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TO WAR NATO
and the
LISBON TREATY

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YOU SAID WHAT?
EUROPEAN DEMOCRACY


YOU CAN'T BULLY THE IRISH.
DID YOU HEAR THAT NO?
IRISH INDEPENDENCE

The Democratic Programme of the 1st Dail

The Irish political/media elite have decided to pick 2009, the year that marked the 90th anniversary of the foundation of the 1st Dail of the Irish Republic to force the Irish people to vote again on exactly the same treaty they have already rejected. The message is clear. The Irish people can vote, but only if they vote yes. Their willingness to collaborate with the EU elite in seeking to crush their own people into the ground shows how much they have departed from the Democratic Programme of the 1st Dail. This extract states:

"We declare in the words of the Irish Republican Proclamation in the right of the people of Ireland to the ownership of Ireland, and in the unfettered control of Irish destinies to be indefeasible, and in the language of our first President, Padraig Mac Piarais, we declare that the Nation's sovereignty extends not only to all men and women of the Nation, but to all its material possessions, the Nation's soil and all its resources, all the wealth and all the wealth-producing processes within the Nation, and with him we reaffirm that all right to private property must be subordinated to the public right and welfare.

We declare that we desire our country to be ruled in accordance with the principles of Liberty, Equality, and Justice for all, which alone can secure permanence of Government in the willing adhesion of the people."

It sustains the words of the 1916 Proclamation:

"We declare the right of the people of Ireland to the ownership of Ireland and to the unfettered control of Irish destinies, to be sovereign and indefeasible. The long usurpation of that right by a foreign people and government has not extinguished the right, nor can it ever be extinguished except by the destruction of the Irish people."

The choice facing the Irish people is the same one we have faced for generations. Do we want Irish Independence or do we want to belong to a Superstate? Do we want a Europe that is a Partnership of Independent Democratic States or a European Superstate?

We urge you to vote in favour of Irish Independence, in favour of a Partnership of Independent Democratic States by voting no once again to the Lisbon Treaty on the 2nd of October.

Lisbon – A European battle fought on Irish soil

For generations some Irish people have fought for Irish independence, democracy and neutrality while others have fought for imperialism. The 2nd referendum on the Lisbon Treaty is just another battle in this conflict and whatever the outcome, the struggle will continue.

In 1790 in response to a potential war between the Spanish and British Empires, Wolfe Tone wrote a pamphlet, *The Spanish War* which stated that Ireland should remain neutral.
In it he states:

> ***"We should then look to our own internal resources, and scorn to sue for protection to any foreign state; we should spurn the idea of moving as a humble satellite round any power, however great, and claim at once, and enforce, our rank among the primary nations of the earth. Then should we have what under the present system we never shall see, A NATIONAL FLAG and the spirit to maintain it."***

Tone went on to found the United Irishmen and sought to establish an Independent Irish Republic.

Other Irish did not agree, supported imperialism and with the help of the British Union crushed the United Irishmen. Then, in exchange for exceptionally large suitcases stuffed with cash, voted to abolish the Irish Parliament and support the Common Foreign Security and Defence policy of the Union.

They gave their total support to the imperialist tradition. O'Connell supported its Opium War on China, Butt the Crimean war and Redmond the 1914-18 war.

The Young Irelanders and the Fenians stayed loyal to Wolfe Tone. When Michael Collins as a representative of the Republic advocated the treaty that established this State, he did so on the grounds that it would be a stepping stone to that Republic, not a road back to a new Empire. De Valera in proposing our Irish Constitution which ensured all power derives from the people which is why we are having this referendum continued that tradition.

PANA in advocating that the EU should be a Partnership of Independent Democratic States without a military dimension is simply maintaining the values of Tone, Connolly, Collins and De Valera.

The defeated imperialist did not go away, they just waited in the long grass and waited for their time to come again, and with the decline of the British Union they shifted their allegiance to the emerging EU superstate or "Empire" as President Barroso calls it.

As we watched the Eurocorps (an EU/NATO military force) raise the EU flag at the opening of the EU Parliament the symbolism of a militarised EU for "the European people" was clear as crystal. This is the EU Parliament that voted not to respect the sovereign will of the Irish people and which is becoming more and more irrelevant as the percentage of those voting for it has dropped from 63% in 1997 to 43% in 2009.

The reality is that there is no "European people". There are Irish, French, Dutch and many other people's and they do not want Barroso's Empire. When the French and Dutch rejected Barroso's EU Constitution, he and the elite just renamed it the Lisbon Treaty, made sure the people were not allowed vote and expected the Irish people to roll over and die. It was a big mistake. We voted with the French and the Dutch. If it had been held on an all Ireland basis, as it should have been, the no vote would have been even higher.

Now the EU elite are simply forcing us to vote again on exactly the same treaty, but let it be made clear. This is not an Irish battle. It is a European battle fought on Irish soil, a battle between the people's of Europe who want democracy and the elite of Europe that want an Empire.

Their plan was to crush the Irish people into the ground, but plans don't always work. They forgot our gallant allies, the Germans. Their Constitutional Court has ruled that the German Parliament and the German Constitutional Court should have the final say on EU law as it affects the Germans; and that the German Army was a people's army and could not be sent abroad without the consent of the German Parliament. Its Court was making the case that the EU is and should be a Partnership of Democratic States which is what PANA has long supported. We also want to ensure it does not have a military dimension, or if it does that Ireland, like Denmark, opts out.

