

Engaged Neutrality

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Historical Background

In October of 1955, the National Assembly adopted Austria's permanent neutrality. It was Austria's guarantee to the Great Powers that the country would not join any eastern or western military alliance. Ever since, neutrality has been at the centre of Austria's foreign and security policy. In Austria's early, formative years, neutrality was synonymous with independence. It helped Austria to develop a strong identity for the first time since World War I, which is why Austrians cling to neutrality by more than a two third majority.

As the Cold War was about building blocks in Europe and military alliances, Neutrality represented the anomaly. Neutral states managed to stay out of the spheres of influence created by the two military superpowers, the United States and the Soviet Union.

The Federal Chancellor of the Federal Republic of German Konrad Adenauer rejected the concept of neutrality out of hand. In his memoirs¹, he wrote:

“The immediate goal of Soviet policy was neutralizing and preventing the integration of Europe. The ultimate goal was the incorporation of Germany and eventually all of Europe into the communist sphere.”

Adenauer feared that Germany was going to be removed from the Western bloc and would weaken the order, thus generally rejecting the concept of neutrality. On several occasions, he pointed to the danger of a “neutral belt in Europe”². “Such a belt would signify, in my opinion the end of Germany and Europe.”³ Behind this categorical rejection of “neutralization”, Adenauer desired to integrate West Germany firmly into the transatlantic relationship. Adenauer's constructed link between “neutralization” and a communist seizure of power throughout Europe served this purpose. However, it did not constitute a causal relation, however. One could safely assume that neutrality would have been possible without a communist takeover. Austria and Finland can serve here as classic examples.

In Central Europe, such a solution was only possible for Austria after 1955. Yet, Adenauer considered it with suspicion. He suspected conspiratorial tactics:

“The pivotal point of the issue regarding Austria was a clever calculated step by Moscow. Without doubt, it was possible that Soviet Russia had the intention among other things to promote similar thoughts and ideas as Austria's neutrality here in Germany that already haunt and are spread in order to strengthen other parts of Europe and the world. The behaviour of the Soviet Union was based on a very clever tactic.”⁴

While Adenauer saw the concept of “armed neutrality” in Austria as a put-to-sleep-tactic by the Kremlin, at that time, it had been supported by US-President Eisenhower.

At a press conference in May 1955 Eisenhower said:

¹ Konrad Adenauer, *Erinnerungen 1953-1955*, (Deutsche Verlagsanstalt: Stuttgart), 1966, 37, (own translation).

² Konrad Adenauer, *Erinnerungen 1955-1959*, (Deutsche Verlagsanstalt: Stuttgart), 1967, 284-292.

³ Konrad Adenauer, *Erinnerungen 1953-1955*, (Deutsche Verlagsanstalt: Stuttgart), 1966, 442.

⁴ Konrad Adenauer, *Erinnerungen 1953-1955*, (Deutsche Verlagsanstalt: Stuttgart), 1966, 441-442.

“It seems that the idea has developed that one could build a number of neutralized states from North to South through Europe. Now, remember: The Treaty regarding the neutralization of Austria does not mean that Austria would be disarmed. It is not a void, not a military void, it is along the lines of Switzerland. ... This kind of neutrality is very different from a military vacuum.”⁵

Austria could also be integrated into the West without having to join NATO. This case also proves that the presumption of neutrality as a conspiracy leading to a communist takeover of Europe was wrong. However, it should be noted that Austria’s neutrality would certainly not have been possible before Stalin’s death in 1953.

The core of Austria’s neutrality depends on its military nature. The military neutrality is enshrined in the “Declaration of Neutrality”: Austria may neither join any military alliances, nor can there be foreign troops stationed on its territory. The legal principle that neutral states are not allowed to participate in a war, in the sense of international law, was not regulated directly in the Declaration of Neutrality but resulted from the prevailing understanding of neutrality.

The experience of the intervention of the Warsaw Pact troops in Hungary 1956 had a crucial impact on how Austria formulated and imagined its threat scenario. It took almost ten years, however, for the Council of Ministers to implement a defense concept. In May 1965, three main categories were formulated:

- a) a crisis scenario under the conditions of international tensions;
- b) the neutrality case, which may become relevant in case of war in the vicinity;
- c) the defense case, which comes into effect when Austria is attacked.⁶

The 1968 crisis in Czechoslovakia influenced the work on a defense doctrine as well.⁷ A report of a reform commission aimed at the social integration of the Army. After the defense doctrine was approved in 1975 and the national defense plan was developed, the defense budget experienced an annual real growth of more than 3.5 percent over 12 years.

At the beginning of the seventies, the concept of pre-emptive defense was contrasted with one of the total spatial defense, known as “Spannocchi Doctrine”. Spatial defense meant the defense of key zones in crucial terrain, thus a defense between “front” and “rear”. The strategic objective remained the same: disincentive. If Austria were to be attacked from the outside, not only the territorial borders should be defended but completely from “deep within”, much like a hedgehog, in order to increase the risk of entrance. These observations obtained general acceptance and also matched the government policy. Nowadays however, there are doubts whether this concept could have ever been realized.

It was not until 1983 that the Council of Ministers approved the National Defense Plan⁸, which was proposed by the National Defense Council and incorporated the categories of the 1965 decisions by the Council of Ministers. It claimed to be a basic conception for Austria’s security regarding “every” threat. The Security Policy was defined as

⁵ Dwight D. Eisenhower, press conference 18 May 1955, quoted in Konrad Adenauer, *Erinnerungen 1953-1955*, (Deutsche Verlagsanstalt: Stuttgart), 1966, 442.

