

## MEP Esko Seppänen in Sinn Fein Seminar in Dublin in 28.5.2005

The country which I know best - as the home countries of the speakers are always called in Brussels jargon - resembles Ireland in many respects, of which one is very important: both of us are militarily non-aligned countries.

The EU Constitution is a fundamental law that has primacy over our own laws. With the Constitution, the EU is being militarized, and our two countries, too.

The Constitution has two different categories of military articles: defence and offence.

According to Article I-41.7 every member state has to commit itself to giving *military security guarantees* to all other member states. These collective EU security guarantees resemble the security guarantees of article V written in the Treaty of the NATO. It is this particular article V which makes NATO a military alliance, and it does do the same to the EU. The militarization articles of the Constitution are completely NATO-compatible, and Europe will not get rid of the US dominated Nato.

From the non-alignment point of view, the wording of the Constitution was changed from bad to worse in the Inter-Governmental Conference. In the draft text prepared by the Convention, the security guarantees were placed into a declaration (the text of which is not legally binding). The IGC, however, placed the security guarantees in the text of the Constitution. As a consequence a Member State that ratifies the Constitution also accepts the collective security guarantees - and is not, in our case, any longer a proper non-aligned country.

The Constitution goes further in this direction.

The Article III-309 defines the *Crisis management tasks*. They not only include only the traditional peace keeping, but also "tasks of combat forces in crisis management, including peace making". Peace keeping, good. Peace making, bad

The peace making tasks are never defence operations. They are always outperformed outside the borders of the EU countries. For this reason, they are offence operations. Peace making is an aggressive act, which is conducted by rapid reaction forces, by battle troops.

The Finnish participation in the multinational Nato-lead *battle troops* on call is a big question in Finland. They operate "in most demanding missions", and some participants may return home in zinc coffins. For this reason, the association of the Finnish army officers says that the officers cannot be commanded to fight abroad. In the oath, they have promised to defend the home country, and a promise to defend their own country does not include attacking other countries.

And to crown it all these operations may be illegal from the point of view of international law. According to the Constitution the EU operations do not need a mandate from the United Nations. Nato changed its strategic concept in Washington in 1999 and it is no longer a North Atlantic defence organisation but a military alliance that can operate in any place of the world. It needs to defend the oil interests of its biggest members in the whole area of the Eurasian continent.

And for this reason the Nato members of the EU did not want to write the obligatory UN mandate into the Constitution. The EU is unilaterally proclaiming its own right to use *combat troops in illegal attacks*

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For these reasons the member states commit themselves - by the Constitution - to increasing their spending on armaments and military resources. It is difficult to imagine any other federal constitution in the world which includes a commitment about ever increasing military spending.

In Articles I-41.6 and III-312 of the Constitution the most militarist countries are granted a right to a permanent structured cooperation in the name of the EU but without the participation of all Member Countries.

From our militarily non-aligned perspective *protocol number 23* attached to the Constitution is very dangerous. In practice, it is more about the militarization of the union than the defence articles. It defines the nature of the structured cooperation, and it is preparation of wars.

The protocols are legally as binding as the articles of the Constitution.

The implementation of all military commitments of the Constitution is monitored by the European Defence Agency, which is written into the Constitution as an official EU agency.

The establishment of the EU battle forces has started already, even before the Constitution has entered into force. In the Capability Commitments Conference on 22.11.2004, nineteen Member States committed themselves to the idea of EU battle troops by 2007. These troops are composed of mercenaries. In Finland, our army consists of conscripts, and it is a big change - forced on us by the EU Constitution - to start deploying our soldiers to fight in Africa.

The political elite of Finland has committed itself militarily and does not want to have a debate about the Constitution and its effects on our militarily non-aligned status. I hope my comments will contribute to the debate in Ireland about our common non-aligned status and help us to save our neutrality in the questions of war and peace in the EU.

The Constitution has four parts and 36 Constitutional protocols.

It was drafted by a special convention of 207 members and alternates from 28 countries and from the European parliament.

The Convention did not represent widely the diversity of the opinions of 500 million citizens. The fewer representatives there are, the more unrepresented is the half a billion population of the EU.

The Constitution has been drafted undemocratically. In the Convention the draft constitution was dictated by the presidium, a kind of politburo of the Convention. Actually the Convention only drafted the first part of the Constitution. It was accepted but not voted upon. I was one of those conventionists who had no chance to express my differing view in the vote.

Part II of the Constitution, the Charter of fundamental rights, was being prepared before the Constitutional Convention took place. The earlier Convention was allowed to include only those fundamental rights that have already been accepted by the member states in international agreements and declarations, and there was not even one new fundamental right added to those.

Nobody knows who drafted part III (the largest part) of the Constitution.

The left wing parties in our group in the European Parliament see this part III as a special problem. We who are worried about social welfare in Europe and who see the globalisation weakening it, consider the third part of the Constitution as a neo-liberal Manifesto. There is a fear that the right of the Commission to negotiate international trade agreements will be taken to mean privatisation of public services.

The lack of the European social model in the Constitution is the main reason for our group in the European Parliament to vote No in the referenda.

We who represent smaller countries have some more justified reasons. They are not always shared by our left wing colleagues from more populated countries.

In future, we will be governed by laws of a supranational nature. These laws are given to smaller countries from outside, by the bigger powers.

The new legislative procedure written into the Constitution means the transfer of power to the supranational institutions. The commission has a monopoly in initiating legislation. According to the ordinary legislative procedure the supranational European Parliament (where the bigger member states have more members than the others) and the Council decide together upon the

laws. Both have a veto. In practice, the Council veto is implemented by the most populated member states, and the smaller countries no longer have one. It is due to the fact that each piece of legislation can be vetoed by a minority comprising 35% of the population of the Union (at least four countries must, however, be included).

The number of those legislative acts that fall under the ordinary legislative procedure, increases from 37 to 86. This is a remarkable transfer of power towards supranationalism, and by supranationalism I mean the power of the big Member States.

The Constitution includes 43 new legal bases to be decided by qualified majority voting. This power, gained by the institutions of the Union, is lost by the national parliaments.

In the Convention, the first article of the Constitution said first that the Union exercises its competences on a federal basis but was then changed to say "on a Community basis". The new formulation defines the method of federalisation: the Community method by the Community basis. It means that power is centralised in the Union's own institutions and that the power exercised by the democratic bodies of the member states is replaced by supranational decision making.

During the last night of the Convention, the constitutional flag, the anthem, money and the (supra) national day (Europe Day) were added to the Constitution. The new federalist state embodies itself in its new collective symbols.

In addition to these symbols the positions of the union president and foreign minister can be treated as signs of the emerging federal state.

Furthermore, these new positions are not only symbols but reflect also the new competences giving the Union more power in the fields of foreign, security and defence policies.

Far too little attention has been paid to the Area of Freedom, Security and Justice. It is about the gradual harmonisation of civil laws and asylum and immigration legislation. It is an additional reason to reject this project.

We should defend the independency and sovereignty of all EU member states in the questions of war and peace and pass our laws in our own parliaments.