

European Union Law and Defence Integration

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MARTIN TRYBUS, *European Union Law and Defence Integration* (Oxford, Hart Publishing 2005) XXXII + 407 p., ISBN 1841134406.

The book presents a comprehensive and impressive history and analysis of the development of Community law as an instrument of defence integration. The unfortunate dichotomization between Community law/politics and defence law/politics in academic literature is misleading and gives a rather narrow picture of the dynamics of European integration. Therefore, Martin Trybus's book is innovative in its search for the commercial, social and other 'civilian' aspects of defence that have consequences for the development of defence law/politics in the European Union. Indeed, even issues of gender equality legislation have important effects on the armed forces.

A major theme in the analysis is how the delicate balance between a functioning internal market and the protection of national security interests is handled. The legal cases on this balance are interesting reading and show the complexity between politics and law. Indeed, defence and security are at the heart of the sovereignty of the member states, whereas the free movement of goods, workers, establishment, services, capital and payments are at the heart of the Community. Therefore, conflicts between security and the internal market are inevitable. Although Trybus shows that there are important legal mechanisms to solve these conflicts, I am convinced that there are also political escape routes. One way of solving the dilemma is to try to separate between the first and second pillars. In practice, this is more or less impossible, but the pillar structure serves an important political need – to show that a sceptical opinion exists in various countries that security is still a national affair or at least that co-operation on defence belongs to the intergovernmental pillar. Trybus's conclusion that the legal framework on defence is fragmented, could lead to inconsistencies and also undermine the efficiency of European defence integration, is correct but misses the point. In an ideal world where there are no disagreements within and among the member states on the direction of the European Union, a more consistent and comprehen-

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sive legal framework is a good thing. However, in the real world of European politics, inconsistencies are necessary in order to advance European integration.