⁶ See the Minister Decree of 11 May 1965 about the objectives of the extensive national defense and tasks for each field. See also Richard Bayer, the development of ULV from 1961 to 1985: prerequisite for the constitutional holding and the defense doctrine, *special issue of ÖMZ*, 1995, 1.

⁷ Defense doctrine, *special edition of Wiener Zeitung*, 2 March 1985.

⁸ Bundeskanzleramt (BKA), National Defense Plan, 1985. For the related concept of “extensive National Defense”, see Christine Docsek, “Das Konzept umfassende Sicherheit und die Debatte österreichische Sicherheits- und Verteidigungsdoktrin”, doctoral thesis in the Faculty of Human and Social Sciences of Vienna University, Vienna, 2001.

“[t]he sum of all measures, mainly in the areas of foreign policy, of policy for the maintenance of internal stability, as well as defense policy, for the protection of the population and the basic values of this State concerning all threats as well as the maintenance and defense of its permanent neutrality.”⁹

Neutrality has been increasingly supplemented with an active foreign policy. Contrary to the Swiss model of “sitting still“, Austria joined the United Nations the same year (1955), the Council of Europe in 1956, and the European Free Trade Association in 1960. Austria presented itself as a meeting point, by hosting, for example, the meetings between the Presidents of the United States and of the Soviet Union, John F. Kennedy and Nikita Khrushchev 1961, or Richard Nixon and Leonid Brezhnev 1973 in Vienna.

The Social Democratic Government under Bruno Kreisky (1970-1983) developed a policy of “active neutrality“, understood as an active diplomacy of visitors, multilateralism on a global scale – particularly within the United Nations –, support for the process of détente between the East and the West and engagement in the conflict between the North and the South, which culminated in the proposition of a “Marshall Plan” for the Third World. Chancellor Kreisky was the first Western head of government to stand up for the rights of Palestinians. Together with the German and Swedish Social Democrats, Willy Brandt and Olaf Palme, Kreisky discovered an international basis within the Socialist International. At the Conference on Security and Co-operation in Europe (CSCE), Austria, together with other neutral and non-aligned States, formed the “N+N Group“, a loose association of neutral and non-aligned European States, which were not members of NATO, the Warsaw Pact or any other alliance. From 1975 until the end of the Cold War, these states offered mediation and good offices and fought against the stagnation of the détente policy.

Last, but not least, thanks to this policy of neutrality, Vienna was chosen as the third UN-capital and seat of the International Atomic Energy Agency (IAEA), UN specialized agencies (e.g. UNIDO) and the secretariats of OPEC and OSCE (formerly CSCE). Furthermore, the PrepCom of the Comprehensive Nuclear Test Ban Treaty (CTBT), the secretariat of the Wassenaar-Arrangement (about the transfer of conventional weapons), the United Nations Office on Drugs and Crime (ODC), the Vienna Center for Disarmament and Non-Proliferation (VCDNP) and the World Institute for Nuclear Security (WINS) also settled in Vienna. Vienna became the central place for the negotiations of the talks on Iran’s nuclear program 2014-2015. In 2015 an Austrian diplomat was appointed as special representative of the OSCE in the Ukraine. Austria is also one of the pioneers of the debate of the humanitarian dimension of nuclear weapons (HINW). 113 states have already adopted the Humanitarian Pledge, launched by Austria after the third HINW conference in December 2014. By contrast, not a single NATO-member or Nuclear-Weapon-State (NWS) is among the signatories.¹⁰

International Solidarity

Austria’s neutrality has proven time and again that it can adapt to new situations. What are the big new challenges after the end of the Cold War? There is the proliferation of Weapons of Mass Destruction; terrorism, which potentially reaches new dangerous dimensions in its combination with proliferation; fragile and dysfunctional states, which can be breeding grounds for terrorism, a source of uncontrolled immigration, and a source for the development

⁹ Bundeskanzleramt (BKA), *National Defense Plan*, 1985, 19.

¹⁰ See Alexander Kmentt, *Der pragmatische Realismus des Wahnsinns - Sicherheit durch nukleare Abschreckung war und ist eine Schimäre*, *Internationale Politik und Gesellschaft*, June, 2014; Alexander Kmentt, *Avoiding the Worst: Re-framing the Debate on Nuclear Disarmament*, *European Leadership Network*, June 24, 2014; Tom Sauer, *70 Years after Hiroshima, the Humanitarian Initiative Challenges Nuclear Weapons*, *European Leadership Network*, August 6, 2015.

and dissemination of organized crime. These states also contribute to the loss of important economic areas. As a neutral state, Austria is well suited (in many ways better than other states) for making an important contribution to fight against these new dangers. Moreover, neutral states sometimes receive higher acceptance than members of alliances. Assistance for reconstruction and humanitarian aid efforts in war-torn countries can happen within the framework of the UN, the EU, the OSCE, or the NATO-Partnerships. Austria's possibilities of participating in the foreign policy and crisis management of the EU were explicitly confirmed through a constitutional amendment (23j), which, however, stresses the main responsibility of the United Nations Security Council for peace and security. Austria is also part of robust deployments, for example those within the NATO Partnership for Peace (PfP). Since the Balkan Wars in the mid-nineties, Austria has become the largest contributor to the Kosovo-Force (KFOR) and, as a non-NATO-member, largest contributor to the Stabilization Force in Bosnia (SFOR).

