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Militarization by treaty or why Europe's constitutional treaty is endangering peace

by Tobias Pflueger

Hechingerstr. 203
72072 Tübingen
Tel 07071/ 49154
Fax 07071/ 49159
imi@imi-online.de
www.imi-online.de
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On the base of the treaty, signed on October 29th, 2004, no peaceful Europe can be achieved.

1. The weighting of votes is for the benefit of the big countries - especially Germany

Neither during the governmental conference nor in the convent for the elaboration of the European constitutional draft where those aspects of the treaty seriously disputed in which die EU gets furthermore militarised. Main point of debate on the governmental conference was the weighting of votes within Europe. According to the proposal of the constitutional convent most decisions at the council of the European Union should be reached with a "double majority" beginning in 2009: majority decisions should be accomplished if at least 13 of the 25 Governments representing 60 per cent of the population would agree. Poland and Spain opposed to adjust the weighting of the votes on the number of population, because those countries benefited from the current arrangement (the treaty of Nizza) and would clearly loose weight under the new arrangement. Vice versa Germany as the most populous country would obviously gain weight. This is the status quo, which remained in place after the agreement on the governmental conference on June 17/18, 2004. But, to have Poland and Spain get on board, too, the approval rate had been raised to 55% of the member states and to 65% of the population. It is interesting to see how the weighting of votes has switched in contrast to the treaty of Nizza. Germany increased its votes in the council from 9.0% to 18.2%, what means a huge gain of 9.2%, France raised from 9.0% to 13.2 % - that accords to an increase of votes of 4.2%, afterwards comes Great Britain with an increase by 4.0% from 9.0% to 13%, and Italy from 9.0% to 12.6%, that is an increase by 3.6 %. Spain had to accept a gain of only 0.6%

from 8.4% to 9.0% and Poland had to be content not loosing any percentage points at all, stagnating on an 8,4% share at the council. Every other member state is loosing between 0.5% up to 1.5% compared to the Treaty of Nizza, which is still in force at the moment. Therefore it should be clear who are those having a special interest in the coming into force of the constitutional treaty. But the real drama of this reallocation is the annulment of the hitherto existing principle of equality between the European member states. The parity of votes between the big states Germany, France, Great Britain and Italy gets abolished. Furthermore, the 4 big ones gain 21% of the vote in addition, Spain rises by 3.6%, the medium-sized and smaller countries loose accordingly.

2. Getting Europe fit for the ability to wage global war

It is the obvious aim of the constitutional treaty regarding the foreign- and military policy to make the EU ready for a global ability to wage war. The treaty should "provide the Union with an operational capacity drawing on civil and military assets" (Art. I-41, Sect. 1). Armament develops into a constitutional command. " Member States shall undertake progressively to improve their military capabilities". (Art. I-41, Sect. 3). And additionally, an "Agency in the field of defence capabilities development, research, acquisition and armaments" (European Defence Agency), [formerly: "European Armaments, Research and Military Capabilities Agency"] should monitor this and "contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure" (Art. III-311, Sect 1).

The fact that the European Parliament and the European Court are explicitly excluded from controlling the foreign and military policy is also seriously troubling. The options for intervening are getting enormously enlarged. The military options are described in Article III-309. The so-called Petersberg-tasks (humanitarian missions up to combat missions) are amended by so called "disarmament wars", a neologism by Joschka Fischer, who invented this term before the Iraq war.

But also military actions in the war against terror are defined. A highly explosive topic is described in Article III-312: "Those Member States which wish to participate in the permanent structured cooperation referred to in Article I-41(6), which fulfil the criteria and have made the commitments on military capabilities set out in the Protocol on permanent structured cooperation shall notify their intention to the Council and to the Union Minister for Foreign Affairs."

All efforts to establish an European constitution, which includes a civil responsibility for the maintenance of peace in the world, have failed. Instead of speaking out for a stronger role of the United Nations in cross national conflicts and to submit to the charter of the UN, especially the ban of violence, there is the quotation of the "enhancement" of international law and only a commitment to the fundamentals of the UN charter, which leaves the possibility of European military interventions, not mandated by the UN, open.