The EU elite support the treaty because it transfers power away from the people and their own national democratic institutions to themselves and their institutions, the EU Council of Ministers, the ECJ, the EU Commission and the EU Parliament. The German Court has stopped the elite in their tracks and driven another stake through its heart. The 2nd no vote will complete the job.

What is need then is a new treaty that would reflect the kind of Europe the people want via a European Convention made up of elected representatives of the people elected specifically for that purpose. PANA as an integral part of the European Peace Movement would welcome such a Convention. Instead of the values of the

centralised, militarised neo-liberal super state as advocated in the Lisbon Treaty we could build a Partnership Europe, a Democratic Europe, a Social Europe, a Green Europe, and a demilitarised Europe.

But will the yes side, this alliance of born again Redmondites and William Walker socialists win? They terminated Irish neutrality by turning Ireland into a US/NATO aircraft carrier. They destroyed the Irish economy because of their commitment to neo-liberal economics. They abilished the National Forum on Europe because they lost the democratic debates it organised. They have ignored the Irish Supreme Court McKenna Judgement and seek to destroy the Irish Supreme Court Coughlan decision. Their corporate media, especially RTE's talk shows have been little more than a sustained diatribe against national democracy since June 08. In such circumstances it would not be surprising if they win.

On our side however we have democracy. We have the memory of generations of struggle for our national independence. We have the support of the peoples of Europe. If the yes side, the rich and the powerful win, all they will give us is more of the same, more war and more neo-liberal economics. We need to win so we can build a new Europe and the only way we will get it is by voting no on the 2nd of October.

Roger Cole
Chair
Peace & Neutrality Alliance
www.pana.ie

August 2009

THE MILITARY DIMENSIONS OF THE LISBON TREATY

By Carol Fox,
Research Officer of PANA

Introduction:

It's Bastille Day, 2007. Newly elected French President, Nicholas Sarkozy, stands in the back of a military jeep, leading the parade as it progresses down the Champs Elysee and circles the Arc de Triomphe. But this is a Bastille Day with a difference. For the first time, thanks to Sarkozy's 'European Vision', troops from all the 27 EU Member-States, including Ireland, are marching behind Sarkozy and his jeep, parading their colours. "In a carefully prepared display, a V formation of flag-bearers preceded the 800-strong European guest parade with the EU and French flags at the front. That came after some 4000 French military marched by and air force jets made a flyover in a show of military might". [Reuters: "European Troops March in Paris on Bastille Day", July 14, 2007].

The night before, the French President had given a speech to EU defence ministers and French military officers, re-iterating his push for a European-wide defence. The French Defence Minister, Herve Morin, has since spoken of the need for a more 'muscular' presence by Europe on the world stage and has outlined France's plans to 'press ahead with a Europe of Defence' during the French EU Presidency in the latter half of 2008. [UPI, Nov. 13, 2007].

Sarkozy is not alone. Other EU leaders share his desire to boost the EU's defences, including the German Chancellor, Angela Merkel: "Within the EU itself, we will have to move closer to establishing a common European army" [March 23, 2007, Bild]. Even the EU sceptical UK has called for improved EU military capabilities: "It's frankly embarrassing that European nations – with about two million men and women under arms – are only able, at a stretch, to deploy around 100,000 at any one time". [UK Foreign Secretary, David Milliband, Nov. 15, 2007, during a speech at the College of Europe in Bruges]. And the Portuguese Defence Minister, speaking on behalf of the Government holding the EU Presidency when the new Lisbon Treaty was finalised: "Defence is a vital driver of integration today" and the EU has to strengthen its military rapid response capacity, bolster its defence industry, etc. And "all this should complement NATO". [The Guardian, September 26, 2007]

Whatever you call it – the EU Reform Treaty, the Lisbon Treaty, the Revised EU Constitution – it does not disappoint in terms of moving the EU defence agenda forward.

This PANA document is a revision of the document published in February 2005, 'Yes to Europe, No to Superstate', which analysed the EU Constitution. As we know, that Constitution was defeated by the French and Dutch 'No' votes later that year. But as we also know, that defeat was not respected. We now have back before us the old

Constitution, – devoid of its more obvious constitutional trappings – but still containing many of the basics of the original document, including all the defence provisions. The main difference between the documents is that the Lisbon Treaty is even more unreadable, and more inscrutable than the proposed Constitution. This is deliberate. It is also deliberate that EU leaders have instructed the bureaucrats in Brussels to revise the Constitution in such a way that referendums can be avoided: the people mustn't be allowed to decide, there must be no repeat of the French and Dutch votes.

Ireland is the one exception. This is not thanks to a magnanimous and principled Irish Government who believe in allowing the people to decide about their sovereign rights. It's thanks to the late Raymond Crotty who fought the Irish Government up to the Irish Supreme Court to ensure that our Constitutional rights would be fully protected by requiring such referendums.

This pamphlet is PANA's contribution to the debate on the new Treaty. It begins with an update of events since the EU Constitution was defeated and then focuses on the military provisions of the new Treaty. In terms of the latter, much is the same as in the Constitution. Only the Articles have changed. The new Treaty still contains:

1) **institutional measures to give the EU a stronger voice and role in international affairs,** including a permanent EU President, an EU Foreign Minister in all but name (now to be called High Representative of the Union for Foreign and Security Policy), and an EU Department of Foreign Affairs (European External Action Service)
2) the incorporation of the **European Defence Agency** into the EU treaties. The EDA's purpose is to promote the arms industry, and to assist in the development of the EU's defence capabilities.
3) An **obligation** (related to the EDA) **for member states to build-up their military capacities**
4) An **expansion of the 'Petersberg Tasks'** to be carried out by the EU's civilian and military forces, to include combating terrorism, and possible pre-emptive military action against perceived 'threats';
5) A new innovation, **Structured Cooperation,** which allows **mini-military alliances** to be established within the structures of the EU to carry out the EU's more 'demanding' missions;
6) **Mutual Solidarity and Mutual Defence Clauses** which oblige all member states to come to the assistance of any member state subject to armed aggression, terrorist threat or attack, or manmade/natural disaster.