The concept of security has transformed from a geographic to a functional one, which no longer aims at the defense or conquest of a specific territory, but rather at stabilization, prevention, crisis intervention and humanitarian challenges. Civilian structures (humane living arrangements, schools, a functioning police and justice systems and an intact administration) cannot be established and economic development cannot take place unless security is ensured at the same time. Notwithstanding its own interests, Austria had an obligation to make a contribution. The concept of "human security" includes the protection from existential threats such as hunger, epidemics, and oppression as well as protection from sudden and painful physical and psychological infractions in daily life – living arrangements, work or community. In particular, Austria must stand up for the protection and the security of each individual. Austria's armed forces are specifically important for the concept of human security. Their tasks concern the fields of conflict prevention, peacekeeping, disaster relief, and reconstruction of post-war and dysfunctional societies. These duties are also expressed in the "Petersberg-tasks" of the EU.

The EU's humanitarian mission in Chad in 2007 is a case in point that meets the above mentioned criteria. A humanitarian catastrophe was taking place as the bordering conflict displaced half a million people or forced them to flee from the border regions to Central Africa and Sudan. These refugees were regularly victims of violent assaults those days. EU member states, whether they were neutral or not, could not remain indifferent. To provide help in this case was considered to be a moral obligation, but, however, was not simply motivated by altruism. The EU members agreed that the mission in Chad could effectively contribute to the fight against organized crime, drug trafficking, and flows of refugees as well as establish or restore viable economic, trade, and investment zones. The stabilization of the country's situation therefore lies in the very own interests of the EU and Austria. Austria's participation in the EU-mission was legally based on the United Nations' mandate. It provided 160 soldiers for the European peace force and the following UN mission. The goals for this mission mainly included the protection of civilians from violent assaults and the safeguarding of the distribution of relief supplies and other humanitarian aid, such as basic health services. The involved troops did explicitly not side with one of the conflict parties, the government or the rebels, which would be the usual procedure in a war. Not a single neutral EU member state stood apart. Finland and Sweden provided troops; Ireland even supplied an operational commander, and Austria the commander of special missions.

Compared to the last century, when his main task had been the eradication of his enemy, the Austrian image of the soldier has radically changed in the course of this century. These days, his duties increasingly evolve around the protection of people and civilians. It also the main task of states and international organizations, according to the report of an international

commission, “Responsibility to Protect” (R2P). The new challenges cannot be resolved with artillery, heavy tanks, fighter jets or even precision-guided ammunition. Of particular importance are well trained soldiers and highly qualified specialists. Of course, this requires modern and appropriate equipment. There is a demand for adequate transport capability over, and, to a certain extent, for specific modern guide, communication, and reconnaissance systems. All the aforementioned activities are not obstacles for small neutral states, but rather necessities for declaring international solidarity. The establishment of a broad legitimacy for coercive measures in the form of a UN mandate is not only crucial for Austria, but also sensible for the international community of states.

The Austrian Security Strategy¹¹ of 2013 links comprehensive with cooperative security, solidarity with neutrality:

“Comprehensive security policy means that external and internal aspects of security are inextricably interlinked, as are civil and military aspects. It extends beyond the purview of the ministries and departments traditionally in charge of security and encompasses instruments from policy areas, like economy and social affairs, integration, development, environment, agriculture, finance, transport and infrastructure, education, information and communication, as well as health. Integrated security policy must be based on a cooperative approach between governmental and non-governmental actors; security must be understood as a ‘comprehensive package’, as it were. Proactive security policy means working towards preventing threats from emerging in the first place or at least taking steps to mitigate their negative impact (shaping security). Security policy based on solidarity takes into account that the security of neutral Austria is now largely interconnected with the security of the EU as a whole.”

The civil-military cooperation is of particular importance in these cases. Specific cases require the services of special forces (e.g. Battle Groups or Rapid Reaction Forces). Within the spectrum of missions, Austria is developing important niche capability regarding evacuation, support for catastrophes and humanitarian crises (e.g. the construction of field hospitals), peacekeeping and reconstruction efforts (e.g. pioneers), rescue and security deployments, as well as prevention, stabilization and combat missions. As a neutral small state, Austria is able to perform central tasks, particularly in the civil-military field, as it is much more accepted by International Organisations (IOs), NGOs and civil forces than allied countries. Moreover, the neutral status facilitates domestic cooperation between the military and NGOs.

Austria can provide special qualifications in this field. The Austrian Federal Forces Disaster Relief Unit (AFDRU) is a good example – despite its proportionally small size and underfunded status – as its strength should include the protection and rapid response in cases of emergencies on a national and international level. This allows Austria to take on a leadership role here and fill a gap within Europe.

These challenges are also included in the document of the Council of the European Union¹².

“Fragile states and ungoverned spaces are spreading. To the east, the EU’s neighbours suffer from economic, political and energy fragilities. Across the Mediterranean, the spread of ungoverned spaces has enabled criminals, extremists and terrorists to thrive.

¹¹ Austrian Security Strategy, *Security in a new decade – Shaping security*, Vienna, 2013.

¹² The Council of the European Union, *The European Union in a changing global environment: A more connected, contested and complex world*, July 2015.

Further south, instability and violence are the product of underdevelopment, lawlessness, corruption and conflict-ridden electoral politics - with more than 50 million people now displaced.”

According to this document, the security environment has deteriorated significantly, with both the Eastern and Southern neighborhoods unravelling. The growing number of fragile states, coupled with the spread of new technologies, the pressures of climate change and the scarcity of natural resources could unleash new conflicts in Africa and Asia.