There also aren't explicit formulations, for example that there should never again spread war from European territories. In addition, there is no ban of preventive wars or a distinct prohibition of interventionist policies. Helpful institutions, which could contribute to the creation of a peaceful Europe can't be found either: Neither an European agency for disarmament and conversion, nor a department for the prohibition of arms exports are established.

This constitutional treaty is far away from an European Union, which is dismissing war and military means as an solution to conflicts, which is willing to abolish all weapons of mass destruction and adapting their defence industry to the production of civil goods as well as ending their arms exports. A peace-providing reduction of all military capacities down to the inability to wage offensive war is turned into the opposite by this constitutional treaty. Everything is subordinated to the structural and actual ability to wage war. Obviously, that's the only way to reach global power projection abilities in the European Union's own self-conception.

3. The concrete implementation in the European Security Strategy

While the EU constitutional treaty was still under debate, the heads of government of the member states were already busy with the implementation of its military aspects: In December 2003, they passed an allying military strategy in Rome, the so-called "European Security Strategy" (ESS). Even before, the German chancellor was amazed about the fact that all EU countries accepted the master copy which mirrors mostly the German and French agenda: "First of all, with respect to the inner European differences, it is remarkable that Javier Solana's European security strategy draft was looked upon so favourably by all EU-partners". (Internationale Politik, Nr. 9-2003)

In fact, the master copy of the High Representative for the European Common Foreign and Security Policy (CFSP), Javier Solana, was passed essentially unchanged. It names three strategic priorities:

- First, the fight against Terror;
- Second, the fight against the proliferation of weapons of mass destruction; and
- Third, support for "failed states" as an instrument against organised crime.

How the EU is going to act militarily is also mentioned in this strategy paper: "As a Union of 25 members, spending more than 160 billion Euros on defence, we should be able to sustain several operations simultaneously." And elsewhere: "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."

Regarding „Lines of defence" which are abroad, the so-called preemptive war doctrine of the US-Administration's "National Security Strategy" (NSS) clearly comes into mind. However, the EU avoided words like "preemptive war" or "preventive war". Concerning this matter, the homepage of the German governments states: "The contentious term 'preemptive engagement' was substituted by 'preventive engagement.'"

Official explanations suggest that the new term now means "prevention" in terms of the civil prevention of conflicts. But the "Neue Zuercher Zeitung" (15.12.03) assumes that the term "preemptive" was avoided because it is a "buzz word". The International Herald Tribune says the term got replaced only because there are no words for "preemptive" in some EU-languages. However, Lines

of defence abroad is the paraphrasing term for "attack operations" and attacking before the opponent attacks that is aggression against international law.

4. European Defence Paper including preventive war

As a consequence, the Paris Institute for Strategic Studies (ISS), which was working for the European Military Alliance, the Western European Union (WEU) until 2001, was assigned to work out different mission scenarios for EU-troops, based on the yet not ratified Constitutional Treaty and the European Security Strategy.

The result was a study made by senior military advisers in October 2004, the "European Defence Paper". Its conclusions are striking: The authors demand a resolute, immediate and comprehensive armament of the EU. The aim should be to gain world-power-status and to be capable to conduct offensive wars. In this strategy, "preventive engagement" is just taken for granted.

Offensive wars will be fixed on European level. Nuclear options won't be excluded anymore. Lothar Ruehl, former Assistant Secretary of State in the German Department of Defence and co-author of the "European Defence Paper", stated contentedly that the issue of "Preemption/Prevention" is mostly treated under the aspect of missions with conventional troops and special operational forces. But "at least" the possibility of "explicitly" or "implicitly" involving British and French nuclear forces is mentioned. (Lothar Ruehl: Luecke zwischen Mittel und Zweck. Das "European Defence Paper"; Frankfurter Allgemeine Zeitung 10/01/2004) As a matter of fact, the Strategy Papers says concerning the war settings of the future EU-force: "(W)e have not avoided presenting scenarios in which the national nuclear forces of EU member states (France and the United Kingdom) may enter into the equation either explicitly or implicitly."

5. The new "battle groups"

The EU also generously supports concrete armaments for global warfare. Recently the Secretaries of Defence specified the future deployment of European "battle troops". Appointments made in September 2004 in the Dutch city of Noordwijk led to the domination of the German-French cartel of power over the battle groups, which are rapidly

deployable. The fundamental decision in the Constitution to turn the EU into a power with the global ability to wage war was accomplished by Berlin and Paris.