Background:

Our previous pamphlet on the EU Constitution outlined the EU's new Security Strategy, "A Secure Europe in a Better World", written by the High Representative for the Common Foreign and Security Policy, Javiar Solana, and endorsed by the EU in 2003. We listed concerns raised about the Solana document by a number of NGOs, including the strategy's over-emphasis on military solutions and approaches to security

problems, its failure to address root causes of conflict, and its codification of preventive war: ("Our traditional concept of self-defence…was based on the threat of invasion. With the new threats, the first line of defence will often be abroad… we should be ready to act before a crisis occurs"). There were also worries that humanitarian assistance could be mis-used as a 'weapon' of EU security and defence policy with such aid's primary purpose of helping those in need being shunted aside. [See http://www.pana.ie/idn/100205.html]

The fact – as PANA has continually highlighted – that the EU does not see the need for securing a UN mandate before dispatching its military forces abroad is an additional reason to be wary of the EU's heightened sense of World Role. Just as President George Bush is prepared to 'go it alone' in international intervention, so is the EU: references are made to observing the UN Charter (similar references are in the NATO treaty) but no where does it state – in the EU treaties, the draft now-defeated EU Constitution, or the successor Lisbon Treaty – that the EU's Rapid Reaction Force, or its new Battlegroups, require a UN mandate before being deployed.

1. The Rapid Reaction Force and the EU Battlegroups

The EU's Rapid Reaction Force has not developed as rapidly as the EU had hoped. In December 1999, at the Helsinki European Council, the so-called Headline Goals were agreed requiring Member States to contribute to an EU military capability to deploy 60,000+ troops within 60 days outside the EU: the Rapid Reaction Force.

However, by 2003 it was obvious there were major capability gaps, and the smaller, less ambitious EU Battlegroups' concept was launched to speed up delivery of the larger RRF. The Battlegroups would consist of 1500 troops, deployable within 15 days, and having capabilities for high intensity operations. An article in NATO Review, Summer 2007, described the Battlegroups as 'providing the EU with 'ready to go' military capability, to respond to crises around the world". NATO is developing its own Response Force but steps have been taken to prevent any overlap: "Conscious of potential duplication between the NRF and the EU's Battlegroups, NATO and the EU have started work on ensuring that the two forces can complement each other". [More about the Battlegroups below]. [See PANA document on EU Battlegroups: http://www.pana.ie/idn/160106.html]

The EU also decided in 2003 to launch a new Headline Goal for 2010 and to propose this alongside the above mentioned Solana Security Strategy of *December 2003. The new Headline Goal envisioned that member states "be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty of the European Union".* [Council of the EU, Document 6805/03].

The European Council of June 17, 2004, under the Irish Presidency, gave final approval to the 2010 Headline goals. The Council reaffirmed the necessity of the EU being capable of fulfilling a 'spectrum of crisis management operations', including

humanitarian and rescue tasks, peacekeeping tasks, tasks of combat forces in crisis management, including peacemaking (the so-called Petersberg Tasks agreed to in the Amsterdam Treaty). However, the Council goes on to say: *"As indicated by the European Security Strategy [Javier Solana's document] this might also include joint disarmament operations, the support for third countries in combating terrorism and security sector reform, The EU must be able to act before a crisis occurs and preventive engagement can avoid that a situation deteriorates. The EU must retain the ability to conduct concurrent operations thus sustaining several operations simultaneously at different levels of engagement".* [emphasis added]

The Council statement also highlighted the need for the member states' military forces to have a high degree of interoperability at "technical, procedural and conceptual levels" and that a "commonality of security culture should also be promoted". It then turns to the EU's links with NATO, the EU-NATO permanent arrangements which "enhance the operational capability of the EU and provide the framework for the strategic partnership between the EU and NATO in crisis managements". The operational doctrines of the EU's military forces will be "in coherence with NATO".

Bertie Ahern, Taoiseach of neutral Ireland, not only agreed to this Council Statement but presided over it as EU President. Ireland is now in a "strategic partnership" with NATO and agrees that the operational doctrines of the Irish armed forces, as channelled through the EU, should be "in coherence with NATO". The Taoiseach also on our behalf signed up for "preventive engagement" and for a promotion of a "commonality of security culture". Given that most of our EU partners are in NATO, a military pact based on nuclear weapons and the possible first use of nuclear weapons, this all doesn't bode well for Ireland, a.k.a. neutral country, model UN peacekeeper and promoter of nuclear non-proliferation.

By 2007, although its Rapid Reaction force was still not up and marching, the EU had made considerable progress towards achieving the 2010 Headline Goals, EU forces had been operating abroad, the Battlegroups had become operational, and an agency dedicated to promoting armaments had been established within the EU.