The Austrian Security Strategy stresses Austria’s role as a mediator in international conflicts, both as neutral state and EU-member:

“Austria playing an active role as a mediator in international conflicts and seizing suitable opportunities for mediation resulting from Austria’s status as, both an EU Member State and a neutral country.”

NATO and Neutrality: unequal partners

The most important feature of any alliance are mutual defense obligations. Neutrality and alliances are negatively related. When the importance of collective defense obligations – that come into force in case of an attack on a member state’s territory – increases, neutrality *becomes* less relevant. On the other hand, when alliance obligations are no longer necessary, the status of neutrality is not really required any more. Thus, neutrality is non-membership in an alliance based on constitutional and international law.

NATO and Austria’s neutrality have the same historical origin: the Cold War. They have the opposite meaning, however. Both gave a different answer to the threat situation at that time: NATO was the creation of an alliance; neutrality meant keeping out of the block confrontation. NATO was the rule of the Cold War, neutrality its exception. The only irreconcilable alternative to military alliances is neutrality.

As the conflict between the East and the West ended, both NATO and neutrality had to adapt to new issues and, accordingly, reacted in different ways. Based on the assumption that alliances can hardly survive without a sufficient threat, for some analysts the end of the “East-West conflict” meant that “NATO’s days are not numbered but its years are”¹³. Historically, alliances did not survive their enemy for very long. This is true for the coalition against Napoleon, the First World War Entente against Germany and the anti-Hitler coalition. Ten years after the end of the Cold War, however, NATO did not demise. The prediction that alliances would weaken without threat or enemy appears to be wrong. NATO seems to continue to exist as an exception to these rules and of the fundamental logic of alliance theory. How then did NATO endure in the absence of a serious opponent?

The reason lies in NATO’s capacity for change. NATO has been redeveloping its basic structure: the preparation for a collective defense was no longer the only or even primary item on its agenda and its focus included crisis management and expeditionary missions as a second core task. NATO turned towards new tasks, which have only little to do with the collective defense of the Alliance members: International crisis management, even in those regions outside the defined alliance borders (“out of area”), like in the former Yugoslavia or

¹³ Kenneth N. Waltz, “The Emerging Structure of International Politics,” *International Security* 18, no. 2 (Fall 1993).

Afghanistan (“out of continent”); the inclusion of non-Members within the framework of the Partnership for Peace (PfP) and of the Euro-Atlantic Partnership Council (EAPC).

NATO has refocused on new areas over the course of the past decades; no longer did it focus on a single mission as a traditional alliance of collective defense, as it had been the case during the Cold War and is enshrined in Article V of the Washington Treaty of 1949.

NATO’s new challenges were located beyond its territory, facing international terrorism, the proliferation of weapons of mass destruction, the disruption of Gulf oil supplies and the instability along NATO’s southern and eastern flanks. Since these challenges do not represent a “direct” threat to NATO territory, the real issue for NATO’s future was not only territorial defense but also crisis management. However, NATO’s capabilities were still aimed at the mobilization of large numbers of forces, set to defend against a major attack in central Europe, instead of being able to provide quickly moving and supporting forces, trained and equipped in order to perform specific crisis management or peace-keeping operations.

On the one hand, NATO remained committed to collective defense; on the other hand it was able to undertake new missions including contributing to effective conflict prevention and engaging actively in crisis management and crisis response operations. In addition to territorial defense (covered by Articles 5 and 6 of the Washington Treaty), the Alliance security also started taking into account the global context. Alliance security interests could be affected by risks of a wider nature, including acts of terrorism, sabotage, organized crime, and by the disruption of the flow of vital resources (arrangements and consultations as responses to risks of this kind can be made under Article 4).

In addition to the existing “collective defense” and “crisis management” core tasks the new Strategic Concept adopted at the Lisbon Summit in November 2010, NATO introduced the new task of “cooperative security”. This core task should coordinate the network of partner relationships with non-NATO countries and other international organizations around the globe. Cooperative Security should contribute to arms control, non-proliferation and disarmament. It should provide a framework for political dialogue and regional cooperation, increase military interoperability and prepare for operations and missions. Cooperative Security is not limited to European partners but includes a wide range of partners on a global scale.

Indeed, in some cases and/or new operations, non-NATO members may play an even more important role than NATO members, for example in the field of peace operations, humanitarian assistance and disaster relief (providing food, water, and medicine), Protection of Civilians (POCs), reconstruction, crisis management. Non-NATO states could participate in those missions and cooperate with NATO while retaining their current defense profile. Other partners have regional priorities and niche capabilities. That means that there can be a division of labour not only between NATO-members and partners but also among partners. Some partners will be committed to the dimension of crisis-management while others will concentrate more on territorial defense. Some may orient themselves more towards the East, others more towards the South. The common basis, however, should remain the concept of cooperative and common security. Within the concept of the “framework nations” interoperability can be tailored. Cooperation can be functionally oriented.

Naturally, the fundamental priority of a neutral security policy during security deployments and deployments abroad does not consist of alliance obligations. However, modern neutrality does not exclude cooperation with alliance members or alliances either, as long as they can agree on the key issues. Austria shares the basic threat analyses and goals with NATO within the framework of the partnerships, which are not necessarily limited to the institution of

“Partnership for Peace” (PfP). In this partnership-context, peace operations are well compatible with neutrality. Nevertheless, Austria considers a United Nations mandate necessary for its participation in any armed peacekeeping operations.

