

Hidden actor

The democratic deficit of the European Defence Agency

Frank Slijper¹

As a consequence of the entry into force of the Lisbon Treaty the European Defence Agency's (EDA) status was lifted to treaty level.² A significant factor in the delays towards the Lisbon Treaty has been the public reluctance to back further military integration. Also, a major lesson taken from the referenda in France, the Netherlands and Ireland was that Brussels should better communicate with the general public – a precondition for public support for any further treaty. While still in its infancy the military dimension has made significant steps in the EU context, with the EDA a central actor in this process. After six years the output of the EDA is still hard to measure in terms of failure or success. However this could change with the EDA slowly increasing its profile. Therefore it is now high time for the agency to come out of the dark, as very few people in Europe are even aware of its existence, let alone its work. It must show much more pro-actively its work to the general public in order to gain a legitimacy that goes beyond a legal basis.

Roots

The European Security and Defence Policy (ESDP) has rapidly rooted over the past years despite numerous remaining sensitivities around the relation with NATO as well as fears of Europe becoming a super state with military powers. Evolving through a series of treaties and programmes, planners in Brussels and national capitals had hoped to put the crown on their work in 2005, with the Constitutional Treaty containing important new elements, including the establishment of the EDA. While the whole process – thanks to popular rejections of the treaties - took four years longer and gave a new name to a roughly similar text, the Lisbon Treaty finally came into force in December 2009. Despite the setbacks, the political importance of an integrated external and internal security policy continued to grow, though probably not as fast as would otherwise have been the case.³

Growing ESDP ambitions are also reflected in the growing number of operations outside Union territory since 2003. As of July 2010 the EU has been involved in 28 ESDP missions, of which 13 were completed.⁴ Since 2009 only one new mission was set up.⁵ The creation of battle groups has been a related development.⁶ Fifteen battle groups have now been established, made up of multi-national contributions; troops and equipment are drawn from EU member states under a lead nation.

¹ The author is working with the Campagne tegen Wapenhandel (Dutch Campaign against Arms Trade) and is an associate of the Transnational Institute (TNI)

² See e.g. 'Treaty of Lisbon enters into force', EDA News release, 1 December 2009 (<http://www.eda.europa.eu/newsitem.aspx?id=573>); European Security and Defence Assembly/Assembly of WEU, Assembly Fact Sheet No. 15: 'The European Defence Agency (EDA)', March 2010 (http://www.assembly-weu.org/en/documents/Fact%20sheets/15E_Factsheet_EDA.pdf)

³ According to former EDA chief Nick Whitney "The Irish 'no' damaged the defense identity, specifically". (Pierre Tran, "EU Ministers Pledge Capabilities", Defense News online, 2 October 2008)

⁴ See http://isis-europe.org/pdf/2010_artrel_545_esr50-csdp-update.pdf

⁵ The EU Training Mission (EUTM) Somalia, a military mission to contribute to training of Somali security forces

⁶ See: Dr. Jean_Yves Haine, "Battle Groups: out of necessity, still a virtue?", European Security Review no. 39, July 2008

Especially France has always been the major backer of a strong Europe, also in military sense. French president Sarkozy in late 2008 argued that “Europe cannot be a dwarf in terms of defence and a giant in economic matters”.⁷

A majority of the European Parliament also tends to favour a stronger military EU,⁸ as is the Assembly of the Western European Union⁹, which called the EDA part of “the Union’s long march to power” and “the missing link in the process of acquiring a European capability. Except in the matter of collective defence, the Union is now a defence alliance for the protection of its ‘regional’ interests and also an ‘offensive’ organisation for the defence of its interests in the world.”¹⁰

Foundations

The foundations of the EDA were laid by the EU Convention on the Future of Europe that drafted the Constitution text between 2002-2003. Its establishment was agreed on 17 November 2003¹¹ - though Denmark opted out - and laid down in a Joint Action in July 2004 with the EDA tasked “to support the Member States and the Council in their effort to improve European defence capabilities in the field of crisis management and to sustain the European Security and Defence Policy as it stands now and develops in the future”.¹²

The Lisbon Treaty, along the lines of the Constitutional treaty text, makes clear that the EDA is key to the further development of the ESDP:

