

September 30, 2009

THE REST OF THE STORY?

RIGHT TO THE END, WE LACKED AN INFORMED DEBATE ON CFSP.

The exchange between Ben Tonra and Roger Cole in the Irish Times (September 30) was truly disappointing. Cole speaks exclusively to a left-wing, anti-NATO and anti-war constituency, echoing campaigns that could have been fought in the 1970s. Ben Tonra, meanwhile, scored some successful hits but glossed over the most important political dynamics that would flow from Lisbon ratification. This analysis of that would-be epic encounter illustrates how ill-served we have been in the old progressive media debates about Europe this year.

Ben Tonra opened by attacking his opponent for questioning the “motives, patriotism or sincerity” of those with an alternative perspective.

Roger Cole is criticized for his hostile attitude, But calling opponents “Irish Ayatollahs” and subjecting them to silly truthometer or red card games – was not really intelligent debate either, even if it came from supposedly expert leaders of the main pro-Lisbon organization. As for questioning their patriotism, it’s the normally Anglophile southsiders who are deploying anti-British gusto this time. Any reference to UK Tories, for instance, opens with an uncharacteristically anti-English barb. UK criticism of the EU is treated like an alien form of fascism or football hooliganism. Perhaps Professor Tonra himself is not guilty of that but it would not be hard to find some prominent D4 progressives who have fanned those flames.

Tonra goes on to argue that Lisbon is supposed to be about the pursuit of “peace, justice and respect for national sovereignty.”

Peace and justice, perhaps. Even Kim Jong Il proclaims a belief in those things. But it’s not about enhancing national sovereignty. Even with regard to respect, it’s a grudging respect, if any.

Ben Tonra then notes the significance of the EU for peace in Europe: reconciling Germany and France, bringing Spain and Portugal into the fold, and countering security risks to the new East European transition democracies. Its expansion was its greatest success.

Actually, he is spot-on with the final point. EU membership is a symbolic rejoining with the Western World for many East Europeans. Democratic credentials are criteria for membership and a spur to political stabilization. Countries like Romania, in particular, have considerable problems and political volatility. It can be argued that, without the EU carrot and stick, Romania would be in crisis by now. So, one cheer for Ben.

However, all of this also applied to the EU of Nice and even before that. The EU was always a magnet for transition democracies. Similarly, the reconciliation of France and Germany was facilitated by a European Economic Community with very limited economic-functional roles and a clearer commitment to state sovereignty in an intergovernmental organization. Fortunately, Tonra doesn't repeat the nonsensical inference that the EU kept the peace in postwar Europe – one we heard last time. The dreaded NATO actually deserves more of the credit for that. And it's only a military alliance among sovereign states, with no pretensions beyond that.

Professor Tonra then goes on to refer to the record of EU Petersberg Task missions, mostly of a peacekeeping or humanitarian nature, undertaken by the EU in recent years. EU defense cooperation would build on that success. He asks opponents to name missions of which they would disapprove.

His opposite number was on shaky ground there. But suppose Tonra is right. I feel quite proud of Ireland's role in Chad. Soldiers from a military base in my own town served there with distinction. It is quite clear that, with sufficient political will, European states can coordinate military or peacekeeping operations when the need arises without any further institutionalization of defense or security policy. They did that, in Chad and elsewhere, without Lisbon. The proposed innovations are more about state-building – in Europe, not in Africa. They are only really essential in that context, although they would obviously be welcomed by military commanders seeking higher budgets and profiles.

Professor Tonra moves on to advocate a kind of social democratic linking of development policy and foreign policy, and seeks more consistency on human rights. Development policy should not even feature in a constitutional document (the Treaties are described as constituting the foundational documents of the Union and are admitted to be substantially the same as the abandoned "Constitution" So don't even waste

time on that one). Another paper could be written on the language of development, justice and solidarity that pervades the treaties. It is partisan and is not shared by all the major political persuasions in Europe. It has been tolerated by centrist and Christian Democrat parties, including Fianna Fail and Fine Gael, as much out of political cowardice as any serious enthusiasm. But, placed in a constitutional document, it excludes Europeans with serious reservations about such agendas. The conflation of policy commitments and constitutional principles is a feature of the Treaties more broadly, and leaves much trouble in store for later.

