

EU Between Peace Power and Military Power - Has the Decision Been Taken in Lisbon?

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Summary

1. Military operations abroad seem to be the most central feature of European Union's foreign policy. Besides the indispensability of a UN Security Council's mandate, a broad public debate is a necessary criteria for any military operation. Military operations for safeguarding raw materials or for other economic interests would lead the European Union in a wrong direction. Civil measures are at risk of being pushed into the background by focussing on military forces. This has also been pointed out by numerous non-governmental organizations when criticizing the civil-military cooperation.
2. The build-up of arms is a false instrument for being perceived as an honest broker for human rights, sustainable development, or a serious fight against poverty in the global south. Instead, initiatives for disarmament under the aegis of the United Nations should be supported and further developed.
3. A mutual assistance commitment is a feature of a military pact and obviously obsolete as a security instrument of the 21st century.
4. Security policy-oriented models of a core Europe for facilitating the establishment of military operations abroad threaten to narrow the reflection and trial phases of models of civil crisis prevention and civil crisis management. Valuable experiences might be discounted in the transformation of conflict.
5. Poverty, hunger, undernourishment, injustice, and global warming are listed in the European Security Strategy as Europe's challenges in the world. Civil challenges require civil solutions. Therefore, the present political and financial priorities between civil and military forces should be fundamentally changed accordingly.
6. Security policy is not only a task of political and military elites. A European public goes far beyond any referendums and includes also media, science, and non-governmental organizations.
7. Disarmament is not only a concern to be communicated to the outside. The lack of any typical military threat requires a reduction of conventional weapons and of nuclear weapons.

This contribution aims at elaborating concisely in 7 points the most important aspects of security policy and military policy of the Treaty of Lisbon¹. Instead of focussing all too much on a presentation of the contents of the Treaty, a peace-oriented scientific analysis and evaluation will be in the foreground.

When considering those parts of the Treaty of Lisbon referring to security policy, parallel developments – such as military operations abroad or the European Security Strategy (ESS) – cannot be ignored.

1. Military Operations Abroad and Mandates

The European Union emphasizes that civilian and military means may be used for achieving the objectives *outside* of the European Union (Article 28a.1.). The previous Petersberg tasks – humanitarian tasks up to tasks of combat forces – are extended in Article 28b by disarmament operations and counter-terrorism measures in civil and military terms. The ESS, established in 2003, states: “With the new threats, the first line of defence will often be abroad.”

The defensive concept of defence is replaced by more offensive military operations abroad. Military forces are becoming an ordinary instrument for safeguarding interests. Thus measures of developmental cooperation, of crisis prevention, or of working out a comprehensive overall concept for a crisis region can be pushed in the background more easily. The obvious disproportion between civil and military instruments under both qualitative and quantitative aspects favors the military instrument.

As deployment areas for future EU military interventions, the Reform Commission for Austrian Armed Forces² highlighted in Spring 2004, “besides the Balkans, above all the opposite coast of Africa, and in the medium-term also Western Africa, or the Northwest of Central Africa and East Africa (‘extended periphery’)”. In order to be able to carry out such military interventions, highly professional soldiers (e.g. “battle groups”) and most modern warfare materials are required. Hence this will lead to a quantitative disarmament (less soldiers) and a qualitative armament (more expensive warfare material) in the armies of the European Union.

With regard to deployment scenarios, the Austrian Ministry of Defence noted already in 2001: “Prof. Dr. Erich Reiter, Commissioner for Strategic Studies of the Federal Ministry for National Defence stated the following to be a major objective of European Security Policy: (...) Cooperation with the United States of America and with Japan for a global management of conflicts and for the purpose of gaining access to strategic raw materials, of maintaining free trade and navigation”³. The German White Paper, published in 2006, fears “any disturbances of raw material and merchandise flows, for example, due to increasing piracy”⁴, thereby supporting the idea outlined for the first time in 1992 (Defence Policy Guidelines)⁵. Also a merely

¹ With regard to the Reform Treaty of Lisbon, as of 4 January 2008 reference has been made to the officially published version dated 17 December 2007; source: <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:DE:HTML>.