“Member States shall undertake progressively to improve their military capabilities. The Agency in the field of defence capabilities development, research, acquisition and armaments (hereinafter referred to as ‘the European Defence Agency’) shall identify operational requirements, shall promote measures to satisfy those requirements, shall contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, shall participate in defining a European capabilities and armaments policy, and shall assist the Council in evaluating the improvement of military capabilities.”¹³

As outlined by the EDA: “All these functions relate to improving Europe's defence performance, by promoting coherence. A more integrated approach to capability development will contribute to better-defined future requirements on which collaborations - in armaments or R&T or the operational domain - can be built. More collaboration will, in turn, provide opportunities for industrial restructuring and progress towards the continental-scale demand and market, which industry needs. [...] The Agency's “comparative advantage” should be its ability to comprehend all these

⁷ “Europe must not remain a military ‘dwarf’: Sarkozy”, AFP, 12 December 2008

⁸ Julian Hale, “EU Parliament Seeks Operational HQ for ESDP Missions”, Defense News, 23 February 2009; “MEPs promote a strong and effective foreign, security and defence policy”, EP press release, 19 February 2009

⁹ This assembly of parliamentarians was founded in 1954 when the 1948 Brussels Treaty on European security and defence cooperation was modified to establish the “Western European Union”. Following the transfer of WEU’s operational activities to the EU, the Assembly’s main focus is to scrutinise the EU’s security and defence policies. See: <http://www.assembly-weu.org>

¹⁰ “The European Defence Agency two years on”, submitted on behalf of the Technological and Aerospace Committee by Yves Pozzo di Borgo, Rapporteur (France, non-affiliated), Assembly Of Western European Union, Fifty-Third Session, Document A/1965, 6 June 2007, p.5

¹¹ Brooks Tigner, “Europeans bicker over arms agency set-up”, Defense News online, 17 November 2003; Michael Thurston, “EU agency aims to boost bloc’s military muscle”, AFP, 17 November 2003

¹² Article 2, Council Joint Action 2004/551/CFSP of 12 July 2004 on the establishment of the European Defence Agency

¹³ Section 2, Provisions On The Common Security And Defence Policy, article 42.3

agendas, and relate them so as to realise their synergies. Its special position should allow it to develop uniquely cogent analyses and proposals across the range of its activities.”¹⁴ The EDA currently has a staff of just over 100 people and a budget of around 30 million Euros.¹⁵

Failure or success

Evaluating the EDA’s work is difficult in simple terms of success or failure. There has certainly been no lack of ambition from within the agency, and indeed a considerable number of policy and technology initiatives have emerged over the past years.¹⁶ However, getting more substantial projects off the ground and running has seen limited progress so far. “This is very much a long-term undertaking ... not a whole lot [will happen] before I retire and I still have a lot of working years ahead of me. [...] This will be one small policy step to the next. Not very sexy, but what choice do we have?”, as one official privately admitted to Jane’s Defence Weekly.¹⁷

One of the agency’s first claims of success was the voluntary Code of Conduct to open up the European defence procurement market, allowing for more cross-border competition, to come into effect from July 2006; a development running in tandem with the European Commission’s then Green Paper initiative preparing for Community legislation on the same issue.¹⁸ The code should keep governments accountable for any use of security exceptions for defence procurement. While certainly a psychological breakthrough, implementation is a different story with the vast majority of defence contracts still being awarded nationally.

For similar reasons it is doubtful whether the other non-legally binding Code of Conduct on Offsets will yield much results. Offset policies are enforced by countries that want to build up or sustain their defence industry. The offsets code that entered into force in July 2009 aims both to increase transparency in the use of offset policies and to gradually reduce the use of them “whilst ensuring the right balance between developing the EDTIB [European Defence Technological and Industrial Base - FS] and the need to achieve a level playing field in the European and global defence market”.¹⁹ Offset policies will likely remain as long as much of the arms industry is concentrated in a few countries. Most of the smaller countries will continue to consider their own limited defence industry a strategic asset and therefore consider offsets an important instrument to sustain it. Meaningful is that the EDA now claims that its success in this area is increased transparency in procurement rather than increased cross-border procurement.²⁰