Tonra goes on to claim:

"Our rights in the EU are unassailable. Nothing in the Lisbon Treaty can require the Irish Government to go to war, to spend more on defense, to participate in any military action, to join a military alliance. Nor does the treaty allow other member states to act in our name."

Another half-cheer for Ben!

While our rights are far from unassailable, the other statements are true. Crude assertions to the contrary by NO campaigners are false and are easily knocked down. Of course, the development of an EU defense identity is problematic in its own right, even if Ireland's position is relatively protected for now. And, it would still be better if the "certain" policy of "certain" states language was rephrased in plain English.

I have quite a bit of experience of reading international treaties, having taught IR and International Organization for many years, and having more direct experience with OSCE and UN system organization texts. Apart from the desire to give every dog a bone, the other major reason for including ambiguous language is to allow for an escape trap door in the future, a means of revising the meaning of a treaty with the aid of clever lawyers and judges. Lisbon 2 is still relatively explicit in protecting us against alliance-type commitments in the short term. On the other hand, references to security policy, counter-terrorism and such matters must raise

eyebrows. Of course, matters with defense or military implications are also ring fenced to our needs. I suppose, even here, one may ask how far one has to look for an “implication” to trigger Irish sensitivity.

Next, Tonra turns to EDA and defense cooperation:

“To my mind, our corresponding obligation as citizens of this sovereign Republic is to ensure that the Irish Government participates fully in an EU foreign and security policy on the basis of our values and principles – and that it never abandons the veto that we now hold over that policy.”

A strongish argument. Outside EDA and structured defense cooperation, we have no say. But can these entities and processes proceed under EU auspices if we reject Lisbon? They might evolve elsewhere, a la WEU of old. True, we are not involved. But we are not involved in NATO’s core work either. It is precisely our membership in the EU that gives us a right to a say on how that particular institution will develop. We were given that right in Nice and earlier treaties that allowed us to amend the Union treaties through our own constitutional processes. Nice gave us all a veto. Proceeding with a developed defense agenda within the EU after a Lisbon rejection would be a dismissal of our veto, and should surely be illegal.

Inside EDA and defense policy cooperation structures, we have a say. We have a veto because Nice and Lisbon 2 give us that. Quite a dilemma for the NO side, I must admit.

But the moral and political pressure – the obligation, not in the technical-legal sense but in the political sense – will eventually outweigh that veto power. We should gamble on an EU crisis now rather than hope the veto will be exercised as we would wish. For once inside EDA and all the other processes, the same arguments would be rehashed. Do you really want to be a blocking agent against the further development of a European defense? After all the money you got??

Roger Cole has a point in saying that collective defense-type functions are envisaged by the EU, and not just peacekeeping, although the latter has been the focus of activity thus far. This will remain so as long as NATO is viewed as the primary defense alliance. However, significant factions on the neo-Gaullist right and the anti-American Left would like to see a gradual displacement of NATO, a trend that would hasten the type of defense commitment Ireland normally opposes. Hence, as argued before, the EU poses the greater long-term threat to Irish neutrality, however that is defined.

Cole goes on to attack the requirement that EU defense planning be compatible with NATO interests, conveniently ignoring a similar implication about the interests of the neutrals. But the real point is that this apparent sensitivity to either NATO or the neutrals is a grudging concession for now. The language is as clumsy as it could be. To be revisited. But such a return visit would be delayed if an Irish EU crisis now, coupled with the reopening of the Lisbon debates elsewhere, signaled that the high politics of defense is best left alone and should remain off-limits.

Tonra justifies crisis management functions for EU military forces by referring to the case for enforcement actions in genocides and similar scenarios. OK, but, echoing Cole’s point, that does not exhaust the military functions envisaged for European defense cooperation in the future.

Then – a clanger from Professor Tonra.

