

The Lisbon Treaty, the European Military Project, and Europe's Role in the World: Implications for Irish Voters

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INTRODUCTION

On the 12th of June this year, the Irish people will be asked to vote on the Lisbon Treaty. Just before that, at the end of May, the Irish government will host a major diplomatic conference, the aim of which is to negotiate a treaty to ban the manufacture, use or stockpiling of cluster munitions.² While vigilant lobbying of the government will be necessary to ensure that the cluster munitions treaty negotiated is comprehensive and water-tight, this initiative nonetheless represents the kind of foreign policy Afri believes the Irish government could and should be pursuing. The Lisbon Treaty, on the other hand, represents a further development in the evolution of a very different type of Irish foreign policy.

Afri, in common with many other campaigning groups, has long been concerned about what it sees as the growing militarization of both Irish and European Union (EU) policies and actions.³ In the Irish context, this trend is evident in the usage of Shannon airport as a critical staging post for the transit of US troops and supplies

¹ Thanks to John Maguire and Joe Murray for helpful comments on earlier versions of this paper.

² See www.stopclusterbombs.ie.

³ See, for example, Storey A. (2001) *The Treaty of Nice, NATO, and a European Army: Implications for Ireland*, Afri.

involved in the invasion and occupation of Iraq;⁴ in the government's refusal to act upon the strong evidence that Irish airports have been used for the US policy of 'extraordinary rendition' – the kidnapping and torture of individuals accused of terrorist involvement;⁵ and in the growing foothold being established in the Irish economy by companies involved in the commercial arms trade.⁶

However, it is Ireland's participation in multilateral (especially EU) military structures and actions that is the main focus of this present paper. Ireland has come to play an increasingly significant role in both NATO and EU military structures (which themselves are very closely linked, as discussed below). Irish troops serve at NATO HQ in Brussels under the NATO-led 'Partnership for Peace' (PfP) framework. Irish troops have served in NATO-led missions, including in Afghanistan. There is a full-time EU Military Staff (EUMS) headquartered in Brussels which is responsible for 'command and control' of EU military capabilities – this reports to an EU Military Committee, which in turn reports to the EU Political and Security Committee and from thence upwards to the EU Council of Ministers. Irish army officers serve with the EUMS, and Ireland is represented at all other levels of this network. In terms of actual military operations, the EU can call upon a number of 'Battlegroups' – groups of 1,500-2,500 soldiers capable of being deployed within 15 days of agreement by the EU Council of Ministers. Ireland, along with Sweden, Norway, Finland and Estonia, is a member of the EU's Nordic Battlegroup; Sweden and Finland share Ireland's (nominally) neutral status, while Norway and Estonia are members of NATO.

⁴ Doris, M. (2007) *The Militarisation of Ireland's Foreign and Defence Policy: A Decade of Betrayal and the Challenge of Renewal*, Afri.

⁵ European Parliament (2007) *Report on the Alleged Use of European Countries by the CIA for the Transportation and Illegal Detention of Prisoners* (2006/2200(INI)), 26th January; Council of Europe (2006) *Alleged Secret Detentions and Unlawful Inter-State Transfers of Detainees Involving Council of Europe Member States*, 12th June; Irish Human Rights Commission (2007) *Extraordinary Rendition: a Review of Ireland's Human Rights Obligations*.

⁶ Amnesty International Irish Section (2007) *Controlling a Deadly Trade*.

The EU Battlegroup deployment to Chad (see below) is under the command of an Irish Lieutenant General.

This paper outlines what the Lisbon Treaty means for these EU military structures, policies and practices, and what the implications are of Irish participation in these areas of EU militarisation. The examples of NATO in the Balkans and the EU in Chad are studied to focus attention on the realities of Western military intervention – past, present and future.

Whether one views developments at EU level positively or negatively largely depends on what view is taken of the EU's role in the world, especially vis-à-vis the developing countries of the 'Global South'. Therefore, the paper goes on to describe how the EU interacts with the wider world, suggesting that such interactions are often prejudicial to the interests of the poor. The paper concludes that the EU is, through the Lisbon Treaty, seeking to extend its capacity for military action overseas, and that, if past and current EU external policy is a good guide, this capacity is unlikely to be deployed for purposes favourable to the interests of the South.

What the Lisbon Treaty Means for the EU's Military Project

The Lisbon Treaty – which is, in essence, the same as the EU Constitution that was rejected by Dutch and French voters in referenda in 2005 – is almost 300 pages in length. It consists of 297 modifications to the existing EU treaties, a dozen Protocols (which have equivalent legal status to the treaties), and several dozen Declarations.⁷ Insofar as it is possible to penetrate this document's intricacies and work out what it is actually saying, does the new Treaty significantly affect the scenario sketched above of EU and

⁷ The full text is available at http://europa.eu/lisbon_treaty/full_text/index_en.htm For critical commentaries on the generally neoliberal character of the Treaty, see www.caecuc.org and www.voteno.ie.

