management. The WEU Council agreed upon the so-called “Petersberg Tasks”²⁴ that laid the conditions under which military units could be deployed. The Treaty of Amsterdam of 1997 represents the further step in development of the CSDP by integrating above-mentioned “Petersberg Tasks” and by establishing the role of the High Representative for Common Foreign and Security Policy. Overall the role of the European Council in the matters of the CFSP was strengthened. Example of that is establishment of a Policy Planning and Early Warning Unit under the Council’s Secretariat and under the supervision of the High Representative. The role of the Representative finally gave a “one face and one voice” to the EU at the forum of international politics. New instruments, strategies and international agreements that came through the Amsterdam Treaty were combined with the instruments of common position and joint action from the Maastricht Treaty resulting in the end in the overall improvement of the CFSP.²⁵

The CSDP *per se* was first introduced after the St. Mâlo Summit in 1998. The so-called St. Mâlo process paved the way for the institutionalisation of the European security and defence. Security and defence policy decision-making was to be put directly under the authority of the EU and its political system. The final result of this process was the transfer of the WEU’s functions to the EU by the 2000. The latter put an end to the necessity and existence of the WEU and most notably its role as an intermediary between the EU and NATO. After the St Mâlo the EU Summit in Cologne in 1999 resulted with the declaration “on Strengthening the Common European Policy on Security and Defence”. It has stated that the Council should have

²² Article B of the Maastricht treaty

²³ Article J.4 of the Maastricht treaty

²⁴ Read more on: <https://eeas.europa.eu/topics/common-security-and-defence-policy-csdp/5388/shaping-of-a-common-security-and-defence-policy-en> (1/11/2020)

²⁵ Read more in Hochleitner Erich, The Common European Security and Defence Policy of the EU, Croatian International Relations Review, vol. IX, No. 30/31 – 2003

the ability to take decisions using every tool in its crisis management tasks as defined in the Petersberg tasks.²⁶ The same year in Helsinki the idea of creation of European Rapid Reaction Forces (ERRF) that would be able to act on the foreign soil and were complementary to NATO cooperation was presented and a deadline was set.

The Treaty of Nice of 2001 introduced so called *enhanced cooperation* in the field of common foreign policy. The intensification of the cooperation between the Member States was aimed to preserve the values and to achieve the Union's goals on the international scene through the common actions and common positions. However, it did not implicate in the field of common defence. Most notable achievement of the Treaty of Nice regarding the CSDP were the establishment of the Political and Security Committee (PSC).²⁷ This was followed by the establishment of the two military bodies based on the Council's decision – the Military Committee of the European Union and the Military Staff of the European Union. Consequently, the Committee for Civilian Aspects of Crises Management (CivCom) was established. Named institutions marked concretisation of the CSDP's operative dimension.

By 2003 ERRF would be created consisting of 60.000 persons and deployable within 60 days at least once a year. In order to meet the headline Battlegroups were created as not standing forces that can be called to carry out military operations. It is important to add that they have not been deployed since created.²⁸

Another key step in the CSDP's development was so called "Berlin Plus Agreement" of 2002 that, under the certain conditions, gave the EU access to NATO and its capabilities.²⁹ Conclusion of the Presidency of the European Council in Nice in December 2000 marked the transition from the planning phase to the implementation phase of the CSDP. In 2003 the European Council led by at that time High Representative Javier Solana developed the first Security Strategy for Europe entitled "A Secure Europe in a Better World". The strategy analysed the EU's security environment and identifies key security challenges and subsequent political amplifications for the EU and focuses on multilateral approach through the UN and

²⁶ Kok (n 16), p. 17

²⁷ Ibid p. 13

²⁸ Ibid p. 13

²⁹ http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/berlinplus_/berlinplus_en.pdf (1/11/2020)

NATO.³⁰ As the last breaking point of the CSDP's development pre-Lisbon was a decision to establish so-called "battle groups" (BGs) made by the EU defence ministers in April 2004. BGs would consist of around 1,500 soldiers with support elements and be deployable on a very short notice (in 15 days). In principle, all EU Member states can contribute to BGs.

1.2. CFSP and CSDP after the Lisbon treaty

The Treaty of Lisbon (signed on the 13th December of 2007, entered into force on the 1st December of 2009) represents the cornerstone in the development of the CFSP and the CSDP. Strengthening of the EU's international relations was considered to be one of the main issues of the treaties creation. The treaty amends the Treaty of Maastricht of 1992 as the Treaty of the European Union (TEU) and the Treaty of Rome of 1957 as the Treaty on the Functioning of the European Union (TFEU) alongside with their protocols. The TEU is considered to be a legal framework for the functioning of the EU because it regulates EU's principles, competence and institutions. On the other hand, it more concretely regulates EU's policies and common actions. However, it must be noted that the CFSP is the only EU policy that is as such regulated in the TEU. The treaty establishes legal personality of the EU and it is the first to refer the CSDP as the common security and defence policy relabelling the previous term of European Common Security and Defence Policy (ESDP).

1.2.1. Legal framework and competence

The Article 2 of the TFEU³¹ states that "the Union shall have competence, in accordance with the provisions of the Treaty on European Union, to define and implement a common

³⁰ The latest strategy entitled "Global Strategy for the European Union's Foreign and Security Policy" (EUGS) was presented by HR/VP Federica Mogherini in June 2016 and set further grounds for the CSDP's development. It set comprehensive package of measures in the areas of security and defence laid on three major pillars: (1) the political goals and ambitions in taking more responsibility for EU's security and defence; (2) the European Defence Action Plan (EDAP) with financial tools helping Member States' and EU common defence industry; (3) the set of concrete actions as follow up to the EU-NATO Joint Declaration in the areas of EU-NATO cooperation.

https://eeas.europa.eu/sites/eeas/files/eugs_implementation_plan_st14392.en16_0.pdf (1/11/2020)

³¹ The TFEU, among other, also regulates the Area of Freedom Security and Justice, cooperation in civil and criminal proceedings and civil protection.

foreign and security policy, including the progressive framing of a common defence policy”. The wording of the article is a bit vague. The article states that the Union shall have competence over the CFSP and the CSDP, however it does not explain *per se* whether the Union shall have exclusive or shared competence with the Member states over the policies in matter. The explanation lies in the TEU which in particular puts the protection of national security in the sole hands of each Member state.³² Esurance of the territorial integrity of the state, maintenance of law and order and above-mentioned safeguarding of national security are nevertheless affirmed as *essential State functions*.³³ The above-described provisions indicate how the CSDP’s scope stretches only to the Unions collective security. The term *common* is then applicable to the security and defence of the Union as an entity, a community of its member states. National security and defence policies co-exist with the collective protection and defence of the Union’s security. Taking all of this into account, while at the same time reminding on the paragraph 1 of the article 4 of the TFEU which implicates that the list of shared competences is not of definitive character and that the Union shares competence with the Member states in all the areas that are not included into exclusive³⁴ and supported³⁵ competence, we can conclude that the Union and the Member states have shared competence in the matter of the CFSP and therefore the CSDP.

In its preamble the TEU sets the CSDP as one of the EUs primary goals stating that the Member states are “resolved to implement a common foreign and security policy including the progressive framing of a common defence policy, which might lead to a common defence in accordance with the provisions of Article 42, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world”. Furthermore, the TEU sets the principals for the European external action, encourages development of relations and partnership building with third countries and international, regional or global organisations as well as promotes multilateral approach to common problems

³² We could say that the article reflects the UN Charter and the right of the state to self-defence. The logic of that conclusion comes from the TEU which in Article 21 lists compliance with the UN Charter and international law as one of the Union’s goals and principles.

³³ Article 4 (2) TEU

³⁴ Article 3 TFEU

³⁵ Article 6 TFEU

solution particularly in the framework of the United Nations (the one of the security and defence characteristic could certainly be counted as such).³⁶

The CSDP is thoroughly elaborated in the Section 2 of the TEU. According to Article 42 as an “integral part of the CFSP, it shall provide the Union with an operational capacity drawing on civilian and military assets. The Union may use those capacities on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter”. The Member states would provide capabilities to undertake these tasks.³⁷ The tasks presented under the Article 43 (1) of the TEU represent the extension to the above-mentioned Petersberg tasks. Lisbon treaty adds joint disarmament operations, military advice and assistance tasks, conflict prevention and peace-keeping tasks and post-conflict stabilisation to previously introduced humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management and peace-making. Those tasks may contribute the Union and its Member states in the fight against terrorism as well as they may assist in support of the third states in doing so. The described provisions enable the Union to be more active and to take more responsibilities on the international scene in order to promote democracy, the rule of law and respect for human rights.³⁸

To this point forward the TEU states that the CSDP “shall include the progressive framing of a common Union defence policy” which will lead to common defence. The quoted article brought maybe the most important turnout from the previous CSDP’s regulations – *the mutual defence clause*. Whilst the previous documents such as the Maastricht treaty and the Treaty of Nice spoke about progressive framing of common security and defence policy that may lead to a common defence, the Lisbon treaty states explicitly that the framing of the common policies *will* lead to the common defence. The Lisbon treaty this far leaves us with notion of certainty that a common defence will become a reality in the future. The mutual defence clause binds all EU Member states while not affecting neutrality of individual Member

³⁶ Article 21 TEU

³⁷ Article 42 (1) TEU

³⁸ Schmidt Julia, Common Foreign and Security policy and European security and Defence Policy after the Lisbon treaty: Old Problems Solved?, Croatian Yearbook of European Law & Policy, Vol. 5 No. 5, 2009., p. 240

states and while staying consistent with the obligations the Member states (who are also the member of the North Atlantic Alliance) have towards NATO.

The mutual defence clause is supplemented by *the solidarity clause*³⁹ stipulating that the Member States are obliged to act jointly “in the spirit of solidarity” when one of them is a victim of a terrorist attack or a natural or a man-made disaster. In that case the Union will be able to “mobilise all the instruments at its disposal, including the military resources made available by the Member states”. The instruments will be used to prevent the terrorist threat, protect democratic institutions and civilian population from any terrorist attack and/ or to assist the Member state in its territory in the event of the terrorist attack or in the event of a natural or a man-made disaster at the request of its political authorities. In the presented situations the Member states would coordinate their actions in the Council.⁴⁰

The final creating act of the common defence is put into hands of the European Council and requires its unanimous decision. After the decision is made, the Member states shall adopt it upon the Council's request in accordance with their constitutional requirements.⁴¹ In the following subparagraph, the TEU yet again reaffirms the sole competence of the Member state to safeguard its national security by stipulating that the CSDP “shall not prejudice the specific character of the security and defence policy of certain Member state”. Moreover, the policies within the scope of the CSDP shall respect the obligations of certain Member states which realise their common defence through NATO. Nevertheless, the CSDP will be compatible with the NATO's defence and security framework.⁴² In order to contribute to the CSDP implantation

³⁹ Article 222 TFEU

⁴⁰ The actions of the Council itself are more thoroughly described in the paragraph 3 and 4 of the Article: “The arrangements for the implementation by the Union of this solidarity clause shall be defined by a decision adopted by the Council acting on a joint proposal by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy. The Council shall act in accordance with Article 31(1) of the Treaty on European Union where this decision has defence implications. The European Parliament shall be informed. For the purposes of this paragraph and without prejudice to Article 240, the Council shall be assisted by the Political and Security Committee with the support of the structures developed in the context of the common security and defence policy and by the Committee referred to in Article 71; the two committees shall, if necessary, submit joint opinions. The European Council shall regularly assess the threats facing the Union in order to enable the Union and its Member States to take effective action.”

⁴¹ Article 42 (2) TEU

⁴² Article 42 (2(1)) TEU

and Council's objectives in the matter Member states shall make civilian and military capabilities available to the Union. Member states are also given an opportunity to establish multinational forces and make them available to the Union.⁴³ The Council's task shall be to adopt a decision relating the tasks under the provision of the Article 42 (1) "unanimously on a proposal of from the High Representative of the Union for Foreign Affairs and Security Policy or an initiative from a Member state".⁴⁴ It shall define their objectives, scopes and general conditions for their implementation. Coordination of the civilian and military aspects of those tasks shall be assured by the High Representative acting under the Council's authority and in the close cooperation with Political and Security Committee (PSC).⁴⁵ The execution of a task may be as well entrusted to a group of Member states "in order to protect the Union's values and serve its interest".⁴⁶ The Member states could also implement one of the tasks and coordinate its management among themselves and with the High Representative. Following that, Member states in the matter have an obligation to notify the Council about the tasks progress.⁴⁷ Paragraph 6 provides the grounds for Permanent Structured Cooperation (PESCO)⁴⁸ within the Union framework between the Member states whose military capabilities fulfil higher criteria and who have established more binding commitments in the field of the CSDP. PESCO is then more detailly defined in the Article 46. At the end, the TEU sets the terms of what should be done in the case of an armed aggression on a territory of a certain Member state. The Member states shall have an obligation of aid and assistance by all the means in their power in accordance with the Article 51 of the UN Charter and with the respect to the Member states' exclusive competence in defending their national security as well as with the respects of Member states' obligations to NATO.⁴⁹

1.2.3. Instruments

After the described legal framework of the CSDP and the actions that could be undertaken under its provisions, what are the instruments for their realisation? As it was

⁴³ Article 42 (3) TEU

⁴⁴ Article 42(4) TEU

⁴⁵ Article 43 (2) TEU

⁴⁶ Article 42 (5) TEU

⁴⁷ Article 44 (1), (2)

⁴⁸ More details about PESCO read at <https://pesco.europa.eu/> (1/11/2020)

⁴⁹ Article 42 (7) TEU

previously mentioned, the CSDP is an integral part of the CFSP. The word *integral* indicates that those two set of policies still operate on the same track and have to be consolidated. In practice that means that CSDP has to rely on the CFSP's instruments in order to pursue its own aims and objectives. Missions led under the CSDP therefore have to be in line with the overall objectives and principles of the CFSP.⁵⁰ The fact that the CFSP is not a part of the Union's exclusive competences and that Member states are not constrained in the conduct of national foreign policies, bring us to the question of how is the CFSP, and therefore CSDP, governed on the Union level. What is its binding nature – legal, political or both legal and political?

Binding nature of the CFSP, and therefore the CSDP law is expressed through two principles incorporated into the Lisbon Treaty – *the principle of systematic cooperation* and *the principle of loyal cooperation*. The first one states that the Member states shall consult one another within the European Council and the Council on any matter of foreign and security policy of general interest in order to determine a common approach. In doing so the Member states shall show mutual solidarity.⁵¹ The use of the wording *shall* indicate the obligation. The conclusion would be that the first obligations of the Member states in the field of the CFSP (the CSDP) are to communicate and to exchange information, to discuss the matter with all the parties before taking any further actions. As Schmid argues, the letter is as well a negative obligation of not to go public with a domestic position in the matter before discussing it with other Member states.⁵² The *general interests* that are about to be discussed, before further action is taken, must be the general interest from the perspective of the Union, not of a single Member state. The Member states are not free to act as they are pleased regarding those interests, however by not placing those interests on the Council's agenda they can still limit the collective action of the Union. Thus, that leads us to the principle of loyal cooperation which is closely related to the above-described principle of systematic cooperation. The principle states that the Member states “shall support the Union's external and security policy actively and unreservedly in spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area. The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to

⁵⁰ Schmid (n 38), p. 241

⁵¹ Article 32 (1) TEU

⁵² Schmid (n 38), p. 249

impair its effectiveness as a cohesive force in international relations”.⁵³ Again the term *shall* oblige the Member states to act loyally and in the cooperative manner, nevertheless the Member states have to show active and unreserved support for the Union’s policy. Thus, the principle of loyal cooperation proves a shield form the manoeuvring space of the Member states from not including a certain matter of the Unions general interest on the Council’s agenda. The Member states have to actively work together to enhance and develop the Union’s external and security policy as well as refrain from any action which runs counter to the interest of the EU or which is likely to infringe its effectiveness.⁵⁴ Both principles underline and enhance the Member States’ obligation to conduct their national foreign policies in the line with the Union’s. In other words, according to the Lisbon Treaty, the Member states are free in creation of their national foreign policies as long as they are compatible to the CFSP but are still autonomous in creating and conducting their national security policies.

The above-described principles in combination with general guidelines for the CFSP are the EU’s guidelines aimed to pursue the objectives of the CFSP. The instruments for the CFSP’s implementation constitute of *Council Decisions on Operational Actions*⁵⁵ defining actions to be undertaken by the Union which address the international situation that requires operational action and commit the Member states to the adopted positions⁵⁶. Furthermore, there are *Council Decisions on Union Positions*⁵⁷ that Council adopts when defining the EU’s approach of a particular matter of geographical or thematic nature. The Member state’s national policies will have to be adequately conformed to the EU’s positions – the national foreign policy measure that would hinder the effect of existing EU’s position would have to be prevented and others have to be modified. The letter instruments are *international agreements*⁵⁸ concluded by

⁵³ Article 24 (3) TEU

⁵⁴ Schmid (n 38), p. 251

⁵⁵ Article 28 TEU

⁵⁶ Article 28 of the TEU Lisbon version

⁵⁷ Article 29 TEU

⁵⁸ According to Article (3) of the TFEU Lisbon version the Union “shall have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union or is necessary to enable the Union to exercise its internal competence, or insofar as its conclusion may affect common rules or alter their scope”.

the Council on behalf of the Member states in the sphere of the CFSP.⁵⁹ However, the acts in the field of the CFSP that have legislative character are excluded from adoption⁶⁰ and that is why international agreement concluded by the Council on behalf of Member states cannot be provided in a legislative act of the Union. The letter allows the Member states to enter into international agreements, even if the EU has already exercised its competence.⁶¹ In the end, there is strengthening of the *systematic cooperation* between the Member states as the last of the instruments.