When the 2010 Headline Goals were agreed, there were certain milestones set out:

1) a **bolstered EU military command** [This has happened, including a new EU Operations Centre opened in Brussels in June 2007];
2) the **European Armaments Agency** [Now called the European Defence Agency. It is up and running, only to be formalized in the Lisbon Treaty];
3) EU **strategic lift** joint coordination by 2005 [This is now beginning to happen via cooperation with NATO states: the Strategic Airlift Interim Solution (SALIS), which the EU Council Secretariat instances as 'a good example of the fruitful cooperation in finding effective and efficient solutions to overlapping capability shortfalls of the EU and NATO']
   http://consilium.europa.eu/uedocs/cmsUpload/MilitaryCapabilitiesFC06backgroundNov06_en.pdf];

4) capability and network linkage of all **communications** equipment and assets (terrestrial and space based) by 2010 [This is progressing, with the EDA promoting R and D in the area and with the functioning Operations Centre. The Director of the EU's Civilian/Military Cell, Brigadier General Heinrich Brauss, reported to the European Parliament sub-committee on Security and Defence, in early 2007: "The technical Operations Centre facilities have been established in the Kortenberg Building and are ready for use. The communication links have been installed, which provide a network within the General Secretariat and link up with the other HQ's, the EU Cell at SHAPE, the EU Liaison Officer at the UN/DPKO, and – through satellite links and deployable communications packages – with Force Headquarters that could be deployed in the field all over the world."] http://www.consilium.europa.eu/uedocs/cmsUpload/070227BriefingCCMBrausstoEP.pdf
5) development of the rapidly deployable **battlegroups** by 2007 [This has happened. Full operational capability was achieved in January 2007, comprising a joint German, Dutch and Finnish BG and a French-Belgian-Luxembourg BG. From mid 2007, two other battlegroups were placed on standby, comprising an Italian, Hungarian and Slovenian Battlegroup and a Greek-led HELBROC Balkan Battlegroup . According to above referenced EU Council Secretariat November 2006 'Background' paper: "the Member-States have committed the required number of Battlegroup packages for 2007/8 and 9. "The member States providing Battlegroups in the first half of 2007 have decided to provide naval enablers for these Battlegroups. From January 2007 onwards the EU will have full operational capability to undertake two Battlegroup-sized rapid response operations nearly simultaneously"]

The Nordic Battlegroup that Ireland has now joined – consisting also of Finland, Norway, Estonia, and Sweden – will be on standby from January 1, 2008

Oireachtas approval was given to Irish participation in the Nordic Battlegroup in July 2006 via the Defence (Amendment) Act 2006. It was debated in the last days of the Dail session for only a few hours and voted through at midnight on July 4th. Only twelve TDs voted against, including the Greens, Sinn Fein, three independents and Joe Higgins. The Labour Party abstained.

Ireland is the only country in the EU which requires a UN mandate before its troops are sent abroad. EU Battlegroups are to be deployed within 5 to 10 days and waiting for a UN mandate could make Battlegroup membership awkward for Ireland. The Government had also been advised that Irish troops could not go abroad for military training under current legislation. Therefore, the Defence Acts had to be amended. The definition of a UN 'mandate' was expanded and thereby diluted. Irish troops can now go off with the Battlegroup prior to UN approval – to be rapidly 'assembled' or 'embarked' but not 'deployed' – and are now to wait on the fringes, perhaps on the fringes of an armed conflict, awaiting UN authorization to join the fray. This bizarre Irish Solution was followed in April 2007 by Oireachtas approval of a Memorandum of

Understanding (MOU) with the Nordic Battlegroup, stating that "the EU Battlegroups concept is complementary and mutually reinforcing with the NATO Response Force". There was no mention whatsoever in the MOU of the fact that Ireland requires a UN mandate before it troops could be deployed.

2. Military Operations

Just as the EU has not been standing still in the development of its military capabilities, it has also not been idle in involving Member States' troops in overseas actions. The EU has been involved in a number of civilian, police and military operations under the European Security and Defence Policy. Five of these have been military operations, kick-started by military arrangements with NATO. All of these operations have been UN mandated.

[Even back in 2004, the prestigious London-based International Institute of Strategic Studies in its journal 'Survival' (Summer 2004) stated that – even though the EU Member States were slipping behind in achieving the initial 2003 Headline Goals – there had been "a remarkable increase in the scale, distance and diversity of external operations of European forces". At that time, EU governments were sustaining 50-60,000 troops on operations outside their common boundaries in over twenty countries, including S.E. Europe, Afghanistan and Central Asia, Iraq and the Gulf and Africa.]

On St. Patrick's Day, 2003, the 'Berlin-Plus' agreement was signed between the EU and NATO, emphasizing the strategic partnership between the two organizations and outlining the use of NATO assets and planning capabilities by the EU. Part of the agreement was that NATO's Deputy SACEUR (Supreme Allied Commander in Europe – who is always a European) would be Operation Commander of any EU-led operations carried out under the Berlin Plus arrangements. The Operation Headquarters would be NATO's Supreme Headquarters Allied Powers Europe (SHAPE). However, the Operation Commander would be answerable to the EU.

This was the situation on March 31, 2003, when the NATO-led operation 'Allied Harmony' in the former Yugoslav Republic of Macedonia was transferred to the EU-led Operation 'Concordia'. Deputy SACEUR Admiral Rainer Feist from Germany became head of the EU operation, directed from SHAPE. This terminated in December 2003. The other 'Berlin-Plus' operation was 'Althea' in Bosnia and Herzegovina which was launched with 6000 troops in December 2004, succeeding NATO's SFOR operation, and is still on-going although with reduced numbers (2500).

The first autonomous EU-led military operation was 'Artemis' in the Congo, from June to September 2003, under French command and with mainly French soldiers. In 2006 there was another short autonomous operation in the Congo, EUFOR RD Congo. In 2008, Ireland is set to participate in EUFOR TCHAD/RCA, with Irish troops going to Chad and an Irishman being the EU Operation Commander – Lt. Gen. Patrick Nash.

