

## Address by Dermot Ahern on the European Constitution (Dublin, 21 April 2005)

**Caption:** On 21 April 2005, Dermot Ahern, Irish Foreign Minister, emphasises the new provisions included in the Treaty establishing a Constitution for Europe in the fields of European Union security and defence.

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## Address given by Minister Dermot Ahern to the National Forum on Europe, 21 April 2005

### Getting to Know the EU Constitution – Security, Defence: Our Common Interests and Values

Chairman, Ladies and Gentlemen

I am very pleased to open this important discussion on the security and defence provisions of the European Constitution. I welcome a full and healthy debate on this and all other aspects of the Constitution. In doing so, I hope that we can keep our focus on what the Constitution actually says.

Ireland has positively supported the development of a European security and defence policy. We want to see the European Union active and able to assist in ensuring peace and security. At the same time, we – and this is true of successive Governments of different complexions – have been alert to ensure that Ireland's involvement in ESDP is consistent with our strong attachment to the United Nations – which is the cornerstone of Ireland's foreign and security policy – and our traditional policy of military neutrality.

In seeking to maintain this policy we have had to reach an accommodation with the majority of EU Member States – 19 out of 25 – who are also members of NATO and who, therefore, participate in a formal military alliance and have a tradition of military cooperation.

Nobody understands this better than Deputy Gormley, who was a member of the Defence Working Group of the Convention. He is fully aware of the range of perspectives in this whole area which were reflected in the report of the Defence Working Group and the draft Constitution prepared by the Convention. He will appreciate better than most, therefore, the achievement of the Government in ensuring that the text of the Constitution adopted during the Irish Presidency facilitates Ireland's playing a full and active part in the EU's security and defence policy without prejudicing in any way our policy of military neutrality.

I intend, during the course of this address, to spell out the specific safeguards built into the European Constitution which will enable us to do this.

The European Constitution contains strong elements of continuity from the existing treaties. Many articles of the existing treaties are carried forward relatively unchanged. Certain of the more sweeping changes put forward, mostly by the Convention, but also by some Member States, were not, in the end, accepted.

The European Constitution mirrors the growth, in recent years, of the European Union's engagement with the wider world. This engagement has been in support of the shared values and objectives of the Union and its Member States.

The Union has at its disposal a unique range of 'soft power' instruments to utilise for conflict prevention, crisis management and peace promotion activities. The Union can bring 'added value' by combining diplomatic, economic, humanitarian, as well as civil and military instruments.

The civilian area has become a particular focus.

The Asian tsunami, for instance, brought the question of further developing EU capabilities for civilian response into sharp relief. I want to see Ireland continue to contribute actively to developing the Union's policies and capacities in this area. I have initiated a review of Ireland's civilian capabilities in the area of disaster relief and intend to bring forward proposals in due course.

The European Constitution, reflecting the changed international security environment, includes a number of positive developments in the area of security and defence.

It reflects the Union's response to the opportunities and challenges posed by the international environment.

So what does the European Constitution actually provide in the security and defence area?

Overall, it states that the Union's security and defence policy is an integral aspect of, and is aimed at, supporting its common foreign and security policy. Its primary role is to give the Union an operational capacity to undertake peace keeping and crisis management missions outside the territory of the Member States.

Over the past dozen years, the Union has been seen at its worst and its best in the Balkans. The Balkan wars and ethnic cleaning of the early nineties showed the European Union as weak and ineffective. The response, which grew from the Maastricht Treaty and the Treaties which followed, has demonstrated that the Union can play a positive role in ensuring peace, stability and reconciliation in lands torn by conflict. In the Congo too, it intervened at the request of the UN Secretary General to prevent ethnic slaughter. It now wants to operate even more effectively in peacekeeping and conflict prevention.

At the same time, the provisions agreed in the security and defence area are fully consistent with the differing security and defence traditions of all Member States.

They are fully consistent with Ireland's traditional policy of military neutrality.

Let me outline why.

- The safeguard that the provisions shall not prejudice the specific character of the security and defence policy of certain Member States is carried over from previous treaties. This covers the concerns of neutral and non aligned Member States and was first introduced as far back as the Maastricht Treaty, at Ireland's instigation.
- All EU decisions on defence and security matters which involve Ireland will continue to be taken by unanimity. This has been, and will continue to be, a key principle in the development of security and defence.
- We can continue to decide for ourselves, on a case by case basis, when and whether to take part in each EU crisis management operation. The 'Triple Lock' will continue to apply. Irish troops will take part only in operations endorsed by the United Nations.

Also, let's put some of the shibboleths to rest.

There is no provision for the establishment of a European army. Nor for the introduction of conscription. These issues simply do not arise.

### **The Petersberg Tasks**

The reality is, that the Union is focussed on the so called Petersberg tasks. That is, peacekeeping, conflict prevention and the strengthening of international security, using the resources of the Member States.

These tasks are expanded in the European Constitution.

References to disarmament, military advice, conflict prevention and post conflict stabilisation have been added. This is a welcome development fully consistent with the proposals for UN reform recently tabled by the UN Secretary General. Indeed, Kofi Annan has expressly welcomed and encouraged the developing EU role. These revised Petersberg tasks may also contribute to combating terrorism.

The European Constitution specifies that all of these tasks are to be conducted 'in accordance with the principles of the United Nations'. Any decision to launch a Petersberg task operation is for the Council,

acting by unanimity.

While these tasks will normally involve most, if not all the EU Member States, there is provision in the European Constitution for such tasks to be entrusted by the Council to a group of Member States which are willing and have the necessary capability. The group itself, together with the EU Foreign Minister, would manage the conduct of the task. But, at the insistence of Ireland and others, the group must keep the Council as a whole informed. Any decision on amending the objective, scope or conditions of the task is for the Council, again acting unanimously.