The Ukraine crisis 2014-2015 had a strong impact on the debate within NATO. It seemed to bolster the view that NATO should return to traditional territorial and collective defense rather than focusing on crisis management or cooperative security. However, NATO has never abandoned collective defense. It rather seems to be a question of priorities. The crisis refocused NATO’s priorities on the East of Europe. The threats and challenges in the South do not disappear, however. Human security, dysfunctional states, regional conflicts, refugee flows, natural disaster, terrorism, nuclear proliferation will remain with us in the near future. The emergence of the “Islamic State” is a warning sign. It would be unfortunate and dangerous if crisis management, conflict prevention, early warning and post-conflict settlement were abandoned, ignored or neglected. The unravelling of the Westphalian system in many states of the Middle East and in the Mediterranean will further produce dysfunctional states and increasingly radical non-state actors. The state’s monopoly of the legitimate use of force is being dissolved, probably leading to the privatization of violence and to a new medievalism. In any case, it will constitute a much bigger challenge than once expected.

In the wake of the Ukraine crisis 2014-2015 those parts within NATO supporting territorial and collective defense once more prevailed. At the Wales Summit in 2014, NATO-allies developed and integrated the concept of a Very High Readiness Joint Task Force (VJTF) into the overall NRF structure to enhance the capabilities of the NATO Response Force (NRF) in order to respond to emerging security challenges posed by Russia. Although it was supposed to respond to the risks emanating from the Middle East and North Africa, it is now mainly based on collective defense. Partners cannot be part of collective defense operations, therefore, their possibilities for participation is becoming increasingly limited.

An exclusive focus on both the East and on collective defense would reduce cooperative security as well as the role of partners. Also, the effort to define crisis management and missions (e. g. the NATO Response Force and the high readiness Spearhead Force) in the South as collective defense would leave only little room for partners to contribute. Rather, the Alliance should reinforce its common and cooperative security capabilities, which includes interoperability, Connected Force Initiative, NATO Response Force, Civil-Military Relations, Counter Insurgency, host-nation-support.

The non-membership in an alliance, anchored in the neutrality law, is a clear characteristic of neutrality. The most important feature of an alliance are the mutual obligations of assistance, which are incompatible with neutrality. As long as NATO sees itself as a “military alliance” and Austria as “neutral”, a membership in NATO remains impossible. But within the framework of partnerships, crisis management and cooperative security Austria can provide measures of its neutrality that are similar to those of the members of a transformed NATO.

The European Union and Neutrality

Within the framework of the European Union the Treaty of Lisbon formulated a solidarity clause (Article 222), which stipulates support in case of manmade disasters (e. g. terrorist attacks) and natural disasters, following a request by the concerned state. However, this clause is not part of the Common Security and Defense Policy (CSDP) and must not be confused with assistance obligations (Article 42.7). Contributions from member states are still voluntary and only provided upon the state’s request. European cooperation of police and justice take priority over military means. Behind the solidarity clause stands very much the

idea of collective security. The concept of collective security aims to enhance security amongst its member states, while the concept of collective defense is aimed at an outside enemy.

However, the solidarity clause does not go far enough, as it is limited reach – only concerning the community of member states – and despite existing references to global solidarity in the Treaty (Article 3). The Treaty of Lisbon knows another solidarity clause that goes beyond the EUs member states. Article 3 states:

“In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.”

Articles 78.3 and 80 of the Treaty deal with non-territorial crises (e. g. refugee flows):

“In the event of one or more Member States being confronted with an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament.” (Article 78.3) and “The policies of the Union ... shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. ...” (Article 80)

If Europe does not play a critical role by addressing these and other challenges, it will lose its relevance. This concerns multilateral diplomacy in particular, but also the proportional involvement in civil and military contributions. During the last decades with its big natural disasters, Austria has provided assistance for drastic events within and outside of Europe.

Austria can neither negate its responsibility to take part in the resolution of regional and global problems, nor should it be solely guided by interests, whether they are its own or European interests. Of course, many new challenges, such as climate change, demographics, organised crime, proliferation and terrorism, have a direct impact on Austria and Europe. But aberrations in other parts of the world also have indirect, negative global consequences. The 1994 genocide in Rwanda shocked the entire UN system and resulted in the report “The Responsibility to Protect” (R2P), written for the “International Commission on Intervention and State Sovereignty”. The Report reminds states and the United Nations of their common responsibility to prevent genocide and severe human rights violations.

The Treaty of Lisbon of the EU includes a clause of security obligations (Article 42.7). According to this clause, member states must provide each other with “aid and assistance by all means in their power” in case of armed aggression towards a member state. This includes the promise to use military force. However, the Treaty of Lisbon also includes the so-called Irish Formula, which adds to this article by stating that it “shall not prejudice the specific character of the security and defense policy of certain member states“. The exception is not only valid for to neutral and non-aligned states, but also for NATO-Members. They have to “be consistent with commitments under the North Atlantic Treaty Organisation, which ... remains the foundation of their collective defence and the forum for its implementation”. The Treaty therefore allows opting out both the neutral and the NATO allies of the EU. For these

states, it indicates exceptions that result from their commitments to the NATO treaty. Thus, exception clauses regarding this part of the treaty are valid for all EU member states, which puts its meaningfulness into question. After the terror attacks in Paris in November 2015 France called upon the member states to invoke this defense clause to get support for its international missions. The French president called for article 42.7 instead of the “solidarity clause” (Article 222) of the EU Treaty. The reason might be that EU institutions here play the leading role, in contrast with the intergovernmental nature of article 42.7. that allows Paris to play a greater role. More appropriate would have been Article 222 because which provides solidarity in the case of a terror attack. In this case France would have admitted that “that the situation overwhelms its response capacity” as the Article states. Also, it France turned to the EU treaties instead of the North Atlantic pact and its Article 5 because it wanted to give priority to the EU backing instead of NATO’ Article V with the possible without interference from the US. Austria would support according to its constitutional requirements of its “specific character of the security and defense policy”. It would support international missions that are authorized by the UN Security Council.