Irish militarization? And, if it does make a difference, is it for the better or for the worse?

At a general level, the Treaty contains a new section entitled ‘Provisions on the Common Foreign and Security Policy’, which aims to bring all elements of the EU’s emergent security and defence policy, including the structures described above, within a formal Treaty framework. EU military and civilian assets are to be drawn upon for external missions of “peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter.”⁸ Turning from this general (aspirational and very vague) level to the particular, at least four specific provisions of the Treaty appear to impact significantly on military matters.⁹

(1) Is the EU edging ever close to a common defence arrangement? Article 28A.7 states that “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 means in their power, in accordance with Article 51 of the United Nations Charter.” Article 188R (Title VII) of the Treaty (the so-called ‘Solidarity Clause’) also discusses common (or collective) defence:

“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

⁸ See Quille, G. (2008) ‘The Lisbon Treaty and its Implications for CFSP/ESDP’, Briefing Paper prepared for the European Parliament’s Subcommittee on Security and Defence, 4th February, p. 3.

⁹ This list is adapted from Clonan, T. (2008) ‘EU’s Military Ambitions Clear’, *Irish Times*, 29th January.

- 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 ...
- [or] in the event of a natural or man-made disaster”.

As defence analyst Tom Clonan puts it, this provision “clearly formalizes the EU’s commitment to the concept of collective military action – on a very broad basis – and will be held by many to represent an explicit commitment towards the formulation of a common defence clause for the EU”.¹⁰ The Robert Schuman Foundation describes this as “a vital step towards the development of European defence”.¹¹

The Irish government insists that Ireland’s ‘traditional’ concept of military neutrality – non-participation in a mutual defence pact – is unaffected by this provision (see ‘A Note on Neutrality’ below). Article 28A.4 does state that “Decisions relating to the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council acting unanimously”; Ireland thus appears to retain opt-out or veto powers, should it wish or choose to exercise them.¹² The government is proposing to change the constitution as part of the Lisbon Treaty ratification effort to include a statement that Ireland will not take part in common European defence arrangements,¹³ though how this will

¹⁰ *Ibid.*

¹¹ Fondation Robert Schuman (2007) ‘The Lisbon Treaty and the European Union’s External Action’, fact sheet number 10, www.robert-schuman.eu, December.

¹² In keeping with previous treaties, Lisbon (article 28A) recognizes “the specific character of the security and defence policy of certain member states”, a reference to both ‘neutrals’ such as Ireland and also those (such as Denmark) who prioritise NATO structures over EU ones.

¹³ *Irish Times*, 23rd February 2008.

be reconciled with the ‘solidarity clause’ is unclear. In any event, no such constitutional amendment would impinge on Irish and EU operations *outside the EU* (see below).

A Note on Neutrality

The question of Irish neutrality is a very vexed one. Not only is there no agreement on whether Ireland is, or is not, neutral, the very meaning of neutrality itself is often unclear. According to successive Irish governments, Ireland’s military neutrality is characterized by “non-membership of military alliances”.¹⁴ As Professor John Maguire points out, this definition is extremely narrow.¹⁵ In the first place, formal membership of a military alliance may not be the only measure of neutrality (or the lack of it): for example, Ireland did not join a formal military alliance when it granted US troops transit facilities through Shannon airport, but did this mean that Ireland had remained neutral vis-à-vis the conflict in Iraq? Second, the notion of a formal military alliance is itself routinely reduced to participation (or non-participation) in a mutual defence pact, whereas participation in what are clearly military structures at EU level (as described above) would strike most people as participation in some sort of military alliance (or, at the very least, a joint military undertaking).

For many people, neutrality represents something other than the narrow, negative concept which the Irish government claims to espouse.¹⁶ Rather, it is an active engagement in the affairs of the world, promoting, for example, in a fairly even-handed way, the

¹⁴ *Ireland and the Partnership for Peace: an Explanatory Guide*, quoted in Maguire, J. (2002) *Defending Peace: Ireland’s Role in a Changing Europe*, Cork University Press, p. 126.