² Austrian Armed Forces Reform Commission (2004): Report of the Austrian Armed Forces Reform Commission. Armed Forces 2010. Vienna; source: http://www.bmlv.gv.at/facts/management_2010/pdf/endbericht.pdf, last visited on 4 January 2008.

³ Austrian Federal Ministry for National Defence (BMLV) (2001): Sicherheit mit moderner Technik, <http://www.heeresgeschichtlichesmuseum.at/cms/artikel.php?ID=1783>, last visited on 4 January 2008.

⁴ German Federal Ministry of Defence (BMVG 2006): White Paper 2006 on German Security Policy and the Future of the Bundeswehr, page 23, Berlin, source: <http://www.weissbuch.de>, last visited on 4 January 2008.

⁵ German Federal Minister of Defence (BMVG 1992): Defence Policy Guidelines of German Bundeswehr, Bonn 26 November 1992, Chapter 2, item 8, 8.

rudimentary copying of a U.S. military policy (resource wars) will not only bring about peace policy problems for the European Union but also problems in terms of democracy and economic policy, and effectively damage the Union's reputation as a bearer of hope for a more peaceful and just world.

As for military operations abroad, one relies "in accordance with the principles of the United Nations Charter" (Article 28a.1.). In numerous countries, a debate has been initiated as to whether or not the principles of the United Nations are inevitably to be equated with a mandate of the Security Council. In this connection, the core and starting point of such reflections are the military missions of NATO and the United States in Kosovo in 1999 and in Iraq in 2003 which violated international law. The European Union avows to "the strict observance and the development of international law" (Article 2.5.). But Austrian laws – such as Article 23 f of the Austrian Constitution, the War Materials Act ("Kriegsmaterialgesetz"), the Criminal Code regarding a Danger to Neutrality ("Strafgesetz zur Neutralitätsgefährdung"), or the Foreign Troops Act ("Truppenaufenthaltsgesetz") – have also for quite some time considered such military missions legitimate which have only a mandate of the European Union. In the comments relating to Article 23 f of the Constitution it is assumed that military missions without a UN mandate do not conflict with neutrality. The EU's close ties to NATO also seem to be problematic.

Any intention to carry out future military interventions and military operations, if necessary without a UN mandate, means that the legitimacy of such operations will not only be lost in terms of international law, but that the already extremely slight approval of the Austrian population with regard to the use of heavy weapons will be further reduced. Renowned commentators have noted in magazines that the path from demonstrations against George W. Bush's foreign policy to manifestations against an EU policy might not be far off.

The "battle groups" are the core of the debate focussing on the compliance with or the violation of international law in EU military operations. Without a mandate of the UN Security Council, the EU "battle groups" – as a spearhead of troop units capable of military intervention – will bring about political problems regarding their compatibility with active neutrality and peace policy. "Battle groups" shall "among other things be available for operations of the United Nations"⁶, and the Austrian military magazine *Österreichische Militärische Zeitschrift* has information about military operations "especially (but not exclusively)"⁷ for the UN. With regard to the deployment areas of the "battle groups", Africa, especially, is in the center of considerations in the EU.⁸ The Reform Commission of Austrian Armed Forces considers the "battle groups" a "new quality of armed forces planning" and a "clear further development"⁹, because the aim of these troops is not to combine or to integrate existing capacities but to create new capacities.¹⁰ There is a shift from quantity to quality.

⁶ German Federal Ministry of Defence (BMVG 2004): Mobile Einsatzgruppen für Europa, Author: Markus Bach (2004), http://www.bmvg.de/sicherheit/europa/040406_battle_groups.php, last visited on 23 January 2007

⁷ Apfelknab Egbert (2005): Österreich beteiligt sich am Battlegroup Concept der EU, in: *Österreichische Militärische Zeitschrift* No. 1/2005, p. 68 – 72, here: 68.

⁸ Quille Gerrard (2004) „Battle groups“ to strengthen EU military crisis management?, in: ISIS (Institute for Security and International Studies), *European Security Review* April 2004; source: <http://www.isis-europe.org/ftp/Download/ESR%2022%20Battle%20Group.pdf>, last visited on 31 January 2007.

