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The People's Movement campaigns against any measures that further develop the EU into a federal state and to defend and enhance popular sovereignty, democracy and social justice in Ireland.

A military Constitution for the European Union?

The unelected European Convention produced a draft for an EU Constitution which consists of 260 pages divided into four chapters. This Constitution has now been rejected by the voters of France and the Netherlands and, as it requires unanimity among the member states in order to enter into force, it should fall. However, according to the White Paper published by the Irish Government in October 2005, it is only 'delayed'. So we might still have a referendum on this Constitution if the Irish government thinks there is a chance of success. In the meantime, sections of the draft Constitution are being implemented by stealth – see the article on our website – and the formation of battlegroups continues apace. Therefore this analysis is both relevant and timely. The EU Constitution can be read or downloaded at <http://european-convention.eu.int/>.

The significance of military policy in the EU Constitution

The 'Common Foreign and Security Policy' (CFSP) and the 'European Security and Defence Policy' (ESDP) are central to the draft Constitution and the regulations regarding military policy are very detailed. The EU Commission itself comments: 'Finally, by virtue of the fact that it replaces all the provisions of the current Treaties and, in particular, rewrites the provisions on external action and the area of freedom, security and justice, while adopting the Treaty provisions on policies wholesale, the draft Constitution has inevitably become a lengthy and fairly detailed document.' (Opinion of the Commission, pursuant to Article 48 of the Treaty on European Union, on the Conference of representatives of the Member States' governments convened to revise the Treaties, 17/09/03.)

The European Commission describes the significance of foreign and security policy as follows: 'The Convention examined closely the provisions on the Union's external action and the area of freedom, security and justice. It produced draft articles completely rewriting the originals. As far as the other policies are concerned, the Convention confined itself to reproducing the provisions currently featuring in the EC Treaty, with only a few alterations.' In the same document, the content of the EU draft constitution is described as follows: '... it revamps the provisions concerning the common foreign and security policy; it develops the common security and defence policy and enables those Member States wishing to do so to enhance their capacity for action within a common framework.'

EU Integration through a common military policy?

The draft Constitution explicitly states: 'The Union shall have competence to define and implement a common foreign and security policy, including the progressive framing of a common defence policy' (Article I-11, paragraph 4; it is similar in article I-15, paragraph 1).

Article I-40, paragraph 2, clarifies the steps that need to be taken: 'The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides.' A duty of loyalty would also be established within the European Union. Article I-15, paragraph 2, reads: 'Member States shall actively and unreservedly support the Union's common foreign and security policy in a spirit of loyalty and mutual solidarity and shall comply with the acts adopted by the Union in this area. They shall refrain from action contrary to the Union's interests or likely to impair its effectiveness'. As long as there is no decision of the European Council on 'security policy', individual member states of the EU who, regarding their military, 'have made more binding commitments to one another' may establish a 'structured cooperation within the Union framework', according to Article I-40, paragraph 6 (more below under 'Council of Ministers decides military policy on its own'). If this constitution is passed, member states won't have the power to block the developing common military policy. The common military policy of the European Union will play a central role in the process of the integration of the enlarged EU of 25 member states. In particular, the regulations on competences (especially Article I-11) or on general obligations (Article I-15) highlight this aspect.

Commitment to arms expenditure

Regarding peace or military policy, the draft constitution includes new regulations. There is an explicit commitment to armament in the constitution: 'Member States shall undertake progressively to improve their military capabilities' (Article I-40, paragraph 3). This means that in the constitution there is a legal requirement to regular increases in armaments! A 'European Armaments, Research and Military Capabilities Agency' will be set up 'to identify operational requirements, to promote measures to satisfy those requirements, to contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, to participate in defining a European capabilities and armaments policy, and to assist the Council of Ministers in evaluating the improvement of military capabilities' (Article I-40, paragraph 3). Regarding the 'improvement of military capabilities' and the 'evaluating the improvement of military capabilities' the constitution explicitly defines commitments!

EU troops engaged in combat operations all over the world?

