

Editorial

The Birth of a Geopolitical EU

Russia's full-scale invasion of Ukraine has shocked many for its depraved and anachronistic features. It has been almost universally condemned as a blatant violation of international law and led the International Court of Justice to order Russia to immediately suspend its military operations.¹ In the face of fierce resistance mounted by the Ukrainian armed forces, the invaders resorted to systematic and indiscriminate missile strikes and the shelling of civilian areas in Kyiv and other major cities, as well as small towns and villages. This has led to widespread destruction and allegations of crimes against humanity fuelled by genocidal intent.² As millions of refugees poured over the borders, the EU triggered its 2001 Temporary Protection Directive for the first time and activated several humanitarian support programmes.

The EU has unleashed its own kind of 'shock and awe' response against Russia and its Belarusian accomplice. With commendable unity among its Member States and in partnership with G7 allies, the EU has weaponized its trade and financial instruments to punish Russia's leadership, as well as those who enable and support it. In the first six weeks of the war, the EU adopted an impressive series of sanctions,³ rapidly widening the net cast over growing numbers of targeted individuals and institutions. This has limited the Russian State's access to multilateral financial institutions, frozen investments in the energy, transport and other strategic sectors and severely hit trade, which has included suspending Russia's most-favoured nation (MFN) treatment at the WTO.

¹ See UNGA Res. A/ES-11/1/L.1 of 1 Mar. 2022, resp. ICJ Order of 16 Mar. 2022, Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (*Ukraine v. Russian Federation*).

² See T. Snyder, *Russia's Genocide Handbook, Thinking About ...* (8 Apr. 2022); and Y. Diamond et al., *An Independent Legal Analysis of the Russian Federations Breaches of the Genocide Convention in Ukraine and the Duty to Prevent*, New Lines Institute and Raoul Wallenberg Centre for Human Rights (26 May 2022).

³ European Commission, *EU Sanctions Against Russia Following the Invasion of Ukraine*, https://ec.europa.eu/info/strategy/priorities-2019-2024/stronger-europe-world/eu-solidarity-ukraine/eu-sanctions-against-russia-following-invasion-ukraine_en (accessed 27 May 2022).

A TRANSFORMATIONAL MOMENT?

It is often said that the EU is forged in crisis; that the integration process advances in spurts, propelled by the common need felt by the Member States to find supranational solutions to shared challenges that transcend each one's individual ability to respond to. Politicians and pundits have been quick to characterize Europe's response to the war as transformative. But that then raises the question over how unprecedented the EU's policy response has actually been and whether it will lead to a change in how the EU designs, conducts, implements and enforces policy in the future.

The longer-term impact of the war is unknown. But there is enough empirical evidence at hand to project the European integration process' direction of travel. This concerns not only the areas mentioned above and the EU's decision to grant Ukraine and Moldova candidate country status and Georgia a European perspective but also the determination to wean itself off from its Russian oil and gas addiction, and to green the economy to tackle climate change. Similarly, it applies to the economic and monetary impact of the blow administered by – and on – Russia and to questions about food security, as the war is being waged in the 'breadbasket' of Europe.⁴

Critics have pointed out that by flying the geopolitical flag, the European Commission has exposed the EU's systemic weaknesses when trying to play a decisive role at the high diplomatic table, in particular the (in)ability of reaching consensus between 27 Member States and backing up its words with force if needed. In years past, divisions between Member States have indeed stymied swift and effective EU action to address security issues in its neighbourhood. Until now, that division has been characterized by three camps of countries that defined EU relations with Russia – 'cold warriors', comprising Poland and the Baltic States, 'trojan horses', comprising Hungary, Cyprus, Bulgaria and Greece, and 'doves', made up of Germany, France and Italy. Now a renewed consensus has been found on the danger that Putin's Russia poses to the EU and an acknowledgement that the multilateral rules-based mechanisms and institutions which have allowed the EU to prosper need to be defended much more (pro-)actively.