### **Common Defence**

On common defence, Ireland's position is clear and fully protected.

The existing Treaty provision on the possibility of the development of an EU common defence is carried over. Any decision to move to a common defence will continue to be taken by unanimity and must be approved by each Member State in accordance with its constitutional requirements.

The Irish Constitution, as amended to allow for ratification of the Treaty of Nice, precludes Irish membership of a common defence.

The Government has made clear that it will propose that this provision be carried forward in a new amendment allowing for ratification of the European Constitution. Ireland cannot be part of a common defence unless the people decide to remove this provision from the Irish Constitution.

But, to be clear, this does not prevent us from playing our part in the other aspects of security and defence policy on the basis I outlined earlier.

### **Mutual Defence**

The European Constitution also provides for a mutual defence commitment. This establishes an obligation to assist another Member State that is the victim of armed aggression on its territory.

But our position of military neutrality is fully protected.

It is clearly stated that mutual defence shall not prejudice the specific character of the security and defence policy of certain Member States. This was inserted at the behest of Ireland, supported by Finland, Sweden and Austria. It is intended to safeguard the policies of neutrality or non alignment of these Governments.

It means that Ireland is bound by this commitment only to the extent to which it is consistent with our traditional policy of military neutrality.

We will therefore retain the right to take our own sovereign decision on whether and how to come to another Member State's assistance in the event of an armed attack, taking into account our traditional policy of military neutrality.

This is fully consistent with the Government's position as set out in June 2002 in the Declaration at the European Council in Seville.

### **Capabilities / European Defence Agency**

The Constitution provides that the capabilities available to the Union need to be enhanced. However, contrary to what has been suggested in some quarters, there is no requirement in the European Constitution that Ireland increase defence spending. What Member States do undertake is to progressively improve their own capabilities. To repeat, the word used is 'improve', not 'increase'. It is clear from the European Constitution that this capability is intended to be deployed in the interests of international peace and

security, in conformity with the UN Charter.

This is only common sense.

The Government is constantly seeking to improve the capabilities of our own Permanent Defence Forces. If we are going to ask the men and women in the Defence Forces to put their lives on the line for us, we want them to be able to operate as effectively and safely as possible. If we are taking part in EU led operations, we want those operating alongside our troops to be equally effective. This does not necessarily require an increase in defence spending. It requires that money we do spend is spent wisely and that every effort is made to reduce costs and to secure value for money.

The European Defence Agency can assist all member States to achieve this.

Established in 2004 under the existing Treaties, the Agency is intended to reduce wasteful expenditure and to promote greater co operation between Member States on procurement and to support harmonisation of operational needs and joint research. It is also to contribute to the evaluation of the Member States' capability needs and objectives and of their progress in meeting commitments in this area.

The Government has decided that Ireland will take part in the Agency. But participation in specific projects will be for national decision on a case by case basis. If we are not interested in, or comfortable with, a particular project we will not participate in it.

### **Permanent structured cooperation**

An innovation in the European Constitution is the provision made for permanent structured co operation among those Member States prepared to proceed more intensively to develop their defence capacities.

As set out in the Constitution, structured cooperation involves a range of commitments for participating countries to building military capabilities and to more intense co operation in such areas as training, equipment, and logistics. Among the requirements of participation is a willingness to meet targets for defence spending. This does not necessarily mean increased expenditure, since defence expenditure in Europe has actually been falling in recent years.

A decision on whether Ireland would wish to take part in structured cooperation is not for now. It will arise at a later stage and will be for those countries that seek to opt in.

There is absolutely no obligation for Ireland to take part.

The proposed amendment to the Irish Constitution will provide that any decision by Ireland to join structured cooperation would have to be subject to approval by both Houses of the Oireachtas.

### **Solidarity Clause**

The 'solidarity clause' requires the Union and its Member States to 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 idea that, in the event of an emergency, the Union would be able to mobilise its assets, and to call upon those of other Member States, is very much in line with our own traditions.

Following the Madrid bombing of 11 March 2004 the European Council, at the initiative of the Irish Presidency, made a political declaration by which Member States assumed these commitments. The Constitution will simply give them a more formal status.

Each Member State has, and will retain, the right to choose the most appropriate means to comply with its solidarity obligation to an affected Member State, including whether or not to make available military

forces.

It would therefore be for Ireland to determine the nature of its response in accordance with our Constitutional and legal framework. This means that, as regards the deployment of military personnel, we will continue to take our own sovereign decision taking into account our traditional policy of military neutrality.

## **Conclusion**

Chairman, in conclusion.

The Government's approach to security and defence matters was to ensure an outcome which would enable the Union to develop its capabilities for conflict prevention and crisis management, whilst ensuring that any new arrangements were fully consistent with Ireland's traditional policy of military neutrality.

We succeeded.

The bottom line is that Ireland will play a full and active part in the Union's common security and defence policy. But, in doing so, we will not assume any binding mutual defence commitment and will continue to take our own decisions on the deployment of our troops and assets. We will continue to determine our participation in EU crisis management operations on a case by case basis, consistent with the Irish Constitution and Irish law. We can only take part in an EU common defence if the people agree.

We can approach the forthcoming ratification process with confidence that the European Constitution is a good deal for Europe and a good deal for Ireland.

It poses no threat to our traditional approach in the security and defence area. Rather, the European Constitution should enable us to play a full part in the European Union's efforts to make a constructive contribution to international peace and stability. This reflects, I believe, the wish of the overwhelming majority of the Irish people.

Thank You, Mr Chairman.