

# DIRITTI COMPARATI

## Comparare i diritti fondamentali in Europa

### STRATEGIC COMPASS – TOWARDS SECURE EUROPEAN UNION?

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On March 21, 2022, the European Council adopted 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. The Strategic compass sets a roadmap for the EU to enhance its defence and security. The Strategic Compass is quite a comprehensive document covering many areas of security and defence, but it is not the first document of such a nature. In 2003, the “European Security Strategy” was adopted under the leadership of Javier Solana, and in 2016 Federica Mogherini presented the “Global Strategy (N. Gnesotto, Institute Jacques Delors, [Strategic Compass: industry or power](#), 2022, 2).

The adoption of the Strategic Compass might be seen in the context of the Russian full-scale invasion of Ukraine which started in February 2022. In fact, the preparation of the Strategic Compass has started already in 2020 and the plan to adopt the document in March 2022 was agreed to long before. However, the Russian full-scale invasion of Ukraine couldn't have been ignored. As claimed by Borges de Castro and Barbosa Lobo: *‘Russia’s invasion of Ukraine is indeed a wake-up call for Europe. EU countries were quick to tear down old taboos’* (R. Borges de Castro, R. Barbosa Lobo, [A Compass and a Concept: A Guide to the EU and NATO Strategic Outlooks](#), Transatlantic Policy Quarterly’s Summer 2022 issue, Volume 21, 2022,

114). Hence, the drafters of the document had to consider such a sharp change in the security situation in Europe.

The most explicit reference to the Russian full-scale invasion is present in the foreword by the High Representative of the European Union for Foreign Affairs and Security Policy, Josep Borrell. The High Representative [states](#) that *'the war against Ukraine is making it more urgent to achieve a sea change in EU security and defence'*. The Strategic Compass provides EU Threat Analysis mentioning the relations with Russia. The influence of Russia's full-scale invasion of Ukraine is noticeable in the threat assessment and characterization of relations with Russia comparing the draft version presented in November 2021 and the final one published in March 2022. The draft version contained a rather mediocre statement that the support for the Donbas conflict and the illegal annexation of Crimea by Russia constitute a turning point in the relations. In contrast, the final version used a stronger declaration mentioning Russian unjustified military aggression against Ukraine in 2022 that happened after the military aggression in Georgia in 2008 and in Eastern Ukraine in 2014, the illegal annexation of Crimea, *de facto* control over Belarus and the presence of Russian troops in the Republic of Moldova. Moreover, the final version asserts the Russian military intervention in Eastern Ukraine in 2014, not just the support to Donbas conflict. ([EU Strategic Compass, 2022, 17](#)). In this manner, the Strategic Compass shows that Russian illegal actions in different regions are interconnected and demonstrate the broader picture of what kind of threat Russia poses to the region and the EU.

In addition to the Section on Threat analysis, the Strategic Compass consists of the following four main chapters: Act, Secure, Invest and Partner. These chapters contain clear objectives to be achieved by the Union. For each objective the deadline is provided. Usually, the deadline is set for 2023 or 2025. Each chapter proposes various goals from the EU Rapid Deployment Capacity in the chapter 'Act' to further strengthening of the strategic partnership with NATO in the chapter 'Partner'. In general, there are more than 40 different objectives introduced by the Strategic Compass. Kaim and Kempin are critical concerning the huge number of

new projects as it might lead to further fragmentation of Common Security and Defence Policy (M. Kaim, R. Kempin, German Institute for International and Security Affairs, [Compass or Wind of Change?](#), 2022, 4). On the other hand, such detailing is necessary for the Union in order to achieve these goals considering the decision-making procedure in the area of security and defence in the EU. The clear and detailed goals might help the Member States to prepare for their implementation.

One of the most discussed objectives is the EU Rapid Deployment Capacity consisting of 5,000 troops, which should become operational by 2025. N. Witney calls the idea of a 5,000-strong EU Rapid Deployment capacity is an example of how the Compass is outdated in light of the Russian full-scale invasion of Ukraine (N. Witney, [The EU's Strategic Compass: Brand new, already obsolete](#), 2022). However, it is necessary to understand for which operations EU Rapid Deployment Capacity might be engaged. Definitely, it does not include ambitious territorial defence operations. The EU Rapid Deployment Capacity might rather successfully deal with certain EU crisis-management operations, such as rescue, evacuation or stabilisation operations (S. Blockmans, D. Macchiarini Crosson, Z. Paikin, [The EU's Strategic Compass, A guide to reverse strategic shrinkage?](#), CEPS Policy Insights, 2022, 7).