The general rules of the Lisbon-Treaty emphasize that the national security “remains the sole responsibility of each member state” (Article 4). This does not mean that states are prohibited to enter into obligations of alliances, especially if we consider the presence of NATO member states in the EU; rather it emphasises the EU member states independence to make their own decisions. Furthermore, it implies that obligations do not conflict with the neutrality of (neutral) states. This statement is valid from an international law perspective. From the constitutional viewpoint of Austria, the neutrality law states that Austria “will never in the future accede to any military alliances” (Article 1.2.).

The future of the EU does not lie in collective or territorial defense but in crisis management and collective security.

“In broad terms, crisis management is about preventing a crisis from occurring, responding to an ongoing crisis, or assisting in the consolidation of peace (or order) once the acute phase of a crisis has passed. It is not necessarily per se about conflict resolution. The purpose of crisis management is to respond to the immediate needs of a crisis and/or contribute to the strengthening of long-term peace in a situation of relative stability, at the request of the authorities of the recipient state.”¹⁴

In its report of July 2015, “The European Union in a changing global environment: A more connected, contested and complex world”¹⁵, the High Representative requests “a common, comprehensive and consistent EU global strategy.” A global strategy requires a comprehensive approach:

“With conflicts proliferating and escalating, a proactive rather than reactive EU policy must combine early warning, conflict prevention, crisis management and peacebuilding in a coherent whole. This, in turn, is to be connected to long-term state-building and development efforts.”

The report leaves collective and territorial defense to NATO and concentrates on crisis management:

¹⁴ Thierry Tardy, CSDP In Action – What Contribution To International Security? *Chaillot Papers*, European Union Institute for Security Studies, Paris, May 2015.

¹⁵ The European Union, *The European Union in a changing global environment: A more connected, contested and complex world*, July 2015.

“At the same time, as NATO refocuses on territorial defense, CSDP can work with NATO to sharpen its focus on crisis management and hybrid threats.”

The report goes on:

“Common Security and Defense Policy (CSDP), with its civilian and military crisis management missions, and its contribution to the development of Member States’ capabilities, notably through the European Defense Agency, is a key instrument for external action.”

The Lisbon Treaty provides the basis for crisis management:

According to Article 42.1:

“The common security and defense policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civilian and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.”

A clear authorization of these missions by the United Nations would certainly increase acceptance for such campaigns. The argument about the impossibility to wait for such a mandate during certain urgent missions – such as evacuations – is spurious. The protection of civilian and mission personnel is always part of any mandate in conflict areas (e.g. in Mali, Central Africa, Congo, Darfur, Chad and others). Furthermore, evacuation measures do not imply support for a warring party which is forbidden for neutral states. It would also be a mistake to claim that the UN Security Council works too slowly to adequately react to crises in a timely manner. After the attacks of 9/11, the Security Council unanimously adopted the Resolution 1368, which underlined the right to self-defense within 24 hours. The second substantial Resolution 1373 was also ratified unanimously three weeks after the attacks. This resolution regulated in detail bans on the residence of terrorists, passport forgeries and border controls and was binding not only for those states ratifying it but for all 191 member states. Moreover, through the unanimous adoption of resolution 2170 (2014) and 2199 (2015) under the binding Chapter VII of the United Nations Charter, the Council condemned the so-called “gross, systematic and widespread abuse” of human rights by the Islamic State in Iraq and the Levant (ISIL, also known as ISIS) and Al-Nusra Front.

EU’s Rapid Reaction Forces or so called “Battle Groups” could help with the preparation for missions ranging from humanitarian help and solidarity to robust missions, which may include armed combat due to safety requirements. The latter missions should be legitimized through a UN Security council mandate. As these Battle Groups would not be used as a last resort - as required by the doctrine of the just war - but rather in a timely manner or even pre-emptively, an authorisation by a legitimate authority should be considered crucial. Austria participates in two Battle Groups.

These Rapid Reaction Forces or battle groups are tailored toward the permanent structured cooperation, as provided for in the Treaty. Member States “whose military capabilities fulfil higher criteria and which have made more binding commitments in this area” may establish a structured cooperation. However, the “criteria and commitments on military capabilities” are established by the member states themselves. This means that Austria can make an

independent decision which capabilities it aims to activate in the Battle Groups. For example, there is no obligation to provide troops for high tech combat missions.

Battle Groups could be especially useful for UN missions. The Charter of the United Nations outlines common contingents for Chapter VII tasks under the command of the UN Security Council (Article 43-47). These have never been implemented due to the member states' unwillingness to make them permanently available. The protocol of the Treaty of Lisbon regarding the permanent structured cooperation especially stresses that the "United Nations Organisation may request the Union's assistance for the urgent implementation of missions undertaken under Chapters VI and VII of the United Nations Charter".