“Ireland holds a veto over everything in the EU’s foreign, security and defense policy.”

Everything? Yes, for now. But he must concede that the ambiguities around articles 31 and 48

allow for certain foreign policy issues to be moved to QMV . Defense policy, narrowly defined, is safe. But the pressure on foreign policy more broadly speaking will be enormous. Tonra glosses over these political realities. The gravity of this cannot be overstated. Unfortunately, this is difficult territory to explain to the public and the arguments have not received sufficient attention from NO campaigners.

Cole's subsequent arguments about the arms industry and "imperial" wars are straight from a far left script and do not merit any discussion. But you do not have to agree with that narrative at all to oppose a specifically EU-based defense policy and identity. As I argued elsewhere, duplication and rivalry with NATO are unhelpful, while the European neutrals do not need to abandon their positions. They could pursue ad hoc coordinated operations with other EU states or even with some of NATO's outreach and PFP programs. Tonra does not convincingly demonstrate a NEED for advanced foreign policy or defense institutionalization: he makes a case for them but fails to demonstrate their necessity. Given our doubts and fears about Lisbon, the necessity of these changes must be evident before we make sacrifices or take risks.

"The Lisbon Treaty does not establish anything like a super-state, since the union can only do what its 27 member states allow it to do. Here, again, is Ireland's veto."

Last time around, our decision was explained, or explained away: we voted without understanding Lisbon. Now, we are told to vote one way because we have no other realistic option. But we do have options when it comes to reasserting our control over foreign policy, the high politics of independent statehood. Reasserting our position entails big risks: an informed and intelligent NO stance is certainly a more difficult

A half-truth, surely!

On defense and most – most - foreign policy issues, this is technically true. But those same states can unanimously allow more of the foreign policy agenda to be decided by QMV. Governments can apparently halt the QMV process on grounds of national interest. But why allow it in the first place unless you envisage some states being voted down at least some of the time? It's a mass of contradictions and ambiguities that will ultimately be decided by judges and lawyers. Or maybe even by EU Council members – politicians. By contrast, the Lisbon referenda offer the prospect of real vetoes by the public.

Tonra's weak conclusion returns to the successful EU military and political missions. Which do we oppose? None. So, let that work continue as before. There is no evidence that EU expansion is holding it up. Independent states can succeed at voluntary, spontaneous policy and military coordination. If the situation demands and the will is there, such cooperation will follow. We do not need the institutions, attitudes and state-building solidarity mechanisms envisaged by Lisbon to achieve that. The Europe-wide debate must therefore be reopened. Lisbon will build the infrastructure of a proto-state, while leaving the control switch in the OFF position for now. That is a dangerous place to be. Tonra would no doubt say the plans cannot be revisited but we trust in the Treaties and in our politicians to keep the switch in that OFF position.

And, of course, Tonra's generalizations about *all* our veto powers remaining secure are surprising from someone who ought to appreciate the more nuanced reality.

path than that propounded by leftist populists. But it is neither impossible nor unrealistic. There is a legitimate argument for rejecting a flawed treaty riddled with inconsistencies and ambiguities deliberately fashioned for future mischief-making.

Opponents of Lisbon have failed to present a proper alternative, a model of a European IGO that will facilitate the best in functional and economic cooperation among sovereign European democracies. Defenders have not made the case for Lisbon's absolute necessity, a requirement demanded by the leap of faith we are asked to make in endorsing such a flawed set of documents. If passed, Lisbon 2, and all its flaws, will outlive this website, Ben Tonra, Roger Cole, Gerry Adams and Declan Ganley, the Ayatollahs, nuts and Europhiles. It will long outlive our current economic downturn, however helpful or unhelpful our EU partners choose to be. It will be for the really long haul and there will be no way back. That risk far outweighs the temporary sanctions our European partners and friends might impose on us for exercising our Nice-given right to vote one particular way in a referendum.

If rejected, Lisbon, and the nature of the EU project, will be reopened for debate. The politicians insist – no way. But angry publics and a few months of political time, East and West, will ensure that there is a future beyond that choice.