



EUROPEAN UNION

Delegation of the European Union for Switzerland and the Principality of Liechtenstein

Swiss Neutrality and the European Security Policy

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Check Against Delivery
~~Seul le texte prononcé fait foi~~
~~Es gilt das gesprochene Wort~~

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On behalf of Ambassador Reiterer, I would like to congratulate the Polish Embassy to the organization of today's seminar. I look forward to presentations of MM Lekarski, Catrina and Zellweger on the various aspects, and perspectives, of Swiss policy of neutrality and the European security policy. I hope that today's presentations may shed some light on two questions, the first being of a fundamental nature, and the second of more practical relevance.

First, is it possible, for a neutral country such as Switzerland, to engage and to co-operate with the EU in the field of security policy? And if so, where are the limits? The title of today's seminar seems to imply that there might be some conflict – or even a fundamental incompatibility – between Swiss neutrality, and the European Union's Security Policy. But if we look across the continent, there are a number of the EU Member States for which neutrality is - or was - an important part of their national history. Ireland and Austria springs to mind, but also Finland, Sweden or Malta. Likewise, for some Baltic and Benelux countries, the concept of neutrality has been of relevance at a certain time in their history.

Second, what does this imply in practical terms? Where are the fields of co-operation which the EU and CH have successfully tried and tested so far? Which are the areas where we might explore future co-operation?

In my presentation, I should like to illustrate some pertinent changes in the European Security and Defense Policy following the Lisbon Treaty, and to give you a few examples on "what has been going on" between the EU and CH in these last years.

1. The EU Security Policy since Lisbon

History is giving way to new realities: The EU now operates a Common Foreign and Security Policy (CFSP), with the Common Security and Defense Policy (CSDP) as an integral part. Its central objective is to strengthen the external action capacity of the EU by building up and developing civilian and military capabilities which enable the Union to undertake crisis

management missions. In this context, also conflict prevention activities are of importance.

CSDP works according to the traditional rules of inter-governmental cooperation. While all important decisions must be taken unanimously, a Member State can abstain on a vote without preventing the adoption of a Council decision (a so called "constructive abstention"). In such a case, the abstaining Member State is not bound to participate in the implementation of the decision in question.

The Treaty of Lisbon, in force since two years now, contains a number of new elements of EU primary law regarding the Common Security and Defence Policy. To mention just a few:

- the extension of the range of "Petersberg-Tasks" to disarmament measures, military advice and assistance, conflict prevention and post-conflict stabilisation;
- commitment of the EU Member States to make civilian and military capabilities available to the CSDP;
- commitment of the EU Member States to progressively improve their defence capabilities;
- Embedding of the European Defence Agency (EDA) in EU primary-law;
- the creation of a possibility for those Member States whose military capabilities fulfil higher criteria and who wish to enter into more binding commitments in this area to set up a "**permanent structured cooperation**";
- the introduction of a commitment to mutual assistance in the case of an armed attack on an EU Member State, **respecting the "specific character of the security and defence policy of certain Member States"**;
- the introduction of a Solidarity Clause for all Member States with a view to confronting terrorist threats and disasters ("Solidarity Clause").

[In this context, it has to be mentioned, that the range of "Petersberg Tasks", is only extended to missions, whose

potential intensity is clearly below that of the “tasks of combat forces in crisis management, including peacemaking”, which were among the “Petersberg-Tasks” from the beginning. Therefore, the execution of such missions can already, before entry into force of the Lisbon Treaty, be regarded as implicitly authorized under EU-primary law, i.e. see the above mentioned Mission EUSEC RD Congo.

The creation of the European Defence Agency (EDA) –also did not require a primary-law basis and in fact this agency was launched in 2004 and commenced its work in 2005. It deserves mentioning, however, that the EDA is to date the sole of the numerous “EU-agencies” which will be referred to in EU primary law once the Lisbon Treaty enters into force.

