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Common Security Policy vs. Sovereignty – What Are the Limits of a Member State’s Autonomy?

In light of the recent war that thrust Europe into upheaval, taking a look at the European Union’s common security policy is of paramount importance. In my paper, I shall examine how essential state functions play a role in ensuring national security and sovereignty, while also taking part in the EU’s policies regarding this vital area of cooperation. My research focuses on what security entails on the level of the EU. In addition, I would like to explore what the boundaries of cooperation are, and how this policy was created. Of course, nations need each other in trying times, but does that leave no room for autonomous decisions? What are the limits, which allow no more freedom for state functions to take effect?

Keywords: security policy, essential state functions, sovereignty, European Union, national security

The EU’s current common security policy

“Inter arma enim silent lēgēs.” Nowadays, we often hear this phrase from Cicero quoted, mostly to bring necessary changes to our attention. While I cannot propose answers to the tragedy occurring not far away from Hungary, I shall propose an activity that is worthwhile and could help shape our future – reevaluating frameworks of law that govern the European Union’s (hereinafter: EU) current common security policy. Taking a look at this is of utmost importance, not just because of the current situation, but also because there is tension around the topic of sovereignty and how far the powers of the EU reach when it comes to defence policy.

In order to correctly determine how deep the metaphorical line in the sand is, I would like to start off by taking a look at the framework of the EU’s defence policy. Through my research I attempted to explore what the boundaries of cooperation are in addition to what it means to keep one’s sovereignty while being a part of an organisation such as the EU.

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What the common security policy looks like

The Common Foreign and Security Policy (CFSP) of the European Union aims to preserve peace and strengthen international security in accordance with the principles of the United Nations Charter.² The Amsterdam Treaty created the office of the High Representative for the Common Foreign and Security Policy to co-ordinate and represent the EU's foreign policy. The Treaty of Lisbon created a High Representative of the Union for Foreign Affairs and Security Policy, de facto merging the post of High Representative for the Common Foreign and Security Policy and European Commissioner for External Relations and European Neighbourhood Policy.³ Based on Articles 42–46 of the Treaty on European Union (TEU), the CSDP also entails a mutual defence clause amongst Member States.⁴

These principles set down guidelines as to how Member States should act.⁵ The first point reinforces sovereign equality as a vital part of cooperation, and the next several contain stipulations (e.g. good faith regarding the obligations, settling their international disputes by peaceful means, refraining from the threat or use of force against the territorial integrity or political independence of any State, giving the United Nations every assistance in any action / refrain from giving assistance to any State against which the United Nations is taking preventive or enforcement action, countries which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security).

As part of the EU's policy, the Common Foreign and Security Policy Budget finances civilian missions, stabilisation actions as well as multilateral and bilateral non-proliferation and disarmament projects. More than ten EU Common Security and

² The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII (United Nations Charter, Article 2).

³ High Representative of the Union for Foreign Affairs and Security Policy s. a.

⁴ Article 42, Treaty on European Union.

⁵ Service for Foreign Policy Instruments: Common foreign and security policy.



Defence Policy civilian missions in Europe, Africa and the Middle East, with over 2,000 persons involved, have been deployed over the last 10 years.

In addition, the EU funds several activities under its budget:⁶ Civilian Common Security and Defence Policy⁷ missions that work towards regional and international security and stability, as well as European Union Special Representatives who promote the EU's policies and interests in troubled regions and countries and play an active role in efforts to consolidate peace and to promote stability and the rule of law.⁸ These representatives are independent natural persons, appointed by the Council and entrusted with a mandate in relation to a particular policy issue. Currently, nine EUSRs support the work of the High Representative of the Union for Foreign Affairs and Security Policy, Josep Borrell.⁹

The budget also funds Non-Proliferation and Disarmament activities that contribute to the universalisation and effective implementation of international treaties, conventions and agreements addressing the proliferation of weapons of mass destruction, including their delivery mechanisms, and of conventional arms.¹⁰

The EU is currently facing increasing threats and challenges, ranging from conventional to transnational threats including hybrid threats, cyberattacks and conflict in its immediate vicinity and beyond. Unfortunately, these are not the only issues which the EU must respond to: climate change is exacerbating conflicts and instability. Until now a goal regarding the future has been that the EU must be able to act autonomously without the United States of America. This meant that the primary aim of strategic sovereignty should be protecting EU Member States and asserting common European interests. However, this is made incredibly difficult by the fact that strategic sovereignty must include the pursuit of Europe's collective defence capability in close cooperation and coordination with the EU and the North Atlantic Treaty Organization (NATO).