Concluding policy recommendation for the EU:¹⁶ The European Union should become a collective security organization. The concept of collective security aims to enhance security amongst member states, while the concept of collective defense is aimed against an outside enemy. The future of the EU is not in collective or territorial defense but in global crisis management. In the July 2015 report entitled "The European Union in a changing global environment: A more connected, contested and complex world", the High Representative Frederica Mogherini requested "a common, comprehensive and consistent EU global strategy." The report goes on to say that "as NATO refocuses on territorial defense, CSDP can work with NATO to sharpen its focus on crisis management and hybrid threats." With this in mind, the Lisbon treaty's clause on security obligations should be dropped. According to this clause, member states must provide each other with "aid and assistance by all means in their power" in case of armed aggression towards a member state. This includes the promise to use military force. But the Lisbon treaty also includes the so-called Irish Formula, which states that this article "shall not prejudice the specific character of the security and defense policy of certain member states". The exception is not only valid for the neutral and non-aligned states, but also for NATO members, therefore offering an opt-out of all. The exception clause thus calls into serious question the treaty's meaningfulness.

Engaged Neutrality

The primary task of a Security Policy is the elimination of the structural causes of potential violent conflicts: violence avoidance through the granting of minority rights, economic and social stability, and prevention of ecological disasters. Concrete instruments for conflict avoidance can be, among other things: preventive diplomacy, early detection and timely action, peaceful conflict settlement, but also threat of sanctions, disarmament and military trust building. Membership in a military alliance, like NATO, is not necessary for the prevention of violent conflict. Crisis management and conflict prevention can also be conducted within the framework of the EU, NATO-Partnerships or the OSCE. Austria actively participates in the EU crisis-management-tasks, as provided for by the Lisbon Treaty. As an EU member and a party to the Treaty, Austria is "a full and equal partner" in the planning and decision-making process of these activities. Neutrality is no obstacle to the EU crisis-management operations, whatsoever. Austria closely cooperates with NATO in important and necessary areas, such as crisis management, humanitarian operations or peacekeeping. Cooperative security and the concept of partners offer the possibility of co-decision for every operation with Austrian participation.

In the West Balkans Austria, for example, contributes most of the troops in Bosnia and among non-NATO-states in Kosovo. The amount of money spent on defense does not tell everything about efficiency. In 2014 Austria spent only two and a half billion Euros on defense which

¹⁶ Heinz Gärtner, The future of the EU is about global crisis management, *The Europe We Want!*, *Europe's World*, October 14 2015.

amounts to 0,8 percent of the GDP in 2015. Nevertheless, it deploys more troops abroad than any other non-NATO state in Europe. Austria's focus on peace and expeditionary missions is part of its broader security strategy. "Engaged neutrality" means active participation in the international security policy in general, and in international peace operations in particular.

Diplomacy and conflict prevention are traditionally fields in which neutral states can be active. Of course, neutrality should not be interpreted as "sitting still" in the integral sense of sitting on the sidelines. This definition would support economic neutrality as well as an equidistance between the blocs, which would be incompatible with a membership in the United Nations. Austria's neutrality has always proven its flexibility, rather than orienting itself along the lines discussed in the literature. A flexible understanding of neutrality and its adaptability to modern requirements should not be interpreted as a loss of its significance. Austria's neutrality is not a salami. Similarly, nobody would dare to say that the Austrian constitution has become irrelevant simply because it has been adapted to different historical circumstances repeatedly since 1929.

Of course, there cannot be neutrality between democracy and dictatorship, between a constitutional state and despotism, between the adherence to human rights and their violation. The Austrian neutrality law does not relate to these questions. Neutral states are not allowed to offer other states or alliances the prospect of entering into a war at their side. This does not mean neutrality towards glaring human rights violations, tolerance of injustice, torture or genocide. Rather, it is defined in negative terms as the non-membership in a military alliance, non-participation in foreign wars, and the non-deployment of foreign troops on Austrian territory. Even during the Cold War, Austria remained firmly grounded in the community of western values.

Nonetheless, Austria's neutrality allows for a crucial advantage in the debate on these values. It releases Austria from geopolitical and alliance-related considerations. Western democratic constitutional states can sometimes not hold on to their values due to simple pragmatic considerations. Austria, however, does not have any particular global geopolitical interests that would result in the establishment of military bases in or deliver weapons to authoritarian states that neglect human rights and constitutional values. Neither is Austria limited by any alliance obligations in its fight for democracy, human rights, and constitutional states anywhere. Its neutrality does not allow Austria to have double standards. However, a reassessment of neutrality is necessary. The old Swiss concept of "sitting still" should definitely be left behind. False diplomatic caution has to be replaced by a courageous and aggressive advocacy of self-evident values. There can be no exceptions.

Austrian neutrality cannot mean "staying out", but rather calls for an intense involvement in international crisis management. As already mentioned above, neither does Austria have any global geopolitical interests, nor do any close obligations of alliance restrict these tasks. Austria needs to make use of these advantages and possibilities, which result from its engaged neutrality policy. The state of neutrality itself already implies that Austria, from the outset, would not maintain a hostile attitude during conflicts. Engaged neutrality means involvement whenever possible and staying out if necessary; it does *not* mean staying out when possible and engagement only if necessary.

Multilateralism, readiness to talk, and global partnership have priority for the neutrals. The use of force must remain the exception. Priority setting is important. There is a significant difference between a policy, which orients itself along the lines of the abovementioned principles, and one that primarily supports military intervention, arms build-up, military alliances or sanctions outside the United Nations.