Synergies

There is a natural interest for the EDA to link up with security and other public services, in order to push forward common agendas. “The European Defence Agency promotes synergies between the military and civilian domains. [...] The EDA is coordinating with the European Commission and with the European Space Agency in order to increase

¹⁴ EDA website, “Background” (<http://www.eda.europa.eu/genericitem.aspx?area=Background&id=122>, accessed 31 August 2010)

¹⁵ EDA Annual Report 2009; EDA Financial Report 2008 (June 2009); also see http://en.wikipedia.org/wiki/European_Defence_Agency

¹⁶ See e.g. the EDA Work Programme 2010, approved by the EDA Steering Board, 17 November 2009

¹⁷ Brooks Tigner, “Bridging the gaps”, Jane’s Defence Weekly, 2 December 2009

¹⁸ Brooks Tigner, “EU Opens Markets – To EU Members”, Defense News, 25 April 2005; EDA Steering Board Decision No.2005/03 (European Defence Equipment Market); “Brief – EDA push for intergovernmental approach gets green light”, Euractiv.com, 3 March 2005

¹⁹ “The Code of Conduct on Offsets”, EDA, 24 October 2008

²⁰ Alexander Weis, “The Potential of European Defence Cooperation”, speech at Farnborough International Airshow, 20 July 2010

civil-military standardisation and interoperability as well as to spend European taxpayer's money most effectively."²¹ "Connecting civil and military capability development will be a new challenge and EDA can play an important role in this", said Catherine Ashton, High Representative for Foreign Affairs and Security Policy and the EDA's current head.²² It was indeed the very subject of the EDA's annual meeting in February 2010, where she said: "We need to be driven by strong commitment to provide effective solutions. The Lisbon Treaty provides us with a sound legal and political basis to do so. [...] We have to make real bridging efforts in particular at the EU level but also national level, fully exploring the potential in research for dual-use technologies, because security is indivisible".²³ Crisis management is most specifically mentioned as an area where synergies between overlapping capability needs in civilian and military missions and operations could be identified.²⁴

While certainly a very active initiator, most of the EDA-led projects are rather small-scale or niche studies and projects each involving a handful of countries.²⁵ Success of its projects is mostly groundbreaking in a psychological sense. You could also wonder why industry itself would not develop such studies independently if there would be a clear need and market for it.

One of the main current initiatives is on **Unmanned Aerial Systems**, with a focus on integrating military, police/security and civilian interests. At a conference in July 2010 the EDA and the European Commission jointly called for a High Level Working Group, a concept that has proven effective in generating necessary political (and financial) support.²⁶ It has also been suggested that the European Commission could use FP7 security research funding to support unmanned aircraft development.²⁷ A few smaller EDA coordinated research initiatives are now running, with French and British support.²⁸ Essential background is the industry's fear to lose this increasingly important market to mostly US (and to a lesser extent Israeli) suppliers. Therefore the efforts around UAS are naturally connected to the **Reaching for the sky** initiative – "a competitive European industrial base for world class aerial capabilities". In July 2010 Saab, leading a team with all the other major European aerospace players, was awarded a contract for a step by step plan develop a more robust, sustainable and competitive European military aerospace industry".²⁹

Space

Identified as key to increasing European military capabilities, space has become one of the EDA's key efforts.³⁰ Relations with the European Space Agency (ESA) have intensified in recent years with, for example, monthly meetings between EDA chief

²¹ Final Report of the European Security Research and Innovation Forum", 2 December 2009 (<http://www.eda.europa.eu/newsitem.aspx?id=574>)

²² "Treaty of Lisbon enters into force", EDA website, 1 December 2009, (<http://www.eda.europa.eu/newsitem.aspx?id=573>)

²³ "EDA calls for concrete synergies between civilian & military", Press Release, 9 February 2010

²⁴ See e.g. "Council conclusions on ESDP", 2974th External Relations Council meeting, Brussels, 17 November 2009, conclusion 55

²⁵ See e.g. <http://www.eda.europa.eu/rstudiesprojects.aspx>

²⁶ "EDA-EC Conference on Unmanned Aircraft Systems (UAS) recommends a High Level Group", EDA Press Release, Brussels, 1 July 2010