As for the current occurrences: EU Member States as well as European NATO partners will have to shoulder considerable costs to decouple themselves from Russia in terms of energy policy, which will leave significantly less attention and fewer resources for policy areas that are not directly related to this challenge.¹¹ The EU and NATO will have to clarify how they will adapt their respective enlargement processes under the conditions of a confrontational security order. It is primarily Sweden and Finland debating whether or not to join the alliance.¹² So far, there is little indication that other non-aligned EU Member States such as Ireland, Malta and Austria are also seriously reconsidering their status.¹³

These happenings in Europe make it necessary to redefine the goals of strategic sovereignty. The strategic autonomy of Europe has been a focal point in the discourse on European policy in recent years, with the notion of Europe's "self-assertion" being

⁶ EU Missions and Operations 2020.

⁷ Read more in *The Common Security and Defence Policy 2021*.

⁸ *EEAS 2021*.

⁹ *EU Special Representatives 2021*.

¹⁰ *EEAS 2022*.

¹¹ See more in *GRESSEL 2022*.

¹² *ÅLANDER-PAUL 2022*.

¹³ *VON ONDARZA – OVERHAUS 2022*.



a central aspect of the European political discourse since at least the founding of the EU with its Common Foreign and Security Policy. Despite always having been a point of discussion, it was only during Donald Trump's term as U.S. President that the question of strategic autonomy became a central theme.¹⁴

As a consequence, the debate about strategic sovereignty has been driven by disputes over definitions. These definitions include the capacity to act, which refers to the political and material preconditions for common European action in foreign, security and defence policy. It also requires political institutions inside or outside the EU to take binding decisions as quickly as possible, as well as the appropriate resources to act militarily, economically, technologically, or politically. However, the goal of having the capacity to act does not say anything about the appropriate way in which Europeans should act together.¹⁵ Strategic autonomy goes beyond the mere capacity to act because, at its core, it means the ability to set one's own priorities, make decisions and implement them.¹⁶ So we can see that strategic sovereignty is the most ambitious goal. It was first introduced into the debate by French President Emmanuel Macron in his Sorbonne speech in 2017,¹⁷ and it requires a political construct that only the EU can offer. Although the EU is far from being a sovereign State, it is nevertheless a unique political entity that is capable of jointly exercising sovereignty across the full range of state policy.¹⁸

Thus, one can see a side-effect of this aim - strategic sovereignty has the potential to become a central narrative for the deepening of the EU. We can already see this when taking a look at how in the face of the Russian invasion of Ukraine, the Member States looked at the EU to take centre stage in providing help to refugees and protecting all its citizens. Although the EU has created institutional procedures in the form of Permanent Structured Cooperation (PESCO)¹⁹ and the European Defence Fund,²⁰ it has so far barely strengthened its military capacity to act. A more effective and tangible progress has been made in the area of protection against economic coercion, technological resilience, and the projection of European economic power outside of the EU (Global Gateway).²¹

In this climate, the issue of national sovereignty seems to have shrunk. However, it is still one of the most pressing issues. Nevertheless, before taking a look at what sovereignty is, it is useful to illustrate how the current EU security policy came into existence.

History of common security policy

It was during the past couple of years, that the EU and the European Commission have stepped up security and defence policy cooperation. There has been a Franco-German

¹⁴ LIPPERT et al. 2019.

¹⁵ DAMEN 2022.

¹⁶ LIPPERT et al. 2019. For security related trade-offs see BIEHLER et al. 2021.

¹⁷ Ouest France 2017.

¹⁸ VON ONDARZA – OVERHAUS 2022.

¹⁹ PESCO s. a.

²⁰ EDF 2023.