This is a controversial mission because of on-going fighting between rebel and Government forces in the area but also because of the large presence of French soldiers in the EU contingent. Former colonial power France has supported the Chad President and has been helping Government forces beat back rebel offensives over the last two years. There is also a shortfall in military equipment forthcoming from the EU Member States, particularly helicopters. It will be a challenge for the EU force to establish its neutrality – as Lt. Gen Nash insists it will – and to ensure it can safely protect the refugees it has been sent to help.

A 2007 study published as a Jean Monnet Working Paper, at New York University's School of Law [Dietmar Nickel and Gerrard Quille: "In the Shadow of the Constitution: Common Foreign and Security Policy/European Security and Defence Policy Adapting to a Changing External Environment] comments on the evolving military apparatus of the EU: e.g. the Civil and Military Planning Cell established in 2005, the new EU military Operations Centre and the new operational capabilities, e.g. Battlegroups. It favourably quotes remarks from the BBC's correspondent, Paul Reynolds, that 'The EU has quietly acquired what might be described as a standing army". The EU has now set in place the means to ensure that the EU's evolving military wing will not be short of military equipment.

3. European Defence Agency

Equipment short-falls are not something the European Security and Defence Policy wants to endure. One of the things the new EU Treaty will be doing is formalizing the European Defence Agency within the structures of the European Treaties.

"Article 28(3): Member States shall undertake progressively to improve their military capabilities. The Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency) shall identify operational requirements, shall promote measures to satisfy those requirements, shall contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, shall participate in defining a European capabilities and armaments policy, and shall assist the Council in evaluating the improvement of military capabilities."

The European Defence Agency (EDA) was mentioned in the original EU Constitution in 2003. It appeared in the Constitution following the March 2003 EU Commission Communication entitled "Towards an EU Defence Equipment Policy".By the time the Constitution was signed by the Member States in June 2004, the EDA was already established, with an initial budget for 2005 of €20m and the EU Foreign and Security policy chief, Javier Solana, as its head. The controversial beginnings of the EDA and the massive influence of the military-industrial complex in its formation are well-documented in Ben Hayes excellent 2006 study for Statewatch and the Transnational Institute: "Arming Big Brother", which can be downloaded from the PANA website: http://www.pana.ie/download/bigbrother.pdf

The Irish Government had no qualms about the new Agency. Indeed, Ireland joined up in July 2004, following a decision by 'the Government'. This decision was never brought before the Dail for approval. Defence Minister Willie O'Dea stated the EDA was an intergovernmental agency within the framework of the EU's European Security Defence Policy and that membership didn't oblige or commit Ireland to do anything other than contribute to the EDA's budget. The fact that the EDA would be in the business of promoting armaments didn't seem to bother the Minister or the Irish Government.

During the Nice Treaty debate, the then Foreign Minister, Brien Cowen, insisted support for the arms industry was to be no where found in the Treaty (although Article 17 did call for cooperation in the field of armaments between Member States: "The progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments".) Less than two years after ratifying Nice, Ireland was a paid up member of the European Defence Agency.

After a November 2007 meeting of EU defence ministers, in which the EDA's annual budget was increased by a third 'in a bid to improve the bloc's military performance', Javier Solana expressed strong support for the increased investment in defence technologies, stating it was an 'absolute requirement for us to spend more, spend better, and spend more together'. {EU Observer, Nov, 20, 2007).

The Irish Government has already committed itself (and us) in the new Treaty to progressively improving our military capabilities, and Ireland's membership of the EDA bolsters that commitment. Indeed, then Enterprise, Trade and Employment Minister, Miceal Martin, gave an interesting response to Green Party TD Eamon Ryan, when Deputy Ryan enquired about the participation of Enterprise Ireland in EDA meetings. (PQ 15612/07, in the name of Ciaran Cuffe, April 26, 2007). Minister Martin said the following: "I understand that Enterprise Ireland has provided preliminary technical assistance to the Department of Defence at EDA meetings in relation to a research and development programme which the EDA has decided to undertake and in which the Minister for Defence has determined that Ireland should participate. On the basis of that decision, the Department of Defence has requested the involvement of Enterprise Ireland in identifying Irish companies which may potentially participate in this research programme and thereby benefit from the funding which is available from EDA projects".

Mr Nick Witney, Chief Executive of the EDA, addressed the Institute of European Affairs in September, 2005, and outlined the benefits to Irish industry of EDA membership. He described some Irish or Irish-based companies as being key players in some defence-related sectors, such as armoured fighting vehicles and defence electronics, and that coordinated procurement could put them in a better position to be awarded defence equipment contracts in Europe.
http://www.google.ie/search?hl=en&safe=off&q=Institue+of+European+Affairs+%2B+briefing+on+the+EDA&btnG=Search&meta=cr%3DcountryIE

And so you have it: the new growth industry for Ireland!

The Stockholm International Peace Research Institute's [SIPRI} latest yearbook (Oct. 2007) states that the arms sales of the 100 largest arms-producing companies in the world apart from China in 2005 totalled $290 billion. 40 US firms accounted for 63 per cent of the combined arms sales and some 32 West European companies accounted for another 29 per cent.

