

The European Constitution: A Tool for Peace?¹

Europe was meant to produce and guarantee peace. Its success shows that the means chosen at its creation were adequate. Yet as it attempts to adopt a Constitution, will Europe demonstrate a vision as ambitious as the vision of its founders?

Historical Review

The creation in 1951 of the first European communities, the Carbon and Steel Community and the Community for Nuclear Energy was a brilliant idea. Uniting those three industries, making them transparent and tying them economically was a sure means to prevent and defuse military conflicts by making the development of a hidden war industry impossible. The creation of the actual European Community in 1957 marks the establishment of a new political system whose consequences will last for much longer. In fact, the association of States in a supranational entity holding limited powers is the first kind of confederation in which the center body does not have the possibility to overpower its diverse components.² This balance partially explains why the European Union continues to attract new members: the new Member States maintain their sovereignty while enjoying all the advantages the whole entity offers.

The “European Process” and “Peace”

While the European construction has effectively contributed to peace and stability in Europe, it also faced problems that distanced it from the ideal of peace underlined in the preamble of all its treaties, ideal, which is mentioned again in the text of the proposed constitution³. The European Community has initially been an economic union. And if its development policies do include poverty reduction - and prevention of conflicts⁴, even to a lesser extent – it must be noted that the European Union could still do a lot more to reduce the gaps and shortcomings caused by globalization or the European unification process. Furthermore, even if its democratic deficit progressively lessens, Europe will only partially meet the expectations of its citizens. And finally, the ambiguous relationship with the United States has not so far allowed for the development of a new type of great power which would mainly, directly or exclusively focus on the promotion of peace.

The Text of the Constitution and Peace

Except for symbolic dispositions in the preamble and in the objective of the EU, the main dispositions concerning peace and security are the following:

- Article I-16 defines the competencies of the Union in matters of “common foreign and defense policy”. The meaning of this competency is constantly expanding since the beginning of the 1990s, despite the fact that a political orientation has never been defined. It must be noted that, provided the political diversity within the Union itself, establishing such a unique and coherent political direction is a laborious task. From nuclear powers to small states, neutral states to NATO members, from the Eurocorps⁵ to the presence in the Security Council, the approach to the security spectrum is vast. This diversity could, hopefully, be the source of original ideas. Yet the way we see it, the European Union is still far from establishing an original stance for peace and so forth being a top peace actor throughout the world.

¹ Article published in “Terres civiles”, n°30, September 2005. Since then the constitution has been rejected, though most dispositions regarding foreign policy and defense have been adopted in a similar wording in the Lisbon treaty.

² All “Confederation” known throughout history (Switzerland, the United States of America etc.) have eventually witnessed the emergence of a central State, and have consequently become “Federations”.

³ Article I-3 : “The Objectives of the Union : The goal of the Union is to promote peace, its values and the wellbeing of its peoples (...)”.

⁴ Art.III-292. Goal of common foreign and defense policy 2.c) maintain peace, prevent conflicts and reinforce international security according to the goals and principles of the UN Charter.

⁵ Supranational military body in the service of the European Union or NATO ; <http://www.eurocorps.org/>

- Article I-28 establishes the existence of a Ministry for Foreign Affairs. The only member of the Commission with a fixed portfolio, its vice-President, is at the same time its minister, super-diplomat and super-general. He will also see to it that all Member-States respect and coordinate their common policy obligations.
- Articles I-40, I-41 and III-292 to III-313 define the details regarding the common foreign and defense policies. The principles are the following:
 - o Should a Member-State be attacked, the other Member-States will defend it. Despite sounding very straightforward, this new disposition does not transform the European Union - at least legally - into a military alliance. Although it is not mentioned in the text, the neutrality of certain states is protected by a periphrasis⁶. This defense principle is subject to several exceptions, yet decisions in the respective areas are to be made unanimously. We hope this provision will be conducive to dialogue and creativity favoring new solutions for peace (I-40, I-41).
 - o The EU will develop “operational civilian and military capacities”. In other words, this means that the EU will have an army! Under the current circumstances the army will operate outside the EU and only for missions that respect the provisions of the United Nations Charter (I-41.1 and 3). But the EU will also adopt a common defense policy. Though, its operational role is not yet defined⁷.
 - o The Member-States will commit to progressively improve their defense capacities (I-41.3).

This immediately poses two questions:

1. Why should the military capacities be improved and not the civilian ones? These capabilities are mentioned in the same article and it is known that the civilian solutions lead to more humane and less costly solutions than the military ones.
2. The European Constitution Project aims at reinforcing military solutions, but who are the enemies If Europe calls for peace, and as without a doubt, it does become a new great power, what kind of power does it envision for itself? The military solution proposed in the text is not in any way convincing.
 - o The European Union would develop a “European defense agency”, whose role, described in detail, would consist of verifying and providing - if needed - the EU or a Member-State with the best performing weapons (I-43.3).
 - o Regarding the European Parliament, even if “the Minister of Foreign Affairs has the obligation to take into consideration its views” (III-304), and even if he/she must “consult” and “keep the parliament informed” about “the main aspects and fundamental choices of the common defense and security policies”, his power of control is in fact limited regarding the political choices and the military apparatus the community intends to create (I-40.8 and I-41.8). From this point of view, the democratic deficit perpetuates, and it even aggravates.

Conclusion

It is unlikely to have the European Union turn into a military dictatorship. However, the Constitution project is definitely militaristic as far as security is concerned. This feeling is reinforced by the absence – except for some very small indications – of any specific formulation that could, or should, represent the peace policies of the European Union. Taking this in account, the project should be revised and completed. It is desirable to see the neutral states and the human security network members of the Union take more influence⁸. Furthermore, it is even more desirable to see that the project focuses more on humanity and that it acknowledges how

⁶ Art. I-41.7. To date (18.7.05), Austria has ratified Sweden, Ireland and Finland are yet to ratify.

⁷ The use of the existing term “common foreign and defense policy” and “common defense policy” creates confusion which is nothing less than deplorable.

⁸ <http://www.humansecuritynetwork.org/> (Greece, the Netherlands, Austria).

important peace is for the development of humanity as a whole. The US will not be able to carry out their pseudo-leadership indefinitely. China and Russia have powerful ups and downs. The role Europe could and should have as “peace mediator” or most probably as a peace guardian is essential. Given that a constitution is a fundamental text, it should have been longer and include more of a long-term vision and therefore uphold in a better way the legitimate hopes of humanity regarding peace. Europe knew how to build an exceptional area of peace for itself. It is time for it to learn how to share it!

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