²¹ Global Gateway 2023.



push for cooperation,²² as well as the new European defence cooperation outside of formal formats.²³ In his 2016 State of the Union address, former European Commission President, Jean-Claude Juncker, launched²⁴ the previously mentioned European Defence Fund (EDF). It strengthened the European defence effort and implied a new role for the European Commission in the EU security and defence policy cooperation. Calle Håkansson actually argues that the European Commission's new role in defence policy blurs the traditional dichotomy between intergovernmental and supranational decision-making.²⁵

The Commission's ambition in this field has a long history. Between the 1960s and 1980s, there were several proposals, mainly in the defence-industrial field.²⁶ In the late 1990s and early 2000s, intergovernmental development²⁷ became the central theme, and it was only with the Commission's 2009 'Defence Package',²⁸ that the Commission's new role became a viable option. The Package's two directives, combined with the 2007 European Security Research Programme²⁹ made the development of the European Defence Fund possible. By 2017 the Commission had launched its work on Military Mobility.³⁰

These were the stepping stones, which culminated in the new order of things, after the final push was delivered by the war in Ukraine. As for the future of both the deepening of common security policy and the possible further integration, many ideas have been put forward,³¹ but we do not know if the theories about the future of Europe are viable.

The previously held *Conference on the Future of Europe*³² dealt with different topics related to how the EU may look like for the next generations. The follow up on the proposals is being discussed, with possible amendments being made to the Treaties.³³ The proposals made by the Conference include 326 measures for the EU institutions and Member States to follow up on nine topics: climate change and the environment; health; a stronger economy, social justice and jobs; EU in the world; values and rights, rule of law, security; digital transformation; European democracy; migration; education, culture, youth and sport.³⁴ As we can see, security is an important topic that needs changes made to it. The discussions around security included the internal security of the EU, such as the protection of Europeans from acts of terrorism and other crimes.³⁵ However, in the outcome of the *Conference on the Future of Europe* certain measures to be taken as a collective to ensure the external security, and indeed to strengthen the

²² BÉRAUD-SUDREAU-PANNIER 2021: 295–310.

²³ BILLON-GALLAND-QUENCEZ 2018.

²⁴ European Commission 2016.

²⁵ HÅKANSSON 2021: 589–608.

²⁶ REHRL 2021.

²⁷ HADFIELD-LIGHTFOOT 2021: 487–504.

²⁸ European Commission 2009.

²⁹ BIGO et al. 2014.

³⁰ European Commission 2017.

³¹ DARNIS 2013.

³² Conference on the Future of Europe s. a.

³³ European Parliament 2022.

³⁴ European Commission 2022.

³⁵ Conference on the Future of Europe 2022: 20.



EU's aforementioned strategic sovereignty were also proposed. These measures are the following: "1. Its joint armed forces that shall be used for self-defence purposes and preclude aggressive military action of any kind, with a capacity to provide support in times of crises including natural catastrophes. Outside European borders it could be deployed in exceptional circumstances preferably under a legal mandate from the UN Security Council and thus in compliance with international law, and without competing with or duplicating NATO and respecting different national relationships with NATO and undertaking an assessment of EU relations with NATO in the context of the debate on the EU's strategic autonomy.

2. Playing a leading role in building the world security order after the war in Ukraine building on the recently adopted EU strategic compass.

3. Protecting its strategic research and its capacity in priority sectors such as the space sector, cybersecurity, the medical sector and the environment.

4. Strengthening the operational capabilities necessary to ensure the effectiveness of the mutual assistance clause of Art. 42.7 of the Treaty on European Union, providing adequate EU protection to any member state under attack by a third country.

5. Reflect on how to counter disinformation and propaganda in an objective and factual way."³⁶

As for what the future holds – we cannot yet know. However, we must have a healthy dialogue about what the possible widening of the EU's powers may mean when it comes to the Member States. In order to take a look at the relationship between sovereignty and the EU's current roadmap of legal framework, I must first discuss what sovereignty is.

Sovereignty and identity

Central to the idea of representations of sovereignty and identity politics being indicative of security discourses at work is that discourses of security are fundamentally embedded in broader discourses of international relations.³⁷ Security is so essential to the identity of any and every country, including Member States that this feature is named as part of the essential state functions. In accordance with Article 4(2) of the Treaty on European Union "[t]he Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State".

Some argue that Article 4(2) TEU provides the possibility for national constitutional Courts in occasional situations to ignore EU law on constitutional identity grounds.³⁸ This has previously happened in the PŠPP decision,³⁹ and after that⁴⁰ more and more

³⁶ Conference on the Future of Europe 2022: 65–66.

³⁷ McDONALD 2002.

³⁸ PRESHOVA 2012: 267–298.

³⁹ CAPETA 2021.