The EDA, in its Long Term Vision statement released the end of 2006, stated: "Today, Europe retains a widely capable defence technological and industrial base (DTIB). But the prognosis is not encouraging. If Europe is to preserve a broadly based and globally competitive DTIB (which means competitive with the US, and, increasingly, producers in the Far East) it must take to heart the facts that US is outspending Europe six to one in defence R&D; that it devotes some 35% of its defence expenditure to investment (from a budget more than twice as large as that of the Europeans combined), as against the European level of about 20%; and that it is increasingly dominant in global export markets. "
http://www.eda.europa.eu/genericitem.aspx?id=146

However, Seth Jones of the Washington-based RAND think tank, has been impressed with the recent developments in the EU. In his just published book, The Rise of European Security Cooperation.(Cambridge University Press, 2007), he argues that the evolving European security cooperation is "one of the most striking developments in international politics today" and that "the development of a European defence industry has important implications for the future of transatlantic defence cooperation. It will increase the competition with Europe in the global arms market".

In a recent (December 2007) Communication from the EU Commission to the EU Council and the European Parliament – "A Strategy for a Stronger and More Competitive European Defence Industry" – the Commission makes clear that this emerging European Defence Industry will mean even more arms exports and a boost to the global arms trade. The Communication draws attention to 'the potential new challenges and opportunities stemming from the rapidly emerging economies and the potential re-emergence of other major competitors' and states that 'to ensure that European companies benefit from these economic opportunities', the Commission has drawn up a 'renewed market access strategy in emerging economies'.

Both Afri and Amnesty International have well chronicled the involvement of certain Irish industries in armaments production and the arms trade. This is not an area that Irish people would like their Government to be encouraging. However our membership of the EDA and the provisions in the new Lisbon Treaty will be doing just that.

MILITARY PROVISIONS IN THE LISBON TREATY

The European Defence Agency as outlined above is a major military item in the new Treaty. However, despite what happens with the Lisbon Treaty, it would be true to say the EDA is here to stay and will continue regardless. The importance of highlighting the EDA in this publication is to emphasise how strong the military lobby is in the decision-making processes of the EU, how major developments such as the EDA and Rapid Reaction Forces and EU Battlegroups can be progressed without being mentioned in EU Treaties, and how relentless the military agenda is in shaping the future of the EU as a defence entity.

This military agenda is advanced by a number of new and significant developments in the Treaty. These developments will be facilitated by institutional measures giving the EU a stronger voice and role in international affairs, including;

- a EU Council President, who can serve up to five years, preside over EU Summits and, in effect, be the public face of the EU, the Leader, to the outside world. The President will be assisted by,

- a new post of an EU Foreign Minister in all but name (now to be called High Representative of the Union for Foreign Affairs and Security Policy), and an EU Department of Foreign Affairs (European External Action Service). The High Representative will preside over the Council meetings of EU Foreign Ministers: in effect, a civil-servant will now be in a superior position to the Member States' elected Foreign Ministers. He/she will also be a Vice-President of the EU Commission and may be assuming a major role in the trade and development aspects of EU foreign policy. A new **Article 19(2)** states that if the EU has defined a common position in a particular foreign policy matter, those Member States setting on the Security Council "shall request that the High Representative be asked to present the Union's position".

There is a growing 'Brusselisation' of foreign and security policy. The need for Member States to show mutual solidarity and loyalty to the EU's Common Foreign and Security policies (including defence) ["The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area" – **Article 11.(3)]** and to subsume their own policies accordingly; to make their civilian and military capabilities available to the EU; to progressively improve their military capabilities; – these are all obligations set out in the Lisbon Treaty, to be assisted by the already established European Defence Agency.

The Lisbon Treaty truly sets the foundations for a fully-fledged EU military alliance with the inclusion for the first time of mutual solidarity/defence clauses and with the new doctrine of Structured Cooperation, a form of mini-military alliances, established by a small group of Member States, using the EU's institutions and engaging in military operations in the EU's name. There has been vagueness in the past as to whether the EU would establish a common defence between the Member States and the wording of the Nice Treaty, that the progressive framing of a common Union defence policy "might lead to a common defence should the European Council so decide" is carried over into Article 11(1) of the Lisbon Treaty, although the words 'should the European council so decide" have been dropped. However, in **Article 28 A(2)** in the section of the Treaty detailing common security and defence policy, there is a much more definite commitment to common defence: "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". The Treaty's provisions on Structured Cooperation, mutual defence and the Solidarity Clause all lend support to this stronger interpretation of EU intent, for they certainly facilitate the development of an EU common defence.

The Treaty also contains a new section on Energy policy, an element of which is to 'ensure security of energy supply in the Union'. This is of course a necessity and is most welcome. But it is important to be wary of how that energy supply might be 'secured'. There has been considerable discussion within NATO and the EU, (e.g. the EU's Institute for Security Studies) on the military issues surrounding ensuring energy supplies. An article in NATO Review, Summer 2007, (NATO and the EU: Cooperation and Security) argues that 'Another promising area for future EU-NATO cooperation is energy security' and that 'there is a need to develop coordinated responses to these challenges [energy security] which incorporate the capabilities and thinking of the armed forces and defence industries, a domain in which the Alliance {[NATO] is better positioned to come up with new answers". The EU and NATO should be cooperating in the 'securitisation of energy infrastructure networks'.

The remainder of this study will focus on Structured Cooperation and the Mutual Defence/Solidarity clauses. Much of this analysis is similar to that in the PANA study on the EU Constitution because these clauses have been maintained and merely transferred to the new Lisbon Treaty

1. Structured Cooperation

Enhanced cooperation was a phrase much used during the Nice Treaty. It is a mechanism allowing a group of States to forge ahead in an aspect of EU development that not all Member States may be ready or willing to join in. Critics of enhanced cooperation point to the fact that it could lead to a two-tier, two-speed Europe, with an elite corps moving to closer integration while others were left outside, in a lesser status. The Irish Government made much of the fact, during the Nice debate, that enhanced cooperation – while applying to some aspects of EU foreign policy – did not apply to defence matters.

