

## **A letter to the Irish Times, 29.5.2008**

### **This article was not published during the referendum campaign**

While visiting Ireland last week I read the article by Joe Costello TD in the Irish Times (21.5). It needs to be commented upon.

Unequivocally, the Treaty of Lisbon is militarising the union. With Lisbon the EU can even become a military alliance with its own common defence, without changing the text of the Treaty (and without ratification by national parliaments).

The treaty makes defence and related matters a clear new objective. In addition to the Common Foreign and Security Policy (CFSP) it introduces the new European Security and Defence Policy (ESDP). This is what Mr. Costello tries to ignore. The military obligations of the Member States are written in the ESDP, and they should not be presented in the framework of the CFSP.

The new ESDP comprises both the territorial defence of Member States under the auspices of NATO and demanding military operations outside EU borders under the auspices of crisis management.

Concerning territorial defence there is a mutual security guarantee in the text. 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 all the means in their power, in accordance with Article 51 of the United Nations Charter";.

In the constitutional Convention this commitment to aid "by all the means in their power" was written into a legally non-binding declaration, but later on in the IGC it was transferred into the text as a legally binding article.

As for the formulation "in accordance with Article 51 of the United Nations Charter"; it does not stipulate a legal obligation for the EU to operate only with a UN mandate, as Mr. Costello writes. Actually, in the constitutional Convention I tried, with John Gormley and others, to get it written into the text of

the Constitution as a pre-condition for all EU military operations, but the majority (from the NATO countries) did not accept such a provision. Thus, the EU can operate militarily abroad without a UN mandate. The text says "in accordance with the principles of the United Nations Charter", but the principles are open to interpretation and are not a legal condition for any military actions.

By citing a wrong article Mr. Costello gives an impression that EU missions abroad "must be confined to areas of peacekeeping, conflict prevention and strengthening international security". He does not cite that EU operations can also be "tasks of combat forces in crisis management including peace making". Peacekeeping is peace, peace making is war.

The so-called "solidarity clause" in the Lisbon Treaty obliges Member States to assist one another by military means in cases such as preventing terrorism or reacting to a terror strike. As to what terrorism is, this again is open to interpretation.

The most important militarisation aspect of the Treaty is the new "permanent structural cooperation". It will be the military hard core of the Union. The Treaty enables the participating countries to act on their own in the name of the whole of the EU. The existing EU battle troops are an embryonic form of this cooperation - and the embryo of a European army. The French President Nicolas Sarkozy has announced a plan for his country's upcoming EU presidency to create this kind of pioneer European military alliance.

There may not be any other constitutional treaty in the whole world that stipulates a binding commitment for sovereign countries "to progressively improve their military capabilities". It is to be done under the auspices of the supranational European Defence Agency. To "increase military capabilities" does not strengthen territorial defence in Europe, but is preparation to operate outside the Union's borders. Today, such operations are financed from the secretive Athena fund according to the size of the countries. Tomorrow, most likely, from the general EU budget.

According to the program of the new Finnish government my country is no longer a militarily non-allied country, but militarily allied with the other EU members. This is due to the commitments under the EU constitutional treaty. In order to be EU compatible Finland has removed from its national law the prerequisite of a UN

mandate for Finnish participation in the EU - and since April also NATO - military missions. Finland is more and more NATO compatible as a result of its commitment to the new ESDP of the EU.

These are all aspects that Mr. Costello did not fully cover in his article about the military commitments of EU members in the post-Lisbon era.