²⁷ Robert Wall, "Remotely Relevant", Aviation Week & Space Technology, 5 July 2010

²⁸ Douglas Barrie, "Back to Work", Aviation Week & Space Technology, 1 March 2010

²⁹ Bradley Peniston, "Saab To Map European Military Aerospace Industry", Defense News, 26 July 2010; "EDA and Saab sign a contract on the future of the European military aerospace defence technological and industrial base", EDA press release, 20 July 2010

³⁰ Michael A. Taverna, "Fair Play", Aviation Week & Space Technology, 5 July 2010

Alexander Weis and ESA director Jean-Jacques Dordain.³¹ The 2006 EDA 'Long-term vision' already noted: "the preparation and conduct of future EU led operations will require continued consideration of space related aspects, such as communication, and the detection and identification of potential threats in advance of an appropriate response."³² Only a few years ago a highly sensitive topic, the ESA now publicly stresses the new security and defence dimension of its work.³³

In 2009 the EDA agreed with the governments of Belgium, Germany, Greece, France, Italy and Spain to make their MUSIS (Multinational Space-based Imaging System) initiative an EDA project, setting up a procurement unit and liaising with the ESA and the Commission.³⁴ Along similar lines cooperation between satellites and unmanned systems³⁵; space situational awareness (SSA)³⁶; and observation satellite programme Kopernikus (a.k.a. GMES) are high on the agenda of both the EDA and ESA, in some cases also of the EU Satellite Centre (EUSC).³⁷ Besides, military satellite communications (MILSATCOM) is very much a EDA priority.³⁸

Matchmaker

The agency's stakeholders include third parties such as ESA, Frontex, OCCAR³⁹ and NATO.⁴⁰ Industry plays a key role as well. The Agency has a special relationship with Norway, through an "Administrative Arrangement".⁴¹

The EDA and OCCAR, specialised in collaborative acquisition programmes, are very much complementary organisations, with existing cooperation getting "more intense and more frequent".⁴² In 2009 the EDA announced an "administrative arrangement" with OCCAR, which might be a first step to merging their activities.⁴³

³¹ Robert Wall and Michael Taverna, "Lifting Europe", Aviation Week & Space Technology, 17 November 2008. Also see: Robert Wall, "Forming new links", Aviation Week & Space Technology, 19 February 2007

³² European Defence Agency, "An Initial Long-Term Vision for European Defence Capability and Capacity Needs", Brussels, 3 October 2006, p.26

³³ Giuseppe Morsillo (head of the Director General's Policy Office), "ESA and Security", presentation for the EDA Annual Conference, 9 February 2010

³⁴ Poland and Sweden recently expressed their intention to join Musis (EDA Press Release, 28 June 2010; "International Imaging", Aviation Week & Space Technology, 5 July 2010). Brooks Tigner, "EDA set to oversee MUSIS collaboration", Jane's International Defence Review, April 2009; Julian Hale, "EDA To Set Up Satellite Communications Procurement Cell", Defense News online, 9 March 2009; Julian Hale, "6 EU Nations To Develop Satellite System by 2015", Defense News online, 6 March 2009.

³⁵ Douglas Barrie, "Back to Work", Aviation Week & Space Technology, 1 March 2010

³⁶ See e.g. Michael A. Taverna, "Europeans: SSA No Challenge to U.S.", Aviation Week & Space Technology, 26 April 2010; Michael A. Taverna, "Allied Awareness", Aviation Week & Space Technology, 21/28 December 2009

³⁷ See e.g.: Michael A. Taverna, "New Picture", Aviation Week & Space Technology, 3 May 2010; "Europe Studies Satellite Services for UAS Missions", Military Technology 3/2010; "Signature of first coordinated EDA/ESA studies on "Satellite service for UAS missions"", EDA Press release, 9 February 2010; Alexander Weis, 'Activities of the European Defence Agency', Presentation to the EP, 1 December 2009; EDA Work Programme 2010, approved 17 November 2009

³⁸ Michael A. Taverna, "New Picture", Aviation Week & Space Technology, 3 May 2010; Adam Baddeley, "Strategic Communications by Land, Sea and Air", Military Technology 5/2010