⁴⁰ KÁLMÁN 2021.



decisions of national constitutional Courts echoed this sentiment.⁴¹ However, the debate is still ongoing, the Court of Justice of the European Union very rarely accepting⁴² the argument of national identity.⁴³

But to what extent can constitutional identity matter when it comes to national security? How does this all relate to sovereignty?

What is constitutional identity?

While the article I have cited not only sets down national security as the sole responsibility of each Member State, but also brings up the concept of constitutional identity, which is a point of discussion nowadays in front of many constitutional Courts. The constitutional identity and the seeds of the constitution are part of “constitutional politics”. We have to search for what reason constitutional identity is among the “four corners of the constitution”, meaning that we must start with interpreting the text itself.⁴⁴

The basic political and constitutional structures of a Member State form a framework within which the issue of essential state functions can be interpreted.⁴⁵ The exact nature of these functions is important when it comes to the Member States’ competences in which the transfer of competences is involved in relation to EU decision-making processes.⁴⁶ The two components of the concept of constitutional identity should be examined separately: we need to talk about both the constitution⁴⁷ and identity.⁴⁸ This also foresees that the process of identity formation itself is called into existence by the constitution that serves as the basis of the constitutional system created by the constitutional community and at the same time embodies it,⁴⁹ which is inseparable from the socio-political community.⁵⁰ The Constitution, as a concept embodying national sovereignty, is always linked to a specific State.⁵¹ Following the Parliament’ adoption of the 7th amendment to the Fundamental Law on 20 June 2018, Hungary’s constitutional identity as a constitutional value to be protected became part of the Fundamental Law. Accordingly, the protection of Hungary’s constitutional self-identity and Christian culture is now the duty of all bodies of the State.⁵²

⁴¹ See WEBER 2022; ORBÁN–SZABÓ 2022: 103–111.

⁴² For the sake of example see the Judgment of 7 September 2022, C391/20, *Cilevičs and Others*, EU:C:2022:638, paragraph 68.

⁴³ MOUTON 2021: 399.

⁴⁴ SÜLYÖK 2014: 44–62.

⁴⁵ MANGIAMELI 2013: 151–168.

⁴⁶ GARBEN–GOVAERE 2017.

⁴⁷ According to some views, the constitution creates a new form of sovereignty that is limited from the beginning by the rights of the individual (see MÖLLERS 2009: 169–204).

⁴⁸ The constitution has a core that gives it its identity, which consists of immutable principles (see SCHMITT 2008: 150–155; BERNAL 2013: 348).

⁴⁹ TRIBL 2020: 34.

⁵⁰ CSINK 2015: 137.

⁵¹ TRÓCSÁNYI 2014: 473–482.

⁵² Fundamental Law of Hungary, Article R) (4) The protection of the constitutional identity and Christian culture of Hungary shall be an obligation of every organ of the State.



In examining the latest Hungarian decisions related to constitutional identity, we should pay attention to Decision 22/2016 (XII.5.) of the Constitutional Court, which names the achievements of the historical constitution as identity-forming factors.⁵³ Justice András Zs. Varga's concurring reasoning in Decision 2/2019 (III.5.) explains that identity is formed by the rejection of the Turkish occupation, the struggle for the restoration of the constitutional independence of the country that was divided into three parts in the last stage of the Austrian–Hungarian Monarchy and also by the fact that Hungary has been a member of the European Union since 1 May 2004. It also mentions EU membership as an element of constitutional self-identity.⁵⁴

Decision 32/2021 (XII.20.) of the Constitutional Court states that sovereignty and constitutional identity are complementary concepts,⁵⁵ and only the core of sovereignty should be considered part of constitutional self-identity. According to the Constitutional Court of Hungary, the protection of constitutional identity is primarily a matter of protecting sovereignty, which is closely related to the preservation of the country's constitutional right to self-determination. Ultimately, in the case of inefficiently or incompletely enforced EU legal acts, this decision may lay the groundwork for the re-exercise of common powers by the Member States, which may simultaneously lead to the temporary inapplicability of the EU legal act.⁵⁶

Despite these opinions and the tendency to want a Member State's constitutional identity to take centre stage, the question of identity is undoubtedly central to security.⁵⁷ Security, it is argued, tells us much about who a particular group thinks it is, particularly with regard to other groups. Notions of security are strongly associated with identity and the sets of oppositions which reflect the political processes through which States secure an identity.⁵⁸ Discourses of security, therefore, have inherent implications for the elaboration of the political subject (the self) and the nature of the relationship between the self and the other. In case of identity politics, the manifestation of security entails