The EU member states provide military contingents for the EU military policy: 'Member States shall make civilian and military capabilities available to the Union for the implementation of the common security and defence policy, to contribute to the objectives defined by the Council of Ministers. Those Member States which together

establish multinational forces may also make them available to the common security and defence policy' (Article I-40, paragraph 3). It is unique that readiness for military interventions world-wide gets the status of a constitutional duty. EU troops will be used as 'combat forces in crisis management, including peacemaking and post-conflict stabilisation' (Article III-210). It goes on, '[a]ll these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories' (Article III-210). This is an extremely broad mandate for potential EU military operations. It even allows for the EU to intervene in a civil war on the side of one or other faction, and to influence the outcome of the war militarily, justified by the 'fight against terrorism'. The Constitution is silent on any possible limitations for such extra-territorial EU military operations.

A two-tier military EU

Article 40 paragraph 6 says: 'Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish structured cooperation within the Union framework'. This means that individual member states, which 'have made more binding commitments to one another', can create permanent common military structures. Article I-40 paragraph 7 defines more concretely what Jacques Chirac described once as an advance team such as at the *tour de France*: 'Until such time as the European Council has acted in accordance with paragraph 2 of this Article, closer cooperation shall be established, in the Union framework, as regards mutual defence'. This translates into the area of military structures what German foreign minister Joschka Fischer described as an 'avant-garde' Europe, about a 'centre of gravity' within the EU, but the older term of a 'core Europe' coined by Wolfgang Schäuble and Karl Lamers is more to the point. It remains open how this closer military cooperation within the union framework could be slowed down or prevented by other EU member states. Of course, the structures and administration facilities of the EU would be used by this core group.

Close cooperation with NATO

This so called 'structured cooperation' in the area of military policy is something like an exclusive club within the EU. Article III-213 paragraph 3 reads: 'When the Council of Ministers adopts European decisions relating to matters covered by structured cooperation, only the members of the Council of Ministers that represent the Member States taking part in structured cooperation shall participate in the deliberations and the adoption of such decisions. The Union Minister for Foreign Affairs shall attend the deliberations. The representatives of the other Member States shall be duly and regularly informed by the Union Minister for Foreign Affairs of developments in structured cooperation'. There is no provision which would facilitate the other member states of the EU in slowing down or blocking this closer military cooperation. For those EU countries that are officially still neutral – Finland, Ireland, Austria, and Sweden – there are more problems. The EU constitution includes several explicit regulations for cooperation with NATO, for example Article I-40, paragraph 7, states: 'In the execution of closer cooperation on mutual defence, the participating Member States shall work in close cooperation with the North Atlantic Treaty Organisation'. Fear that ratification of the EU

constitution by non-NATO members means a 'NATO membership green light' is not unjustified.

The Council of Ministers decides military policy on its own

The draft EU constitution stresses several times that the Council of Ministers is alone responsible for EU military policy. Translated into plain English, Article I-40 rules that the Council of Ministers will take decisions on EU military operations. This is effectively repeated in Article III-198, paragraph 1: 'Where the international situation requires operational action by the Union, the Council of Ministers shall adopt the necessary European decisions'. The EU parliament won't take part in this. Paragraph 8 of Article 40 says only that the EU parliament shall be consulted regularly on the 'main aspects' and shall be kept informed on the development 'and basic choices of the common security and defence policy'. This is dealt with more precisely in Article 205, paragraph 1. Paragraph 2 says: 'The European Parliament may ask questions of the Council of Ministers and of the Union Minister for Foreign Affairs'. But the duty to inform parliament does not mean that parliament has the right to make decisions.

The EU as a world power?

