

On Swiss Neutrality

# Austria – Neutrality under pressure

“As long as you join us in the war, we don’t care about your status”

by Gerald Oberansmayr,\* Austria



Gerald Oberansmayr  
(Photo

*(Edit.) In Austria, too, there are strong efforts to circumvent the country’s neutrality, which is deeply rooted in the population. A look beyond Switzerland’s borders can therefore be helpful for the discussion in our country.*

*The starting points are different, but in both countries*

*a part of the political establishment seems to be deeply annoyed by neutrality.*

\*\*\*

Hardly any debate is as bogus as the one about Austrian neutrality. This has been the case for at least three decades. Let’s take a longer look back and a shorter look forward.

In June 1989, Austria filed an application to join the *European Community* (EC). The “Letter to Brussels” explicitly contained a clause reserving neutrality. The *European Commission* was not pleased about it. In an advisory letter, it unequivocally pointed out the “immanent problem of the membership of neutral states”. This was all the truer when the EC was transformed into the “European Union” (EU) in 1992 with the *Maastricht Treaty*, which –unlike the EC – established a common foreign and security policy. Thus, Article J.1.4. stated unequivocally: “Member States shall support the Union’s foreign and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.”

## Maastricht: “Without any ifs or buts”

At the latest from this point on – 1992! – it was clear that neutrality and the EU are incompatible. If there is one thing a neutral country must pro-

tect at all costs, it is its independent foreign and security policy. For this is the only way to ensure a country’s ability to fulfil the core content of neutrality: The non-participation in wars as well as the corresponding “prerequisites for neutrality”, that is, to refrain from all actions leading to being drawn into acts of war – or positively, to pursue an active neutrality policy as a credible broker between parties to a conflict, committed to peaceful conflict solutions. Yet, lo and behold, the neutrality reservation, as firmly stipulated to the EC, was dropped flatly when it came to the EU, despite being more necessary than ever. Chancellor *Vranitzky* announced that Austria would join the EU “without any ifs or buts”. It was asserted in a completely counterfactual manner that neutrality and the EU were compatible.

The *EU Commission*, too, was now suddenly playing along with this double game. In 1993, surveys had produced a disturbing result from the point of view of EU supporters: assuming that EU accession and neutrality were incompatible, 68% of those surveyed were in favour of renouncing EU accession, while only 26% were in favour of abandoning neutrality.

## The Platter Doctrine

This marked the birth of a policy later described by the defense minister *Platter* (ÖVP) as follows: “Neutrality is deep in the hearts of the Austrians. One must be cautious not to tear it out. It is better to prepare an operation to carefully operate it out» (“Die Presse”, 5 December 2003). In plain language: neutrality is to be scrapped one slice at a time – and on the way there, the rule is lies, lies and more lies. Since then, all governments, completely independent of respective party constellations, have adhered to this “Platter Doctrine”.

## Amsterdam: “Petersberg Tasks”

With each successive EU treaty following Maastricht, the incompatibility of neutrality with EU membership became more apparent: With the *EU Treaty of Amsterdam* (1999), the so-called

\* Gerald Oberansmayr lives and works in Linz/Austria. He is an activist of Werkstatt Frieden & Solidarität, editor of the anti-militarist magazine “guernica” and author of the book “Auf dem Weg zur Supermacht – Die Militarisierung der Europäischen Union” (Promedia, 2005).

«Petersberg Tasks» were included in the EU's list of tasks. With these *Petersberg Tasks*, the EU gave itself the mandate to conduct "combat operations in crisis management" – anywhere in the world. In effect, an authorisation for global military operations.

How did the Austrian establishment react to this further major attack on neutrality? In Article 23f B-VG (today 23j), it enshrined the right to participate in the "Petersberg Tasks" as part of the Austrian constitution. The explanatory notes even explicitly stated that Austria's participation in EU wars was "fully possible" even "if such a measure was not taken in accordance with a UN Security Council resolution." The willingness to participate in the violation of international law was elevated to quasi-constitutional status. *Andreas Khol*, then head of the *Austrian People's Party* (ÖVP), was beside himself with joy: "this puts neutrality out of order in the EU domain." ("Salzburger Nachrichten", 29 May 1998).

#### **Nice: The EU Intervention Force**

The next blow to neutrality came with the *EU Treaty of Nice* (2001): The *Western European Union* (WEU) military pact was integrated into the EU, except for mutual defence commitments. Several EU military policy bodies were established to direct the deployment of an EU intervention force accordingly.

The Salzburg professor of international law, *Michael Geistlinger*, comments: "The neutral and quasi-neutral states of the EU have gone to the dogs." ("Guernica" 4/2002). This bothered no one in the Austrian parliament. Red, black, green, and blue members of the National Council unanimously ratified the *EU Treaty of Nice*.

