

"Lisbon will send our boys to war."



The Claim

The Lisbon Treaty would further militarise the EU, making a mockery of traditional Irish neutrality and any pretence to an independent Irish foreign policy.

Edward Horgan of the University of Limerick, has claimed that "the hidden agenda in the Lisbon Treaty is that it is part of a continuum of European and international developments that promotes militarism and erodes neutrality as a peace maintenance option. The Lisbon Treaty, or EU constitution in disguise, will effectively end any pretence of Irish neutrality."¹

The Campaign against the EU Constitution also alleges that the mutual defence and assistance clause in Article 28 could be used to demand support for another EU state invading a country said to harbour terrorists, just as the US demanded and got support in the case of Afghanistan.²

Lisbon calls for increased military spending by all Member States and requires them to make facilities available for EU military activity.

"This Treaty obligates us to increase our military spending. It is very clear in the Treaty. Nobody says where that money is supposed to come from, but it is supposed to be cut from somewhere else to be able to spend more on the military budget."³

The Treaty puts the EU under NATO.

"This Treaty specifically puts Europe under NATO and this means that the US will dictate the European Foreign and Security Policy."⁴

The Short Answer

The Lisbon Treaty has NO mention of conscription or a European Army. The Treaty fully respects the neutrality of Ireland and the five other neutral EU countries.

The Long Answer

The Lisbon Treaty does not introduce conscription or create a European Army of any kind. **Ireland will never be forced into sending troops or participating in any way in a mission that has not been approved by the Irish State.**

Ireland is universally respected for our dedication to peacekeeping. We as a country have made a name for ourselves due to this dedication and the excellence of our peacekeeping forces. Our work with the EU has never compromised this role we play, on the contrary it has strengthened it. (Google the name 'Pat Nash' and you'll see what we mean).

This Treaty does not force EU countries under NATO, nor does it force countries to raise their military spending. The EU has simply no interest in compromising the neutrality of any of its six neutral members – in fact, the EU enshrines our neutrality by recognising it.

There are a multitude of checks and balances in place that ensure that Ireland's neutrality is fully respected. These are clearly and fully outlined in the Lisbon Treaty and have been further reinforced by the legal guarantees of Irish neutrality at the EU Council meeting in June 2009.⁵



This European Movement Ireland fact sheet is part of a series of research conducted to clarify the issues in the Lisbon Treaty debate. European Movement Ireland is a pro-European non-profit organisation which does not advocate either side of the Lisbon Treaty Referendum, we advocate the facts.



Current legal situation

There are six neutral or militarily neutral countries in the European Union – Sweden, Finland, Malta, Austria, Cyprus and Ireland. Ireland can be described as a non-aligned state which participates in international peacekeeping missions on a case-by-case basis. Though Ireland has limited defence forces, it ranks as one of the main troop contributors to UN run peace-keeping missions and is one of the few developed countries to prioritise these missions.

Neutrality

The Irish Constitution doesn't include any specific reference to neutrality, but it prohibits Irish participation in any EU common defence.⁶ The only way this prohibitive position can be altered is by a special procedure, the so-called "triple lock", which means that **no Irish soldier can participate in any EU operation unless that mission has a UN mandate, and has been approved by both the Government (Cabinet) and the Dáil.**

Interestingly, while the Irish Constitution does not include any reference to our country's neutral or 'non-aligned' position, **the EU specifically recognises our tradition of neutrality in legal terms.**

At an EU level, there is a European Council declaration that was issued after our vote on Nice in 2002 which recognises the right of Ireland, and all other EU countries, to decide in accordance with national Constitutions and laws whether and how to participate in any activities under the European Security and Defence policy (ESDP).⁷

Conscription

It is interesting to note that at present only 8 out of the 27 EU members have conscription or mandatory military service and that the trend in Europe is for this practice to be abolished. In four out of the six neutral or non-aligned European countries conscription is compulsory – only Malta and Ireland don't have a similar provision.⁸

No EU army but battle groups

It should also be noted that the EU does not have an army, but that 25 out of 27 EU countries already supply combat units as part of a 'battle groups' plan that EU defence ministers approved during the Irish presidency of the EU in April 2004.⁹

These 'battle groups' are a type of co-operation that was developed following the humanitarian crisis in Kosovo, where the EU had felt it was unable to assist due to a lack of structure in this regard.