In sum, the instruments of the CFSP (CSDP) have binding legal character after the decision has been unanimously adopted in the Council or after an international agreement has been concluded (having in mind that the latter will not have nature of legislative act of the Union in the field of the CFSP and therefore the CSDP). However, the Member states can, by using political means, prevent a topic to be discussed in the Council by simply not putting it on the Council's agenda or abstain or vote against the decision to prevent the criteria of unanimous vote from being fulfilled. The Council can only act by qualified majority in cases where a former decision has been based on a unanimous vote.⁶² Since there is no jurisdiction of the European Court of Justice (ECJ) in respect to the CFSP (the CDSP) policy including the acts adopted in the basis of those provision,⁶³ the Council and the High representative will have to ensure the compliance of the Member states in the matter. However, the ECJ shall have jurisdiction to monitor compliance with Article 40 of the Treaty on European Union and to rule on proceedings, brought in accordance with the conditions laid down in the fourth paragraph of Article 263 [of the] Treaty, reviewing the legality of decisions providing for restrictive measures against natural or legal persons adopted by the Council on the basis of Chapter 2 of Title V of the Treaty on European Union. The Member states have not lost their dominance or for that matter sovereignty in the field of the CFSP (the CSDP). Through the mechanisms of shared competence, they can actively form and implement the Unions foreign and security policy.

⁵⁹ International treaties concluded by the Council on the behalf of the member states in the field of the CSDP: the status of mission and status of force agreements with host state, agreements with third parties, contributing personnel or assets and agreements regulating the exchange of information.

⁶⁰ Article 24 (1) TEU

⁶¹ Schmid (n 38), p. 255

⁶² Ibid, p. 257

⁶³ Article 275 TFEU

1.2.4 Institutions

The institutions of the CSDP are result of the Member state's willingness to take more responsibility in protecting the security of the Union and the whole world through civilian, police-led or combined action. Through the joint work conducted through the institutions Europe is starting to demonstrate its readiness for independent or NATO-coordinated military actions. The institutions are still framing gradually with a goal of a subsequent development of fully organised and complete security and intelligence system on the level of the EU. The so-called EU umbrella institutions – the European Commission, the European Council and to some extent the European Parliament are part of the European security architecture. The Council as the highest CSDP body plays an active role by urging Member states to act as a united front in the fight against the terrorism, organised crime and human trafficking, as well as in border management, energy and cyber security. As above-presented the decision-making process in the field of the CSDP depend on the actions undertaken in the Council and it unanimous decision based on the Member states' consensus. The Council strongly underlines the need to further strengthen the European alliance and by doing so expresses its desire to more deeply integrate common defence policy.

But distinct CSDP character is reflected through the institutions which find their foundation in the Lisbon treaty. By including both *the mutual defence clause* and *the solidarity clause* the treaty enabled the creation of *European External Action Service (EEAS)* under the authority of High Representative of the Union for Foreign Affairs and Security Policy/ Vice-President of the European Commission (HR/VP).⁶⁴ EEAS is a functional autonomous body, a *sui generis* structure separated from both the Commission and the Council with budget comparable to the that of an autonomous institution. EEAS cannot propose and implement policy in its own right but it prepares acts to be adopted by the HR/VP, the Commission and the Council. As well it is in charge for the EU diplomatic missions, relations with international institutions such as the UN and intelligence and crisis management structures. The treaty gave the HR/VP a possibility to assemble all the EU security assets when necessary and to apply a comprehensive approach in the EU crisis management. Since January 2011 HR/VP fully independently represents the one face and the one voice of the European external actions in the world. Being a dominant figure in implementation and creation of the CSDP it appoints the

⁶⁴ Currently Josep Borrell

Director of SITCEN, Chair of the PSC and the Chief Executive of EDA, the Head of Crisis management and Special Advisor on Security Matters. Although *the European Defence Agency (EDA)* was established back in 2004, its official existence was marked by the Lisbon treaty that gave it firmer legal basis and legal personality. It operates organisationally under the EEAS. Member states (except Denmark) and Norway as a non-member state with no right to vote have their representatives at EDA. The Council established EDA in order to create a body to assist the Member states in development of defence capabilities in the field of crisis management, in promotion and improvement of European cooperation in armament as well as in defence technology and production and research and development in defence technology. *The Joint Situation Centre (JSC or SITCEN)* was established as EU intelligence body and is situated within the EEAS. It produces notes and short reports on the current events relevant from the perspective of security and defence (so called *Flesh Reports*), security analyses for HR/VP's cabinet and Political and Security Committee. Also, it monitors the media and shares relevant news on most important events with EU officials via text messages. In addition, it processes reports from EU missions worldwide. The basis of its work is classified information forwarded to SITCEN by appropriate Member states' services. Additionally, for its analysis it uses open information. *Political and Security Committee (PSC)* is a permanent body in charge of the CFSP and the CSDP. It was firstly introduced as permanent body in the Article 25 of the Treaty of Nice and established as such by a Council decision in January 2001. Its main objective is to monitor the international political and security situations and provide support to other EU bodies in creating the policy in the area of the CFSP and the CSDP. It makes positions and drafts for *the Foreign Affairs Council* by using the information processed and analysis delivered by SITCEN and holds regular meetings where those reports are debated. SITCEN's reports are therefore made available to the Member states through their representatives in the PSC.

Other institutions that are part of the EU security architecture are European Union Military Committee (EUMC), EU Military Staff (EUMS), European Body for the Enhancement of Judicial Cooperation (EUROJUST), European Public Prosecutor Office (EPPO), European Police Office (EUROPOL), The Budapest Club (deals with open source intelligence or OSINT), European Institute for Security Studies (EUISS), European Security and Defence College (ESDC).⁶⁵ In regard to this vast spectrum of institutions we must as well mention

⁶⁵ Read more about the EU's security architecture in Buljević Josip, *European Security Structures and Institutions after the Lisbon Treaty*, *Croatian International Relations Review*, January/June 2011

several other programmes and activities such as Military Planning Conduct and Capability (MPCC), Joint Support Coordination Cell aimed at strengthening synergies between EU civilian and military assets, European Defence Fund (EDF) which will have its full implementation this year, European Defence Research Programme with its annual budget of 500 million € planned for research programmes and Coordinated Annual Review on Defence (CARD).

1.2.5. Current status of the CSDP

The implantation of Lisbon treaty resulted in increased cooperation between the Member states' authorities. The Member states are now coordinating common priorities and actions through the EU Policy Cycle to respond efficiently in crisis situations thus avoiding overlaps in single Member State's policies. In addition, in order to address the common targets till 2020 the Internal Security Fund has been created. The overall success of the CSDP is limited by "Petersberg Tasks", meaning that traditional defence is still very much in the hands of NATO and/or national defence itself. The latter leads to conclusion that civil dimension of the CSDP still very much prevails over the defence one. The EU continues to promote multilateral comprehensive approach inspired by NATO's rules of conducts while strengthening its civil response components. The automatic reaction of the CSDP would be only possible in the case in which NATO chooses not to act. Nevertheless, NATO has a strong casual influence on European and domestic policies of the Member states who are also part of the North Atlantic Alliance.

Decision-making is still intergovernmental meaning that even though the CSDP is formally equal and as much important as other fields of the EU common policies, it is still a *de facto* an outsider among them. The CSDP is today opened to both NATO and non-NATO members among the Member states as well as to the candidates for the EU membership. The character of intergovernmental alliance committed to the Atlantic partnership with limited autonomy in practice when it comes to military operations showcases that a road to a true concept of common defence is still very long and that there is still much compromise to do to achieve a fully operational common security and, especially, defence policy.

Intergovernmentalism of the second pillar and the fact that Member states are able to develop unique national approaches to the CFSP/CDSP makes difficult for the EU to form a

coherent frontline in the policies. Unification of the CSDP among the Member states should be based on similar norms, ideas and practices regarding security and defence policies and the legitimisation of the use of hard force.⁶⁶ The future will show if there will be enough of common strategic culture and coherence and more than anything political will among the EU members aimed to eventually achieve that, or the CFSP and therefore the CDSP will continue to be, as Duić argues, the *de facto* second pillar of EU's architecture^{67,68} with its special instrument, competence and issues of clarities, incoherence and transparency. Although the Lisbon Treaty has not erased all the faults in CFSP's and therefore CSDP's implementation it must be noted that increased political integration of the Member states has occurred in the past 20 years and that it has nevertheless enabled for the CFSP and CSDP to blossom to some extent and to be seen in action, most notably in many civilian and military missions and operations conducted in the scope of the policies.⁶⁹

⁶⁶ Kok (n 16), p. 9

⁶⁷ The arguments for that claim derive from the Treaty itself. Article 2 of TFEU distinguishes the EU's competence in the area of the CFSP. TEU in its article 24 (1) highlights the specific nature of its rules and procedures. Furthermore, in Article 40 it states that CFSP's implementation shall not affect the application of the procedures and the extent of the powers of the institutions laid down by the Treaties for the exercise of the Union competences referred to in Articles 3 and 6 of TFEU. In other words, one can conclude that the Lisbon Treaty has reaffirmed the differences between CFSP (CDSP) and other EU policies.

Duić (n 15), p. 57

⁶⁸ Duić as well describes the Article 2 (4) of TFEU, being the only one that explicitly mentions the CFSP in TFEU itself, as the bridge connecting TEU and TFEU in the matter and suggests it to be a future legal foundation for transferring of CFSP (CDSP) norms in TFEU in order to cut the differences between CFSP (CDSP) and other EU policies.

Ibid, p. 56

⁶⁹ First CSDP operation was launched in 2003. Since then there have been approximately twenty missions, the most challenging and the largest of them was a civilian mission to Kosovo launched in February 2008. The full list of the completed and the on-going CSDP operations can be seen here:

https://eeas.europa.eu/headquarters/headquarters-homepage/430/military-and-civilian-missions-and-operations_en (1/11/2020)

Chapter II: Denmark – the “opt-out⁷⁰” odd ball

The Kingdom of Denmark (further upon Denmark), the land of Lego blocks, little mermaid and Bang & Olufsen joined the EU as the part of the first enlargement on the 1st January 1973 in the company of the United Kingdom and Ireland. Like its accession counterparts⁷¹ Denmark decided to opt-out from certain common policies and stay (as much as possible) sovereign in those policy areas. Namely, Denmark opted-out from common currency, area of freedom security and justice (justice and home affairs), European citizenship⁷² and common security and defence. The opt-outs to some extent became the feature point of Danish EU membership even causing the so-called constitutional crisis of the Maastricht Treaty. Nonetheless, they have been a reason for a decent number of EU referendums of which the last

⁷⁰ The term of opt-out comes from Latin *optare* which means to choose or to opt for. Opt-out can be defined as an exception from a treaty provision or a directive granted to a member state that does not wish to join the other member states in a particular area of community cooperation. Member states have liberty to negotiate opt-out from certain EU policies or treaties. In other words, the existence of opt-out gives member states an ability to exclude themselves and not implement a particular field of common EU policy. As a legal protocol attached to the treaty it implies that member state will not formally participate in the decision-making process and will not adopt or implement EU legislation in the area covered by the opt-out. By that means an overall stalemate is avoided. In the context of the international law opt-outs as negotiated options are close cousins of treaty reservations. They provide states with flexibility that is negotiated and related only to specified provisions and unlike reservations cannot be objected by the other states. The reason for that is the state's right to exercise this option in an explicitly negotiated term in the treaty. Opt-outs provide a way for the states to disavow certain obligations under a treaty that have been expressly authorised by the treaty negotiators. By opting-out states are avoiding to be subject to the legal obligation referred to in the clause in negotiated matter. Opposite to the opt-out clauses are the opt-in clauses that allow states to commit to obligations beyond those undertaken through the treaty ratification. In other words, states may take additional obligations to the already accepted clauses.

More detailed description and distinction between treaty reservations, negotiated options and their variations can be found in *Galbraith, Jean Treaty Options: Towards a Behavioural Understanding of Treaty Design, Virginia Journal of International Law, vol. 53, No. 2, 2013 p. 309 - 364*

⁷¹ Ireland and the United Kingdom stayed outside the Schengen Agreement and the area of freedom, security and justice. Furthermore, the UK as well as Denmark opted-out from the common currency, and as well as Poland and Czech Republic did not accept the EU Charter of Fundamental Rights. Sweden has *de facto* opted-out from common currency when Euro was rejected on the referendum in 2003. Although under the Swedish Constitution referendum is just of consultative nature and although Sweden met all the criteria for entering the Euro-zone, common currency still has not replaced the Swedish krona.

⁷² Provisions of Amsterdam Treaty made this opt-out obsolete by declaring in Article 2 that citizenship of the Union shall complement and not replace the citizenship of the member states.

one was held on 3rd December 2015 when Danes said “no” to opt-in to the area of justice and home affairs (JHA). In this chapter I will discuss the particularities of the security and defence opt-out and the repercussions it has to Danish – EU relations, especially in the context of the CSDP’s development in the last two decades and its convergence to the NATO standards. This chapter will show Danish juggling between its historically strong commitment to NATO, the UN peace efforts and the overlap and mandate transfer of missions between the organisation as well as the operational difficulties that the latter represents for Danish international engagements. At the end of the chapter I will try to answer would an opt-in be possible in the near future, in other words, will Danes be ready to lose some of their sovereignty protective attitude to gain more influence in the EU and for that matter on the international stage.

2.1. The “1864 syndrome”, NATO and other influences on Danish security approach

To understand why Danes are so vary of their sovereignty we must go back to the 19th century, precisely to 1864. That year Danes experienced terrible defeat and lost substantial part of their southern territory from Prussian and Austrian forces in the war for the duchies of Schleswig (dominantly populated by Danes) and Holstein (dominantly populated by Germans).⁷³ “Denmark lost roughly third of its remaining area and population and by some estimates as much as half of its potential income.”⁷⁴ In the aftermath of the war, Prussia, Austria and France established German Empire in 1871 and Denmark “found itself isolated on the doorstep of the major European power”.⁷⁵ Danes were left with the notion of their small size and felt exposed to the security and defence risks on the ground of its geopolitical position of the entrance to the Baltic Sea. To soften the consequences of the defeat and their sense of vulnerability Danes turned inwards by promptly developing its economy and foreign trade. At the same time defence and security resources were dedicated to the fortification of Copenhagen. Being aware of its size and defence capabilities Denmark oriented towards neutrality that was kept and preserved during the World War I (WWI) by heavily armed strategy, mining the approaches to the Baltic Seas which kept both Germany and Britain off the Danish soil.⁷⁶ On

⁷³ Pedersen Klaus Carsten, *Denmark and the European Security and Defence Policy*, SIPRI, Oxford, 2006, p. 40

⁷⁴ Booth Michael, *The almost nearly perfect people – behind the myth of the Scandinavian utopia*, Vintage, London, 2015, p. 23

⁷⁵ Pedersen (n 73), p. 40

⁷⁶ *Ibid*, p 40

account of belief that “with no outside help to be expected no amount of Danish military effort would stop a next German invasion”⁷⁷, after the WWI Danes began a gradual disarmament of their defence forces. The fatality of their premonitions became subsequently clear when practically without Danish resistance German troops entered the country’s territory on the 9th of April 1940.

After the World War II (WWII) the mutual defence in cooperation with neighbours was regarded as the best option of preserving fragile sovereignty and integrity of a small country. When the idea of Nordic Defence Union⁷⁸ failed due to the Soviet veto on Finish participation, Denmark found its safe place under the NATO umbrella in 1949 by becoming one of its founding members. The sense of its size and geopolitical position of a bridge between Central Europe and the Baltics with its topography difficult to protect made Danes staunch supporters of the North Atlantic partnership.⁷⁹ During the 1950’s Danish troops overcome a transformation towards efficiency and were given the task in cooperation with Germany in the scope of NATO’s Baltic approaches (BALTAP) to defend the line between Lübeck and Hamburg and holding the Jutland peninsula, although at the time not described as such, Danish and German troops formed the first ever “Eurocorps”.⁸⁰ The cooperation with NATO, however, was not without its flaws. As a result of parliament games performed by the Social Democrats, Socialist People’s Party and Social Liberal Party as opposition or “alternative majority” aped to influence the foreign policy, during the 1980’s in which they’ve together passed more than 20 notions in the parliament, of which most were sympathetic to the Soviet Union. Because of the nature of the Danish political system where the parliament has substantial power over the foreign policy, government ministers, civil servants and military officers had to convey these motions to their NATO colleagues and on few occasions were forced to express dissent in the form of footnotes to otherwise agreed NATO policy papers. That is why this period in Denmark – NATO relationship is named “the footnote period”.⁸¹ Pedersen argues that these actions were the last reminiscent of the “1864 syndrome” where the “alternative majority” tried to show the gentle

⁷⁷ Ibid, p. 40

⁷⁸ Ibid, p. 41

⁷⁹ Closeness to NATO and the importance of Atlantic dimensions can be seen in geopolitical significance of Greenland and Faroe Islands as well as in deep gratitude to the Allies for freeing Denmark from Hitler and safeguarding it from the Soviet threat.