The Lisbon Treaty has changed all that. In addition to the fact that the current exclusion of enhanced cooperation in the field of defence in Article 27b (Treaty of European Union) will be dropped, Member States may establish 'Structured Cooperation' among themselves on military matters. **Article 28 A (6)**.: "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 permanent structured cooperation within the Union framework." This cooperation is governed by several provisions and a Protocol on Structured Cooperation.

Those Member States with 'more binding commitments' are now allowed to set up permanent military structures within the EU institutions. Those wishing to establish such mini-alliances must inform the European Council and the foreign affairs/security High Representative, and the Council will approve the Structured Cooperation and the list of participating Member States by qualified majority vote. Admission of new members to the Structured Cooperation shall also be determined by QMV but only the Member States already participating in Structured Cooperation can vote. **(Article 28 E)**.

In other words, Ireland could be opposed to the establishment of Structured Cooperation by a group of States but not be able to veto it. In addition, **Article 28 E 6** states: *"The decisions and recommendations of the Council within the framework of permanent structured cooperation, other than those provided for in paragraphs 2 to 5 [dealing with admission, suspension or withdrawal of membership] shall be adopted by unanimity. For the purposes of this paragraph, unanimity shall be constituted by the votes of the representatives of the participating Member States only"*, i.e. the functioning of Structured Cooperation is subject to unanimity but only the states taking part in the Structured Cooperation can vote. There is a lack of clarity as to what this section means in practice. What sort of 'decisions' and 'recommendations' are to be decided upon exclusively by this vanguard EU military grouping/

Furthermore, Article 28 C allows the Council to 'entrust the implementation of a [Petersberg] task to a group of MemberStates which are willing and have the necessary capability for such a task'. The 'management of the task' shall be agreed among themselves and the High Representative. Klaus Heeger, legal adviser to the Independence/Democracy group in the European Parliament and an expert on the EU treaties, sent PANA the following analysis: "According to the Treaty of Lisbon, the implementation of Common Security and Defence Policy by a group of Member States is to be distinguished from Structured Cooperation. Therefore, structured cooperation can be considered as more far-reaching". He goes on to say that because the treaty provisions and the specific Protocol on Structured Cooperation "don't clarify this point, it remains unclear to what extent the member states having established structured cooperation can define their own defence policies and commitments within the 'Union framework'." There must also be questions

raised about control and accountability for what could be military actions carried out in the EU's name.

Structured Cooperation is also subject to a Protocol in the Treaty.. It states that the EU's Petersberg Tasks shall be undertaken using capabilities of the member States *"in accordance with the principle of a single set of forces"*. It would be very difficult for the Irish Government to argue that the Structured Cooperation forces are not in fact an EU army.

Expanding the Petersberg Tasks

PANA has always argued that the Petersberg Tasks are already broad enough to include every military mission up to and including waging war. The original tasks of humanitarian, rescue and peace-keeping and peace-enforcement missions have now been expanded into 'joint disarmament operations, military advice and assistance tasks and post-conflict stabilisation. "All these tasks may contribute to the fight against terrorism, including by supporting Third Countries in combating terrorism in their territories" [Article 28 B (1). In its European Security Review (July 23, 2004), the Brussels –based International Security Information Service (ISIS) stated that 'joint disarmament operations' "could include anything from providing personal security to UN inspectors to full scale invasions á la Iraq".

The Government however will make great play of the following paragraph in the Protocol on Permanent Structured Cooperation. This wording has been contained in every EU Treaty since Maastricht: *"the common security and defence policy of the Union does not prejudice the specific character of the security and defence policy of certain Member States". This is taken to refer to the Neutrals. However, the next two paragraphs say the following: "Recalling that 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 it members, and is compatible with the common security and defence policy established within that framework; Convinced that a more assertive Union role in security and defence matters will contribute to the vitality of a renewed Atlantic Alliance, in accordance with the Berlin Plus arrangements [sharing EU/NATO assets]".*

Contributing to the "vitality of a renewed" NATO and stating that the EU's common security and defence policy is compatible with NATO's should hardly be the goal of a neutral state.

The Protocol goes on to state that the EU may assist the UN if requested in peacekeeping and peace-enforcement missions but no where does it state that a UN mandate would be a pre-requisite for any Structured Cooperation operation. Any Member State wishing to participate in permanent Structured Cooperation must *"intensively develop its defence capacities"; "have the capacity to supply by 2010 at*

the latest, either at national level or as a component of multinational force groups, targeted combat units for the missions planned, structured at a tactical level as a battle group,…"; and shall undertake to cooperate on the "level of investment expenditure on defence equipment", "bring their defence apparatus in line with each other as far as possible", increase interoperability, cooperate on capability development…"without prejudice to undertakings in this regard within NATO", and develop major joint equipment programmes in the framework of the new European Defence Agency.

Paying for the EU's New Military Might

The Irish taxpayer will have to pay for a proportion of the EU's military operations. The Lisbon Treaty's Article 28 (3) provides for the establishment of a start-up fund made up of Member States' contributions to fund preparatory activities for the Petersberg Tasks. The procedures for establishing and administering the fund, and the financial control procedures will be determined by QMV. Apart from the start-up fund, Member States are also charged in accordance with the GNP scale for expenditures arising from operations having military or defence implications Article 28(2) Ireland also has to pay for the administrative expenditures of military operations because administration expenditure (as opposed to operational expenditure of military and defence) is paid by the Union budget, which all member states subscribe to.

