

A Military Constitution for the European Union?

Or: The European Union too is on a Course towards War

This text was written by Tobias Pflüger from the German-based Informationsstelle Militarisation. It analyses the draft EU constitution, and proposes a European campaign against the European Constitution. This text is important, as it highlights the appalling development of a military Europe, which will mainly mirror the United States of America. A German language version is available on the WRI website, and on the website of the Informationsstelle Militarisation. Other language version will be made available soon (War Resisters' International).

Introduction

After a long time the so-called European Convention produced a draft for a EU Constitution, which consists of 260 pages, divided into four chapters. Added to the draft constitution are several appendices of additional agreements, which will also be part of the constitution. The EU Constitution can be read or downloaded at <http://european-convention.eu.int/>.

On the Significance of Military Policy within the EU draft Constitution

The so-called “Common Foreign and Security Policy” (CFSP) and the “European Security and Defence Policy” (ESDP) take up a lot of space and are central to the draft. The regulations regarding the military policy are very concrete and go into a lot of detail. 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 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.*” There will be such a thing as a duty of loyalty 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 established a “*structured cooperation within the Union framework*”, according to Article I-40, paragraph 6 (more below under Council of Ministers decides on its own). If this constitution is passed, then member states won’t have the power to block the developing common military policy. If this draft EU constitution becomes reality the common military policy of the European Union will play a – if not the – 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. Additionally, the common military policy is one – if not the – central (new) element of this draft of a new EU constitution.

Commitment to Armament in the Constitution

Regarding peace or military policy, the draft constitution includes dramatic 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 engraved in the future constitution is a commitment 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 all over the world? Combat Operations (including abroad) in the Constitution!

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 again 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*”. Any limitations for such extra-territorial EU military operations remain undefined.

Codification of the Concept of Core Europe

Article 40 paragraph 6 of the draft constitution 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 has 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 the military what German Foreign Minister Joschka Fischer described in a speech at the Humboldt University on 12 May 2000 in Berlin (From Confederacy to Federation – Thoughts on the finality of European integration). There he talked about 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.

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.*” It is absolutely unclear how other member states of the EU could slow down or block 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 in Article I-40, paragraph 7: “*In the execution of closer cooperation on mutual defence, the participating Member States shall work in close cooperation with the North Atlantic Treaty Organisation.*” This means that the fear that the ratification of the EU constitution by non-NATO members in fact means a “NATO membership light” is not unjustified.

Council of Ministers decides on its own – No Involvement of Parliament

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.

Javier Solana's EU Military Strategy: The EU as a Military Actor all over the World in a Multilateral System

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 at the EU Summit in principle. "*This paper proposes three strategic objectives for the European Union. First, we can make a particular contribution to stability and good governance in our immediateneighbourhood. 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!

The EU too wants to fight "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 of the war against Iraq was a test for this concept of preventive wars (i.e. 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 quality – there is in terms of quantity – regarding their far-reaching military policy. Many, including governments in "old Europe", like to criticise the US government and its methods, but

precisely these EU governments – including the German social democrat/green coalition – very much like to take these methods, such as the preventive war concept, on board. They do this for example with the new EU military strategy.

The Fight for the Good in the World – or: Where is the Problem, in the South or in the West?

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.

Proposal for a Campaign against the EU Constitution, to campaign against the Militarisation of the European Union

The Informationsstelle Militarisierung therefore proposes to initiate a campaign against this European constitution. The EU constitution is the result of a mistaken policy of the governments of the European Union. Regarding the military, the EU draft constitution is appalling, and this constitution has to be opposed. A campaign against the EU constitution could be set up by groups from the peace and anti-war movement, from the anti-globalisation movement, groups working against welfare cuts and those working with refugees. A campaign against the EU constitution could be carried out in cooperation, across borders, among groups from different EU countries. This draft EU constitution is not a constitution for the people. This draft EU constitution is not our constitution!

Sources

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