⁵³ [65] The constitutional self-identity of Hungary is not a list of static and closed values, nevertheless many of its important components – identical with the constitutional values generally accepted today – can be highlighted as examples: freedoms, the division of powers, republic as the form of government, respect of autonomies under public law, the freedom of religion, exercising lawful authority, parliamentarism, the equality of rights, acknowledging judicial power, the protection of the nationalities living with us. These are, among others, the achievements of our historical constitution, the Fundamental Law and thus the whole Hungarian legal system are based upon.

⁵⁴ Constitutional Court Decision 2/2019 (III.5.) [68]–[75].

⁵⁵ Constitutional Court Decision 32/2021 (XII.20.) [99] As explained above, in the interpretation of the Constitutional Court, constitutional identity and sovereignty are not complementary concepts, but are interrelated in several respects. On the one hand, the safeguarding of Hungary's constitutional identity, also as a Member State within the European Union, is fundamentally made possible by its sovereignty (the safeguarding thereof). On the other hand, constitutional identity manifests itself primarily through a sovereign act, adopting the constitution. Thirdly, taking into account Hungary's historical struggles, the aspiration to safeguard the country's sovereign decision-making powers is itself part of the country's national identity and, through its recognition by the Fundamental Law, of its constitutional identity as well. Fourthly, the main features of State sovereignty recognised in international law are closely linked to Hungary's constitutional identity due to the historical characteristics of our country.

⁵⁶ ORBÁN–SZABÓ 2022: 103–111.

⁵⁷ STEPHENS–VAUGHAN–WILLIAMS 2008.

⁵⁸ YOUNGS 1996: 22–37; BURKE 2002: 27.



particular implications for the group in question, but also for other groups whose very existence may be conceptualised as a security threat due to their not belonging within that group.⁵⁹

Now that I have set down the grounds for understanding how constitutional identity relates to security, I will take a look at a complementary concept: sovereignty.

What is sovereignty?

It is difficult to escape sovereignty when discussing issues such as security: it permeates the way we talk about and think about international politics.⁶⁰ Discourses of security involve a judgment on which norms are to be valued in the international system, and the potential for norms concerning human rights or environmental preservation, for example, to constrain the actions of States and compete with the norm of sovereignty.⁶¹

There are two differing opinions about whether the concept of sovereignty is a good thing for States.

Sovereignty, for Realists, involves the territorial inviolability of the State from external interference, in a manner consistent with the depiction of sovereignty in the Treaty of Westphalia and the monopoly on the legitimate use of violence by the State.⁶² This understanding of the concept is clearly related to broader Realist claims of the centrality of the state in international relations, and the reliance on self-help as a means of preserving sovereignty.⁶³ Preserving sovereignty is therefore a vital part of the Realist theory, even if classical and structural Realism differ in their opinion of why, with the former emphasising the social contract between citizens and the State.⁶⁴ John Mearsheimer, a Realist explicitly related state survival with the maintenance of sovereignty to the point of conflating survival and sovereignty,⁶⁵ which Jack Donnelly describes as common among Realist scholars.⁶⁶

What Critical Security theorists think about sovereignty is that sovereignty constitutes an obstacle to the realisation of security. This stands in direct opposition to Realist claims that the best means through which security may be achieved is through the sovereign power of the State. Critical Security Studies actually reject the belief that the State is and should be the key guardian of peoples' security.⁶⁷ Some scholars believe that the overwhelming majority of States create insecurity rather than foster an

⁵⁹ SMITH 1996: 193–212.

⁶⁰ WALKER 1993.

⁶¹ For further information see REUS-SMIT 2001: 519–538.

⁶² MAKINDA 1998: 101–115.

⁶³ BUZAN 1983. Of course, positive sovereignty is also important for Realists as the basis for allowing an escape from the Hobbesian state of nature. The important point to note here is that negative sovereignty is particularly important in terms of the prioritisation of the state over individuals within it regarding debates concerning human rights and intervention.

⁶⁴ WEBER 1994.

⁶⁵ MEARSHEIMER 1994: 5–49.

⁶⁶ DONNELLY 2000: 54.