On behalf of the EU's heads of government, Javier Solana, the EU's High Representative for Common Foreign and Security Policy, drafted a paper on EU strategy in military matters. All EU heads of government welcomed this military strategy paper in principle at the EU Summit. 'This paper proposes three strategic objectives for the European Union. First, we can make a particular contribution to stability and good governance in our immediate neighbourhood. Second, more widely, we need to build an international order based on effective multilateralism. Finally, we must tackle the threats, new and old.' For this, the European Union mainly focusses on its (new) military strength: 'As a Union of 25 members, spending a total of 160 billion euros on defence, we should, if required, be able to sustain several operations simultaneously. We need to develop a strategic culture that fosters early, rapid, and when necessary, robust intervention.' 'If we are serious about new threats and about creating more flexible mobile forces we need to increase defence resources.' (Note: it doesn't say 'if the new threats are serious', it says 'if we are serious about new threats ...') 'In a world of global threats, global markets and global media, our security and prosperity depend on an effective multilateral system.' Solana concludes: 'This is a world in which there are new dangers but also new opportunities. If it can become a fully effective actor, the European Union has the potential to make a major contribution, both to dealing with the threats and to helping realise the opportunities. An active and capable European Union would make an impact on a global scale. In doing so, it would contribute to an effective multilateral system leading to a fairer and more secure world.' This is a call to battle against the 'unilateral world order' with the USA as the single world power, as promoted by the US and UK governments. The European Union is to become something like the second world power in a 'multilateral' world system!

‘Preventive wars’

The Solana paper also codifies the concept of preventive wars. ‘In an era of globalisation, distant threats may be as much a concern as those that are near at hand. Nuclear activities in North Korea, nuclear risks in South Asia, and proliferation in the Middle East are all of concern to Europe.’ And: ‘Our traditional concept of self-defence – up to and including the Cold War – was based on the threat of invasion. With the new threats the first line of defence will often be abroad. The new threats are dynamic. Left alone, they will become more dangerous. [...] This implies that we should be ready to act before a crisis occurs.’ This transfers the core element of the USA National Security Strategy, also called the ‘Bush doctrine’, to Europe, and codifies it for the European Union. The bombing campaign against Iraq was a test for this concept of preventive wars (*Financial Times Deutschland*, 19 March 2003). By now, Western militaries and governments seem to regard the preventive war concept as a recipe for success. The wording of the preventive war concept in Solana’s paper shows that there is no difference between the USA and the EU in terms of military ambition. Many, including governments in ‘old Europe’, like to criticise the US government and its methods, but these EU governments also like to take these methods, such as the preventive war concept, on board.

The EU’s perception of threats

The Solana paper names the three main threats as seen by EU governments: ‘Taking these different elements together – terrorism committed to maximum violence, the availability of weapons of mass destruction and the failure of state systems – we could be confronted with a very radical threat indeed.’ Only joint action would help against those threats. The goal of EU policy is stated openly and very clearly, even if you have to read it several times to believe that it is really written into the military strategy of the EU: ‘[...] Acting together, the European Union and the United States can be a formidable force for good in the world.’ Together for ‘good in the world’, against all ‘evil’? For whom this ‘good’ will be good is obvious. It all is about as much power, influence, and economic expansion of Western states as possible. The Western states agree on the core issues, with differences in details (Iraq): more armament and the development of military forces that are able to fight wars. The wars of the future will be fought with permanently changing coalitions, and not everyone will join in every time. But the wars will happen, against countries and people in the South. The analysis which is behind the draft EU constitution and the Solana paper sees the problem in the South, in the ‘failed states’. The draft EU constitution explicitly codifies neo-liberal economic policy which leads to pauperisation world-wide. Obviously, the problem is not in the South but in the West. The policy of the Western states has to be changed fundamentally. The present neo-liberal and neo-imperialist policy of the EU states – two sides of the same coin – should not be codified as part of the future constitution of the European Union.

Main Sources:

This document draws on a text written by Tobias Pflüger from the German-based Informationsstelle Militarisation. (War Resisters’ International): <http://www.wri-irg.org>. The European Constitution: <http://european-convention.eu.int/>. European Commission, ‘Opinion of the Commission, pursuant to Article 48 of the Treaty on European Union, on the Conference of representatives of the Member States’ governments convened to revise the Treaties’, 17/09/03: <http://ue.eu.int/igc/docs/st12654.en03.pdf>. Javier

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