⁸⁰ Pedersen (n 73), p. 41 – 42

⁸¹ Ibid p. 42

face of the West towards the Soviets, a clear sign of insecurities linked towards the “1864 syndrome” and skilfully played domestic policy power game with tactical utilisation of foreign and security policy.⁸² Denmark used the period of 1990s to redress its mistakes from the “footnote period” through its assertiveness by stance actions and cooperation in the Baltic Sea region, namely the recognition of independence of Baltic states from the Soviet Union and the establishment of the Council of the Baltic states. Following the belief of right of self-determination Denmark as well recognised the independence of the former Yugoslav states of Slovenia, Croatia, Bosnia and Herzegovina and Northern Macedonia. Under the UN and subsequently NATO auspices contributed with 1500 soldiers in peace-keeping actions in Croatia and Bosnia, afterword its troops were also deployed in Northern Macedonia and in Kosovo as a part of NATO-led KFOR.⁸³ All this points to “peace-keeping” platform that was a distinct character of Danish foreign and security policy in the 1990’s.⁸⁴ The final result of this policy was the Multi-National Stand-by High Readiness Brigade for United Nations Operations (SHIRBRIG), “with its planning staff is based in Denmark, which first saw action in the UN supervised truce between Eritrea and Ethiopia in 2000”.⁸⁵ At the beginning of 2000’s, Denmark participated as well in the war in Iraq under the US led coalition and Afghanistan as a part of NATO-led International Security Assistance Force (ISAF). The activities during the 1990’s and at the beginning of 2000’s must be perceived as a try to maximise international influence through “hard power” (as opposed to “soft power” that consists of means of trade, aid, culture and cooperation in many fields). Denmark seemed to regain its courage by using its military as a part of foreign policy toolbox. This assertiveness on the foreign filed could also be seen a compensation for the defence opt-out of 1993 that will be discussed upon later. All in all, it could be seen that after the WWII upon establishing back its confidence and discovering the advantages of international forums have for the small states, Denmark learned how to, despite its size, spread its interests and indirectly preserve its security. Reformed military means became a part of government’s foreign and security policy “tollbox”. The fact that the

⁸² Ibid p. 43

⁸³ Ibid, p. 44 - 45

⁸⁴ Denmark initially started reorganising its defence forces right after the end of the Cold War and was in fact on of the first among then EC member states. This change is directly connected to the security changes that the end of the Cold War represented. Additionally, some argue that the later was indirectly tied to the initial rejection of the Maastricht Treaty. This reorganisation was proven in practice in the crisis management operations during the Balkan wars in the 1990s.

⁸⁵ Pedersen (n 73), p. 45

reorganisation of the national defence forces was initiated in Denmark earlier than in most other European states must be seen both as the immediate response to the end of the Cold War as well as country's agenda to behave as a "good pupil" inside the post-Cold War NATO to circumvent the obstacles of the defence opt-out. The European security was perceived as one guaranteed and provided by NATO.

2.2. Nation of EU referendums and the Maastricht Drama

If anything marked the Danish relationship towards the European integration process that were the many referendums (dan. *folkeafstemning*) that preceded and followed it. The accession referendum was held in October of 1972 and passed by 63.4% of the votes.^{86,87}

Maastricht Treaty's ratification was adopted in Folketing with a large majority of 141 MPs on May 12 1992. "There was a support [for the Treaty] by the main parties: Social Democrats, the Conservative Party, the Liberal Party, the Social-Liberal Party and the Centre-Democrats. The Socialist People's party on the left and the Progress Party on the right were against. The Christian People's Party was split."⁸⁸ Pre-referendum debate was all about the undermining of the national identity and the surrendering of control over the daily lives to faceless foreign bureaucrats. Its focal point was transfer of national sovereignty to the EU. The banner of sovereignty covered a group of things, among them the fear of an army of federal armed forces, the presence of foreign police officers on Danish territory, the application of EU law to sensitive questions of criminal justice, a common currency, the perception of a self-amending treaty, the enhanced role of the European Parliament and the EU citizenship.⁸⁹ It was even argued that European defence cooperation could hurt NATO which from the outsider's perspective looked odd because other member states took full WEU membership without a

⁸⁶ Laursen Finn, Denmark and the Ratification of the Lisbon Treaty: How a Referendum was avoided, Dalhousie EUCE Occasional Paper No. 7, 2009, p. 2

⁸⁷ After the accession the Single European Act was ratified after its acceptance on the referendum of 1986.

⁸⁸ Quoted in Laursen (n 86) p. 5

⁸⁹ Adler-Nissen Rebecca, Opting of an ever-closer Union: The integration *Doxa* and the management of sovereignty, West European Politics, Vol. 34, No. 5., September 2011, p. 1094

qualm.⁹⁰ During the campaign the polls indicated a close race with preference fluctuating between “yes” and “no” vote. Just a day before the referendum the polls indicated 45.7 % “yes” and 40.8 % “no” vote with 13.5 % undecided voters⁹¹.

The referendum was held on June 2 with a substantial turn out of 82.3 % voters, however the Danish people, against the advice of their representatives, decided to refuse the Treaty by a small majority of 50,7%.⁹² The result was perceived as “a shock for political establishment”⁹³, nevertheless it was a surprise for the naysayers and was described as “the biggest crisis in Danish politics since WW2”.⁹⁴ Regardless the Danish “no” to Maastricht Treaty other eleven Member states continued with ratification. The problem of ratification was now left on the Danes themselves to solve it.

For the Treaty to be accepted four exceptions or the opt-outs (dan. *forbehold*) must had been created. The referendum drama surrounding the Maastricht ratification has the roots in Danish people’s overall support of economic integration in Europe, but a scepticism to all the common policy fields that may jeopardise Danish autonomy and sovereignty.⁹⁵ So, the four exemptions were closely linked to the areas that traditionally represent the nation state: citizenship, money and defence. Politically the three opposition parties the Social Democrats, the Social-Liberals and the People’s Socialists were very active in finding the so-called “national compromise”.⁹⁶ The opposition proposals were accepted with the minor changes. In the end they became basis for the Edinburgh exceptions. The “national compromise” suggested the agreement including four points that expressed (1) Denmark’s wish not to participate in the so-called defence policy dimension, which involves membership in the Western European Union and a common defence policy or common defence, (2) Denmark’s wish not to participate

⁹⁰ The fear of European defence hampering NATO turned out to be completely unjustified in 1994 when NATO decided to nominate WEU as its European pillar.

⁹¹ Laursen (n 86), p. 5.

⁹² Ibid, p. 5

⁹³ Ibid, p. 5

⁹⁴ Olsen Grom Rye, How strong is Europeanisation, really? The Danish defence administration and the opt-out from the European Security and Defence Policy, Perspectives on European Politics and Society, Vol. 12, No. 1 (13 – 28), p. 19

⁹⁵ Laursen (n 86), p. 2

⁹⁶ Ibid, p. 6

in the single currency and the economic policy obligations linked to the third stage of Economic Monetary Union, (3) Denmark's wish of not accepting the obligations in connection with citizenship of the Union and (4) Denmark's disagreement of transferring sovereignty in the area of justice and police affairs with acceptance of intergovernmental cooperation in the matter. The "national compromise" also noted the condition that agreement with Denmark must be legally binding for all twelve Member states for an unlimited period.⁹⁷ After the referendum EU Member states met at the European Council in Edinburgh in December the same year to decide upon legally binding arrangements which would allow Denmark to ratify the Treaty. A "Decision of the Heads of State and Government, meeting within the European Council, concerning certain problems raised by Denmark on the Treaty on European Union" was adopted.⁹⁸ Denmark succeeded in obtaining four special arrangements of which one was defence policy. Denmark's obligation towards the other Member state was a promise not to obstruct any further development in the ESDP (today CSDP) should the other Member states opt for such and deepen their collaboration, notably in defence policy.⁹⁹ The new referendum was held on 18 May 1993 where the Maastricht Treaty and the Edinburgh Agreement were accepted with 56,7% of the votes.¹⁰⁰ Denmark of course stayed the part of the CFSP which eventually become the essential part of the Danish foreign policy. The government was, however, instructed by the parliament to stay highly attentive to the developments of the CSDP (then ESDP).¹⁰¹

The Maastricht drama can be concluded with a notion that it was a sole confirmation of Danish minimalistic approach to further integration. Danes said "no" to the thing that did not exist at the time but which Danish EU partners were eager to be able to realise in the future.¹⁰² "While the security policy of the EU was recognised, the fact that in Denmark one still spoke

⁹⁷ Ibid, p. 6

⁹⁸ Ibid p. 6

⁹⁹ "The heads of the state and the heads of government take note [that]... Denmark cannot participate in the preparation and the implementation of decisions and actions within the Union which affect the defence area but Denmark will not hinder that closer cooperation between member states in this field takes place."

https://www.consilium.europa.eu/media/20492/1992_december_-_edinburgh_eng_.pdf (1/11/2020)

¹⁰⁰ Regarding the passing of the Amsterdam Treaty, the four Danish opt-out were included in the Danish protocol of the Treaty. They were acknowledged to exist before, during and after the conference that lead to Amsterdam.

¹⁰¹ Olsen (n 94), p. 19

¹⁰² Laursen (n 86), p. 7

of the EC rather than the EU as late as in 1993 is a clear indication that the focus remained in economic cooperation.”¹⁰³

2.3. The power of referendum

So how is it that the referendum had such a significant power in the Danish accession and ratification process? The response lies in the Section 20¹⁰⁴ of the Danish Constitution¹⁰⁵ that was introduced in connection with the last amendment in 1953.¹⁰⁶ The section says that for the government to be able to ratify the international treaty involving the transfer of powers to a supranational organisation, the treaty must be voted in favour by a five-sixth majority (150 of 179 MPs) in the *Folketing*. If the treaty is accepted by the simple majority, ratification can take place if the treaty is subsequently accepted on the referendum which is regulated in the Section 42^{107,108}. “The basic idea in section 20 is to create a possibility of transferring powers to supranational bodies with procedures that are less demanding than a constitutional

¹⁰³ cited in Rieker Pernille, Europeanisation of Nordic Security – The European Union and the Changing Security Identities of the Nordic States, Cooperation and Conflict: Journal of the Nordic International Studies Association, Vol. 39(4), p. 376

¹⁰⁴ § 20 (1) Powers vested in the authorities of the Realm under this Constitutional Act may, to such an extent as shall be provided by statute, be delegated to international authorities set up by mutual agreement with other states for the promotion of international rules of law and cooperation. (2) For the enactment of a Bill dealing with the above, a majority of five sixths of the Members of the Folketing shall be required. If this majority is not obtained, whereas the majority required for the passing of ordinary Bills is obtained, and if the Government maintains it, the Bill shall be submitted to the electorate for approval or rejection in accordance with the rules for referenda laid down in Section 42.

¹⁰⁵ https://www.thedanishparliament.dk//media/pdf/publikationer/english/the_constitutional_act_of_denmark_2013,-d-.pdf.ashx (1/11/2020)

¹⁰⁶ Laursen (n 86), p. 4

¹⁰⁷ § 42 (5) At the referendum, votes shall be cast for or against the Bill. For the Bill to be rejected, a 19 majority of the electors who vote and not less than thirty per cent of all persons who are entitled to vote, shall have voted against the Bill.

¹⁰⁸ Such a practice was first applied during the accession referendum in 1972.

amendment.”^{109,110} Referendum results are regarded as a prerequisite for a changed direction of governmental conduct in foreign policy.

The only possibility to avoid a referendum on the defence opt-out would be to persuade the 150 of 179 Folketinget’s MPs to vote in favour of opting-in in the CSDP. Expecting Folketinget to decide on the matter could likely turn out to be a wishful thinking if a strong Eurosceptic opposition turn away votes from a five-sixth majority. Then the decision would be back in the hands of the Danish public, which despite the polls and the majority will of the government and political elites, somehow always managed to surprise with the negative votes.

In regard to Amsterdam Treaty the government established a strategy to influence the treaty in such a way that it would be easy to sell to the Danish public. The strategy worked and the Amsterdam Treaty was accepted by 55.1 % of the votes on 28 May 1998.¹¹¹ In 2000 there was a shocking “no” to the Euro expressed by the 53.1% of the public on the referendum. The referendum on the Treaty of Nice was avoided due to conclusion of the Ministry of Justice that the treaty did not involve a transfer of sovereignty¹¹² according to Section 20 of Danish Constitution.¹¹³ On 3 December 2015 the last referendum was held on the participation in the justice and home affairs (JHA) where Danish people were asked whether to scrap the JHA opt-out¹¹⁴. The result of the referendum was negative with 53 % of the votes and the opt-out remained. The Swedish-Finnish accomplishment to include Petersberg tasks into the Amsterdam Treaty, made it easier for Denmark to accept and support the EU’s security policy

¹⁰⁹ Laursen (n 86), p. 5

¹¹⁰ § 88 Should the Folketing pass a Bill for the purposes of a new constitutional provision, and the Government wish to proceed with the matter, writs shall be issued for the election of Members of a new Folketing. If the Bill is passed unamended by the Folketing assembling after the election, the Bill shall, within six months after its final passing, be submitted to the electors for approval or rejection by direct voting. Rules on this voting shall be laid down by statute. If a majority of the persons taking part in the voting, and at least 40 per cent of the electorate, have voted in favour of the Bill as passed by the Folketing, and if the Bill receives the Royal Assent, it shall form an integral part of the Constitutional Act.

¹¹¹ Laursen (n 86), p. 8

¹¹² The transfer of sovereignty occurs when EU competence is extended to new policy areas, allowing for new legislation that reaches Danish citizens directly in those areas.

¹¹³ Laursen (n 86), p. 8 – 9

¹¹⁴ More on the JHA opt-out referendum on <https://blogs.lse.ac.uk/euoppblog/2015/12/10/what-the-danish-no-vote-on-justice-and-home-affairs-means-for-denmark-and-the-eu/> (1/11/2020)

because it eased Danish fears that the EU would develop collective defence capacities that were the part of the Danish defence opt-out.¹¹⁵

The Lisbon Treaty retained the Danish opt-outs with some technical changes in the protocols. The Ministry of Foreign Affairs emphasised to the *Folketing* that the opt-outs remained intact and that decision to abolish one or more of them would lie only on Denmark. The treaty also included the possibility of Denmark to opt-in the JHA. On 24 April 2008 with 90 votes in favour and 25 against the Danish parliament was the first to ratify the Lisbon treaty among the Nordic Member states. In the case of the Lisbon treaty the referendum was avoided on the same way as previously regarding the Treaty of Nice, on the basis of the Ministry of Justice's conclusion that the treaty did not represent the transfer of sovereignty in the sense of Section 20 of Danish constitution.¹¹⁶

2.4. Danes and the CSDP – the obstacles and pragmatism

During the Cold War Danish foreign policy was strictly divided between EC, NATO, the UN and Nordic Cooperation. Under this division EC was about “market” policy, NATO about security, the UN about promoting universal values and development and Nordic Cooperation bared a role of identity base and was a place where values and the global foreign policy issues were discussed.¹¹⁷ After the Cold War it was considered that these four different barres of Danish foreign and security policy would be met in the EU which in the eyes of the Danish prime minister Anders Fogh Rasmussen (in the office between 2001 and 2009) represented “the greatest peacekeeping project in world history.”¹¹⁸ It is important to note that a strong link to the US and NATO were not forgotten. Transatlanticism embodied in the relationship with the US and NATO is seen as a curtail thing related to hard security aimed to protect common values, while the EU represents the primary framework for Danish foreign policy identity. The EU is nevertheless perceived as a key of Danish foreign influence. In other words, for Danes the EU represents a central framework in foreign policy and it is certainly the

¹¹⁵ Rieker (n 103), p. 377

¹¹⁶ Laursen (n 86), p. 11

¹¹⁷ Larsen Henrik, Denmark A committed member – with opt-outs!, National and European Foreign Policies – Towards Europeanization, Edited by Reuben Wong and Christopher Hill, Routledge, 2011, London, p. 94

¹¹⁸ Ibid, p. 94

most important multilateral forum for Danish foreign policy. After the Cold War Denmark has supported the organizational strengthening of the EU foreign policy framework at the intergovernmental conferences.¹¹⁹ Despite its opt-out Denmark is considered to be an outlier in most areas of European foreign policy, although not without constraints that are most notably reflected in the low-key manner of support towards the CDSF.

Sceptical view towards political integration in Europe and Danish misgivings towards the issue are linked to the amount of political integration influence on Danish sovereignty. Larsen writes that:

“at a deeper level it could be argued that the reticence towards Europe and fear of abrogating sovereignty lies in the particular Danish construction of the relationship between the state, the nation and the people. The core of the nation is “people”. The dominant Danish discourse strongly links the state and the nation politically so that the state is seen as acting on behalf of the nation. At the same time the nation is also attributed strong cultural and ethnic features which go together with a high degree of overlap between state, nation and society. The Danish state has since 1945 been seen as inherently welfare state. A central reason why European integration has been seen as a threat by many is that it challenges the presumed organic discursive relationship between people and (welfare) state.”¹²⁰

Another level of scepticism may lie in Danish strong affiliation with NATO. It is argued that NATO supporters are inclined to express little understanding and/or appetite for developing an EU-based common defence given the muscles that NATO can, and does, flex in the field of conflict management, military intervention and collective defence.¹²¹ In all other fields the EU was seen and favoured as a useful forum for Denmark whose development was and still is a Danish interest. In Danish case it may be said that the EU membership is perceived as a pragmatic choice.