³⁹ Organisation Conjointe de Coopération en matière d'Armement; see <http://www.occar-ea.org>

⁴⁰ See article 25, Council Joint Action 2004/551/CFSP of 12 July 2004 on the establishment of the European Defence Agency

⁴¹ Switzerland is seeking closer ties with the EDA, see: "Eying EDA", Aviation Week & Space Technology, 4 January 2010

⁴² "The Maturity of OCCAR", interview with OCCAR director Patrick Bellouard, Military Technology, August 2010

⁴³ Julian Hale, "EDA Hopes To Set Tie-up With OCCAR by November", Defense News online, 3 April 2009

Already now OCCAR has not been able to show much potential in its 14 years of existence. Originally a French-British-Italian-German initiative for closer cross-border arms cooperation⁴⁴, OCCAR's seven commonly managed programmes show at best mixed results.⁴⁵ In particular the A400M transport aircraft – a single company product - has a history of delays, cutbacks and increased costs.

From the start the Commission has stressed the need for close cooperation with the EDA. "The EDA should become a political catalyst to help defence ministers do things they haven't been able to accomplish individually", the head of the security policy unit of the Commission's directorate for external relations said in 2004 to a closed gathering of EU and industry officials.⁴⁶ The EDA and the Commission foster a number of common goals, especially around a European defence market and in the area of security and defence research.

With the Lisbon Treaty the Permanent Structured Cooperation (PSC or PESCO) has become the buzzword. "Those Member States whose military capabilities fulfill higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework".⁴⁷ It was included in the treaty to allow for greater military integration through a lead group of countries. The EDA has offered a helping hand for the establishment of the PSC as well as the logical secretariat of the PSC.⁴⁸ At the same time EDA chief Weis seems to be afraid that any PSC work may happen outside the EDA. "I wouldn't say it was outdated, but it has maybe been overtaken by the creation of the European Defence Agency".⁴⁹ More importantly the idea of PSC still lacks substance and direction. Under the Belgian presidency it has been put firmly on the agenda, with the support of at least Poland, Hungary and Sweden; Ireland and some bigger countries are understood to be more sceptical.⁵⁰ To avoid a two-speed European defence bloc the EDA and others stress the importance of inclusiveness. However this seems in contradiction with the very idea of the PSC: to speed up cooperation with a small group of like-minded countries.⁵¹

Industry

Industry is a key EDA stakeholder too, closely involved with the EDA's proceedings. While deeply sceptic from day one, industry has hoped to find a helping hand to ensure a viable European arms industry.⁵² At the same time Europe's arms industry has increasingly and successfully focused their strategy across the Atlantic, where all major European companies (esp. BAE Systems, Finmeccanica and EADS) now have a much stronger presence than they have ever had before. Nevertheless, from the start Europe's industry has been actively involved in EDA's conferences, workshops and other meetings.

⁴⁴ Later joined by Belgium (2003) and Spain (2005)

⁴⁵ Currently it manages the multinational acquisition of A400M transport aircraft; FREMM frigates, Tiger helicopters, Boxer armoured vehicles, COBRA weapon locating systems, ESSOR secure radio and FSAF missiles.

⁴⁶ Brooks Tigner, "Agency May Drive Real Change in EU Defense Efforts", Defense News, 13 September 2004

⁴⁷ Section 2, Provisions On The Common Security And Defence Policy, article 42.6

⁴⁸ Alexander Weis, 'Activities of the European Defence Agency', Presentation to the EP, 1 December 2009

⁴⁹ Paul Ames, "EDA head cool on Lisbon Treaty's 'structured cooperation'", Europolitics, 10 February 2010

⁵⁰ Julian Hale, "EU Defense Effort Draws Sweden's Support", Defense News, 26 July 2010

⁵¹ See also: Julian Hale, "EDA Debate: How High a Membership Bar?", Defense News, 30 November 2009

⁵² E.g. see Heather Timmons, "Europe Warms to Idea of Unified Military Agency", New York Times, 22 July 2004

So far however the EDA has not been able to create the “Airbus effect”⁵³ of European cross-border industrial cooperation that some had hoped to see happening through the agency, being a catalyst for greater industry cooperation.⁵⁴ As then ASD⁵⁵ president-designate and Saab CEO Åke Svensson observed in 2007: “We see no commonly defined European interest in defence R&T, and national research programmes are mostly closed off to cross-border participation because they are considered investment in national competitiveness only”.⁵⁶ Despite an EDA joint strategy endorsed by its participating defence ministers, adopted in 2007, Svensson’s observation is likely to remain relevant for a long time.