⁶⁷ BOOTH 1997: 106.



atmosphere within which stability can be attained, and prosperity created.⁶⁸ Many believe that the maintenance of internal and external sovereignty obfuscates the possibility for the victims of insecurity to be empowered.

The most interesting point, however, is that Critical Security shares with Realism a perception that sovereignty will win out over competing norms.⁶⁹

To sum up, a sovereign State is one which governs itself independently of any foreign power,⁷⁰ and sovereignty itself is defined as a State having inviolable territorial integrity and political independence, the right to freely choose and shape its political, social and cultural system, and the obligation to fulfil its international obligations in good faith, fully and to live in peace with other States.⁷¹ The internal side of state sovereignty means the ability of the State to create and apply its own legal order, as well as to exercise supreme authority over the persons and things within its territory.⁷² The essence of external sovereignty is that the State is an independent actor in international life, there is no other authority above it, and its decisions do not depend on the approval or agreement of others.⁷³

The closeness of the relationship between security, sovereignty and identity is such that security discourses are partially constructed by the actors' conceptions of sovereignty. Those who reject state centrism as a foundation for thinking about security, also, as a corollary, embrace "some notion of common security", which conceptualises security as being with rather than against the other.⁷⁴ The relationship between security, sovereignty and identity is further complicated by the fact that when national security is defined negatively, as protection against outside military threats, the sense of threat is reinforced by the doctrine of state sovereignty, which strengthens the boundary between a secure community inside and a dangerous external environment.⁷⁵

The line in the sand

To what extent can a country keep its essential state functions, its identity and its sovereignty safe in this climate of much needed cooperation? What are the lines in the sand when it comes to how far the EU can make decisions?

First of all, it is important to bear in mind that national security is different from global security. National security is enshrined in Article 4(2) TEU as an essential state function. It involves a national government working autonomously to protect its citizens from threats.⁷⁶ Global security is fundamentally different, as it involves

⁶⁸ JONES 1995: 310.

⁶⁹ KRAUSE-WILLIAMS 1996: 242–243.

⁷⁰ BOUVIER 1856.

⁷¹ BACK 2002.

⁷² CHRONOWSKI-PETRÉTEI 2020.

⁷³ KISS 2014: 313–322.

⁷⁴ JONES 1996: 208.

⁷⁵ TICKNER 1995: 189.

⁷⁶ About this topic see VÁRHALMI 2010.



a coalition of nations working together. Their aim is to ensure that each of them may enjoy peace and stability.⁷⁷

It is beyond any doubt that without the EU, for example Hungary would not be able to protect its autonomy on a global scale. In addition, the interests of all Member States are inseparably linked.⁷⁸ The main institutional instrument for security is territorial defence, assured through military capabilities and with the support of international law.⁷⁹ This is an aspect, from which the EU is in a better position, even if it is not a State and does not have sovereignty in the classical sense of the term. Despite this, it claims strategic sovereignty, which is highly important in the current political climate.

How can we make sure that while the EU protects us, its powers do not spill over into a territory to which they do not belong?⁸⁰ Can we prevent infringement on the Member States' essential state functions and on their sovereignty? When it comes to further integration, maybe even becoming a federation⁸¹ or halting this process and letting constitutional identities prevail,⁸² the addition of questions regarding security complicates matters. For now, the best thing we can do is have an open dialogue about the possibilities, and propose measures as to the modalities to make sure there is improvement in the legal framework which governs relations in the EU.

As to what could be improved by the European Union, I would propose to set down more clear guidelines of cooperation. The EU is first and foremost an economic organisation, its main goal cannot be taking over essential state functions. While it can save us from global threats, we should finally set an end goal for the EU's aim: is it to become a State itself or simply to exist as a cooperation? And if it is the latter, how far can its powers go?

To sum up, I have high hopes for the Convention⁸³ to revise the Treaties, and for the subsequent changes in the area of common security policy to take place. True cooperation in its purest, most trusting form can only be achieved through clear guidelines and open dialogue about the hopes and fears of all Member States of the EU.

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⁷⁷ OSISANYA 2022.

⁷⁸ The Diplomatic Service of the European Union 2018.

⁷⁹ EKENGREN 2008: 267–288.

⁸⁰ PAVEL 2015.

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⁸² CALLIESS – VAN DER SCHYFF 2020.

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