¹¹⁹ Ibid p. 93

¹²⁰ Ibid, p. 94

¹²¹ Lödén Hans, Reaching a vanishing point? Reflections on the Future of Neutrality Norms in Sweden and Finland, *Cooperation and Conflict*, Vol. 47(2), p. 277

2.4.1. The conundrums and obstacles of the defence opt-out

In the times of Maastricht ratification the CSDP seemed more likely on the paper than in reality, however with the further institutionalisation, development of the CSDPs soft (civilian) hard (military) aspects accompanied by increased EU's activity in the field, practical limitations of the opt-outs and their stall effect on Danish "military toolbox" in international and European relations became more and more visible particularly in relations with operations led by the EU in the framework of the CSDP.

In the period between 1993 and 2003, Denmark activated its opt-out on defence operation nine times.¹²² Activation was in each and every case related to decisions pertaining the soft use of Petersberg tasks: the planning of the evacuation of European civilians from conflict zones, so-called joint actions on personnel mines, contributions of police forces in Albania and assistance for mine clearing in Croatia. During the operation Concordia in 2001 in the Former Yugoslav Republic of Macedonia (FYROM)¹²³ Denmark had to pool out its troops when NATO handed the operation to the EU. Although the EU's involvement was supported by the Danish PM Anders Fogh Rasmussen (who would later become NATO's Secretary General). In his public speech on Europe Rasmussen stressed that development of the EU military capacities aimed on carrying out peace-enforcement operations and humanitarian tasks in Europe (in this case Western Balkans) was in Danish interest. Interest that in this case was only possible to be expressed through political, but not practical, support. Danish pulling out after the end of the NATO mandate did not damage its reputation in Brussels because the EU officials were well aware of the restrictions the defence opt-out post on Danish participation in

¹²² Olsen Grom Rye, Pilegaard Jess, *The Cost of Non-Europe? Denmark and the Common Security and Defense Policy*, *European Security*, Vol. 14, No. 3, September 2005, p. 347

¹²³ Operation Concordia was the first ever EU operation conducted within the CSDP framework. The EU presence was to contribute to secure the implementation of the so-called Ohrid Agreement from August 2001 which settled the imminent conflict between Slavs and the Albanians in FYROM (now Northern Macedonia). The operation was backed by the UN Security Council resolution No. 1371 of 26th September 2001 and was conducted on the request of Macedonian government. The EU took over the task from NATO and during the mission relied on NATO equipment, command structures and planning capacities under the so-called "Berlin Plus" agreement. The operation represented a test for a strategic cooperation on crisis management between the EU and NATO. Operation's main task was to patrol the ethnic Albanian part which borders Albania, Serbia and Kosovo. Operation was finalised on 15 December 2003, followed by an EU police mission with 200 policemen deployed which then turned it into a civilian operation and Denmark was again ready to participate.

only allowing the country to influence general planning of the CSDP with obligation to abstain from participating in the concrete implementation at the operational level.¹²⁴ In Brussels it was clear that nothing is expected from Denmark when a certain operation is conducted under the aegis of the EU. Operation Artemis of 2003 in Democratic Republic in Congo¹²⁵ (DRC) had to be abstain as well due to EU's overall responsibility. If there was no EU involvement, there would essentially be nothing to prevent Danish participation. Especially because the operation was carried over the clear UN mandate and in line with Danish existing supporting for peace-support operations and policy of supporting the UN in situations such was the one in DRC. Interestingly for Danes and this topic, neighbouring and traditionally neutral Sweden provided troops of a total 2000 soldiers and participated in the operation in cooperation with France.¹²⁶ Another example of Denmark pulling out its forces was operation Althea conducted in Bosnia and Hercegovina¹²⁷ in 2004 which was the biggest EU military operation to date. Yet again the EU took over peacekeeping mandate from NATO. Danish soldiers participated in SFOR, NATO-led forces in Bosnia and had to end its mission in 2003 when it became clear that the EU would be taking over in December the next year. Due to the fact that the EU and NATO closed an agreement on mutual use of tactical reserves that could be both used as part of EUFOR

¹²⁴ Olsen, Pilegaard (n 122), p. 347 – 348

¹²⁵ On July 12 2003 EU Council of Ministers adopted a ground-breaking resolution within the framework of the CDSP. For the first time ever, the pure military force for a crisis management operation would be deployed outside Europe, on the African continent in the Democratic Republic of Congo (DRC). As previously Concordia mission was also based on UN Security Council resolution No. 1484 of 30th May 2003. What was particular about it was the fact that it was first fully independent EU mission conducted without using NATO facilities under the “Berlin Plus” agreement. The operation’s task was to stabilise security situation in the crisis-ridden Ituri Province in the DRC and improve humanitarian situation in and around the main town Bunia. Operation turned out to be a success for the Brussels. Security situation in Bunia was improved. The presence of the EU soldiers ensured secure return of the refugees and enabled distribution of emergency assistance which positively affected the local economy. The EU also entered the larger operation of rebuilding Ituri and other parts of DRC. Upon the date agreed beforehand EU troops eventually handed the control to a regular UN force.

¹²⁶ Olsen, Pilegaard (n 122), p. 350

¹²⁷ Under the codename EUFOR 7000 soldiers from 33 countries (including EU neutrals Ireland, Finland and Sweden) participated in the operation that represented a new step in terms of size and ambition and portrayed EU as primary European security provider. The basis for the operation was general agreement on the NATO meeting in Istanbul in June 2004 to bring the NATO-led operation to an end because of improved security situation in the country. The EU was able to take over on the basis of the UN Security Council’s resolution No. 1551 of 9 June 2004 voted in the scope of Chapter VII of UN’s Charter. Resolution was followed by the Council of Ministers decision of 15 November 2004. The EU took formal command of the operation with the support of NATO.

in Bosnia and NATO's KAFOR operation in Kosovo, Denmark had to make clear from the start that Danish armed forces deployed for KAFOR could not be placed under the EU command and therefore could not be used as reinforcement of EUFOR should a crisis situation occur in Bosnia in order to not be able to act according to its opt-out and to be able to fulfil its duty as a NATO member.¹²⁸

The significance of the Althea was that for the first time it was explicitly evident how the defence opt-out affected negatively on Danish capabilities for international influence. What really hampered Danish influence was that it had become a less interesting partner in the matter not only to its EU counterparts but to NATO and non-EU countries as well. To be not counted on in the EU did not hurt as much as a possibility to be not counted on in NATO as a preferable security provider for the country. "Until the launching of Althea the crisis management operations of the EU had been either strictly military or civilian."¹²⁹ What Althea brought for the first time was the possibility of overlapping of the characters. The possibility of the overlap made it clear how it could be difficult for the Danes to contribute even to the civilian operations to which they show support in the future. Additionally, that means that if Denmark wants to pursue a proactive Danish foreign policy by using its military power resources, it has to do it without cooperation with its most important foreign policy partner – the EU.¹³⁰ In the European framework Denmark can pursue its active foreign policy as long as the EU does not integrate its civilian and military operations more than is already in the case.¹³¹ Any participation will be blocked in cases where the EU will launch mixed civilian military operation, such as the one in Sudan in 2005.¹³² Denmark's proactivist foreign engagement is then limited to participation in (strictly) NATO-led operations and bilateral and multilateral cooperation that do not include the European framework, such as the one in Afghanistan. Although the last-mentioned participations and cooperation contribute to Danish credibility and reputation in both Brussels and Washington, many today would rather opt to partner with a nation that is capable for participation in development of multinational capacities which can be both, maybe even simultaneously use in NATO and in EU operations. Denmark's influence is already hampered

¹²⁸ Olsen, Pilegaard (n 122), p. 353 - 354

¹²⁹ Ibid, p. 354

¹³⁰ Ibid, p. 356

¹³¹ Ibid, p. 356

¹³² Olsen, Pilegaard (n 122), p. 357

to some extent in the Northern Europe, its natural inhabitant, where Sweden, Finland and Norway cooperate as part of an EUBG.¹³³

Althea influenced an interesting turn toward the CSDP. In the Danish defence agreement for the period between 2005 to 2009 it was decided that Danish Defence should be reorganised in such a manner which will ensure Denmark's ability to supply satisfactory contributions to the future European defence tasks if the opt-out should ever be lifted.¹³⁴ The reforms result was that both civil and military aspects of Danish army met all the CSDP criteria in such a manner that when and if the opt-out is lifted there will be no obstacles for the Danes to assist to their European counterparts in any possible operation. Additionally, both Ministry of Foreign Affairs (MFA) and Ministry of Defence (MoD) adopted its administrative structures and the policy and decision-making processes to the CFSP and the CSDP.¹³⁵ The reform's key result was undoubtable Europeanisation of security and defence policies in spite the opt-out.

2.4.2. Handling challenges of Brussels' bureaucracy

Danes interpreted the opt-out in way that still allowed them to participate in the debates in the Council on motions for the decisions and actions with implication for the defence field. "Danish civil servants participate in the activities of some 30 working groups in Brussels dealing with the CFSP, including all groups addressing defence.¹³⁶ Exception to that are the European Defence Agency and PESCO despite the case that their creation and launching were supported. Regarding EU's security bodies, Denmark participates most freely in the Political and Security Committee (PSC). Its participation in the EU Military Committee and the EU Military Staff is very limited.¹³⁷

The Danish main objective is to positive and constructive role in the debates on all issues that are currently on the table. The participation in the debates is organised on the low-level

¹³³ Ibid, p. 357

¹³⁴ Tiilikainen Teija, The Nordic countries and the EU-NATO relationship, in EBAJKBGHABS (ed.), *The Nordic countries and the European Security and Defence Policy*. Oxford University Press, Oxford ; Solna, 2006, p. 65

¹³⁵ Read more in Olsen (n 94) p. 21 – 23

¹³⁶ Ibid, p. 21

¹³⁷ Tiilikainen (n 134), p. 57

taking into account the limitations of the opt-out. This low-profile participation through the meetings of EU defence ministers, the EU Military Committee and different working groups supports the Danish tendencies of building their interests into the CSDP. The lack of actual participation, therefore, does not limit the possibilities of interests' implementation. By seeking to reduce the exclusionary effects if the opt-out Danish officials try to ensure their EU colleagues that they are indeed credible partners within the EU. By manoeuvring through and round the opt-out obstacles they try to influence as much as possible on the decision-making process as well. In doing so they articulate the formal exemptions as temporary measures that are not aimed at reducing the consistency of the EU *acquis*.¹³⁸ In that manner Denmark represents itself as a pragmatic, proactive, constructive and eager EU stakeholder. Justification for such practice is seated in the argument that only the adoption of formal legal documents which affect defence area falls within the opt-out. However Danish officials were instructed not to participate in preparation and implementation of decisions and actions which affected the defence field. In the end, Denmark's participation is limited to the general planning of the CSDP. Concrete implementation on the operational level, i.e. planning, political discussion and participation in EU military actions must be abstained. A clear support for the inclusion of the security issues on the EU's agenda, development of the CSDP as well as positive attitude towards the EU in the role of security actor are sent from Copenhagen. "There is thus tension between the approach of Danish governments to a development that Denmark supports and takes part in at a general political level in the EU and Denmark's exclusion from concrete military operations in the EU with which Danish governments have expressed their dissatisfaction."¹³⁹

Despite the fact that Denmark is closely monitoring all the changes and developments in the CSDP the limitations of opt-out slow the communication processes and information exchange between Copenhagen and the other Member states. The exchange of views and evaluations in relevant issues is extremely time consuming. Lack of real and transparent proactiveness limits the abilities of the Danish civil servants to influence the decision-making process on the greater level. The manging of the opt-out is entangled with finding and setting

¹³⁸ Adler-Nissen (n 89), p. 1101

¹³⁹ Larsen Henrik, Danish foreign and security policy and the balance between the EU and the US – The choice between Brussels and Washington after 2001, *Cooperation and Conflict: Journal of the Nordic International Studies Association*, vol. 44(2), 2009, p. 223

the legal limits of possible Danish interreference. “The civil servants hold rather negative evaluation of the opt-out, and they clearly stress it an obstacle to exerting Danish influence both on the CFSP and the [CSDP] in particular. The officials from both departments [MFA, MoD] openly express strong frustration over the unobtrusive role they are forced to play due to the opt-out.”¹⁴⁰ Taking the later into account the fore-mentioned pragmatism, proactiveness, constructivism and eagerness are simply a result of opt-out limitation and fear that Danish voice will not be taken seriously and with credibility in Brussels. Therefore, the consensus among the officials, public servants and Danish political elite inclines to lifting of the opt-out. The only problem preventing that is the public perception of the opt-outs as the guarantees of Danish sovereignty within the EU. If the Danish public perceives the opt-outs as part of the Danish identity as well, lifting the opt-outs on some future referendum would be a tough cookie to brake.

2.4.3. Compensation through the “soft” security

To compensate their inability of cooperation in the “hard” or military field of EU security Danes showed substantial support towards the civilian aspects of the CDSP through their special eagerness to participate in the EU’s civilian crisis management forces. This eagerness was awarded at the European Council meeting in Barcelona in March 2002 when a Dane, Sven Frederiksen, was appointed to command the EU’s first civilian crisis management operation in Bosnia and Herzegovina in January 2003.¹⁴¹ This eagerness is as much a way of avoiding marginalisation threatened by to the opt-out as a continuation of Danish soft security approach previously exercised through the UN and CSCE/OSCE. “Interestingly, Danish officials explicitly support a closer coordination of military and non-military elements in EU crisis management”.¹⁴² A support that would actually undermine the meaning and the existence of the defence opt-out. A support that just stays a support, because there still have not been any evidence of comprehensive approach implementation at national level, none the less a firm will of opting-in. Participation in the civilian or the “softer” field of the CSDP is seen as a means of saving the day, a means that can alleviate the negative consequences deriving from the defence-out out deadlock. However, “no matter how notable its intentions or how firm its political will,

¹⁴⁰ Olsen (n 94), p. 23

¹⁴¹ Rieker (n 103), p. 381

¹⁴² cited in Rieker (n 103), p. 381

there is little that Denmark can accomplish as an independent player. Full participation in the [CSDP], by contrast, would offer Denmark a unique opportunity to help shape the development of the EU as an independent provider of both hard and soft security.”¹⁴³

2.5. Why is NATO (still) more preferable provider of the “hard” security

Danish approach towards the NATO can be described in terms of "active internationalism"¹⁴⁴ which means that foreign policy is framed in close cooperation with other countries in various international organizations. In Danish case the European Cooperation was proclaimed "the most important platform for Denmark's relationships to the outside world."¹⁴⁵ The opt-out from defence issues has not stopped Denmark to spread its interest in the military field by engaging in traditional peacekeeping operations but also in more offensive operations. Here the close collaboration with other countries was established within the framework of the UN, NATO and the so-called "coalitions of the willing"¹⁴⁶.

Denmark’s decision to join NATO in 1949 has been described as a pragmatic solution in a situation where none of Denmark’s more favoured options could be realised. By becoming a NATO member, Denmark broke from its long-standing tradition of isolated neutrality and belief in the notion that a small country had better “lie down” and conduct a policy of accommodation to the great powers.¹⁴⁷ NATO membership has been seen as more advantageous solution than joining the purely European security structures. It is not of surprise that Denmark was very critical towards the Union’s security policy during and after the Cold War, especially if we take into account a general Danish scepticism towards tighter political integration. The fact that NATO lacks supranational elements, makes it the most preferable “security option” for the Danes. The notion about the CSDP is that it seems to reinforce the EU’s development towards a super-state, a degree of EU integration that is perceived as

¹⁴³ Pedersen (n 73), p. 47

¹⁴⁴ Larsen, (n 139) p. 219

¹⁴⁵ Olsen, Pilegaard (n 122), p. 340

¹⁴⁶ Such as the Danish participation in the war in Iraq in cooperation with the U.S. and the NATO-led operation in Afghanistan. Read more in: Lunde Saxi Håkom, *Defending Small States: Norwegian and Danish Defence Policies in the post-Cold War Era*, *Defence & Security Analysis*, 26:4, 2006, p. 417

¹⁴⁷ cited in Tiilikainen (n 134), p. 51

unacceptable by the Danes. “Denmark’s position could be linked to an “integration dilemma”, i.e. a situation where a state has to choose between either giving up a substantial part of its sovereignty or insisting on its independence with the danger of being abandoned.”¹⁴⁸ Defence opt-out therefore represents Danish “independence” and autonomy in the field of the CSDP. The influence and integration were meant for the participation in the UN, NATO and the so called “coalitions of the willing”¹⁴⁹. By choosing autonomy as a defence strategy within the EU Denmark weakened its influence capabilities by deciding to act contrary to its general strategy of seeking international influences.¹⁵⁰

“The Danish government took a firmly Atlanticist position on the St Mâlo process by regarding it as the emergence of the European pillar of NATO. This was seen to imply close consultations between the two institutions and measures to ensure that the EU’s defence dimension would not weaken NATO’s command structures.”¹⁵¹ The fact that Danish government does no longer see a contradiction between the growing CSDP and transatlantic cooperation, does not mean that national Atlanticist position has been changed. Strengthen European emergence is seen in parallel with the Atlanticist dimension of security. The Danes have maybe become more flexible in its Atlanticist approach, but how much more flexible they have become cannot be tested as long as they continue to have a very restricted approach in the CSDP.¹⁵²

2.6. Reluctance surrounding a new referendum

Even though Denmark has already undertaken reform of its defence forces that enabled it to be more apt for international operations it did not stayed unaffected of the St. Mâlo process. The process opened a debate about the value of Danish defence opt-out, especially the potential risk of marginalisation that it posed, because the focus of the CDSP at the time were exactly the operations the Danish defence forces trained for from the early 1990s. “Denmark’s defence opt-out so clearly prevents Danish military means from being matched to Danish policy ends

¹⁴⁸ Olsen, Pilegaard (n 122), p. 340

¹⁴⁹ The term coalition of the willing refers to the US-led Multi-National Force – Iraq, the military command during the 2003 invasion of Iraq and much of the ensuing Iraq War. The coalition was led by the United States of America.