The original concept envisaged a European defence group of some 300,000 military personnel on continuous standby. Over time it was acknowledged that this was neither logistically possible nor financially viable. Consequently a system of 'battle

groups' developed in its place as a militarily effective and rapidly deployable coherent force package, which is capable of stand-alone operations or of being used as part of larger operations. The system is designed to allow the EU to respond to emergencies within a very quick period of time. The last group that Ireland was involved in was the Nordic Battle Group, consisting also of Finland, Norway, Estonia and Latvia.

Why have a European defence?

A European Defence forms only one part of a much broader EU foreign policy and is a crisis management policy, helping to prevent conflict and rebuild societies after war. All our work has to comply with a set of rules we agreed called the Petersberg Tasks. While 21 countries of the EU are members of NATO, the EU wanted to play a role in peacekeeping across the world, and include the six neutral countries of the Union that are not part of NATO.

Petersberg Tasks: EU peacekeeping missions

The Petersberg Tasks are a list of tasks of a humanitarian, peacekeeping and peacemaking nature that the European Union is empowered to undertake. Signed in 1992, they are now part of EU Treaty law as they were included in the Amsterdam Treaty.

The Petersberg Tasks cover a great range of possible missions, including

- Humanitarian and rescue tasks
- Peacekeeping tasks
- Tasks of combat forces in crisis management, including peacemaking

The use of force...or lack of it.

It is also useful to remember that under the UN Charter the use of force is forbidden¹⁰ and that the only exception to this rule is for an "individual or collective self-defence if an armed attack occurs against a Member of the United Nations."¹¹ Therefore, a 'battle group' could possibly be used as an 'attack group' under a Chapter 7 UN Mandate, but again this is subject to the full triple lock safeguard. **Co-operation in battle groups is voluntary** and must be in line with EU objectives and the Petersberg Tasks.

At present, three-quarters of EU missions are civilian in character and mostly involve personnel from EU countries in monitoring and mentoring roles. Ireland has played an active role in two completed civilian operations and is still energetically involved in five of the current ones. A significant example is the large military mission in the Darfur region between Sudan and Chad, where Ireland played a leading role in protecting up to a quarter of a million vulnerable refugees.¹² We are still out there in Chad but now operate under the UN, rather than the EU as the EU handed over control of this mission earlier this year.

What Lisbon Introduces

In the Lisbon Treaty there is no provision for an EU army. This has been further asserted by the statement made in June agreed by all European leaders. It states that "the Treaty of Lisbon does not provide for the creation of a European army or for conscription to any military formation."

The neutrality of Member States, as well as the obligations of other EU countries that are part of NATO, must be respected at all times.¹³ As a further confirmation of the fact that the Treaties, including the Lisbon Treaty, do not compromise Irish neutrality, the June 2009 Council issued guarantees on the issue – the full text of this guarantee is below.

Therefore when the EU wants to undertake a peacekeeping mission, it will continue to use the battle group system which has been in place since 2004. The deployment of troops by any country for a particular mission will remain for sovereign decision by that State which can choose or not to contribute to each operation as it sees fit. For this, **unanimity remains the rule of the voting system for any security and defence decision in the Lisbon Treaty.** In short, this means all-country support is needed, therefore the other 26 countries needs Ireland's support in order to proceed.

The Petersberg Tasks mentioned above have been expanded by the Lisbon Treaty and define the European role essentially as a peacekeeping one in order to reflect the increased complexity of international crisis management as experienced during the past years. Those tasks include: "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."¹⁴

Lisbon introduces two key articles where we will help and support our European partners and they will help us, in the event of a natural disaster or a terrorist attack.

The Solidarity Clause is introduced by the Lisbon Treaty, which states that we shall provide assistance to another EU country that has been the victim of a terrorist attack or natural or man-made disaster.

A Mutual Assistance Clause (Article 42.7) is also introduced by the Lisbon Treaty which says:

"If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States."

These two articles were introduced because of the new climate that all EU countries now live in post-September 11, the London bombings, the Madrid train disaster and also Hurricane Katrina and the Tsunami of 2004. Of particular note is the last line of the clause above which states that this Assistance Clause does not compromise our neutrality. This is also reasserted in the Solidarity Clause. Neither of these have any effect on our current military preparedness or defence spending. And finally, any assistance, particularly for the Mutual Assistance Clause, must be approved by the Irish government.¹⁵

¹ Edward Hogan. "Lisbon Treaty will end any pretence of Irish neutrality" Irish Times 4 April 2008.