⁹ Austrian Armed Forces Reform Commission (2004), *ibid.*, page 73.

¹⁰ Quille (2004), *ibid.*

What is very problematic in connection with military operations abroad is the mixture of military tasks with civil and police tasks, or judicial tasks. A wide-spread scepticism towards civil-military cooperation has developed, particularly among non-governmental organizations (NGOs) – and this has been confirmed by the most recent example of Chad – because the NGOs are afraid, and can prove through specific examples, that their principle of neutrality be undermined thereby (e.g. ICRC, MSF).

2. Armament

Article 28a.3 provides (as does the Austrian Armed Forces Reform Commission or the EU Security Strategy similarly) for the wish to increase the military budget: “Member States shall undertake progressively to improve their military capabilities“ and shall establish a European Armaments, Research and Military Capabilities Agency. It shall take care of any measure needed “to strengthen the industrial and technological base of the defence sector” (Article 28a.3.)

In view of the planned armament programs which, due to social disruptions, met with little public acceptance, “creative solutions“¹¹ for financing the armament projects were demanded at the summit of Laeken. EADS’s Annual Report 2001, supported by a NATO diagram up to the year 2010, forecasts that armament expenses in Europe and the United States will exceed those in the heydays of the Cold War by about 50 %.¹²

The build-up of arms is a false instrument for being perceived as an honest broker for human rights, sustainable development, or a serious fight against poverty in the global south. Armament creates insecurity and takes away the funds needed for the above-mentioned tasks. Instead, initiatives for disarmament, especially under the aegis of the United Nations, should be supported and further developed (e.g. NPT, CTBT, antipersonnel mines, conventional weapons, small weapons), and the European Union’s own exports of weapons should be reduced.

3. Mutual Assistance during Attacks and Terrorism

With regard to mutual assistance the Treaty stipulates: “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, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States“ (Art. 28a.7). A mutual assistance obligation is a feature of a military pact, although Austria cannot be bound to any military assistance due to its special character (i.e. its neutrality). A mutual assistance pact is no adequate approach for a security policy of the 21st century. Any formation of a military block will lead to mistrust in some parts of the world and not resolve any problems.

If a Member State of the European Union is affected by a terror attack, then other Member States shall provide military aid and assistance, among other things, in order to ward off any threats to the territory of the Member States. This has triggered a

¹¹ European Council (2001): Draft Report from the Presidency on European Union’s Security and Defence Policy, Appendix 1, Declaration on the Improvement of European Military Capabilities, 10 December 2001, item 12.

¹² EADS’ Annual Report (2001): The Markets of EADS, <http://www.eads.com/xml/content/OF00000000400003/4/79/29606794.pdf>, diagram: Total Volume of Military Procurement Budgets in Europe and the United States of America, page 15, last visited on 4 January 2008.

debate on the domestic deployment of military forces in some Member States. In Austria, especially, such a debate is particularly sensitive for historical reasons.

4. A Two-Speed Europe

With the Treaty of Lisbon, the EU has two treaty-compliant possibilities for military operations abroad according to the “idea of a core Europe”. The Council “may entrust the execution of a task, within the Union framework, to a group of Member States” (Article 28a.5.), or the Union relies on the “permanent structured cooperation” (Article 28a.6). Based on this kind of cooperation, the Members establish “with a view to the most demanding missions” more binding commitments among each other. Member States of the EU which are outside of this “permanent structured cooperation” have fewer possibilities of co-determination.

Eased possibilities for military operations abroad have been created by these two instruments, and as a consequence, may reduce the reflection and trial phases of civil crisis prevention and civil crisis management. As a result of the models of a core Europe, the EU additionally runs the risk of depriving itself of the valuable experiences of the non-participating states in civil crisis management.

5. Priorities of Security Policy

It has to be noted positively that “peace”, “social justice”, and “the well-being of its peoples” (Article 2) have been stipulated as objectives of the Union. Methods of civil conflict resolution have been fixed on a contractual basis. However, considerable imbalance between financial and political efforts for a further development of civil and military measures is to be observed.