¹⁵⁰ Olsen, Pilegaard (n 122), p. 345

¹⁵¹ Tiilikainen (n 134), p. 57

¹⁵² Tiilikainen (n 134), p. 64

that it should be a matter of (a fairly short) times before the voters will be asked to get rid of it.”¹⁵³

The reason for Danish cautiousness towards the popular vote in the area of the defence opt-out reflects elite level fears that anything too ambitious on foreign, security and defence side might provoke the Danish electorate into another potentially immutable no-vote. A “no” to Euro in 2000¹⁵⁴ and very recent “no” to JHA did not mitigate the fear. The law of referendum is a democratic guarantee of public involvement in shaping of Danish relationship towards the EU in general and CFSP/CDSP in particular. Politicians are thus very sensitive to demands and trends posed by the citizens who hand in hand with the parliament and, we must not forget, opposing interest groups have a substantial influence over Danish foreign policy. There is likely to be little domestic opposition inside the parliament where most parties are interested in participating in the making of the EU foreign policy. On the outside the opposition, constituted of extreme left and right, popular movements against the EU and a substantial part of the population, is prone to the argument that the EU will politically develop beyond intergovernmentalism and away from state sovereignty. “In popular debate, opt-outs constitute bulwarks against European integration and represent the preservation of national sovereignty, underpinning an image of the state with full political and legal authority over people, territory and currency.”¹⁵⁵ This opposition’s notions contribute to the government’s hesitation towards a new referendum on the defence opt-out.¹⁵⁶

However, there are some pointing out that one should not bow down to fear. For example, in relation to the Maastricht drama Pedersen points to the fact that “it cannot be known which, if any, of the four opt-outs were really important to the voters. Some analysts suggested at the time that, for many who voted “No” in the 1992 referendum, any excuse to get a second vote and say “Yes” would have been acceptable.”¹⁵⁷ He further argues that the reason for not calling a single referendum on the defence opt-out may lay in a tactical consideration that by bundling the all four opt-outs together there might be a chance of abolishment of the other, less

¹⁵³ Pedersen (n 73), p. 46

¹⁵⁴ 77 % of parliamentarians advocated “yes” with a support of the labour leaders, industry, agriculture, finance and the press.

¹⁵⁵ Adler-Nissen (n 89), p. 1095

¹⁵⁶ Larsen (n 117), p. 96

¹⁵⁷ Pedersen (n 73), p. 39

unpopular ones together with the defence one.¹⁵⁸ Adler Nissen even argues that while opt-outs were originally presented to the Danish public as clear political and legal choices, they should rather be seen as ambiguous populist indulgences.¹⁵⁹ Due to encountered impracticalities of handling of the opt-out in Brussels corridors, negative influence it has on the Danish credibility as a partner not just in the EU but as well in the UN and NATO and the Nordic region shifted even Danish political elites towards the opting-in.

The defence opt-out has come to look so ridiculously pointless and is “becoming so unpopular that a motion to scrap it would probably sail easily through the unavoidable referendum”.¹⁶⁰ Even though the defence opt-out became an important part of the Danish foreign policy, it must be bared in mind that it is not a true expression of Danish contemporary thinking, intention and ambitions, maybe, as we pointed above, it was not that in 1992 either.

3. How are the opt-out seen today

Clearly there is a political will to participate in defence initiatives because the Danish officials are very much aware of weakening influence of the opt-out on defence cooperation and initiatives. The question is how to convince the Danish public to choose to opt-in on the next referendum.

The resulting conclusion can be derived from Olsen's study is that Danish administration in both MFA and MoD is very much ready for the opt-out to be lifted. Active participation in the security discussions and document drafting, constant presence and analysis at defence meetings express the willingness and readiness of Danish civil servants and, to other extent, their superiors in the government to (more) actively participate in the CSDP. It seems that Denmark's political establishment has already prepared the road for the removal of the opt-out barrier. The moves that are left are both political and democratic. The first one would serve to create a wide consensus among the 150 MP's in the parliament around the defence opt-in so that preconditions for five-sixth majority vote would be met and therefore a new referendum avoided. The second one would serve to persuade the public about the positive outcomes of the

¹⁵⁸ Ibid, p. 39

¹⁵⁹ Adler-Nissen (n 89), p. 1108

¹⁶⁰ Pedersen (n 73), p. 39

opt-in. Attention of the Danish public should be drawn to the technical and political disadvantages that defence opt-out has on the Danish interests in both European and international relations. It should be demonstrated to the Danish public that Danish sovereignty could be better protected through full participation and cooperation in the CSDP and not by a special arrangement of non-participation. Since the NATO membership has been a focal point of the Danish security policy since the end of the WWII and since it, nevertheless, has special place in the contemporary Danish security identity, it should be emphasised how on many levels today NATO and CSDP go hand in hand and how opting-in does not mean marginalisation of NATO but, on the contrary, a full and more credible participation in its mission. The last but not least the voters should be given the opportunity to realise that being “special” in terms of the opt-outs leads to marginalisation and decreased influence in the EU as the forum where a voice of the small states can be loudly heard.

Consensus among broad part of Danish political elite is that the opt-outs are a nuisance. Taking into account how significance of the CSDP has grown over the last 20 years we can deduce that the CSDP opt-out presents a particular nuisance for the Danish foreign and security policy notwithstanding Danish influence in the Brussels. They are very much aware of the practical obstacles and paradoxes deriving from the opt-out. If the CSDP continues to develop on an even more rapid rate, contradictions between the Danish foreign policy activism and its defence opt-out could become quite burdensome because Denmark will have little or no influence on the development of the CSDP including the specific course it may take in the future – possibility of creation of the European armed forces. Furthermore, they are aware that in the future it would complicate the situation and the engagement in the UN and the EU even more and thus weaken the Danish overall strength as an international actor. The obstacles and conundrums of the Danish defence opt-out have been probably the best described by the former Danish minister of foreign affairs Per Stig Møller in relation with the Danish membership of the UN Security Council as a non-permanent member during the 2005 and 2006:

“As a matter of fact, we can end in the paradoxical situation where Denmark will one day sit in New York and ask the EU to carry out crisis management tasks for the UN. But when the next day we sit in the Council of Ministers in Brussels, we may have to abstain from heading the call of the UN, which we have actively participated in getting through the Security Council... The opt-out prevents us from participating in a number

of areas where the EU takes on responsibility for meeting the new challenges which are also ours: To make peace and security in our neighbouring areas.”¹⁶¹

Today very few Danes would try to argue that the opt-out from the EU’s defence activities serves any identifiable national interest. The leading parties are now inclined to “opt-back in” and to position Denmark as a dependable core country in the defence part of the European integration process. Opinion polls have suggested for several years that public is more inclined to that too. Survey requested by the European Commission under the name of “Designing Europe’s Future: Security and Defence” shows that pulse of the Danish nation is quite positive towards the further security and military integration. 72 % of Danes declared themselves as pro-CSDP and 52% of them was in favour of creating an EU army.¹⁶² If this kind of survey is to be believed, in the next couple of years Copenhagen could decide to challenge its opt-out/ opt-in referendum angst and we may possibly have a protocol less to the Treaty. A positive attitude towards that came from the former Danish prime minister Lars Løkke Rasmussen who suggested last year that he would accept a referendum on the defence opt-out during the next parliamentary term¹⁶³. However, since the centre-left coalition led by the Social Democrats and the prime minister Mette Frederiksen who has known to be sceptic about dropping of the opt-outs¹⁶⁴ took over power in June last year and since there has not been sign of a possible opt-in referendum. However, it must be noted that Danish government will continue to monitor further developments in the CSDP to be able to form a debate on the future of the defence opt-out. To that regard I cite Danish Foreign and Security Policy Strategy for 2019 – 2020 which states that:

¹⁶¹ cited in Olsen, Pilegaard (n 122), p. 355

¹⁶² <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/78778> (1/11/2020)

¹⁶³ <https://www.thelocal.dk/20190515/rasmussen-wants-danish-referendum-on-closer-eu-defence-relationship> (1/11/2020)

¹⁶⁴ “The Social Democratic Party also has an ambiguous relationship with the EU. Frederiksen has taken the party in a less pro-EU direction since becoming its leader, in 2015. Back then, she stated that Denmark “belonged on the periphery of EU cooperation”. She has since claimed that Denmark’s EU membership should be based on the four opt-outs. Nonetheless, key ministers in the new government belong to the pro-EU wing of the Social Democratic Party and have experience working in EU institutions. One such figure is the foreign minister, Jeppe Kofod – who, shortly before his appointment to the post, was re-elected as a member of the European Parliament.” https://ecfr.eu/article/commentary_denmarks_shift_towards_an_ever_green_union/ (1/11/2020)

“[Danes] must be prepared to participate in the debate on the challenges caused by our opt-out concerning the Common Security and Defence Policy, and about how we can ensure Danish influence and benefit from the ongoing developments. This debate should be conducted on an informed basis. Therefore, the Government will commission an external report on developments in the EU’s security and defence policy cooperation and what these developments mean for Denmark.”¹⁶⁵

Till then as long as the defence opt-out stands military part of Danish foreign policy toolbox can only be used under UN or NATO auspices or in a coalition of willing. “As soon as the EU becomes involved, Denmark must end its involvement, even if it fully sympathises with the policy purpose.”¹⁶⁶ The dominant understanding among the Danish government and the mainstream political parties is that the EU is essential forum for Danish foreign policy and security. Scraping of the defence opt-out should therefore be the logical step in maximising Danish influence on the forum. If we take into account that “small countries with limited resources can rely on credibility, negotiation skills and coalition power as additional sources of influence”,¹⁶⁷ what could possibly better expend these things in Danish case if not fully opting-in.

Chapter III: Sweden – (Post)neutrality and pragmatism

The Kingdom of Sweden, the land of IKEA, ABBA, H&M and Volvo, became an EU member as part of the fourth enlargement on 1 January 1995, in the company of Austria and neighbouring Finland. What is interesting about this trio is that all three countries share their position of neutrality¹⁶⁸ and participation in PESCO. Regarding its accession negotiation and

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<https://um.dk/~media/um/danish-site/documents/udenrigspolitik/aktuelle%20emner/udenrigs%20og%20sikkerhedspolitik/2019-20/foreign%20and%20security%20policy%20strategy%202019-2020.pdf> p. 12

¹⁶⁶ Pedersen (n 73), p. 46

¹⁶⁷ Ibid, p. 46

¹⁶⁸ Neutrality in international law defines (a) a status of a state that does not participate in the war between two or more states – belligerents and (b) the relationship between the belligerent state and the neutral state based on the merit that one of them is a party in an army conflict and that other is not participating in the conflict on the side of any other belligerent party in the matter in international domain. Activation of neutral status is possible only after there has been an explicit declaration of war or if the use of force had been recognised as such. When a state

the further relations with the EU, notably in the policy filed which is the topic of this thesis, Sweden's relationship with the EU was marked by its distinguished character of a neutral state. On internal basis, Swedish neutrality is considered to be a fundamental part of "Swedishness" a distinct identificatory of Swedish identity. On the other hand, on external basis, it reflected itself in non-alignment policy towards military alliances. Neutrality became not just a foreign and security option but a way Sweden saw and understood itself as an actor in international system.

In this chapter I will describe the origins of Swedish neutrality and how it adjusted itself to changing concepts and circumstances of the EU's CSDP by adopting a shape of non-alignment. In addition, I will illustrate how Sweden, despite its neutrality and non-alignment, influenced the development of the CSDP by crossing the path from reluctance and scepticism towards influence and enthusiasm. In this chapter I will further showcase how participation in the CSDP's operation coexists with non-alignment and nevertheless serves Swedish security and foreign interests. At the end I will examine the possibilities of leaving neutrality and military non-alignment for good and how this possibility is closely related to Swedish accession to NATO.

declares neutrality in an acknowledged armed conflict it is obliged to conduct its actions toward belligerent states according to principle of reciprocity. The neutral states must treat belligerents equally and abstain from provision of any kind of military or other assistance. The neutral states are also obliged to prevent any kind of military connected activities by belligerents on their territory. The principle of territorial integrity corresponds to above-described principle of reciprocity. The principle of territorial integrity is aimed to protect the state's mainland, its internal waters, territorial sea and archipelagic waters by declaring them to be inviolable. According to the principle of territorial integrity, belligerent states are obliged to respect sovereignty (political independence) and territorial integrity of a neutral state by abstaining from the use of force against it. To be able to act in protection of its sovereignty, the neutral state has the right to control its territory and to conduct all measures of self-defence including the use of force. In this matter the use of force will not be considered as an act of war. The neutral states are entitled for compensation in cases of violations against neutrality performed by a belligerent state. The principle of reciprocity and the principle of territorial integrity secure the balance in the relationship between belligerent and neutral state. The status of neutrality intermits with the end of the war conflict. However, it is legally possible for a state to abandon its neutrality during the ongoing conflict and to become either a belligerent or an ally of one of the belligerent parties. The stated presents the difference between the neutrality declared by the state and the permanent neutrality that will be described below.

3.1. Origins and nature of Swedish neutrality

Sweden is considered the second-longest continuously neutral political entity in the world, second only to Switzerland.¹⁶⁹ The history of Swedish neutrality goes back to the end of Napoleonic Wars - Sweden has been *de facto* neutral and has not been a part of the military conflicts since 1814. This *de facto neutrality* has developed a permanent character upon Swedish tradition of military unenrolment ever since. That has as well affected Swedish stances on the international stage where Sweden has been advocating strong defence *in lieu* of participation in military alliances. In contrast of *de iure* neutral states whose neutrality is enacted in constitution or international treaty, such as Switzerland and Austria, Swedish neutrality has no similar legal background. It is therefore widely argued that Swedes intentionally avoided to proceed with codification of their neutral status. Reason for that could be found in Swedish strategy of securing a wide manoeuvring space in international politics.¹⁷⁰ Form of permanent neutrality from their position would simply be too restrictive for Swedish pragmatic strategy of being an active global actor. According to that, Swedish concept of international security could be described in form of neutrality in war and non-alliance during peaceful times. In other words, Swedish aim is to remain non-aligned during peaceful times in order not be involved in any kind of military conflicts.¹⁷¹ In the narrow sense of the term neutrality, Sweden has never been exactly neutral. Its self-proclaimed neutrality has thus often served to both moral and economic benefits.¹⁷²

After the Second World War Sweden turned its focus in neutrality policy to mediation processes and development of strong national defence that gave neutrality the character of so-called *armed neutrality*. Its neutrality is shaped as a set of strategic calculations aimed to avoid Sweden being dragged into great-power conflicts in Europe. While maintaining the aim of staying neutral Sweden turned into a provider of good offices such as peace-making and humanitarian actions. From the Swedish point of view humanitarian acts and good offices

¹⁶⁹ <http://natoassociation.ca/sweden-and-nato-a-member-in-all-but-name/> (1/11/2020)

¹⁷⁰ Gordan Grlić Radman, *Neutralnost i nova europska sigurnost*, Golden marketnig-Tehnička knjiga, Zagreb, 2009, p.160

¹⁷¹ Cited in Grlić Radman (n 170), p.160

¹⁷² Here is worth to mention that according to SIPRI (Stockholm Institute for Peace Research) Sweden is among top 20 arms exporters in the world.

https://www.sipri.org/sites/default/files/2019-03/fs_1903_at_2018.pdf (1/11/2020)

represent positive site of neutral strategy, whilst strong military engagement would reflect negative parts of the fore-mentioned strategy. As Grlić Radman writes, those are characteristics of so-called *positive-negative strategy of neutrality*.¹⁷³ Being aware of its important strategical position and influence in the Baltics, always in between the U.S in the west and Soviet Union (USSR) in the east, with dualism of its policy Sweden has been trying to satisfy all involved partners and stake-holders in international affairs. It avoided joining NATO in 1949 along-side Denmark and Norway to exclude any kind of conflict possibility on its territory between the East and the West during the Cold War. By allowing Sweden to abstain from NATO, world powers indirectly acknowledged its neutrality. The latter put Sweden in the position of independent activist in foreign policy as well as an honest broker that balanced between the block and secret formal and informal agreements with NATO members that provided it with security guarantee in the case of the attack from the Soviet Union. Further upon, the concept of neutrality became a strong mark of Swedish national identity¹⁷⁴. However, maintaining military non-alignment did not stop Sweden of being vocal and critical towards both the US and the USSR on the international stage.¹⁷⁵

Neutrality and EU membership were rendered compatible in the Swedish parliament's (*Riksdag*) declaration of June 1991. On the 26th of May 1992 Riksdag adopted a decision upon

¹⁷³ Grlić Radman (n 170), p. 162

¹⁷⁴ If we take into account the Swedish doctrine of living called *lagom* (meaning moderated, just enough, balanced) it is no strange why the neutrality after the Second World War was so warmly embraced by both Swedish people and ever since acting governments.