Annex: Austria's neutrality as a model

Neutrality as a problem-solving model? The Example of Georgia

The main question is whether neutrality is a phase-out model of a former policy between military blocs, or a sustainable conceptual option for the future. Indeed, there are indications for the latter. The conflict between Russia and Georgia from 2008 to 2009 provoked a new debate, particularly within NATO, regarding the range and future of military obligations of alliance. Officially, NATO stood by its decision to continue its expansion into the East and South of Europe. However, the precarious role of Georgia before and in the first days of the clashes as well as the political pressure that was put openly onto NATO by the Georgian president Saakashvili to choose sides, led to barely concealed irritations and worries regarding further accession commitments from NATO's side. The transatlantic alliance that wanted to support Georgia politically and militarily, but equally aimed to avoid damaging the cooperative relationship with Russia, tries to please both sides and itself – and thus squares the circle, so to speak.

Yet the dilemma is obvious. If Georgia joined NATO and a further military conflict between Georgia and Russia erupted or was provoked, NATO could even, in an extreme scenario, be dragged into a conflict with nuclear Russia, due to the commitment of assistance in Article V of its Treaty. If NATO did not act, its commitments of assistance would seem unreliable both internally and externally, potentially with fatal consequences. Under these circumstances, a seemingly strange solution becomes a viable political option: neutrality for Georgia and security guarantees from NATO and Russia.

Austria's status of neutrality was reached when all occupying forces agreed after the Second World War that they all would withdraw their troops from the Austrian territory. The same model of neutrality could be an interesting solution for Georgia. Following the logic of neutrality, it would furthermore imply the withdrawal of all Russian troops from Georgia, including those rogue provinces, which declared themselves independent: South Ossetia and Abkhazia. The price to pay for the withdrawal – the waiving of a Georgian membership in NATO – would be less a concession to Russia, but rather a requirement for a sovereign Georgia, freed from foreign troops and with territorial integrity. This step would in no way exclude the possibility of close cooperation with NATO – such as the ones practiced by Austria and Sweden.

The Austrian Independence Treaty supporting neutrality demanded wide-ranging guarantees from Austria concerning ethnic minorities; similarly, this would be of essential importance for Georgia and its treatment of minorities. The chances of neutrality being accepted are currently looking bleak, in Georgia as well as in Abkhazia, South Ossetia and, of course, Moscow. Certainly though, it might be an interesting political option for all involved parties.

Neutrality for Ukraine

Regarding Ukraine, there is no military solution in sight. Sanctions will do little to stop Russia's aggressive behavior. As a diplomatic solution the Austrian model could be an interesting alternative for Ukraine. In its neutrality law of 1955 Austria agreed neither to join a military alliance nor to allow any foreign military bases on its territory. The foreign soldiers finally retreated and Austria regained its independence. A guarantee that Ukraine will not join a military alliance based on international law might be acceptable for Russia. In addition to its neutrality, a separate State Treaty regulated minority rights, limited certain capabilities of the military and also guaranteed that Austria would not join a new union with Germany

(“Anschluss”), as it had happened in 1938. In the Ukrainian case, such a provision for the Ukraine or parts of it combined with the status of neutrality might guarantee Ukraine’s unity. Moreover, a State Treaty could expressly detail the Russian minorities within the country’s borders, as well as clarify the future status of Crimea, whereby the unity of Ukraine should be guaranteed.

The alternative for the Ukraine would be a partition similar to the one in Germany. Austria’s neutrality was not neutral in ideological terms. It quickly adopted the Western values and was then continuously integrated into the market economy, which eventually led to the accession to the European Union in the nineties. This development was accepted by the Soviet Union, mainly because Austria did not become a member of NATO. Moreover, one could argue, that Austria’s neutrality law was the beginning of the détente policy between the East and the West.

The principles of the EU’s neighbourhood policy, the promotion of democracy, the rule of law and market-economy are essential for Ukraine. However, a solution without Russia will not be achieved, as some EU politicians and officials continue to indicate. Moreover, they also emphasize that becoming a NATO member is not on the Ukrainian agenda.

Diplomacy is not just about talking to each other. There has to be an agreement that is acceptable for Ukraine, the West and Russia. Sanctions will not solve the problem. It becomes somewhat clear that Austria’s model could provide such an offer. Austria is a member of the European Union but not a NATO member. In the immediate aftermath of World War II, Austria was divided into four major zones, being jointly occupied by the United States, Britain, France in the West and South and the Soviet Union in the East of the country. There was, thus, the realistic danger of a partition similar to the one in Germany.

All in all, a democratic and economically developed Ukraine could – in the long run – represent a valuable advantage for the Kremlin. European and American economic aid packages, similar to the post-World War II Marshall-Plan, are now essential for Ukraine. Similar to the situation in Austria, the aid packages should also target the Eastern part of the country. The combination of neutrality and the Marshall-Plan was a definite success for Austria as well as the start of a détente policy between the East and the West due to the implemented neutrality law. The directions outlined above thus advocate the “Austrian model” as a potential diplomatic solution that should be seriously taken into consideration.

In sum: A solution for Ukraine without Russia is not possible. But diplomacy is not just talking to each other; there has to be an offer that can save face for Ukraine, the West and Russia. Austria’s model could provide an answer. Austria is a member of the European Union but not of NATO. In addition to its neutrality, a State treaty also guaranteed that Austria would not join a union with Germany, as had happened in 1938 with the Anschluss. In the case of Ukraine, such a prohibition for the country in whole or in part together with neutrality could guarantee the unity of Ukraine.

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