A ROBUST RESPONSE FROM THE EU INSTITUTIONS

In the EU's political messaging and strategic communications over the war in Ukraine, the supranationally governed institutions have taken the lead. Contrary to the prevalence of the European Council in managing previous crises, the

⁴ See S. Blockmans ed., *A Transformational Moment? The EU's Response to the War in Ukraine*, CEPS IdeasLab Special Report (30 May 2022), from which this editorial is drawn.

'geopolitical' Commission of Ursula von der Leyen, a former defence minister, has been far more visible than the Council, with prompt and powerful statements to the press, eagerly awaited policy initiatives (e.g., on sanctions and reducing dependency on Russian fossil fuels), and a well-choreographed visit to Kyiv. The High Representative for Foreign Affairs and Security Policy/Vice-President of the Commission (HR/VP) has followed in tow.

The European Parliament has been active as well, with fact-finding missions to Ukraine (before the war) and Moldova, and a stunt by its new President Roberta Metsola to become the first leader of an EU institution to meet with President Zelensky and deliver an address to the Ukrainian parliament.

Even if Charles Michel travelled as far as Odesa, the European Council, as an institution, has been overshadowed by a series of trips made by individual, pairs or groups of national leaders parading to Kyiv in search of photo-ops with Ukraine's president, the man of the hour and Europe's real-time war hero.

That said, Member States did have the courage to collectively shed their strategic ambiguity over the EU's relationship with not only Ukraine but also the other countries of the Eastern Partnership. By granting candidate status to countries that are engaged in an existential struggle with Russia, the EU has effectively staked out its future borders with a shared adversary. One should thus acknowledge the growing ability of the EU to speak the language of true geopolitical power.

ACTIONS SPEAK LOUDER THAN WORDS

Russia's invasion has pushed several Member States to reconsider their strategic posture and defence arrangements: Finland and Sweden have reversed their decades-long neutrality policies to join NATO; Denmark held a referendum scrapping its permanent opt-out from the EU's Common Security and Defence Policy (CSDP); and a raft of EU countries have promised to ramp up their defence spending.

Most eye-catching has been Chancellor Scholz's pledge, made three days after Putin ordered his troops into Ukraine, of an additional EUR 100 billion to modernize the ailing Bundeswehr. This would sharply increase the country's defence spending to more than 2% of its Gross Domestic Product (GDP). At the time of writing it was unclear how much of this impressive sum would be channelled through the EU and how that might contribute to (presumably German-led) project implementation in the framework of Permanent Structured Cooperation (PESCO) in defence. What is clear, however, is that Russia's war will have lasting consequences for the pan-European security architecture, possibly leading to an enhanced role for the EU.

While the notion that those countries which deliver weapons and munitions to Ukraine become warring parties is misleading,⁵ it is not a stretch to say that Member States mobilizing an unprecedented EUR 2 billion in ‘lethal aid’ to the Ukrainian armed forces has changed perceptions about the EU, a Nobel Peace Prize laureate, forever. The decision to finance and coordinate arms deliveries through the inaptly named European Peace Facility, an off-budget funding mechanism for EU actions with military and defence implications under the CSDP, is indeed a game changer – not just for the EU’s identity but also in the scale and ambition of the emerging ‘European Defence Union’.

Security and defence policy has become one of the most burgeoning fields of European cooperation since Russia’s annexation of Crimea. The 2022 war is accelerating the EU’s integration dynamic in this domain. Whereas the Commission had already created a new Directorate-General for Defence Industry and Space (DG DEFIS) to expand the EU’s technological and industrial base for defence, the formal role of the European Parliament has not been recalibrated to fit this new reality. As suggested by the Conference on the Future of Europe, treaty change would be needed to recalibrate the EU’s polity in foreign affairs and security policy.⁶

In the shorter term, reactions to the war may lead to a clearer division of labour with NATO, spurred by a new Strategic Concept and joint declaration with the EU. Whereas NATO is wary about not becoming a party to the conflict (to the point that it becomes difficult to deny that sharing intelligence and providing weapons do not constitute proxy warfare with Russia), the EU has plainly stepped outside of its comfort zone.