¹⁷⁵ In the time of the Cold War Swedish security co-operation was predominantly promoted within the framework of the Conference on Security and Cooperation in Europe (CSCE, today Organisation for Security and Cooperation in Europe or OSCE). Sweden exercised its doctrine of liberal internationalism through the UN framework. The UN was considered to be forum that would allow Sweden to pursue a progressive foreign policy beyond the strictness and block divisions of the Cold War policy – this pursue was built on ideas of “common security” and more extended concept of duties beyond national borders such as commitment to international development, confidence-building, disarmament, peace-keeping operations. During the Cold War Sweden aimed to have credible, continuous and independent security policy, the same time, however, under the table laid the assumption that other countries would assist Sweden military if the help would become necessary. Swedish security policy ran on double tracks at the time: at the same time Swedes perpetually and continuously claimed neutrality while always having an idea of Western help in the case of Soviet invasion. Official doctrine of neutrality was combined with an elaborate scheme of cooperation with NATO.

which neutrality should be invoked only in the case of war.¹⁷⁶ This decision replaced a traditional doctrine of “non-alignment in peacetime aiming at neutrality in wartime” to “non-alignment in peacetime, in order to enable Sweden to remain neutral in the case of war in its vicinity”. When neutrality had stopped to be seen as a full necessity, Sweden could consider a full membership in the EU. Non-alignment overtook neutrality’s long reign in national security policy discourse. It moderated Swedish approach towards neutrality and opened it to new deliberations of active involvement in the concept of regional and (pan) European security¹⁷⁷. Today the scope of Swedish *de facto* neutrality is concentrated only on the non-participation in an armed conflict and it’s not therefore an obstacle for Swedish-EU cooperation, meaning that Sweden can be fully and actively engaged in the security EU policies without giving up its neutrality in the times of armed conflict. In general terms, Europeanisation led to a shift in Swedish security identity where more crude neutrality was replaced by a more flexible non-alignment in a short period of time. A shift in identity that will allow Sweden a generous manoeuvring space in the field of the CSDP.

3.2. Sweden and the CSDP

3.2.1. Reluctance and scepticism

At the beginning Sweden was reluctant and was trying to stop progress of the CSDP towards the common defence. Swedes supported the idea that crisis management should be clearly distinguished from common defence. They understood common defence as territorial defence or the one that provides mutual defence guaranties and leads to more militarisation of Europe. Sweden found the planned security defence dimension as planned for the Amsterdam Treaty particularly problematic so it set an imperative to influence the process in order to prevent it to develop into some kind of collective defence arrangement. Their reluctance was expressed through the attempt to block the above-mentioned progress in partnership with

¹⁷⁶ Grlić Radman (n 170), p. 163

¹⁷⁷ This means that Swedish national security can be defined in all parts of the world due to global character of contemporary security threats.

Finland in 1996.¹⁷⁸ As new Member states they did not have the power to block proposals of merger between the WEU with its territorial defence and the EU. Instead they showed their constructivism by advocating the transformation of Petersberg tasks to the EU and pointing out that they were not opposing the use of force *per se*. In the end Petersberg tasks were indeed included in Amsterdam Treaty and territorial defence mission stayed out of the Treaty. In the eyes of the Swedes that was perceived as demilitarisation of the EU's security dimension.¹⁷⁹ A victory for Sweden but also a sign of changed national security approach because Petersberg tasks go beyond traditional peacekeeping when it comes to use of military power.¹⁸⁰ Later-on Anglo-French St. Målo declaration of 1998 was perceived as something that could endanger the possibility of the Swedish non-alignment policy so Swedes pulled not much sympathised move of trying to prevent the informal meeting of EU defence ministers in Vienna. Next year in June at the Cologne European Council the CSDP was born in spite that collective defence idea failed again to be included in the common policy. It was emphasised that only those WEU functions which will be necessary for the EU to fulfil its new responsibilities in the area of Petersberg tasks would be included. The council conclusions were marginalised and taken with scepticism in Sweden by both prime minister Göran Persson¹⁸¹ (who was ensuring the parliament that the CSDP aimed at mine clearance in Bosnia and training of border guards in Macedonia and police officers in Albania) and foreign minister Anna Lindh (who was warning that clear division between crisis management and territorial defence should be uphold). Only

¹⁷⁸ Sweden and Finland responded to St Målo initiative with a common position interpreting the initiative along the lines that at the time appeared to be most acceptable for both of them domestically. After the St Målo meeting the foreign ministers of the two countries published a joint article in two national daily newspapers as an effort to convince the domestic audiences about the positive value of the new process. They marked EU's crisis management capacity as the key significance of the process with a remark that there was no reason to duplicate NATO's structures since close relationships with NATO would be of crucial importance for the EU's crisis management structures. The later was clearly directed to a wider European audience too.

¹⁷⁹ Lee-Ohlsson Frederik, Sweden and the Development of the European Security and Defence Policy: A Bi-Directional Process of Europeanisation, Cooperation and Conflict: Journal of the Nordic International Studies Association, Vol. 44(2), 2009, p. 127

¹⁸⁰ Rieker (103), p. 377

¹⁸¹ While mentioning mr. Persson its view of non-alignment should be added. Interestingly he pointed out that that non-alignment gives Sweden a greater credibility than does the membership in a military alliance by preventing Sweden of being accused of running the errands of the military alliance and providing it with opportunity to do its own analysis.

af Malmberg Mikael, Neutrality and State-Building in Sweden, Palgrave MacMillan, New York, 2001, p. 182

six months after in Helsinki, Sweden and other like-minded Member states managed to achieve that the CSDP does not imply the creation of the European army.¹⁸² Swedish stance was carefully carved to satisfy the Swedish public, the media and suppress the over present fear of militarisation. Equally important the emphasis on the Petersberg tasks in the Amsterdam Treaty allowed Sweden and other neutral states some respite in the decision on their relationship with NATO.¹⁸³

At the end the St. Mâlo summit left its trace in the upcoming development of the Swedish Armed Forces. The permanent defense commission (*Försvarsberedningen*)¹⁸⁴ in its recommendation gave the higher priority to international crisis management in national security policy – a clear move from traditional territorial defence agenda which enabled the start of Swedish defence force reform towards the one that was more flexible and more adapted for international operations. This recommendation was enacted in the Parliament a year later. Also, in 1999 the government, in its declaration on foreign policy, explicitly stated its intention to work towards strengthening of the EU's international crisis management capacity.¹⁸⁵

I can conclude this passage by saying that Swedish determination to avoid being a member of community which would have a military character that would be incompatible with Swedish non-alignment policy as well as Swedish security identity kick started its active involvement in the CSDP's development process. How Sweden to some extent managed to adapt the EU to its own security and foreign interests and how its eagerness and determination shaped today's primal character of the CSDP will be described below.

3.2.2. Advocates of the “soft” component

Crisis management was introduced in 2000 by the set-up of the new crisis management institutions: EU Military Committee (EUMC) and the EU Military Staff (EUMS). On the European Council in Feira the same year it was decided that the EU should develop civilian

¹⁸² Lee-Ohlsson (n 179), p. 128

¹⁸³ af Malmberg (n 181), p. 178, 179

¹⁸⁴ The commission is tasked to ensure consultations between the government and the political parties in *Riksdag* concerning long-term trends in Sweden's defence and security policy.

¹⁸⁵ Rieker (n 103), p. 378

capabilities regarding policing, the rule of law, civilian administration, and civil protection within the ESDP framework. This siding to clearly military side of the crisis management alarmed Swedes to the point where they become very eager to promote and emphasise the importance of the non-military aspect of the crisis management. They opted for the strategy that would also be useful in promoting the then ESDP at the home terrain and would not be in conflict with military non-alignment. Swedes argued that a comprehensive security approach with both military and civilian assets that could make the EU a more suitable and strong actor was needed. The latter was achieved by introducing conflict prevention onto the EU agenda.¹⁸⁶ Following that they concentrated their efforts on lobbying for conflict prevention, civil crisis management (CCM), and possible strengthening of the UN's role in peacekeeping. Eventually their efforts paid off and Civilian Crisis Management Committee (CIVICOM) was created in May 2000.

The new era of Swedish influence begun next year. In the first half of 2001 Sweden took over the Presidency of the EU for the first time – an event seen as opportunity to expand influence, avoid marginalisation of any kind and to give a strong impetus to the CCM aspects. Swedish initiatives of that time included a draft for an action programme for conflict prevention adopted by the Gothenburg European Council in June 2001, being one of the initiators of the Civilian Headline Goal 2008 (CGH 2008) to match development on the military side, initiating (in co-operation with Germany) the so-called Civilian Response Teams (CRT) aiming to establish a civilian rapid action capacity similar to the battle group.¹⁸⁷

3.2.3. Operation Artemis

2003 marks a year that would warm both the hearts of the Swedish political elites and the public for the CSDP. Swedish foreign minister Anna Lindh had a pivotal role during the Swedish presidency in negotiating the Orchid peace agreement in now Northern Macedonia. Two years later in January as a result of the discussions lead after the peace agreement the first CSDP operation Concordia was launched. The results and the nature of the operation (being a “Berlin plus” arrangement one) reviled the Swedish reluctance towards the CSDP. The

¹⁸⁶ Aggestam Lisbeth, *The European Internationalist: Sweden and European Security Cooperation*, Nação Defesa, No. 118 – 3. ^a Série, Outono-Inverno 2007, p. 210

¹⁸⁷ Lee-Ohlsson (n 179), p. 129

operation itself became a watershed for Swedish actions that preceded. In June the same year Sweden and France were the only Member states that participated in the operation Artemis in Democratic Republic of Congo (DRC) aimed to prevent genocide in the country – a pivotal operation that marked a first time that the EU deployed troops out-of-area under the UN Chapter VII mandate without recourse to NATO assets.¹⁸⁸ From the Swedish point the participation in the operation, was considered to be success because it was based on the UN mandate with no NATO interference¹⁸⁹ and it was based in Sweden's location of interest and priorities – Africa. Swedish participation in the mission must not be seen as a particularity or a surprise because Swedes see support for UN crisis management as one of the most important tasks of the CSDP and that is why Swedish government feels strong imperative to contribute troops to such CSDP missions.^{190,191} Nevertheless, the aim of the operation was achieved – a potential genocide stopped. Swedish foreign minister Anna Lindh left her mark on this operation as well by visiting DRC herself and by being in close contact with then UN Secretary General Kofi Annan. She saw Artemis as a poster operation that helped to emphasize the civilian aspect of the CSDP. That with lifted Swedish self-confidence in the matter of the CFSP and the CSDP would help her to further advocate the development of the civilian aspects of the CSDP during discussion in the Convention on the Future of the common defence guarantees.¹⁹² It must be pointed out that operation Artemis proved that military non-alignment does not mean one needs to fear military engagement. What is more, it caused a shift in the Swedish Armed Forces (SAF) previously focused solely on NATO's PfP. After the operation SAF saw the potential of the CSDP and became more included into decision making-process. In the end the operation brought Sweden (usually more prone to Anglo-Saxon side) closer to France and reformed Swedish position to EU Battle Group (EUBG). But what really gives the weight to the importance of the operation is that it positively affected the attitude towards the CSDP and its

¹⁸⁸ Ibid p. 130

¹⁸⁹ To understand the reasoning for this feeling of success we must reiterate that the UN represents the traditional Swedish emphasis on foreign and security policy. On the other hand as a non-member state to NATO Sweden was always cautious towards „Berlin plus“ arrangements, as well as reluctant to let NATO to influence to or make decision for the EU.

¹⁹⁰ Aggestam (n 186), p. 211

¹⁹¹ On that basis Sweden participated in the missions in Darfur and Chad respectfully.

¹⁹² Lee-Ohlsson (n 179), p. 130

military dimension. Since the operation Sweden has become one of the most CSDP-friendly countries. Enthusiasm overtook over caution and hesitation.¹⁹³

The story of operation Artemis is a perfect example of Sweden acting in accordance with its overall stance that its membership in the EU and the UN accompanied by close cooperation with NATO bring Sweden multiple benefits. On the one side they help Sweden to promote its active policies in human rights protection and international solidarity in conflict prevention whilst on the other side they help Sweden to strengthen its national security and to enable further development of its armed forces. Sweden considers its support and participation in the CSDP's mission as a building block of its own international reputation.

3.2.4. The Enthusiasts in the light of changed security identity

After the Artemis the Swedish government realised the importance of European rapid action capacity. Swedes suddenly aspired to become leaders in security in Northern Europe. Their aspirations were transpired through a constructive advocacy of active EU policy with the aim of strengthening of security and defence capabilities. The reformed country's position on European Battle Groups (EUBG) was seen in Swedish support to French and British EUBG concept as well as in creation of the Nordic Battle Group (NBG) in 2004.¹⁹⁴ This foreign and defence policy motivated decision was seen as “an opportunity to support the UN and fill void

¹⁹³ Ibid, p. 131

¹⁹⁴ In 2004 *Riksdag* approved creating of Multinational Nordic Battle Group (NBG) for demands of the EU concluded of Swedish, Finnish, Irish, Norwegian and Estonian forces. This is indeed a colourful alliance if we take into consideration that three of its members – Sweden, Finland and Ireland are neutrals and that one of its members – Norway, it's not an EU member state. The NBG's aim is to contribute to further development and strengthening of the CSDP. Namely it aims to improve its abilities to act quickly in crisis management operations such as development of military efficiency, enhancement of quick deployment and military forces' coherence while all being compatible with NATO standards. NBG became operational on the 1st January 2008 with Sweden as a leader of its general staff.¹⁹⁴ The importance of the NBG reflects itself in the fact that it has become the foundation for the EU's international peace-keeping missions. In the eyes of Sweden NBG helps to boost up EU's political credibility by overstepping the differences between the EU and NATO members and non-members by pointing to irrelevance of this differences in both military and civil international cooperative actions. Nordic countries through Nordic Security Cooperation emphasise the need of close relationship between NATO and the EU specifically in the information sharing, planning and capacity building.

in international crisis management.”¹⁹⁵ Nevertheless, leading EUBG was thought to benefit development of the Swedish military capacity and give Sweden the opportunity to participate in international crisis management operations. SAF was being transformed from territorial defence force with static forces to an operational defence force with deployable units apt to participate in international operations. The EUBG and the European Security Strategy (ESS), as a legally non-binding document, were used by the Ministry of Defence to make politically difficult domestic reforms under the cover of the EU prerogative and commitment to the Union.¹⁹⁶ This defence reform and adjacent SAF transformation are probably the most visible examples of the CSDP’s influence on Swedish security policy.

“The EU presidency had an impact, as it forced Sweden to take responsibility for the EU and laid the groundwork for a more positive attitude among the public towards the EU, including the CSDP.”¹⁹⁷ It is clear that the policy of military non-alignment has had a little impact on the conduct of Swedish security policy with regard to the CSDP. The term is never used when discussing the CSDP only in matters relating to the Partnership for Peace (PfP).¹⁹⁸ The key to this is the fact that in the CSDP Member states are involved end to end, in other words from idea to implementation. Swedes interpreted their participation and solidarity in international crisis management in the scope of the CSDP as non-contradictory to military non-alignment.

The secret of Swedish substantial influence on the CSDP was a realisation of how really dynamic and flexible the CSDP framework was. This flexibility allowed Sweden to advocate and contribute to the rapid development of the CSDP’s civilian component and comprehensiveness of its approach. Not to be excluded from this web of interest is the fact that Sweden has been one of few Member states that has contributed with personnel to all military and civilian CSDP operations launched to date. The very creation and moreover activities of NBG has made Sweden even more proactive on the military side. Development of SAF accompanied by implementation of the EU allowed Sweden to play a very active role and have a strong voice in the discussions on the EU level.

¹⁹⁵ Lee-Ohlsson (n 179), p. 131

¹⁹⁶ Ibid, p. 131

¹⁹⁷ Ibid, p. 133

¹⁹⁸ Ibid, p. 134

3.2.5. Declaration of solidarity

Since 2002 Sweden was adopting new mechanisms that could be activated during the arms conflict, in other words it has fully accepted Lisbon's Treaty solidarity clause. In theory that means that being outside military alliance does not prevent Sweden to become engaged if another EU Member state is attacked. First, in 2007 all parliamentary parties, except the leftist *Vänsterpartiet*, signed a joint declaration stating that Sweden will not stay passive in the case of a disaster or an arms attack on another EU or Nordic country. Soon after, the solidarity clause was incorporated in the Swedish official policies, in the so-called Defence Bill¹⁹⁹ of 2009, which followed after the ratification of the Lisbon Treaty by *Riksdag* on 20 November 2008. The Defence Bill entails the *declaration of solidarity*, which proclaims that "Sweden's security is built in solidarity and cooperation with other countries" and that "the security of the country is not just protected on our own borders".²⁰⁰ Following the report of the Defence Commission of 2008 the Swedish government declared that: "Sweden will not remain passive if a catastrophe or attack should hit another member country or Nordic country. We expect these countries to act similarly should Sweden be hit. Sweden should have the ability to give and receive military support."²⁰¹ Though it will not join any military alliance, Sweden will not stay neutral if one of its neighbouring countries or some other EU Member state is attacked. Membership in the EU is seen as a political alliance which would make hard for Sweden to stay indifferent if one of the EU members was under threat and/or attack.²⁰² The latter represents new strategical turn and definition of Swedish neutrality policy. It is founded on consensus of Swedish political establishment, which is now, for most, oriented to cooperation and active solidarity. Some argue that this new orientation can be regarded as a stepping stone for accession to NATO.