¹⁵ *Ibid.*

¹⁶ Devine, K.M. (2006) ‘The Myth of “the Myth of Irish Neutrality”’: Deconstructing Concepts of Irish Neutrality using International Relations Theories’, *Irish Studies in International Affairs* 17.

peaceful resolution of disputes and generally pursuing a foreign policy that is not militarily aggressive. And such a stance is, arguably, made more difficult when Ireland is seen to be so closely allied to the military objectives of powers such as the US in Iraq or of France in Chad (see below). Thus, present trends would seem to undermine Irish capacity for ‘active neutrality’.

(2) The range of tasks that EU forces may engage in would be widened under the Treaty. Article 28B states that EU forces may be deployed on:

“Joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilization. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories”.

The underlined text identifies key innovations in this area i.e *new* tasks EU (including Irish) forces may perform. As Tom Clonan puts it, “Voting yes to the Lisbon Treaty... would commit the EU to considering a wider suite of military options than has been stated in previous treaties and summits”.¹⁷ The concern here is that external interventions by the EU are being given a very wide legitimizing framework and agenda for potential action. For example, claiming to be assisting a third country government to combat terrorism through the provision of military advice and assistance raises fears of autocratic rulers being facilitated to suppress opposition (a prospect discussed further below in the context of the intervention in Chad).

(3) States who wish to ‘do their own thing’ in relation to military affairs may do so under the Treaty’s provisions for ‘Permanent Structured Cooperation’. Articles 28A.6 and 28E, as well as a

¹⁷ *Irish Times*, 28th March 2008.

specific protocol on the issue, provide for sub-sets of EU countries (including those who wish to undertake actions consistent with their NATO membership) to pursue their own agendas for military integration and cooperation at EUMS level, without necessarily involving all other Member States. Crucially, there is provision to “establish permanent structured cooperation within the Union framework” (Article 28A.6, emphasis added), and this can be undertaken on the basis of a qualified majority vote within the EU Council.

One commentator has noted that “the traditional EU political taboo over the unanimity rule on all matters ‘having military or defence implications’ – a taboo that has persisted since the Maastricht Treaty – is broken here, mainly in order to meet functional needs and overcome potential vetoes”.¹⁸ Ireland may choose not to participate *directly* in such initiatives (and would have no decision-making input if it chose not to so participate). But by virtue of its participation in EUMS general business, and in all the other dimensions of EU military cooperation (including financing thereof), the argument can be made that Ireland will help lay the basis for *other* states to engage in such cooperation, and that such cooperation will be *perceived* (not without justification) as an EU undertaking even if not all EU members are directly involved.¹⁹

The Lisbon Treaty makes no reference to the requirement of a UN Mandate for an EU intervention; Ireland continues to insist that its own troops would never be deployed without such a mandate, but there is nothing to prevent troops from other countries (unavoidably backed up by Irish planning and financial resources) drawing on the

¹⁸ Missiroli, A. (2008) ‘The Impact of the Lisbon Treaty on ESDP’, Briefing Paper prepared for the European Parliament’s Subcommittee on Security and Defence, 31st January, p. 15.

¹⁹ Tom Clonan (*Irish Times*, 28th March 2008) argues that “Voting no to the treaty would not prevent” Permanent Structured Cooperation, but such cooperation could not, it would seem, take place *within the Union framework* unless the Lisbon Treaty was ratified.

support of the EU infrastructure to launch such an intervention. In contrast to its lip service to the UN (rhetorically cited, but substantively absent),²⁰ the protocol on ‘structured co-operation’ declares that “a more assertive union [EU] role ... will contribute to the vitality of a renewed Atlantic Alliance [NATO].” A NATO-EU Capability Group helps ensure that EU military resources are made available to NATO, and vice versa.²¹ The NATO Secretary-General has stated that he “would like to see much more pooling of our [NATO and EU] capabilities, especially in areas such as... transport helicopters, or in research and development, or in harmonizing our force structures and training methods”.²² Many commentators have concerns about enhancing the vitality of an alliance – NATO – that, amongst other regressive features, retains a commitment to the ‘first use’ of nuclear weapons, and which has pursued an aggressive policy, involving substantial civilian casualties, in Afghanistan.²³ (See the discussion below on ‘NATO in the Balkans’ for greater detail on NATO activities).

NATO in the Balkans

In exploring NATO’s record, the example of Kosovo in 1999 is a particularly important one because it was the first ‘out-of-area’ military action waged by NATO as an organisation in its own right, and one that was endorsed by the EU (including Ireland).²⁴ To begin

²⁰ Save for “a number of more or less vague formulations about acting in accordance with principles of the UN Charter and the important role of the Security Council” – Sjustedt, J. (2008) ‘The Lisbon Treaty – Centralization and Neoliberalism’, paper prepared for the Swedish Delegation of the European United Left and Nordic Green Left groupings at the European Parliament, p. 13.