Beyond arms deliveries, the EU has returned its upgraded military advisory mission to Ukraine, mandating and funding it to assist in collecting evidence about alleged war crimes and crimes against humanity.⁷ What’s more, the HR/VP has openly stated that ‘this war will be won on the battlefield’.⁸ That is a far cry from the inception of the European peace project, which has always insisted, like a broken record, that only negotiations can lead to peaceful conflict resolution.

⁵ See S. Talmon, *Kriegspartei oder nicht Kriegspartei? Das ist nicht die Frage*, Verfassungsblog (4 May 2022).

⁶ Conference on the Future of Europe, *Report on the Final Outcome* (9 May 2022), <https://futureu.europa.eu/pages/reporting> (accessed 27 May 2022).

⁷ *Council Decision (CFSP) 2022/638 of 13 Apr. 2022 Amending Decision 2014/486/CFSP on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine)*, OJ L 117/38 (19 May 2022).

⁸ Tweet from the HR/VP’s visit to Kyiv (9 Apr. 2022), <https://twitter.com/JosepBorrellF> (accessed 27 May 2022).

THE STRATEGIC COMPASS: CHARTING THE PATH FORWARD

The EU's renewed political consensus on Russia is on full display in the Strategic Compass,⁹ which was formally approved exactly one month after the start of the invasion. The document was based on the first-ever common threats assessment between the EU27 and was partially rewritten in the wake of Russia's invasion. As such, the drafting process revealed a lack of strategic foresight on the part of the EU's collective, leaving one to wonder whether the final document might contain other shortcomings.

This reflection should prod Member States to better share information through the EU's Single Intelligence Analysis Capacity. The European External Action Service (EEAS) should also draft a proper EU strategy for Russia, one that is underpinned by a definition of interests and red lines shared by the Member States and a strategy that builds on scenarios and identifies the trade-offs that the EU might have to make. The different kinds of war being fought by Russia (largely mechanized and putting generals in the line of fire) and Ukraine (new NATO command and control standards, superior communication and drones) has exposed the need for the EU to reassess the right mix of capabilities for future warfare on the continent and beyond.

As a roadmap towards a European Defence Union, the Strategic Compass contains detailed lists of commitments to 'invest', 'secure', 'act', and 'partner'. In a first push to implement the Compass, the EU has broken a taboo with a proposal for a joint arms procurement programme. Finding that persistent underspending and lack of cooperation have resulted in critical defence capability shortfalls, the Commission and the HR/VP have proposed a plan for Member States to jointly spend on defence capabilities to decrease fragmentation and duplication, refill stockpiles of military materiel and thoroughly modernize them.¹⁰ Never before has the EU coordinated joint defence spending. The proposal runs into Treaty boundaries that prevent the EU from using its common budget for military expenditures. To get around this legal obstacle, the new programme will focus on investment with industrial ambition and could finance joint purchases using a new off-budget fund.

⁹ General Secretariat of the Council, *A Strategic Compass for Security and Defence – For a European Union that Protects Its Citizens, Values and Interests and Contributes to International Peace and Security*, Council doc. 7371/22 (Brussels 21 Mar. 2022).

¹⁰ European Commission and High Representative, *Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the Defence Investment Gaps Analysis and Way Forward*, JOIN(2022) 24 final (Brussels 18 May 2022).

IN SUM

The war has been a unifying factor in political terms. Even if some divisions have reappeared in Council decision-shaping, these mostly revolve around the distribution of pain among Member States in the face of expected energy shortages and the definition of compensatory mechanisms resulting from tougher sanctions against Russia.

Overall, the war has led to an acceleration in the creation of a European Defence Union, largely along lines set out since 2016. Yet, the search for new methodologies reveals that the limits of the Lisbon Treaty have now been reached.

Recent innovations, in particular the mobilization of EUR 2 billion in lethal aid for the Ukrainian armed forces and the plan for an EU joint arms procurement fund, have added to the perception that the peace project of yesteryear has indeed taken a turn towards a much more 'geopolitical' frame of mind.

Steven Blockmans

Director of Research at CEPS, Professor of EU External Relations Law at the University of Amsterdam and Editor-in-Chief of the European Foreign Affairs Review.

Email: steven.blockmans@ceps.eu.