

The militarisation of the EU and NATO

In February 2008 in Munich the United States Secretary of Defence Robert Gates requested the other member states of NATO to send troops to Southern Afghanistan to fight "terrorism" (i.e. Pashto nationalism). Otherwise, he said, NATO itself could break down.

If the US really quits NATO (and leaves Europe), it could be the starting point for the EU's development towards a European military alliance. The activities of NATO would continue without the US presence, resources and command.

In the Treaty of Lisbon, the European Union has already prepared for this, unlikely, eventuality. A new defence dimension is included in the Treaty, as the virtual military alliance West European Union (WEU) has been dropped altogether. Its military responsibilities have been transferred to the EU itself.

In addition to the Common Foreign and Security Policy (CFSP) the Treaty of Lisbon introduces the new European Security and Defence Policy (ESDP). It comprises both the territorial defence of Member States under the auspices of the NATO and common warlike operations outside and far away from EU borders under cover of crisis management missions.

The crumbling of the pillar structure

Presently, the CFSP is established as the second pillar in the existing treaties, and it is not an EU competence, but that of the Member States. Any decision in this field needs to be made unanimously in the Council of Ministers.

The Treaty of Lisbon eradicates the pillar structure of the existing treaties, rendering common defence a clearer objective. Effectively this means the new ESDP turns the military dimension into a Community policy and transfers it closer to EU competence.

Territorial defence

A crucial feature of any military alliance is that its members commit themselves to collective

defence against any aggression from outside. They give each other a mutual security guarantee as is given in Article V of the North Atlantic Treaty (and was also in the treaty establishing WEU).

The EU is not - yet - a military alliance, but its development towards common defence is clear. Whereas the old CFSP "may lead to" common defence "if" the European Council unanimously decides so, the new ESDP (Article 42.2) "will lead to" common defence, "when" the European Council unanimously decides so.

In terms of territorial defence - that is, of preparation for defence against an outside aggressor - Article 42.2 in the Treaty of Lisbon provides for perfect NATO compatibility: "The common security and defence policy of the Union respects the obligations under the North Atlantic Treaty of those Member States which see their common defence realised in the North Atlantic Treaty Organisation, which remains the foundation of the collective defence of its members, and is compatible with the common security and defence policy established within that framework."

Regarding the mutual defence obligation, the Article also states that "commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation".

The territorial defence of NATO members of the EU is provided for by NATO, but the NATO security guarantee is not extended to include the six non-NATO members of the EU.

The EU security guarantee

In 2003, the Convention suggested in its draft for the new Constitution that the EU should provide a security guarantee to Member States with its own resources. It was initially given as a legally non-binding declaration, which Member States could either sign or not. Not signing was an option reserved for the six non-allied Member States who did not want to participate in the virtual military alliance formed by the signatory countries. The status of the non-allied Member States could thus remain intact.

At the Intergovernmental Conference (IGC) of 2003, Italy, then holding the presidency of the Council, proposed the declaration to be transferred into the Constitution as a legally binding Article. This Article said that if a Member State is the victim of armed aggression on its territory, other Member States shall have towards it an obligation of aid and assistance by military and other means in their power, in accordance with Article 51 of the United Nations Charter.

The key new phrase in the Italian suggestion was "by military and other means in their power". This sentence included "the military means" as a binding commitment

of the Constitution.

When the non-allied Member States realised that this Article would in any case be included in the Articles of the Constitution, some of them tried to change the wording. It was suggested that the security guarantee would only come into force when a Member State requested help from the others. In that case, the wording could not be interpreted as the military security guarantee provided by the EU developing ever closer military alliance.

At the IGC this Article was then inserted into the Constitution with the same wording as it was later copied into the Lisbon Treaty (article 42.7):

“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.”

This formulation of the security guarantee Article may be interpreted as an obligation to provide assistance, but not necessarily military assistance. The words “by military means” were left out from the phrase “by all the means in their power”.

Now the non-allied Member States are free to interpret this Article so that the EU is not a military alliance and there is no military security guarantee in its treaties.

There is, however, one obligation to give military assistance to other Member States in the Treaty of Lisbon: the solidarity clause (Article 222) in the cases of preventing terrorism or acting after a terror strike.

As to what terrorism is, is open to interpretations.

Military units within the structure of the Council

The military structures of the union are set within the domain of the Council, and they are not in the competence of the Commission.

In the Helsinki summit of 1999 it was agreed to found the following structures:

1) Political and Security Committee, which deals with all the issues in the ESDP. In EU-led crisis management this is the supranational organ for the control and strategic leading of operations. Normally every Member State is represented by a permanent representative.

2) Military Committee, which comprises of army commanders and their permanent, Brussels-based representatives of the rank of general.

3) Military Staff, supporting enforcement of the ESDP with military know-how, and leading EU crisis management operations, including warlike peace making.