²¹ See, Imbrie, A. (2008) ‘NATO and the Afghan Insurgency: Looking Ahead to Bucharest’, BASIC Papers on International Security Policy, 25th March.

²² Quoted in John, M. (2008), *Reuters*, 15th March.

²³ See, for example, Gall, C. and D.E. Sanger (2007), *International Herald Tribune*, 13th May.

²⁴ Maguire, J., *op. cit.*, p. 81.

with, it now seems certain that the entire Kosovo war could have been averted.²⁵ The Yugoslav government refused to sign the initial (pre-war) Rambouillet peace accord, largely because it contained a NATO-inserted clause that granted NATO troops free access to all Yugoslav territory – this clause was later dropped from the final post-war settlement terms. As Robin Blackburn has observed, “The Serbian delegation, under duress, had been willing to accept the principles of the Rambouillet package, save for the very detailed twenty-fifth chapter on the NATO-led occupation force”.²⁶ The clear implication is that the war was fought because of either a mix-up, or, more probably, because NATO wanted a war to assert its predominant role in European military and defence arrangements. Former US National Security Advisor Sandy Berger described “bolstering the credibility of NATO” as an objective in its own right of the Kosovo campaign, a factor also openly cited by British Prime Minister Blair at the time.²⁷

The conduct of the war was as controversial as its origins. Particularly pertinent here are the allegations of war crimes committed by NATO – such as the bombing of the Chinese embassy, and of a passenger train, and the killing of fifteen people and the wreaking of damage on a hospital by the cluster bombing of the city of Nis in May 1999;²⁸ between the end of the war and March 2000 alone, unexploded cluster bombs killed over 50 people in Kosovo.²⁹ Amnesty International explicitly states that “NATO forces violated the laws of war leading to cases of unlawful killing of civilians” and that these NATO actions constituted war crimes.³⁰ More broadly, there is, at the very least, a strong argument for saying that the Kosovo war accelerated massacres and expulsions by Serb forces.

²⁵ Judah, T. (2000) *Kosovo: War and Revenge*, Yale University Press.

²⁶ (1999) ‘Kosovo: the War of NATO Expansion’, *New Left Review* 235, p. 108.

²⁷ Both quoted in Chomsky, N. (2000) *A New Generation Draws the Line: Kosovo, East Timor and the Standards of the West*, Verso, pp. 3, 4.

²⁸ Chandler, D. (2000) “‘International Justice’”, *New Left Review* 6, pp. 63-4.

²⁹ Chomsky, *op. cit.*, p. 134.

³⁰ Amnesty International News Service no. 102 (2000), 7th June.

This is the conclusion arrived at even by an initially enthusiastic supporter of NATO military intervention, Mary Kaldor: “The NATO intervention did not save one Kosovar Albanian. On the contrary, it provided a cover under which the Serbs accelerated ethnic cleansing”.³¹

Some of the Kosovars trained by NATO forces as part of that campaign subsequently went on to massacre Serbs.³² Since 1999, over 200,000 Serbs and other non-Albanians have left Kosovo, while only 16,452 displaced people have returned.³³ Also, US intelligence specifically supported – as part of what was initially an anti-Milosevic strategy and which continued throughout the year 2000 – the Albanian insurgents later to become engaged in a campaign in neighbouring Macedonia.³⁴ Writing on the Macedonian conflict, Marianne Osborn describes the severe and deeply destabilising consequences for Macedonia of the Kosovo bombings and the NATO campaign in general.³⁵ NATO and the EU later claimed credit for stifling the Macedonian conflict, an ironic twist given that they had been instrumental in fomenting it in the first place. It was the militaristic elements of Kosovar (and later Macedonian) Albanian society that were boosted by the NATO intervention, during which the progressive and pacifist Ibrahim Rugova, the late Kosovo President, was marginalised.³⁶

NATO intervention has, in summary, generated ongoing instability and violence. Writing in March 2000, the UN Special Investigator for the former Yugoslavia stated, “The bombing hasn’t solved any problems... It only multiplied the existing problems and created new

³¹ Cited in Maguire, *op. cit.*, p. 75.

³² Norton-Taylor, R. (2001), *Guardian*, 29th March.

³³ Bancroft, I. (2008), *Guardian*, 19th February.

³⁴ Beaumont, P. E. Vulliamy and P. Beaver (2001), *Observer*, 11th March.

³⁵ Osborn, M. (2002) *International Intervention and Conflict in Macedonia: Causing Problems... Claiming Solutions*, Afri.