The Defence Bill of 2009 emphasises solidarity in the EU and the Nordic region in military terms while maintaining the policy of avoiding NATO membership. From 2010 the

¹⁹⁹ The Defence Bill is the official policy of the Swedish government prepared by the Defence Commission (Försvarsberedningen) consisted from experts and representatives from the parliament. Regarded security policy discourse features elements of both foreign and security policy.

²⁰⁰ Cited in Christiansson Magnus, *Solidarity and Sovereignty – The Two-Dimensional Game of Swedish Security Policy*, *Baltic Security and Defence Review*, Volume 12, Issue 2, 2010 p. 31

²⁰¹ *Ibid* p. 31

²⁰² *Ibid*, p. 33

tasks of armed forces reflect both sovereignty and solidarity through defending and promoting security alone and together with others nationally and internationally by fulfilling four strategic tasks: to defend the country alone, to act alone abroad, to defend country together with others, to act abroad with others. As a result of these tasks Swedish armed forces increased their availability, flexibility and cooperability with partners in the EU as well as NATO.²⁰³

Foundation of Swedish defence policy is thus based on two pillars: security and sovereignty of which sovereignty is a precondition for the security.²⁰⁴ In the terms of defence co-operation that means that there are no limits as long as the national sovereignty is guaranteed.²⁰⁵ Christiansson explains this as a recognition of *interdependence*, as it is accepted that military proactive national actions necessary for security could be done in other countries as well as together with other countries. The capabilities to maintain the precondition for security are created together with other countries. Sovereignty and defence are linked via international co-operation.²⁰⁶ This new turn in politics indicates that sovereignty as international concern is secured in co-operation with others and not the opposite.

3.2.6. Preventing marginalisation

In fear of being marginalized, and in strong determination to allow its voice to be heard and its opinion consulted, Sweden attempted to increase its international influence through the CSDP. Moreover, it has used the EU as a platform to influence other Member states to turn the CSDP in the direction towards the crisis management capacity. Not only was the EU used as a platform for outside influence, but also as a cover for national reforms of the politically sensitive sector. Last but not least, Sweden managed to externalize its national foreign policy onto the EU level by making its national priorities, such as conflict prevention, civilian-military cooperation and EU-UN relations, the priorities of the EU. In other words, EU was used as a platform that allowed continued pursuit of active foreign and security policy. In such a manner, the EU has become the most relevant security organization for Sweden. This must not be taken for granted or as something completely new. A long tradition of pursuing an active foreign

²⁰³ Ibid, p. 30

²⁰⁴ Christiansson (n 200), p. 37

²⁰⁵ Ibid, p. 38

²⁰⁶ Ibid, p.39

policy followed by strong self-confidence and vision as well as firm believe that small states can really make difference are crucial components of the Swedish character in the complex Brussels dealings. The participation in the CSDP operations was based on the previous long experience of participating in the peace-keeping operations as well as under the UN and NATO mandate and it also does not represent a newly developed Swedish behaviour, rather, the evolved one. The inefficiency of the UN operations in the Balkans just invoked Swedish interest in strengthening the EU crisis management capabilities and developing more effective approach. The CSDP was also used as a tool to showcase to Swedish public the benefits of the EU project as the one created to maintain peace. The CSDP was appreciated as “an efficient instrument of both resources and the result”²⁰⁷. The fact that civilian dimension of the CSDP has grown to be the dominant one can be very much credited to Sweden and there comes Sweden’s award for a long and hard-fought struggle. The message that could be taken from the Swedish approach to the CSDP as an EU policy area reads: if you cannot stop something to establish itself and develop, you could at least assure that it reflects your priorities and interest. Because in the end activism generates credibility and pro-activism obtains influence that goes beyond one’s size.

Sweden made a long journey from a sceptic to a driving force that left a major impact on the current nature of the CSDP. This long process could be described as Europeanisation²⁰⁸ of Swedish security policy. As a loud activist for a civilian component of the CDSP it can be argued that Sweden became one of its biggest influencers.

²⁰⁷ Lee-Ohlsson (n 179), p. 138

²⁰⁸ Lee-Ohlsson according to Reuben Wong defines Europeanisation under the CFSP as *a process of foreign policy convergence (being a) dependent variable contingent on the ideas and directives emanating from actors [...] in Brussels, as well as policy ideas and actions from member state capitals*. He further cites that Europeanisation becomes a concept encompassing both the *process of change manifested as policy convergence (both top-down and sideways) as well as national policies amplifies as EU policy (bottom-up projection)*. Thus, the process is understood to have two directions. Larger member states use European level to further their national interests and increase their influence, while smaller states are given the necessary institutional resources to project their own interests.

Ibid, p. 125 -126

3.3. Current developments

Current Swedish stance on security and defence can be seen in coalition agreement made after a tie result in the last September's elections that left country in a four months long government uphold.²⁰⁹ The agreement was signed by the Liberal and Centre parties on the one hand and the Social Democratic and Green parties that formed previous government. A sixteen-page long document covering 73 political intentions, among them under no. 68 the one related to defence issues. In it the newly-formed coalition expresses the intention to strengthen the armed forces in terms of budget increases and enhancement of the conscription system. It also foretells the establishment of a new government agency for psychological defence as well as building of a new structure for the command and control of civilian defence in line with the "total defence" concept of the past.²¹⁰

The old/new Social Democrat prime minister Stefan Löfven in its "statement of government policy" of 21st January 2019 underlined the importance of the principle of military non-alignment and expressed explicit "no" to a Swedish application for NATO membership. This is an expression of the traditional Social Democrats' position in the matter. The emphasis was given on the cooperation with other countries and organisations with focus directed to the Baltic Sea region regarding security and defence.²¹¹ The statement reiterated the so-called "solidarity declaration" of 2009 which was described above. Some describe above-cited declaration as "a unilateral Article-5 light"²¹² referring to NATO's clause on mutual defence. Nevertheless, the declaration indicates that Swedish choice of neutrality is not incompatible

²⁰⁹ The centre-right or "alliance" bloc, consisting of the Liberal, Centre, Christian Democrat and Conservative parties, won 143 seats in the 349-seat parliament. The left bloc of the Social Democratic, Green and Left parties won 144 seats, while 62 went to the Sweden Democrats, a right-wing populist party.

²¹⁰ *Förstärkningen av försvaret fullföljs. Försvarsmaktens anslag höjs i en trappa i enlighet med riksdagens budgetbeslut 2018. Värnplikten byggs ut. En ny myndighet för psykologiskt försvar inrättas. En struktur för ansvar, ledning och samordning inom civilt försvar tas fram.*

Utkast till sakpolitisk överenskommelse mellan Socialdemokraterna, Centerpartiet, Liberalerna och Miljöpartiet de gröna, <https://www.liberalerna.se/wp-content/uploads/utkast-till-sakpolitisk-occ88k-s-c-l-mp.pdf> (1/11/2020)

²¹¹ *Our military non-alignment serves our country well. Sweden will not apply for membership of NATO. However, we will safeguard the transatlantic link, develop our defence cooperation, particularly with Finland, and deepen cooperation for increased security around the Baltic Sea.*

²¹² <https://eulaworebro.wordpress.com/2013/05/30/the-eu-common-foreign-and-security-policy-mutual-defence-and-swedens-relation-to-the-nato/> (1/11/2020)

with mutual defence clause from article of Lisbon Treaty, even more so Article 42(7) has become a part of national security policy. Action-wise Swedish EU membership was described as a “a foundation stone of Sweden’s national, European and global action”.

In the coming years EU will hold its position of the most important platform for Swedish foreign and security policy. Sweden regards safeguarding and strengthening of the EU’s cohesion, cooperation solidarity and integration as its national interest. In this manner Sweden plans to advocate in-depth discussion about the CSDP’s further developments with emphasis on the role transatlantic link and NATO with its collective defence guarantees for both Europe and Sweden.²¹³

3.4. A change dependable on NATO

I cannot write about Swedish neutrality and non-alignment without mentioning how its “survival” depends on the political will of Swedish government and it is, unsurprisingly, closely connection with the Swedish decision to join or not to join NATO. Today Sweden inhabits ambiguous position of official non-alignment to military alliances while at the same time it closely collaborates to NATO.

A common argument for not abandoning the neutral position is the Russian threat that is believed by the Swedes to be still very much real. Russian annexation of Crimea in 2014 raised alarms in Stockholm. Nonetheless a more direct threat was perceived a year earlier when Russian air forces conducted bombing exercises of Swedish targets, repeated violation of the Swedish sovereign airspace followed and in 2014 submarine incident occurred in the Stockholm’s archipelago when it was believed, but never officially confirmed, that a submarine of Russian origin entered the Swedish territorial waters. The Russian threat demonstrated the lack of defence capabilities should Sweden defend itself alone. It is argued that the Swedish accession to NATO would only even further spark the tensions in the region. Stretching NATO’s borders right to the geographical borders of Russian Federation would directly threat

²¹³ More on proposed developments of Swedish defence and security in the period between 2021 and 2025 read in The Swedish Defence Commission’s white book on Sweden’s Security Policy and the Development of the Military Defence 2021-2025 on:

<https://www.government.se/4ada4f/globalassets/government/dokument/forsvarsdepartementet/forsvarsberedning/en/defence-commissions-white-book-english-summary.pdf> (1/11/2020)

Russian security interests and provoke further incidents. One can argue that the latter flumed recent increased military spending followed by new ground-to-air missile defence system and permanent military deployment on the strategically important island of Gotland in the Baltic Sea.^{214,215} Political justification for not joining NATO is a belief among the officials that non-alignment contributes to stability in the Northern Europe. It is presumed that Russia would feel offended if Sweden (and Finland) joined NATO which could result in Russia exerting overwhelming pressure on Baltic states. This modern version of Nordic balance overestimates the real influence Sweden (and Finland) could have on Russian relations towards the Baltic states. Russian stance is far most influenced by the USA and NATO. The real fear here is tying Swedish policy to the decisions made by other countries that cannot be influenced by them. Becoming a hostage of the Russian-Baltic relation oneself gives the Swedes more reluctance to join the NATO than the possible or foreseeable Russian reaction to the later. It could be interpreted that honest concern for the Baltic neighbours serves the Swedes as a shield to protect its own national interests i.e. as much as independency and manoeuvring space in international and security relations as possible. The current rule of Donald Trump in the United States and his provocative statements on the NATO's account is another discouragement to the membership. The fact that Turkey led by the Erdogan's authoritarian hand does not contribute to the promotion of NATO being a military alliance of states respecting democratic values is another weight that shifts to arguments to the non-alignment side.

In contrast to NATO opposers, the supporters argue that the membership would actually work as deterrent to Russia and increase Swedish security.²¹⁶ To their advantage I could add the argument of close cooperation with NATO. Swedish relations with NATO were growing closer since 1990s turning into a state of enhanced opportunities for dialogue and cooperation. To that extent Sweden has repeatedly been dancing on the brink of the alliance but has never formally joined it. Sweden participates as an observer in the organisation and in the light of the enhanced cooperation Sweden has adjusted its military systems according to NATO standards, contributed to NATO-led operations and missions in the Balkans (KAFOR), Afghanistan

²¹⁴ <https://www.reuters.com/article/us-sweden-defence-gotland/sweden-to-boost-gotland-air-defense-amid-russia-tensions-idUSKCN1TW27U> (1/11/2020)

²¹⁵ <https://www.forsvarsmakten.se/sv/aktuellt/2016/09/tidigarelagd-etablering-pa-gotland/> (1/11/2020)

²¹⁶ <http://www.theperspective.se/?p=3982>

(ISAF), participated in reconnaissance mission in Libya.²¹⁷ In 2014 Sweden was awarded special NATO partner status or “Gold Card” status within the Partnership Interoperability Initiative (PII) which included “enhanced opportunities” for cooperation.²¹⁸ “The same year, Sweden also signed a memorandum of understanding (...) concerning “host nation support”, facilitating military preparations and enabling NATO units to operate within Swedish borders during exercises or other military operations.”²¹⁹ The memorandum was ratified two year later, in May 2016 with a large majority in the Parliament. Also, that year Sweden joined the NATO Strategic Communication Centre in Estonia. A year later in 2017 the largest military exercise since the early 1990’s *Aurora 17* was conducted and “for the first time on Swedish territory, Swedish soldiers prepared for operations side-by-side with US tanks and soldiers.”²²⁰ Operation was focused on territorial defence and except the US other NATO members, most notably France, and neutral Finland participated.²²¹ Sweden also participates in NATO’s Partnership for Peace (PfP).²²² Fore-mentioned activities represent merger between two traditionally opposite doctrines – official doctrine of neutrality and non-alliance and unofficial doctrine of close cooperation with NATO.²²³

²¹⁷ https://www.nato.int/cps/en/natohq/topics_52535.htm (1/11/2020)

²¹⁸ Ydén Karl, Brendtsson Joakim, Petersson Magnus – Sweden and the issue of NATO membership: exploring a public opinion paradox, *Defence Studies*, Vol. 1, p. 44

²¹⁹ *Ibid* p. 44

²²⁰ *Ibid* p. 44

²²¹ *Ibid* p. 44

²²² Partnership for Peace (PfP) was created during the 1990’s under the auspices of NATO. PfP represents a certain military-political initiative that gather countries that have expressed their will of becoming a full NATO member. In the scope of the PfP countries take certain obligations towards NATO, primarily they cooperate and provide assistance in various NATO missions. It is important to point out that PfP’s character does not imply military obligations or involve security guarantees and commitments. It primary covers peacekeeping operations and areas such civil preparedness. However, in the event of military attack on a member party to military consultations may be sought. Sweden became PfP member in 1994. Active participation to the PfP and adjustment to NATO were made a standard practice for the armed forces. For Sweden PfP offers access to participation in interventions and military transformation while at the same time it upholds the non-aligned Swedish identity. It turned out to be a perfect option for the country reluctant to have a debate on NATO membership. PfP most notably contributed to internationalisation of Swedish armed forces and provided a useful forum of contacts and consultations. *De facto* Sweden became partner to NATO in all non-article V areas.

²²³ Grlić Radman (n 170), p. 169

It is important to emphasize recent polls have shown that the support of public has also grown. Since 2013 there has been positive shift towards the accession coming from the Swedish public. In 2015 the pro-membership stance beat opposition for the first time ever. Positive trend continued the next year, while in 2017 opposition gained advantage by a very slim margin of 3%.²²⁴ A survey published in the daily *Aftonbladet*²²⁵ in 2018 has shown that 43% of Swedes are in favour of their country becoming a NATO member versus 37% percent opposed and 20% undecided. Today's public polls show that some 35% of the population supports the Swedish membership in NATO with similar number against it and the rest of the voters being undecided.²²⁶ Contradictory to that according to 2015 survey "overall about 60 % [Swedish citizens] supported a non-alignment policy aiming neutrality in war, and about one in four of the same respondents who supported a Swedish membership to NATO also favoured non-alignment policy."²²⁷ The division of the opinion of the Swedish public reflect the division between the two major party-blocks – the centre-right and the centre-left one and it is a result of a long practice of the Swedish governments of what they say to the public and what they do in the shadows.²²⁸

3.5. Theatre of politics

Debate on the NATO accession that would as a consequence scrap Swedish neutrality is closely linked to the relations in the parliament and the doctrines of ruling political parties. Centre-right opposition (Conservatives, Liberals, Centre Party and Christian Democrats) has expressed its support for accession for quite some time. They argue that military non-alignment is a meaningless term, especially as the solidarity doctrine provides that Sweden will take diplomatic and military stand for its EU and Nordic neighbours. Real tough cookie is the Social Democrats who have been the country's leading party for almost a century now. With a growing public support to both NATO as an organisation and to the NATO membership and opposition's inclination towards accession, support from the Social Democrats is regarded as a final step for

²²⁴ See more detailed analysis at Ydén et al. (n 218)

²²⁵ <https://www.aftonbladet.se/nyheter/samhalle/a/1k7jml/stodet-for-svenskt-medlemskap-i-nato-okar> (1/11/2020)

²²⁶ <https://www.msb.se/RibData/Filer/pdf/28769.pdf> (1/11/2020)

²²⁷ Ydén et al. (n 218), p. 1

²²⁸ More detailed analysis of this practice can be seen in Ydén et al. (n 218)

a complete change of a national discourse from post-neutrality to membership in military alliance. The mythology of neutrality is still deeply rooted in Social Democrat's doctrine and it is considered to be a connecting tissue between the dividing groups in the party.²²⁹ In the last couple of years there has been a growing support for a right-wing populist Sweden Democrats party (also against NATO membership), a trend that makes a possibility of a robust coalition government made of two major blocks that would be in favour of membership and therefore scrapping the neutrality and non-alignment for good.