The Strategic Compass prescribes that the EU has to decide on the practical modalities for the implementation of Article 44 by 2023. While the unanimous decision-making still remains the main rule for the Common Foreign and Security Policy for the European Union, the only deviation is prescribed in Article 44 of the Treaty on the European Union stating that *'Within the framework of the decisions adopted in accordance with Article 43, the Council may entrust the implementation of a task to a group of Member States which are willing and have the necessary capability for such a task...Member States participating in the task shall keep the Council regularly informed of its progress on their own initiative or at the request of another Member State'*. In this framework, the Compass states that the willing and able Member States will be allowed to plan and conduct a mission or operation under the political oversight of the Council ([EU Strategic Compass](#), 2022, 30). The reference to the role of the Council

indicates that still the political willingness of all Member States is required, rendering the operations or missions less attractive (N. Koenig, [Putin's war and the Strategic Compass, A quantum leap for the EU's security and defence policy?](#), 2022, 4). It demonstrates that the implementation of many objectives is highly dependent on the readiness of all Member States and practical aspects are still to be negotiated.

The Strategic Compass is rather silent on the practical aspects of Article 42(7) of the Treaty on European Union which stipulates that *'If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power'*. This provision is mentioned in the 'Act' chapter stating that the Union *'will continue to conduct regular exercises to further strengthen the mutual assistance in case of an armed aggression. This will compromise regular cyber exercises starting from 2022'* ([EU Strategic Compass](#), 2022, 31). Cyber attacks and threats are mentioned rather frequently in the Compass. The question arises whether the cyber exercises are the only regular exercises to further strengthen mutual assistance. Mutual assistance and solidarity are of particular importance for non-NATO EU Member States. However, there are no more detailed provisions that could shed light on the practical implementation of the mutual assistance and solidarity clauses.

The Compass repeatedly emphasizes that a stronger EU in the field of security and defence is complementary to NATO and is not intended to substitute it ([EU Strategic Compass](#), 2022, 10). The EU's idea is to become a more reliable partner in the eyes of both NATO and the United States (C. Atlamazoglu, J. C. Moyer, Wilson Center, [A Strategic Compass: The European Union expands its box](#), 2022). The references to NATO as a like-minded partner are made several times within the document. The EU also wishes to ensure that the EU defence initiatives are coherent with the NATO processes. The further emphasis on the strategic partnership with NATO is proclaimed in the context of Russia's military aggression in 2022 ([EU Strategic Compass](#), 2022, 53). At the same time, the Compass indicates that the EU wishes to lower unwanted strategic dependencies. The Compass does not provide an answer to the question of whether

there are such strategic dependencies on NATO that should be reduced. In the 'Partner' section, the Compass describes in detail what partnership goals the EU seeks to achieve in multilateral, regional and bilateral frameworks. In the bilateral part, the EU names certain states as the United States, Norway, Canada, and the United Kingdom. In addition, the following groups of states are mentioned within the bilateral objectives: Western Balkans, Eastern Partners, Southern Neighbourhood, African Partners, and Partners in the Indo-Pacific. To the Eastern Partners the EU included Georgia, Ukraine, and the Republic of Moldova. The Compass does not set any specific objective towards the partnership with Ukraine, only the general statement to *'strengthen our security and defence cooperation with the Eastern partners with a view to strengthening their resilience, including against hybrid attacks and cyber threats'* ([EU Strategic Compass](#), 2022, 60). This objective in the 'Partner' section might indicate that not all parts of the document were fully amended considering the Russian full-scale invasion of Ukraine in February 2022.

The EU Strategic Compass is quite a far-reaching document covering various areas and setting ambitious goals. While being detailed with the objectives, the Compass lacks clarification regarding to the practical aspects of the mutual assistance and solidarity clauses, decision-making and implementation of Article 44 TEU. The Compass sets many ambitious objectives, but all declared goals must be implemented. It would be naïve to expect that all objectives will be implemented by the Member States given the fact that the decisions on the security and defence require unanimity in the Council.