Beneath the realisation of the armament programme, Berlin and Brussels are also promoting the troop deployment. In March 2004, the EU-Secretaries of Defence decided a roadmap for the global ability to wage war, the so-called "Head-Line-Goal, which has been ratified on the summit of the heads of state in June 2004.

The plan provides to build up an upgraded army, which should be available for worldwide military interventions under a single EU-command in the year 2010. Two major aspects of the troops envisioned for this are now being developed: The European reaction force, which shall be able to deploy up to 60.000 troops for a sustained period in a crisis region and the "battlegroups", small fighting units of 1.500 elite soldiers each, which shall be sent as the first units into a crisis region to fight the way for the reaction forces.

This refers again to the protocol with the "permanent structured (military) cooperation", that is due to fix the dimension of a core European militarization in the future constitutional treaty. One of the first EU-battlegroups shall be the German-French brigade in Müllheim.

6. Core Europe as "structured Cooperation" in the military realm

Beside the general steps of militarization applying to all member states, article I-41 and article III-312 are by way of the so called "structured cooperation" nothing less than a juridical framework for the pooling of only a few states in the field of military policy - within the EU. The otherwise stipulated unanimity concerning the foreign and military policy of the EU is explicit only referring to those who take part in the structured cooperation, the other ones have to keep out.

For the concrete design of this core European military policy, article III-312 refers on the respective protocol attached to the constitutional treaty. In this context, it is necessary to know that the public discussion is - if at all - focused on the more than 460 articles of the constitutional treaty. Virtually nobody talks about the 350 pages of protocols and the 112 pages of explanations that will be binding law after ratification. Actually they are unknown to the public. A closer look at the specific protocol concerning the structured cooperation reveals that they by no means are addressing irrelevant aspects. Not only the coop-

eration with NATO and the asserting of the willingness to contribute to the "vitality of a renewed Atlantic Alliance" (CIG 87/04) ADD 1) is stressed but one can also find there unmistakably detailed constitutional commands for a military core Europe. Plainly speaking, it is put forward that every member state is allowed to participate in the "permanent structured cooperation" that commits itself to "proceed more intensively to develop its defence capacities through the development of its national contributions and participation, where appropriate, in multinational forces, in the main European equipment programmes, and in the activity of the Agency in the field of defence capabilities development, research, acquisition and armaments."

Obviously, this protocol establishes that the core of those European states that commit themselves to an outstanding preparedness for military aggressiveness and massive armaments are able to militarise their Common Foreign and Security Policy in the context of the permanent structured cooperation.

This liability is further specified in the protocol. Because the aim is to "have the capacity to supply by 2007 at the latest ... targeted combat units ... within a period of 5 to 30 days ... which can be sustained for an initial period of 30 days and be extended up to at least 120 days." To fulfill these obligations, article 2 of the protocol talks about the "objectives concerning the level of investment expenditure on defence equipment, and [to] regularly review these objectives, in the light of the security environment and of the Union's international responsibilities." The approximation of the "defensive instruments" is also written down, as well as the common goals for the deployment of troops.

To recapitulate, this protocol is a symbol of an unrestricted military core Europe. The relating provisions shall be constitutionally enshrined. One doesn't want to leave something to chance. If these constitutional provisions will turn into reality an obligation for armament and for an increased readiness to engage in military missions will be generated.

This is not only true due to the provisions in article I-41 but also specifically by the totally new "structures cooperation" in the military sector.

Summary

Because of the German government there will be a much stronger commitment to obtain a fully-fledged ability to wage war in the context of a militarised core Europe. Therefore, the crucial

question remains whether France and especially Germany will be able to gather enough votes after the ratification of the constitution to remain on this track hitherto European wars. As a threat to the other EU states, the provisions of the "structured cooperation" are already taking effect today. The danger of an accelerated militarization of the German foreign policy with the goal to wage European wars autonomously is taking shape. This is the real problem.

Tobias Pflueger is on the board of directors of the Informationsstelle Militarisierung (IMI) and a Member of the European Parliament

<p>IMI-Spendenkonto: Kreissparkasse Tübingen BLZ 641 500 20 Konto 166 28 32</p>