³⁶ *Ibid.*

ones”.³⁷ These problems have come to the fore again in the wake of Kosovo’s declaration of independence: “After nine years of NATO occupation under a nominal UN administration, crime-ridden Kosovo is more ethnically divided than ever, boasts 50% unemployment and hosts a US military base described by the EU’s human rights envoy as a ‘smaller version of Guantanamo’”.³⁸

Furthermore, critics argue that independence for Kosovo opens a Pandora’s box of potential secessionism and violence throughout the Balkans and elsewhere.³⁹ In summary, the model of intervention followed by NATO, and endorsed by the EU, in the Balkans – and this applies to Bosnia as well as to Kosovo – is deeply problematic, involving not only abuses of human rights but also effective colonial occupation by EU/NATO/UN forces, retrospective legitimization of so-called ‘ethnic cleansing’, the flourishing of organized crime, the worsening of poverty, and, quite probably, the sowing of the seeds of future conflict.⁴⁰

(4) Ireland is being, at the very least, *urged* to increase its military expenditure under the terms of the Lisbon Treaty, according to Article 28A:

“Member States shall undertake progressively to improve their military capabilities. The Agency in the field of defence capabilities development, research, acquisition and armaments, (hereinafter referred to as “the European Defence Agency”) shall identify operational requirements, shall promote measures to satisfy those requirements, shall

³⁷ Cited in Chomsky, *op. cit.*, p. 41.

³⁸ Milne, S. (2008), *Guardian*, 28th February.

³⁹ *Ibid.* See also Mastnak, T. (2008) ‘Kosovo: a New Versailles?’, *Foreign Policy in Focus*, 7th March.

⁴⁰ See Knaus, G. and F. Martin (2003) ‘Travails of the European Raj’, *Journal of Democracy* 14 (3); and also Chandler, D. (2000) *Bosnia: Faking Democracy After Dayton*, Pluto, and Campbell, D. (2001) ‘Apartheid Geography: Identity, Territory and Co-Existence in Bosnia’, *CornerHouse Briefing* 22.

contribute to identifying, and where appropriate, implementing any measure 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”.

This appears, on the face of it, to be “an entirely unique case of obligatory military expansion being written into a constitution”⁴¹ (or at least into EU law). It is also the first reference to the European Defence Agency (EDA) in an EU treaty, though the EDA has been in existence since 2004.⁴² There has been an attempt to argue that the word ‘shall’ in this context does not imply a binding commitment on the part of Ireland or any other state to actually boost military capabilities. Ben Tonra, for example, argues that “Member-states cannot be required to do anything in this regard except by decision of their own governments”,⁴³ and it is certainly true that the Treaty provides for no sanction in the event of Ireland or any other country failing to live up to its commitment. Nonetheless, the fact that the commitment is there may be taken as a significant statement of intent on the part of the EU with regard to its military ambitions.

Chad: European Humanitarianism or French Colonialism?

The EU’s military intervention in Chad, ostensibly intended to protect refugees from the Sudan and displaced people within Chad itself, may involve some 429 Irish soldiers.⁴⁴ French troops stationed in Chad have for many years been instrumental in keeping the dictator Idriss Déby in power. When Déby’s regime was attacked in

⁴¹ Sjostedt, *op. cit.*, p. 14.

⁴² Clonan, T. (2008), *Irish Times*, 28th March.

⁴³ Letter to the *Irish Times*, 14th December 2007.

⁴⁴ This section is largely based on articles in the *Irish Times* by Lara Marlowe on 28th and 29th January, and 20th March, 2008.

January 2008, French troops helped defend the airport, directly fired on rebels, and ferried ammunition to government troops. As French Green MEP Marie-Anne Isler-Béguin puts it, “At the moment, we are basically supporting a dictator”.⁴⁵

Déby’s regime is not only corrupt and repressive, it also helps foment conflict in Darfur in the neighbouring Sudan. The Human Rights Watch *World Report* for 2008 states that “The Chadian government has been responsible for human rights abuses against both combatants and non-combatants during military operations against Darfur-based rebel groups. In northern and northeastern Chad insurgents wounded or captured during a rebel offensive in late 2006 were subject to summary execution and torture at the hands of Chadian government soldiers. In the southeast civilians complain of extrajudicial killings, rape, beatings, arbitrary arrests, extortion and property theft in the wake of counterinsurgency sweeps conducted by government security forces, including government-backed militia groups. These violations have been met by near total impunity and have forced thousands of civilians into involuntary displacement, both internally and across the border into Sudan”.⁴⁶

Rebels in Chad – themselves guilty of human rights abuses – see the French as their enemy, hardly surprisingly given the activities of French forces over the years. It is feared that the rebels will not distinguish between French troops shoring up Déby and those nominally serving under an EU flag. Dutch members of parliament have expressed concern about Dutch participation in the mission for precisely this reason.⁴⁷ A German MEP has, for similar reasons, described the EU mission as “highly irresponsible”.⁴⁸ Intelligence will be shared between the EU force and longer-standing French

⁴⁵ In Cronin, D. (2008) ‘Supporting a Dictator in Chad’, *Inter Press Service*, 31st March.