² Campaign Against the EU Constitution – "why you should vote no" – <http://www.caeuc.org>

³ From Susan George's speech on the topic of a rerun of the Lisbon Treaty vote in Ireland (Dublin Feminist Open Forum – 23.01.09) <http://vimeo.com/3281565?pg=embed&sec>

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⁵ See reference below for full text of the legal guarantee.

⁶ Article 29.4.9, Bunreacht na hÉireann.

⁷ Declaration of the European Council, 21 June 2002, available at <http://www.taoiseach.ie/index.asp?docID=874>.

⁸ See reference below on compulsory military service in EU Member States.

⁹ Keohane Daniel, "Making sense of European Security and Defence Policy: Ireland and the Lisbon Treaty", Institute of International and European Affairs, Dublin, Ireland, March 2009.

¹⁰ Article 2.4 of the UN Charter states that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

¹¹ Article 51 UN Charter.

¹² Lisbon: What the Reform Treaty Means, Institute of International and European Affairs, Dublin, Ireland, April 2008.

¹³ Article 42 TEU, as modified by Lisbon Treaty, paragraph 1.2.

¹⁴ Article 43 TEU, as modified by Lisbon Treaty, paragraph 1.

¹⁵ Article 222.1 TFEU, Lisbon Treaty.

¹⁶ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/108622.pdf

For reference: Compulsory military service in EU countries

Member State	Compulsory military service	Neutral/non-aligned country
<i>Austria</i>	<i>Yes (to be abolished)</i>	<i>Neutral</i>
Belgium	No (suspended)	–
Bulgaria	No (abolished in 2008)	–
<i>Cyprus</i>	<i>Yes (civilian/unarmed)</i>	<i>Neutral</i>
Czech Republic	No (abolished in 2004)	–
<i>Denmark</i>	<i>Yes</i>	–
<i>Estonia</i>	<i>Yes</i>	–
<i>Finland</i>	<i>Yes</i>	<i>Neutral</i>
France	No (suspended)	–
<i>Germany</i>	<i>Yes</i>	–
<i>Greece</i>	<i>Yes</i>	–
Hungary	No (abolished in 2004)	–
Ireland	No	Neutral
Italy	No (abolished in 2004)	–
Latvia	No (abolished in 2007)	–
Lithuania	No (abolished in 2008)	–
Luxembourg	No	–
Malta	No	Neutral
The Netherlands	No	–
Poland	No (abolished in 2009)	–
Portugal	No (abolished in 2004)	–
Romania	No (abolished in 2006)	–
Slovakia	No (abolished in 2006)	–
Slovenia	No (abolished in 2003)	–
Spain	No (abolished in 2001)	–
<i>Sweden</i>	<i>Yes (civilian/unarmed)</i>	<i>Neutral</i>
United Kingdom	No	–



The Union's action on the international scene is guided by the principles of 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 Charter and international law.

The Union's common security and defence policy is an integral part of the common foreign and security policy and provides the Union with an operational capacity to undertake missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter.

It does not prejudice the security and defence policy of each Member State, including Ireland, or the obligations of any Member State.

The Treaty of Lisbon does not affect or prejudice Ireland's traditional policy of military neutrality.

It will be for Member States – including Ireland, acting in a spirit of solidarity and without prejudice to its traditional policy of military neutrality – to determine the nature of aid or assistance to be provided to a Member State which is the object of a terrorist attack or the victim of armed aggression on its territory.

Any decision to move to a common defence will require a unanimous decision of the European Council. It would be a matter for the Member States, including Ireland, to decide, in accordance with the provisions of the Treaty of Lisbon and with their respective constitutional requirements, whether or not to adopt a common defence.

Nothing in this Section affects or prejudices the position or policy of any other Member State in security and defence.

It is also a matter for each Member State to decide, in accordance with the provisions of the Treaty of Lisbon and any domestic legal requirements, whether to participate in permanent structure co-operation or the European Defence Agency.

The Treaty of Lisbon does not provide for the creation of a European army or for conscription to any military formation.

It does not affect the right of Ireland or any other Member State to determine the nature and volume of its defence and security expenditure and the nature of its defence capabilities.

It will be a matter for Ireland or any other Member State, to decide, in accordance with any domestic legal requirements, whether or not to participate in any military operation."