The priorities of the EU between military and civilian efforts must be reversed. Strengths must not be manifested in military interventionism but in civil – social, economic, societal, diplomatic, and political – governmental and non-governmental interventions in terms of a nonviolent “wise power”¹³. Such altered priorities would not only include a personnel and organizational extension of EU capacities for civil crisis prevention and civil crisis management, but also the political will of the EU and, in particular, of the Member States to make use of such civil forces and to support and to accompany such missions with the necessary political sensitivity. At present, the ratio of military and civil EU forces abroad is 20 : 1.¹⁴

The European Security Strategy accurately specified Europe’s challenges in the world: poverty, hunger, undernourishment, injustice, global warming, etc. Civil challenges require civil solutions. The efforts to be made to that end have to be submitted within the framework of international organizations (especially of the United Nations). The demand to base the foreign policy and the security policy of the EU primarily on civil foundations must be accompanied by a waiver of any offensively useable weapons and any offensive military operations.

At present, the path to a common foreign policy has gotten on the wrong track of a common military policy. A military policy coupled with an inadequately distinct foreign policy takes the EU in the wrong direction. This obscures an important look at the civil challenges according to the EU Security Strategy.

¹³ Czempiel Ernst-Otto (1999): Kluge Macht. Außenpolitik für das 21. Jahrhundert, Munich.

¹⁴ Evers Tilman (2006): Verhinderte Friedensmacht. Die EU opfert ihr zivilen Stärken einer unrealistischen Militärpolitik, in: Le Monde Diplomatie, September 2006.

6. Democracy-Political Aspects

The European Parliament – as the only body being directly elected by the population – shall be “regularly” “consulted” and “informed” (Article 21.1.). The Court of Justice of the European Communities has been declared not competent (Article 11.1.). In the area of security policy, the ties to the citizens of the EU have unfortunately not become noticeably stronger.

The Treaty for a Constitution of the European Union was rejected by the referendums in France and in the Netherlands, and Valéry Giscard d'Estaing speaks of cosmetic changes¹⁵ which have been made to the Treaty since that time. In numerous states of the European Union, there are major parts of the population looking sceptically upon the Treaty for the most different of reasons and calling for a referendum. In Austria, 60 % would like to have a referendum, according to current opinion polls.

Only a few days ago, the Austrian EU Commissioner, Dr. Benita Ferrero-Waldner, explained to the press that Austria was no longer in the last place with regard to scepticism but behind Great Britain in the next to the last place. EU politicians and institutions do not only have to inform the citizens in a well-balanced way – so that the citizens will also feel at home in the „house of Europe“ – but they also have to ask for their approval to this Europe in the form of a referendum.

Foreign policy and security policy are not an exclusive task of politicians and military officers on a national and international level. A decision on military operations abroad is also a question of a public debate. This would not only increase the democratic legitimacy of such operations, but also lead to a discussion about the adequate military operation abroad as such. This would possibly imply a more intensive dealing with non-military and preventively working mechanisms of crisis management. A fruitful further development of these mechanisms in the field of tension between politics, civil society, science, media, and the population would be a desirable consequence.

7. Missing Aspects

For good reasons, disarmament is considered an important globally political concern. Yet the addressee of this concern can only be identified outside of the Union. No details have been provided about any disarmament in the European Union, neither about conventional nor about nuclear disarmament. The Treaty of Lisbon makes no statement about the nuclear weapons states of Great Britain and France according to Article VI of the Non-Proliferation Treaty (NPT) for a complete disarmament. NATO's nuclear participation which has come up for discussion in politics and in public, hasn't been mentioned either.

The Treaty of Lisbon emphasizes the general value of “peace“. This has to be judged positively as a basic principle and would have to be underlined by strengthening the efforts made for civil conflict resolution. Such a supplement would be a clear refusal to accept war as a means of politics. The war in Iraq has also shown within the EU that “peace policy“ does not always rely on peaceful means.

¹⁵ Spongenberg Helena (2007): Lisbon Treaty made to avoid referendum, says Giscard, in: <http://euoberserver.com/9/25052>, last visited on 29 October 2007.