⁴⁶ Available at <http://hrw.org/englishwr2k8/docs/2008/01/31/chad17744.htm>

⁴⁷ As reported on www.euobserver.com, 19th March 2008.

⁴⁸ In Cronin, *op. cit.*

contingents, while existing French assets (including aircraft and camp facilities) have been made available to the EU operation. More than half the EU force will itself be French; and while an Irishman has overall command of the operation, his headquarters is in France and the commander of forces on the ground will be French. As a leading expert on France's Africa policy has put it, "Idriss Déby is hanging to power by the skin of his teeth but he is likely to hang on only as long as Paris and Brussels continue to support him under some kind of a pseudo-humanitarian face-saving dispensation."⁴⁹

This operation highlights the fears that many Irish people have about the direction of Irish and EU military developments. Might Ireland's relatively honourable record of impartial participation in UN peacekeeping be compromised by participation in EU operations that could serve as fig-leaves for the promotion of the interests of the French state, or of other EU states? In one sense it is reasonable to ask whether the Lisbon Treaty has much to do with the Chad operation, which is being undertaken under the aegis of existing EU treaties and which is UN-mandated. But it is here that the proposals to extend the types of tasks EU forces may engage in (see above) set alarm bells ringing. Might "military advice and assistance tasks" and "supporting third countries in combating terrorism" come to constitute euphemisms for helping the likes of Idriss Déby suppress those opposed to his rule? What safeguards (other than stated good intentions) are in place to ensure that increasingly wide-ranging EU military interventions are undertaken with genuinely humanitarian principles in mind? The Chad operation shows that worrying interventions can *already* be undertaken, but the extension of allowable tasks could facilitate the mounting of even more disturbing interventions; and/or it could make such interventions easier. Given this concern, is it wise to "undertake progressively to improve.. military capabilities", when the ends to which these military capabilities can be deployed are so obviously problematic?

⁴⁹ Prunier, G. (2008) 'Chad: Between Sudan's Blitzkrieg and Darfur's War', www.opendemocracy.net, 19th February.

EU External and Development Policy

If the Lisbon Treaty were adopted, the EU would have a new position of ‘High Representative of the Union for Foreign Affairs and Security Policy’, responsible both for military matters and for a new EU diplomatic arm (‘External Action Service’). Thus, military operations would, in theory at least, be guided by the overall external objectives of the EU. What then are these objectives, especially in relation to developing countries?

According to article 10A of the Lisbon Treaty, the principles of EU external action are as follows:

“democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations and the Charter of international law”

Article 10a(2) explicitly lists amongst the objectives of the Union’s external actions “sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty”. In its specific discussion of development policy, article 208 states that “Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty”.⁵⁰

It would be difficult to take issue with such principles. The question, however, is: does the EU practice what it preaches when it comes to its external actions and, specifically, development policy? Some studies suggest that it does. For example, in an analysis of the trade and political agreement signed by Mexico and the EU in 2000 the

⁵⁰ See ‘The EU Reform Treaty from a Development Perspective’, Dóchas discussion paper, April 2008 (www.dochas.ie) See also www.lisbon-treaty.org for information on the development cooperation aspects of the Treaty.

insertion of a human rights suspension clause in the agreement is attributed to “The centrality of human rights as a European cultural norm.”⁵¹ Previous EU agreements with third countries had included political dialogue provisions around issues of democracy and human rights, but had not contained provision for automatic suspension in the event of violations. EU negotiators were, it is claimed, willing to abandon the agreement altogether rather than abandon human rights principles. By contrast, the North American Free Trade Agreement between Mexico and the US (and Canada) contained no reference to human rights. This study concluded that there may be “a growing acceptance of the EU as a force for long-term global peace, prosperity and stability through its use of principled co-operative development programmes with poorer countries.”⁵² However, a more recent assessment by the World Development Movement concludes that, whatever about its human rights provisions, the development impact of the EU-Mexico agreement has been negative, increasing Mexico’s import penetration, damaging its industrial and service sectors, and heightening its dependence on foreign capital.⁵³

Even on human rights, the pattern is, at best, patchy. A study of the EU’s policy towards Russia in the light of the Chechen conflict claims to expose “the limitations of human rights principles as a central organising principle” within that policy.⁵⁴ Instead, it is reported, and especially after September 2001, the EU largely accepted the Russian characterisation of the conflict as ‘anti-terrorist’ in nature, and chose to concentrate on issues such as shared security threats, trade and investment. “[R]ealpolitik state interests were

⁵¹ Szymanski, M. and M.E. Smith (2005) ‘Coherence and Conditionality in European Foreign Policy: Negotiating the EU-Mexico Global Agreement’, *Journal of Common Market Studies* 43 (1), p. 178.