According to the Swedish Constitution, a referendum (*folkomröstning*) should be held if a majority of the Parliament votes for such a proposition. Referendum may be held in the event of constitutional changes or signing of international agreements which may affect individual fundamental rights and it is of binding or consultative character depending on the Parliament's decision. "A special law is made determining both the questions to be put and the date of the referendum. Unless otherwise stipulated, the right to vote is the same as for elections to the Riksdag."²³⁰ Taking into account that not only Social Democrats²³¹ but entire green-left spectrum (here as well belong Greens and the Left Party) is not much in favour of the accession to NATO, this could shape the opinion of majority of the voters to vote against accession despite current positive populous' opinions in the polls. In addition to that, although voters have been showing favourable opinion towards the NATO membership the neutrality still plays a major role in Swedish national identity. Swedish public is made to believe that the Cold War neutrality was a success story and that it represents a natural condition for small states in Northern Europe. The unpredictability of the referendum poses the fear that its negative outcome would close the doors to membership in the future. This takes me to conclusion that possibility for a referendum

²²⁹ Ydén et al. (n 218), p. 15 – 16

²³⁰ More on referendum in Sweden can be find on <https://www.riksdagen.se/en/how-the-riksdag-works/democracy/referendums/> (1/11/2020)

²³¹ This is how the member of the Social Democrats and Swedish defence minister Peter Hultqvist explains the reasons of not opting for NATO membership: "We will not apply for NATO membership. We have the strategy to upgrade the military capability at the national level and deepening our cooperation with other countries with bilateral agreements, multilateral agreements, and be very active in the NATO partnership and advance the procurement program. So that is our strategy and it is broadly accepted in the parliament. We will not apply for NATO membership. I cannot see that. That is a governmental position, and the reason why is, our signal is stability in the region. We will not change the security doctrines."

Cited in Ydén et. al. (n 218), p. 14

will occur only in the situation when all the stakeholders (both major political blocks and the citizens) will be firmly and unequivocally in favour of NATO accession.

Taking all into account I can surmise that, due to changed geopolitical environment and defence challenges that followed it with support of political and democratic will Swedish neutrality could become the thing of the past. Whenever Swedish officials decide to revoke country's neutral position, their decision will be closely connected with the publicly supported decision of joining NATO. Saying that the future Swedish position will depend on the fact which side will have the control over parliament, and therefore lead the government, as well as which side would persuade more of the Swedes for their arguments. The reason is that in the spirit of the Swedish democratic process, the winning arguments will seek their approval first on the referendum and then after in the parliament. Pointing to strong encouragement coming from the NATO's officials, increased military spending²³², reintroduced military service and growing public support it will not come as a surprise if NATO will in the near future stretch its borders towards the only Scandinavian country that is still left outside the Alliance. In regard to the case of the Swedish participation in the CSDP that, that could mean that Sweden would become more in favour of the CSDP's military dimension and development of its capacities such as the EU army.

3.6. Two-dimensional approach

If neutrality has not so far hampered Swedish credibility in the field of the CSDP and negatively affected its silent partnership with NATO why challenge or even change current approach. By maintaining its stance, Sweden on the one hand remains an active partner in the EU which is today, in light of solidarity in military terms, the most important forum for continued security integration for Sweden. And on the other hand, it enjoys the benefits which external cooperation with NATO has on Swedish security and defence. The "independent voice" in world affairs is preserved while close cooperation with Western powers that could prove useful in the events of war is not endangered. By maintain this two-dimensional approach Swedish officials protect country's interests in in international process of security integration

²³² <https://www.reuters.com/article/us-sweden-government-defence/sweden-to-raise-military-budget-by-sek-8-billion-through-2020-idUSKCN1AW0ML> (1/11/2020)

while maintaining domestic image of Sweden as a military non-aligned country with full freedom of action. The political rationale for such an approach is to remain a part of the continued security integration process while avoiding the political controversies associated with alliance policies in the Swedish political context.²³³ One could argue that pragmatism here is at its full potential. We can conclude this chapter by Christiansson's observation that "Swedish security policy discourse currently could be interpreted as a two-dimensional game of solidarity and sovereignty, and that this perspective challenges the notion that a change of identity is necessary for a lasting change in security policy."²³⁴

Chapter IV: Siblings, cousins or just neighbours?

Close geographical proximity, historical association in terms of socio-political and economic developments made Sweden and Denmark to be considered as two Scandinavian twins aiming for the same political and economic goals on the international and European stage of politics. And to some extent they are twins, however in the field of the CFSP, especially in the CSDP they are more cousins than siblings. The intergovernmental nature of the CFSP/CSDP gives the Member states autonomy, an individual voice and liberty to develop unique national relationships to this field of the EU policy. A possibility that was taken by both countries in their own particular way.

In this chapter I will discuss similarities and differences between Denmark and Sweden regarding their CSDP approach. We will demonstrate to which extent their policies correspond to one another and what divides them in their respective approaches to the CSDP. We will argue how today Denmark and Sweden are more siblings with each having its own distinctive character in the approach to the EU and its CSDP.

²³³ Christiansson (n 200), p. 30

²³⁴ Ibid, p. 26

4.1. Similarities

Both states were sceptical toward the further political integration of the EU. In both cases the major concern was expressed around sovereignty of Member states. Denmark jumped to protect its sovereignty with four opt-outs while Sweden hid under its veil of neutrality. One can even argue that neutrality represents a certain type of opt-out in Swedish relation to the EU.²³⁵ St. Målo process that marked the establishment of the CSDP caused the fear of marginalisation in both Sweden and Denmark. Both of them applied the same strategy of influence where they stretched their manoeuvring space as much as possible influencing the CSDP from various angles when possible, most notably in the civilian or soft part of the policies. Denmark used its activities in the civilian components as a mean of compensation for opting-out from its harder, military component. Sweden used its influence to tailor the civilian component according its values and interests. Here the involvement was used as a means of preventing further militarisation of Europe. Furthermore, in Sweden St. Målo process led to the modernisation of defence forces and directed nation's tendencies towards a changed European concept of security. By that time Denmark had already begun its defence forces transformation and the process only embarked a debate on the values of the defence opt-out but it did not change country's security orientation more towards Europe.

4.2. Differences

4.2.1. Relations to NATO

What maybe distinguishes countries most is their relation to NATO. The degree of public openness towards NATO is higher in Denmark where alliance is considered to be focal point of Danish security policy and security identity. In Danish mind NATO membership serves as the main protector of national security, integrity and sovereignty. In addition, it serves as

²³⁵ Christiansson draws hypothesis that the traditional lack of an alliance policy in the Swedish strategic culture represents an "opt-out" from the European integration process similar to the Danish CSDP "opt-out". He further stipulates that mutual clause of the Lisbon Treaty with its wording *shall not prejudice the specific character of the security and defence policy of a certain Member State*, opens the opportunity for such multi-dimensional policies of particular member states.²³⁵

Christiansson (n 200) p. 29 - 30

forum through which military aspect of Danish foreign policy toolbox can be used. Through NATO Denmark compensates its participation in the hard areas of security on international stage. Neutrality's identity dimension in Sweden draws public openness closer to the cooperation and further from the full membership. In Sweden the EU is seen as the most important security alliance for the country. However, duality in the relationship to NATO can be seen in the fact that still, in the manner of its Cold War policies, Sweden will be ready to seek the help of the West in protection of its national security, integrity and identity if needed. Thus, the reform of the armed forces to their comparability with the ones of the NATO's partners. In the context of the CSDP, the defence opt-out made Denmark more affiliate to NATO and the U.S. NATO's influence to the military component of the CSDP oriented Sweden to concentrate of spreading its influence on the civilian aspect of the policy.

4.2.2. National identity

Binding referendum in Denmark makes any change in foreign and security policy very sensitive to the public opinion. Swedish public is less capable of impacting changes in international discourse due to consultative character of referendum in Sweden which gives the government more manoeuvring space in the foreign policy. While Denmark has frequently used referendum as a mean of democratic approval of further political integration, Sweden was not prone to that approach. The above-mentioned can be explained by differing national identities. The Danes are more engaged in their nationality, the national community because as a small country with large neighbours like Germany and Sweden they are much eager to express it.²³⁶ Danish loses of 1864 were making of Danish contemporary identity of feeling it better to be small.²³⁷ In contrast Sweden is "the country which has done more than any other to define how the rest of the world sees Scandinavia: as modern, liberal, collectivist and (...) more than little dull."²³⁸ In contrast to influence of Danish populous on the government's decisions regarding the foreign and security policy, Swedes are more likely to follow the lead of their government. As Booth writes "there are few aspects of life that their government did not strive to control, including their pay, how they raised their children, how much they drank, what they watched on TV, how much holiday they took, and their views on Vietnam War. And the Swedes, it

²³⁶ Booth (n 74), p. 106, 378

²³⁷ Ibid, p. 24, 26

²³⁸ Ibid, p. 294

seems, were most willing of puppets.”²³⁹ If the government’s influence is so huge on every other aspects of life it certainly is not smaller on the public’s political thinking of neutrality.

4.2.3. Military operations

Active Swedish participation in the EU’s military operations is motivated by the political power which participation in the CDSP gives. As Tiilikainen writes it is just a too important project to be ignored.²⁴⁰ Denmark was compelled to abstain from the CSDP operations whenever they had military character or whenever the UN and/or NATO would transfer their mandate to the EU. We have seen that in regard to Concordia, Artemis and Althea in the Chapter II. Defence opt-out limited Danish cooperative possibility and made it a partner to be count upon only sometimes (in relations to the CSDP’s civil component). Sweden, on the other hand, through its involvement, most notably in Artemis as the first real EU military operation, gained a much bigger manoeuvring space and became a reliable partner in both soft and hard part of CSDP’s policy. To this extent it must be added that Swedish official can perform a direct influence on the policies in Brussels while their Danish colleagues must play creative to circumvent practical and technical obstacles of the defence opt-out.

“Rather than adapting to the changing conditions created by the end of the Cold War, the Nordic states changed their security approaches in response to European integration process.”²⁴¹As comprehensive European security approach a.k.a. strengthening of the civilian-military cooperation became a dominant national security discourse in Sweden, despite the support of Danish political elites towards the EU approach, it did not become the part of the dominant national security discourse in Denmark. The MoD actually defined it as a guide for its security and defence policy.²⁴² Both Sweden and Denmark instrumentally adapted to the external changes posed by their membership in the EU and the EU’s CFSP and CDSP. However, only in Sweden EU membership provoked a change in national security identity in the moment when EU’s comprehensive security approach became a one of the main tasks of national security policy. A change that resulted in neutrality’s reduction to the minimum. A

²³⁹ Ibid, p. 346

²⁴⁰ Tiilikainen (n 134), p. 54

²⁴¹ Rieker (n 103), p. 369

²⁴² Ibid, p. 383

more stable and more enduring change in security policy was undergone. In Denmark, although the European (comprehensive) security dimension was recognised, and although it initiated rethinking about the defence opt-out it had not led to the change of Danish security identity which still remained clearly transatlantic.

“The Nordic countries share most values, many central aspects of political, societal and material culture, and a great deal of history. It could even be said that most of them even share the same language. When it comes to security and defence, however, they have all gone their more or less separate ways”.²⁴³ It would not be a surprise if a Nordic defence block develops itself under the wing of the CSDP as soon as Denmark drops out its defence opt-out and if and when Norway joins the EU, the fact that would make that possibility even more feasible would be Swedish and Finnish accession to NATO. “For the first time in Nordic history, there are no external powers pulling the countries and peoples of the region apart. The choice is now in their hands.”²⁴⁴

“Post-Cold War security structures have brought a significant challenge to the Nordic region by creating new ideological and institutional divisions that cut through that very region [which are] paradoxically closely linked with European integration.”²⁴⁵ In the field of security policies division lies between “European” and “Atlanticist” orientation. Sweden and Denmark share the same state-centric political culture emanating from Lutheran political tradition – from cultural perspective both countries lack preparedness for participation in supranational system of cooperation represented by the EU. In Denmark, a “small-country” tradition is reflected through a prominent position national sovereignty is given in country’s political values.²⁴⁶ Neutrality in Sweden is more ideological and it is deeply-rooted in society. Historically it had a positive impact on country by saving it from participation in two world wars. And as Tiilikainen notes “it was based upon a solid military capacity and, as others struggled to emerge from the ruins of World War II, Sweden could be reckoned as one of the largest military powers in Europe”, something that had not happened since the Thirty Years’ War. In practice, during

²⁴³ Pedersen (n 73), p. 48

²⁴⁴ Ibid, p. 49

²⁴⁵ Ibid, p. 50 - 51

²⁴⁶ Ibid p. 50 - 51

the Cold War, Swedish neutrality was dependent on US presence in Europe. That fact would eventually push Swedish policy towards the CSDP.

4.3. In the end siblings

Denmark and Sweden share core values connected to the CSDP which are preservation of national sovereignty and favouring crisis management on the expense of territorial defence. In a like manner they share eagerness to extend their influence on the CSDP to its maximum by pragmatically balancing obstacles the defence opt-out and non-alignment in military alliances, namely in NATO, represent. For this reason, we must conclude that countries in matter are more siblings than cousins or even neighbours. Because like with real siblings' identities and stances on particular topics will differ but there will still be some core characteristics keeping the in the same (nuclear) family. We must not forget that without Scandinavian countries there maybe would not be the CSDP we know today.

Both countries strategically calculate the other actors' motives before or simultaneously as setting their own strategies, they are trying to pursue their interests to the fullest degree possible having in mind their small size in the wider EU context by sometimes punching above their weights. A strategy that has resulted in two-dimensional influence between the Scandinavian siblings and the EU.

V: Conclusion

What makes the EU an important security actor of the post-Cold War era is its potential to coordinate economic, political and military tools of security policy. The EU applies the comprehensive security approach through its external and internal security policies. Today the Lisbon Treaty enables better coordination, coherence and synergy between all the different aspects of the EU's external action, and, within the CSDP between its civilian and military spheres. The so-called *solidarity clause*, expressed in Article 222 TFEU, established an operational link between the internal and external dimension of broader security domain. Within the CFSP better coordination, coherence and synergy were enabled between diplomacy and crisis management and even more between all the various levers and instrument of external

action and foreign policy that the EU has on its disposal.²⁴⁷ “The Lisbon Treaty represents a step towards a further integration of, *inter alia*, the foreign policies of Member states.”²⁴⁸ Despite all the critique of incoherent CFSP, it may be concluded that the EU has a distinct and flexible security identity and approach.²⁴⁹ On the other hand, the security identities of the Member states have long traditions and are very well institutionalised. In contrast with the EU’s flexible security identity, Member states’ identities tend to be more difficult to change.

The sign of equality is often put between the Scandinavians. Even though they share history, language, culture and mentality and the membership in the EU there are still differences among them, especially among their security identities and the CSDP approaches as described in this thesis. Both Denmark and Sweden share pragmatism in their approach towards the CSDP. Both the defence opt-out and neutrality/ non-alignment represent a significant part of the countries’ security identity and even mentality. Both were motivated by the fear of marginalisation to participate (more) in the CSDP development. Both emphasised the role and participated in the “soft” component of the CSDP a.k.a. crisis management. Citizens of the both countries share positive stance towards the CSDP (72% of Danes and 59% of Swedes). A substantial number of Scandinavians is even in favour of creating an EU army (52% Danes and 40% of Swedes).²⁵⁰ The biggest differences among the countries can be seen in their stance towards NATO and in the scope of manoeuvring space their distinguished security characters allow them in the field of the CSDP. Denmark is a staunch supporter of the North Atlantic Alliance and it has been building its security architecture and developing its security strategy in relation with its NATO membership. It has as well long compensated its defence opt-out obstacles with the NATO membership. Sweden on the other hand is still reluctant to join the Alliance in order to preserve its non-alignment position, however in recent years it has intensified its cooperation with NATO in the manner that only excludes cooperation in the

²⁴⁷ Missiroli Antonio, The New EU “Foreign Policy” System after Lisbon: A Work in Progress, *European Foreign Affairs Review* 15, p. 445

²⁴⁸ Lödén (n 121), p. 275

²⁴⁹ Rieker (n 103), p. 370

²⁵⁰ European citizens express support for the common security and defence and EU’s potential to be a security provider. Survey requested by the European Commission under the name of “Designing Europe’s Future: Security and Defence” show that 75% of European citizens is in favour of the CSDP, more specifically 55% respondents are in favour of creating an EU army.

<https://ec.europa.eu/comfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/78778>

scope of NATO's Article V. Unlike Danes and their atlanticist position, Sweden emphasised European component of security.

When beginning this research, I expected the defence opt-out and neutrality/ non-alignment to be equally challenging in Danish and Swedish conduct with the EU. What came as a surprise was how Swedes made the EU and its common security and defence policy to work for them. I have discovered that non-alignment policy has not diminished Swedish influence in the CSDP what so ever. On the contrary, Sweden has become one of its major influences. In regard to Denmark my research affirmed my pre-existing notion that the defence opt-out represents a practical obstacle for Danish influence in the field of the CSDP, that it hampers Danish efforts of exporting their own security and defence interests in the common policies and that it makes Danes less reliable partners. This study has shown how national security identities can change as a part of the membership of the European Union. It has also shown how the EU is not immune to the influence of its Member states. In which direction this interaction will continue it will be seen in the future. From this stance it is easier for me to conclude that the EU will more likely further influence the change of Danish security identity in terms of Danish opting in the CSDP when the latter becomes an imperative for preserving Danish foreign, security and defence interests. When that happens, it will be interesting to see how the Danes with their full capabilities in the field of the CSDP will be able to influence changes of the EU's security approach. As previously said further change in Swedish security identity is closely connected to its accession to NATO that would automatically revoke its *de facto* neutrality. At the present moment there are not any indicators of that change. Even though the Swedish public is more inclined to membership than ever before there is still no trace of firm political will necessary for a final step towards membership. Thus, I surmise that Sweden will continue to build its security identity in the scope of the CSDP.

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