There are added complications in that the Council can decide unanimously to charge all military/defence expenditure to the Union budget Article 28(2). A Member State can also abstain from a decision authorising an operation with military or defence implications and make a formal declaration refusing to finance that operation.

However, there is no escaping: an increased EU military role is bound to bring increased military costs upon Ireland and the Irish taxpayer — whether it be via the new military start-up fund, a GNP ratio, or the EU Union budget. This is of course quite apart from the obligations we have undertaken to 'progressively improve' our military capacity.

Mutual Defence and Solidarity Clauses

Article 28 A (7) provides a mutual assistance clause for all EU member states in case of *an armed aggression. It states: "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 Art.51 of the UN Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States. 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 failed EU Constitution had then stated that the European Parliament would be regularly consulted on the CSDP and be kept informed. This clause is removed in the Lisbon Treaty.)

So the EU has devised a mutual defence (assistance) clause which the neutrals say doesn't 'prejudice' them and the NATO members say will be consistent with and in cooperation with their commitments within the forum of NATO!. It will be fascinating to see how the Irish Government explains this clause. If we are attacked, will our EU partners not come to our rescue because we're neutral? Or is it just that we don't go to their assistance because we're neutral? And if our partners are now committed to protecting us, will it be under NATO that they come to our rescue? It is in fact an Article that attaches to the EU 'the qualities of a military pact, granting mutual assistance to its members', in the words of Jan Techau, at that time working for the Germany Ministry of Defence. He also argued that this Article supports the new instrument of Structured Cooperation, allowing an avant garde to forge ahead in EU defence.[Paper delivered, in a personal capacity, before the U.S. Council for European Studies, March 2004, "Roundtable on European Security Policy: Conditions for Out of Area Missions in an Age of Borderless Conflicts"]

However, the clearest statement of the significance of this provision is provided by the Rapporteur to the Foreign Affairs Committee on the Treaty of Lisbon, Andrew Duff, MEP, a man who should know. In a letter he wrote to the Chairman of the Foreign Affairs Committee of the European Parliament on January 9, 2008, he proposes that the NATO-linked nuclear-weapons based military grouping, the Western European Union (WEU), should be dissolved. Previous EU Treaties had already incorporated most of the WEU's provisions. "The only surviving objective of the WEU", he writes, was to 'afford assistance to each other in resisting any policy of aggression' also known as 'collective self-defence'…However, this objective will soon be covered by Article 28 A(7) of the Treaty on European Union as revised by the Treaty of Lisbon". He goes on to say: "The Treaty of Lisbon has taken the final step in exporting all WEU competences into the European Union".

The Solidarity Clause is no less problematic for Ireland. **Article 188R,:** *"The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to:*

a) prevent the terrorist threat in the territory of the Member States; protect democratic institutions and the civilian population from any terrorist attack; assist a Member State in its territory at the request of its political authorities in the event of a terrorist attack;

b) assist a Member State in its territory at the request of its political authorities in the event of a natural or man-made disaster.

To implement the Solidarity Clause, assistance shall be requested by the political authorities of the Member State(s) concerned and, if the assistance has military or defence implications, decisions must be taken by unanimity (which allows for abstentions).

This is a very broad mandate for it covers the threat of terrorism as well as an actual terrorist attack, leaving the way open for pre-emptive military actions. Indeed, between the time the Constitution was agreed at the June 2004 summit and signed several months later in October, the phrase 'victim of terrorist attack' had been changed to the vaguer 'object of a terrorist attack'. Does preventing the terrorist threat in the territory of the Member State include attacking a country outside the EU that is seen to be harbouring terrorists? What are the implications under the Solidarity Clause for responding to, say, a threat by Al Qeada to attack EU countries supplying troops to the war in Iraq? How are terrorists defined: are they in the midst of anti-globalisation or anti-war protestors?

A Declaration was attached during the Irish Presidency (Declarations have no legal strength) stating that: *"Without prejudice to the measures adopted by the Union to comply with solidarity obligations towards a Member State which is the object of terrorist attack or the victim of natural or man-made disaster, none of the provisions of* **Article 188R** *is intended to affect the right of another Member State to choose the most appropriate means to comply with its own solidarity obligations towards that Member State".*

The Irish Government will point to this Declaration in an attempt to downplay what is actually materialising in the EU Lisbon Treaty: mutual assistance and solidarity obligations which underpin an EU military force and an EU Security Strategy. In fact, the attached Declaration gives the Irish Government no more leeway than it would have as a member of NATO: the NATO treaty doesn't require an automatic military response from all its members to an attack. Indeed, Article 5 of the NATO Treaty states that, in case of attack, each NATO member *"will assist the party or parties so attacked by taking forthwith, individually and in concert with the other parties,* **such action as it deems necessary,** *including the use of armed force, to restore and maintain the security of the North Atlantic area".* [emphasis added]

Conclusion

There can be no doubt that the Lisbon Treaty puts in place the defence provisions for an EU State, the "qualities of a defence pact". If the Irish Government truly wanted to opt out of these provisions, it could have attached a Protocol to the Treaty, as the Danes have, exempting Ireland from participating in or paying for any EU military and defence activities. But it has not done so.

And before accepting the Taoiseach Bertie Ahern's claims that Ireland's traditional policy of neutrality has been secured in the Lisbon Treaty, remember that this is the Taoiseach who defines traditional neutrality as allowing 1 million + US soldiers to transit through Shannon on the way to an illegal and immoral war in Iraq.

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