⁵² *Ibid.*, p. 190.

⁵³ World Development Movement (2008) ‘Raw Deal: the EU’s Unfair Trade Agreements with Mexico and South Africa’, London, April.

⁵⁴ Forsberg, T. and G.P. Herd (2005) ‘The EU, Human Rights, and the Russo-Chechen Conflict’, *Political Science Quarterly* 120 (3), p.455.

promoted at the expense of the normative agenda.”⁵⁵ Simultaneously, the authors argue, the EU maintained the *pretence* of a concern for human rights by accepting Russian claims that abuses were decreasing, or, where occurring, were justified.

A study of the EU’s stance at the 2002 World Summit on Sustainable Development argues that corporate and trade interests worked to undermine stated EU commitments to sustainable development, in particular through influence over the Directorate General (DG) for Trade (tending to favour free market liberalism) and over DG Agriculture (tending to defend the interests of European agribusiness).⁵⁶ Many non-governmental organisations (NGOs) have long been highly critical of any suggestion that the EU is driven by progressive concerns. They point, for example, to EU requests (tabled in 2002) under the General Agreement on Trade in Services (GATS) to 109 countries.⁵⁷ Each such request involved asking the government of the country concerned to open certain, specified service sectors up to competition from EU firms. The requests largely originated from the European Services Forum (ESF), a European business lobby group. While these requests were not initially made public, leaked documents obtained by the World Development Movement led that organisation to draw conclusions about the EU’s negotiating stance, including the judgement that the EU was targeting the poorest countries in the world in its pursuit of services market access for European companies and that the EU was targeting countries where non-market based delivery systems were working well, precisely because such not-for-profit systems limited the commercial opportunities available to European service exporters.

⁵⁵ *Ibid*, p. 477.

⁵⁶ Burchell, J. and S. Lightfoot (2004) ‘Leading the Way? The European Union at the WSSD’, *European Environment* 14.

⁵⁷ See World Development Movement (2003) ‘Whose Development Agenda? A Preliminary Analysis of the 109 EU GATS Requests’, London, February.

The EU has more recently been seeking to sign Economic Partnership Agreements (EPAs) with African, Caribbean and Pacific countries: these would involve abolition of trade barriers between Europe and the poorer countries concerned, as well as a variety of other provisions.⁵⁸ The ACP countries previously had enjoyed privileged, non-reciprocal access to EU markets. Under EPAs, negotiated with regional groupings of ACP states, there is supposed to be a rapid transition towards *reciprocal* free trade. These EPAs are likely to have a number of negative consequences for ACP countries, including:

- Loss of tariff revenue – as the ACP states dismantle trade barriers, their revenue bases will be eroded. For example, the Gambia might lose 20% of its total government revenue.
- Impediments and distortions to regional integration – by entering into regional deals with the EU, countries may be forced to choose between their neighbours in terms of economic ties. For example, Tanzania will be part of a Southern Africa EPA, thus undermining the emerging East Africa Community of Tanzania, Kenya and Uganda (Kenya and Uganda are opting for an East African bloc).
- The ‘locking in’ of neoliberal economic policies. For example the EU is insisting that ACP countries open up public procurement contracts to European companies and fully expose their service sectors to potentially ruinous European competition. They are also demanding that this liberalisation be introduced with minimum delay despite the misgivings of the ACP governments and many other observers.

⁵⁸ See Storey, A. (2006) ‘Normative Power Europe: Economic Partnership Agreements and Africa’, *Journal of Contemporary African Studies* 24 (3).

The Lisbon Treaty and EU ‘Development’ Policy

This is how the Commission is using its *existing* powers in the area of development and trade policy. The Lisbon Treaty proposes to grant the Commission additional powers: the EU’s common commercial policy would be explicitly extended, under article 188B-1, to cover trade in services, commercial aspects of intellectual property rights and foreign direct investment. For the *conclusion* of such agreements, qualified majority voting (QMV) would be applied at Council of Ministers level, with the possible exception of aspects of trade in cultural and audiovisual services and of trade in health, education and social services, where unanimity *might* be required in certain circumstances, though the degree of protection this would afford such services is likely to be minimal.⁵⁹ What is clear is that QMV would be the norm and that a national veto – even in the area of education or health services – very much the exception; by thus extending liberalization into new areas of the European services market, the EU would be able to offer these as *quid pro quo* ‘bargaining chips’ to non-EU countries, thus strengthening its ability to negotiate services market access for European companies in other countries’ markets.⁶⁰ In this way, a *global* liberalization agenda – further commercializing service provision, for example, at home and abroad – could be advanced.