Concerning the abovementioned “Solidarity Clause”, its core elements are largely identical with those of a declaration adopted by the heads of state of the EU in March 2004 in response to the terror attacks in Madrid. In the Treaty of Lisbon, these - so far purely political - commitments now take on a legal character while their scope is broadened beyond terror attacks to also comprise natural and man-made disasters.

Regarding the commitment to provide civilian and military capabilities for the Common Security and Defence Policy as well as to improve military capabilities, it should be noted that again, through these dispositions the Lisbon Treaty only introduces commitments into primary law, which all member states (except Denmark in light of its general CFSP “opt-out” in existence since the Maastricht Treaty) already adhere to since the creation of the ESDP through the Helsinki decisions.

Let us keep in mind that the Treaty of Lisbon, as far as it is concerned with the provision or the improvement of military capabilities, does not aim at an increase in defence expenditure and armaments. It rather seeks to give orientations for the further development of member states’ armed forces with a view to enable them to meet the challenges of strengthening global peace and stability through crisis management measures in frameworks such as ESDP or the UN.]

2. Co-operation in the field of security policy between the EU and Switzerland.

CH has shown active involvement and interest in the EU's CSDP, by contributing key assets to our efforts, including contributions to military operations. CH helicopters in Bosnia (Althea, *19 troops*) and doctors in Congo (EUFOR RDC Congo, *2 surgeons*) are two examples which were much appreciated.

2.1. Concerning structural co-operation,

- an agreement of 2008 allows for the exchange of classified information;
- CH does not participate in the Capabilities Development Process (CDP); and
- there are no regular meetings in the CSDP context (apart from ad hoc meetings on an individual basis).
- But CH does participate in ESDC training activities insofar as they are opened to candidates of 3rd countries; and
- CH is regularly invited to information meetings on civilian aspects of EU exercises.
- The most notable recent development concerns the co-operation with the European Defense Agency (EDA). CH just entered into a framework agreement, comparable to a similar administrative arrangement which the EDA concluded with Norway in 2006. **This agreement will allow Switzerland to take part in all EDA projects and programmes (which relate to Armament as well as Research and Technology sectors). It could also allow CH - as Norway does - to participate in the Regime of Defence procurement and the Code of Conduct and e.g. advertise her programmes, should that become of interest.** This agreement was just approved by the EU Foreign Affairs Council, at the meeting of the ministers of Defense two weeks ago. The agreement will enter into force on the day of signature, some time in the beginning of 2012.

2.2. Concerning the participation in operations, CH opted to join and support the EU efforts in a number of cases already:

- concerning CSDP military operations, I already mentioned Bosnia and Congo as two examples. Atalanta is a third example where Swiss participation was under consideration but finally rejected by the Swiss parliament in 2009, as most of you will remember.

- in ESDP civilian operations, I should mention EULEX Kosovo (12 persons), the EU Police mission in Bosnia (2 persons), the Aceh Monitoring Mission or EUPOL Proxima in Macedonia.

- For the time being - there is no political framework for CH participation. Generally, 3rd country participation in EU crisis management is covered by the general framework of the Nice EC conclusions and, specifically for the civilian missions, by the Gothenburg EC conclusions. With specific regards to CH, the idea of a framework participation agreement (FPA) has been in the air for quite a while. The Council has authorized the opening of negotiations in 2004. In the course of the last several years, the EU has signed similar full-fledged framework agreements (ie. covering both civilian and military aspects) with a number of countries, such as Iceland, Norway, Turkey, the Ukraine or Canada. There is also a recent example of a civilian-only framework agreement with the United States, signed in early 2010. In principle, the EU has been - and continues to be - open to talks also with CH, either way (fully-fledged, or civilian-only). We keep looking forward to future **joint efforts in the field of crisis management**. They could be a useful step forward in our co-operation to agree on a **permanent instrument governing possible future participation in our missions**. We are also ready to **resume talks on a FPA**.

Are any of the activities and avenues which I just mentioned feasible for CH? And even if not to be envisaged in the near future, are there any activities which might be categorically excluded? I hope today's event will provide some elements of an answer to these questions.

Thank you.