Most promising and lucrative for the industry is their aim to get defence research part of the next research framework programme, FP8 – separately or together with the current security research programme, which is itself a new programme under FP7.

As the current economic conditions have enforced cuts in defence budgets all over Europe for the coming years, this could have two consequences. It may be a driver to increased international cooperation – doing the same with less money – but it may equally well be a reason for more emphasis on domestic industrial interests. That the EDA has to keep on stressing that member states should show more willingness to successfully cooperate is clear enough a sign of the major obstacles it continues to face.⁵⁷ Similarly the EDA has been hammering on the need to avoid unnecessary duplication – also with little success so far.

Low profile

For the general public the EDA has been almost invisible over the past years. While there have been plenty of meetings with government officials and industry, hardly any energy has been spent on ‘selling’ the EDA to the outside world. This is worrying for a number of reasons. First, the EDA should consider it as its natural task to communicate its work with the general public to get an understanding and maybe even support for what it does. While this is true for most of what is done from Brussels, this is even more so for a generally new terrain that is certainly not everywhere commonly accepted. This was most clearly seen in Ireland, where a significant part of the discussion on the Lisbon Treaty centred on CSDP issues. Similarly, other countries with a history of neutrality, such as Austria, Denmark, Finland and Sweden, also have large sections of society that do not support a CSDP. The UK in 2003 was the only member state with less than 50 percent of the people interviewed in favour of a CSDP.⁵⁸ Unfortunately no recent Eurobarometer research has been undertaken in this specific area, let alone more specifically into the EDA.

Conclusions

Created in 2004 to bolster the European Union’s growing military ambitions, the European Defence Agency (EDA) has since developed a number of initiatives, from

⁵³ Besides, with mounting problems around the A400M - the Airbus military transport aircraft – and Airbus in general, the presumed positive connotation has largely vanished

⁵⁴ Gerrard Cowan, “EDA head urges consolidation of European naval market”, *Jane’s Defence Weekly*, 23 December 2009

⁵⁵ AeroSpace and Defence Industries Association of Europe, the industry’s umbrella group; see www.asd-europe.org/

⁵⁶ Brooks Tigner, “EDA To Push for Borderless EU Defense Tech Base”, *Defense News*, 12 February 2007

⁵⁷ See e.g. Alexander Weis, ‘Activities of the European Defence Agency’, Presentation to the EP, 1 December 2009

⁵⁸ “Support for Common Foreign and Security Policy (CFSP) is reinforced”, Eurobarometer, European Union Public Opinion Analysis, May 2003

(http://ec.europa.eu/public_opinion/archives/notes/csf_pesc_papr03_en.pdf)

common research and development projects to opening up the relatively closed military market. While some might be called groundbreaking in a European context, most still need to prove real substance.

The EDA has certainly developed as a key player, sometimes even a catalyst within the European Security and Defence Policy (ESDP) domain. Structurally diverging national interests, especially in areas of procurement and defence industry policies, however will continue to impede its planned progress. Probably most potential for the EDA will lay in fostering and coordinating defence research and production cooperation programmes; and trying to build bridges between the Commission, national governments and industry. While industry reactions have been mixed so far, it can certainly not complain about its easy access to and close involvement in the planning of the work of the EDA.

With the Lisbon Treaty now a reality, the EDA feels its legitimacy lifted and therefore urges stronger commitments from the member states to foster a stronger European defence identity.

However, a fundamental shortcoming of the EDA is that much of its work, as well as most ESDP developments, is happening largely outside the view of the wider general public. The EDA has so far remained largely unknown to most people. Lack of public support for and ignorance of a growing military role could be damaging for the Union as a whole in the long term. Therefore, continuing on the current road of silent military integration within the EU – including with its special role for the EDA - risks further undermining trust in the wider European project.