A significant signal in the Lisbon Treaty concerning the EU’s relations with developing countries is contained in Article 56, which states that “within the framework of the provisions set out in this chapter, all restrictions on the movement of capital between Member States and between Member States and third countries shall be

⁵⁹ See Viale, F. (2008) ‘External Trade Policy and the Lisbon Treaty: Reinforcing Liberalisation in European Commercial Policy’, February, available on www.caeuc.org.

⁶⁰ Furthermore, according to articles 48(6) and 48(7), “The Council, acting by unanimity, may amend the decision making process – moving final areas of trade policy to QMV”, thus at some future date removing even what limited national veto options remain in place under Lisbon.

prohibited.” In other words, the central thrust of EU policy towards the global South is to ensure completely unfettered capital mobility regardless of the impact on poor countries (or on the people of Europe itself). If the Treaty were ratified, free movement of capital *could not* be challenged whatever its implications for development.

The overarching commitment to liberalization is made very clear by Article 188b, which commits the EU “to the progressive abolition of restrictions on international trade and on foreign direct investment, and the lowering of customs and other barriers”. The point is further emphasized by Article 188d: the EU’s negotiating stance will be based on “the achievement of uniformity in measures of liberalisation.” Constitutionally ensuring that the EU’s negotiating stance in international trade negotiations *must* be exercised in the pursuit of liberalization (of capital and of trade in goods and services), seems unlikely to advance the interests of poor countries. Indeed, on these grounds alone, there is a strong argument for rejecting the Treaty. These issues are highlighted in a statement from the Trade Justice Movement – an alliance of 79 development NGOs, including ActionAid, Christian Aid, Oxfam and Trócaire – expressing concern about aspects of the Treaty:⁶¹

“Our primary concern is that the Treaty currently appears to prioritise trade liberalisation over a pro-development trade policy as the guiding principle for the EU’s common commercial policy. Given the acknowledged dangers of prioritising trade liberalisation in this way, language in the Treaty should have prioritised a pro-development trade policy...

We are also concerned at the proposed extension of the European Commission’s competence to cover investment, intellectual property and additional aspects of the trade in services. Given the problems of transparency and

⁶¹ Available at <http://www.tjm.org.uk/lisbontreatyFeb08.shtml>. The groups concerned are not necessarily themselves calling for rejection of the Treaty.

accountability...., we are concerned that extending the Commission's competence into new areas will be particularly harmful if trade policy is not guided by pro-development objectives.”

If trade policy is not to be guided by pro-development objectives, why should one expect military policy to be so guided? If liberalization trumps development (as it does) in the overall formulation of EU external policy, then might EU military policy follow an agenda that is, at the very least, less than prioritizing of developing country concerns? The suggestion is not that EU military forces will necessarily be *directly* deployed to secure access to particular resources, or to promote specific European trade interests, but the overall thrust of EU external policy is based on a narrow concept of economic self-interest and a commitment to neoliberal (often anti-developmental) principles – it is eminently reasonable to assume that military policy (as a component part of the overall foreign policy) will be largely driven by similar considerations.

CONCLUSION

The question posed near the outset of this paper was: would the Lisbon Treaty change Irish participation in EU (and related) military structures for the better or for the worse? The answer must be that it will constitute change for the worse. The Treaty moves the EU closer to a collective defence arrangement. More importantly, it extends the range of tasks EU troops may engage in overseas, and with it the range of reasons that could be adduced to *justify* overseas interventions; it facilitates usage of EU (including Irish) resources by sub-groups of EU members for the purposes of external action that would be compatible with (and promotive of) NATO interests; and, at the very least, it urges Member States (including Ireland) to increase their spending on military resources. Such actions would be guided by an overarching (and significantly strengthened) EU commitment to trade liberalization and other components of a neoliberal external agenda prejudicial to the interests of developing countries. In short, the EU is seeking to acquire enhanced military resources and options, and there are strong grounds for doubting that such enhancements will be deployed in ways that will promote justice, peace, human rights and development. For these reasons, there is a strong case for rejecting the Treaty and voting ‘no’ in the upcoming referendum.