#### **Lisbon: Military mutual defence commitments**

Finally, EU militarisation particularly gained momentum with the *EU Treaty of Lisbon* (2009). Unique in the world, a commitment to permanent military rearmament was enshrined in EU primary law. Under the vague title of "anti-terrorism", the self-empowerment for global EU military operations was extended. And the obligation to provide assistance, which was previously still limited to WEU member states, was now fully incorporated into the EU treaty.

The EU's mutual defense commitment is even tougher than NATO's because its member states owe the one who is attacked "all the aid and assistance in their power." That includes military

means. NATO's Article 5, on the other hand, commits only to any "measures deemed necessary by them to restore and maintain the security of the North Atlantic area." This means that it is up to the states themselves to decide by which means – military or non-military – they want to provide assistance.

#### **The "Irish Clause", an "overkill"**

The mutual defense obligation in the *EU Treaty* puts those who declare neutrality and EU membership to be compatible in a rather awkward position. This is because a mutual assistance obligation does not even go hand in hand with non-alignment, let alone with neutrality.

Supporters of the *Platter doctrine* usually try to wriggle out of this argument by referring to the "Irish clause" (Article 42 [7], *EU Treaty*). This clause states that the EU's mutual defense commitment "shall not prejudice the specific character of the security and defense policy of certain Member States."

However, something that is regularly concealed in this context: The European Council itself decided in 2009 to clarify the "Irish Clause". This clause states that "Member States are free to determine *what kind of assistance* and support they will provide to a Member State affected by a terrorist attack or an attack on its territory."<sup>1</sup> Mind you: Not *whether*, but *how* the obligation to provide assistance will be fulfilled!

At best, the "Irish clause" can be interpreted in such a way that the EU mutual defense obligation has the same characteristics as that of NATO. No one would dare argue that NATO membership is compatible with neutrality. But regarding the *EU Treaty*, the people continue to get hoodwinked.

Military officer *Rainer Hable* thus rightly remarks on the "Irish Clause": "Austria could therefore supply or financially support non-military goods. But those who receive non-military goods can put up their own funds for military goods. And whoever receives money is free to buy weapons anyway. In the end, this makes no difference" ("Kurier", 22 March 2023). Yet, this is probably hypothetical anyway.

In the "National Defense Report 2022", the Ministry of Defense is already raising eyebrows with the fact that the assistance obligations under EU law will require a contribution from Austria, which "may also include military capabilities and capacities". ("Die Presse", 23 March 2023).

*Manfred Rotter*, a renowned professor of international law from Linz, once sarcastically took the “window dressing surrounding the “Irish clause” for a ride. This is “a figure of thought that may be appropriate for church weddings, in which the children of the bride and groom wear their mother’s white veil as winking proof of the compatibility of motherhood with virginity.” Rotter continues: “In the harsh reality of international and constitutional law analyses, however, the limits of seriousness are set for interpretative overkills. Any attempt to reconcile perpetual neutrality with membership in defense alliances transgresses them.” (“Der Standard”, 7 December 2007)

No less sarcastically, the German ambassador had already summed up this strategy of “overkill” a few years earlier, when Austria decided to participate in the EU Battlegroups: “As long as you go to war with us, we don’t care about your status.” (“Die Presse”, 18 November 2004)

### **“Peace is also a question of power!”**

What conclusions can those forces advocating a neutral, peace-politically active Austria draw from this sobering analysis?

- *Ingeborg Bachmann* is saying “Truth is reasonable for man”. So let’s not take part in the “overkill” of those in power, but let’s say this: The EU is no less a military pact than NATO – and therefore it is just as incompatible with neutrality.

- Exiting the EU, including all regulations and contractual institutions related to foreign and security policy, remains the stated goal, although it is probably unrealistic in the foreseeable future.
- With their gradual dismantling of neutrality, the ruling powers have also gone astray from a legal point of view. The EU’s *Lisbon Treaty* with its obligation to provide mutual assistance should have been submitted to a referendum so that its content, which is contrary to neutrality, would have legal force in Austria. Out of cowardice towards the people, the government and parliament failed to do so. The neutrality law is therefore unbroken and unrestrictedly valid. Conclusion: The Austrian constitution gives us the right, indeed obliges us, to defend neutrality against our “own” rulers who trample it underfoot.
- Being right is of little use, of course, if we don’t have the power to enforce it. This is the decisive challenge for the Austrian peace movement. For as *Friedrich Wolf* has one of his protagonists say in the play “The Sailors of Cattaro” (1930): “Peace, too, is a question of power!”

Source: <https://www.solidarwerkstatt.at/frieden-neutralitaet/solange-ihr-mit-uns-in-den-krieg-zieht-ist-uns-euer-status-egal>, April 2023

(Translation Swiss Standpoint)

<sup>1</sup>European Council of 18/19 June 2009, Brussels, Presidency Conclusion, Section C