In the Council, the military issues must be decided unanimously and cannot be voted by simple or even qualified majority.

The militarisation of the EU

In many big Member States the word "defence" is understood differently than only defending one's territory against an outside aggressor. The interpretation of the word is wider, including things such as peace making, which is not defence but rather offence. In many countries defence is a general concept for armament, and it includes not only territorial defence but also - behind the smoke screen of crisis management - the military offensives outside EU borders carried out by EU battle troops.

When some big EU countries want military means of the EU to be commensurate with their political ambitions, the groundwork for this was done in the Franco-British Summit in Saint-Malo in 1998. The common conclusion said that "the union must have the capacity for autonomous action, backed up by credible military forces, the means to decide them, and a readiness to do so, in order to respond to international crises".

As to the use of the EU military forces, in the Convention that drafted the original Constitution some of the representatives of non-allied Finland, Sweden and Ireland proposed that the Union could carry out only legal military operations, that is, only by UN mandate. The majority did not accept this proposal, and today Member States can carry out - in the sense of international law - illegal military operations in the EU's name.

In addition to the deployment of EU troops for such purposes, there is complementarity between EU and NATO troops, and the NATO members of the EU use the same troops to operate in the NATO rapid reaction strike troops (NATO Response Force, NRF). The non-allied Finland is openly preparing for participation in the battle operations of the NRF troops, and Sweden may follow. Sooner or later, all non-aligned EU Member States are to be offered NATO membership, and by the Lisbon Treaty and its NATO Articles the Union is moving towards full NATO membership of all EU states.

The militarisation dimension of the EU is very much strengthened in the Treaty (Article 42.3): "Member States shall undertake progressively to improve their military capabilities."

Member States have thus been bound to increase military spending. The Lisbon Treaty may be the only constitution in the whole world with an obligation for additional armament spending.

As national and territorial defence is not an EU competence, the EU requirement to increase military spending is to be interpreted with warlike crisis management operations in mind. When the EU wants its members to strengthen their military capabilities, the former colonial powers of the EU will be helped by the others to operate in their former colonies in order to stabilise the old African status quo to their advantage.

Given the lack of financial competence of the EU in its ESDP field, these operations are financed by Member States from national budgets.

The common costs of the EU military operations are met outside the EU budget through the Athena mechanism (Athena as in the goddess of war in Greek mythology). In February 2004 Member States made a deal to finance the common administrative costs of the common operations together, and the proportional share of distributing Athena burden was negotiated. Germany has the largest share (20,18%) of the total costs, and smaller countries pay smaller proportions.

This process enables the Member States to get around the problem of military issues not being an EU competence.

It remains unclear, and will only be clarified by practice, whether the Treaty of Lisbon provides a legal basis for financing external military operations from the EU budget.

The Treaty already establishes specific procedures (Article 41.3) for the specific procedures for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives in the framework of the CFSP, and in cases of preparatory actions which are not charged to Union budget they shall be financed by a special start-up fund made up of Member States' contributions.

By these methods, the military staff of the EU is gathering experience of how to finance military actions from common funds.

Permanent structured cooperation

A new "permanent structured cooperation" is introduced in the Treaty of Lisbon (Articles 42.6 and 46).

In the future, the countries participating in this cooperation will be the military hard core of the union, a kind of EMU of defence, the letter M corresponding to "military". These Member States want to develop the EU in the direction of a military alliance, and the new Treaty gives them the possibility to act on their own and operate the resources and troops organised by the hard core countries in the name of the whole of the EU. The first EU battle troops are an embryonic form of this structured cooperation.

There is a plan by the French president Nicolas Sarkozy to gather a pioneer defence alliance of the six biggest countries (G 6), and such a group will be launched next year after the Lisbon Treaty ratification. The countries taking part in this core formation would have to spend 2 % of their GDP on defence, and this kind of thinking was manifested also in the above mentioned Article 42.3 of the Treaty, where it states the binding commitment of all EU countries "to improve their military capabilities". The French initiative is focusing on setting up a fully fledged EU planning cell (financed from the EU budget?) and on how to squeeze a greater effort on military spending from its EU partners, especially pressing Germany to boost its military capabilities.

The activities under structured cooperation, which is required to be open to all Members but may be closed for smaller countries, are coordinated - and the entrance criteria for the latecomers controlled - by the new European Defence Agency. It is defined (Article 42.3) as "the Agency in the field of defence capabilities development, research, acquisition and armaments".

The non-allied countries of the EU are supposed to strengthen their military capabilities through this agency which will gather a complete database about all military resources of the member countries and make them fully compatible with the common (NATO) standards.

It is important to note that the Member States, while increasing progressively their defence capabilities, do not strengthen territorial defence in Europe but prepare to operate outside the union borders (illegally, if needed).

With the Lisbon Treaty the EU is militarised with NATO's hat on.