

The European Peace Facility and the Legitimation of European Arms Exports

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MARIJN HOIJTINK AND HANNA L. MUEHLENHOFF, JUN 1 2021

In March 2021, the Council of the European Union (EU) agreed upon a decision to establish the 'European Peace Facility' (EPF), including a controversial provision allowing the European Union to arm non-EU actors through its so-called 'train-and-equip' component. This is the first time that the EU will be able to directly supply military coalitions and national armies with arms, which was impossible under the legal restrictions that governed its predecessors. The €5bn fund combines spending for military operations – formerly financed through the Athena mechanism – and the former 'African Peace Facility', a development instrument for supporting security in Africa. While the EPF is global in its ambition, its main focus is expected to be on the African continent.

Peace organizations in Europe have raised the alarm about these developments, especially as the EPF allows for the provision of small arms, which 'frequently [cause] the most harm and [are] most at risk of misuse and diversion in fragile contexts'. In a joint statement published in November 2020, 40 civil society organizations warned that the EPF not only fails to address the root causes of conflict, but also risks exacerbating them. In addition, arms control experts have pointed to the long life-span of small arms, particularly within areas that the EPF will be focusing on, such as the Horn of Africa, which 'are [already] awash with weapons that have accumulated over decades of war'. Nonetheless, the EU has maintained that security and stability in these regions can only be provided with (more) guns. As EU High Representative for Foreign Affairs and Security Policy and Vice-President of the Commission (HRVP) Josep Borrell said in relation to the EPF: 'We need guns, we need arms, we need military capacities and that is what we are going to help provide to our African friends'.

Elsewhere, we have argued that the case of the EPF should be understood against the background of a wider ambition on the part of the European Commission and European External Action Service, shared by several member states, to turn the EU into a more militarised, muscular, and masculine security actor. Perhaps most significant in this respect is the establishment of the European Defence Fund (EDF), which provides almost €8bn from the EU's common budget for defence-related research and development between 2021–27, with the dedicated goal of supporting the European defence industry. Building on insights from feminist security studies, our previous work has shown how these developments within EU security and defence are part of – and further contribute to – a normalisation of militarism and the militarised masculinities associated with it (Hoijtink & Muehlenhoff, 2020). In particular, both the EDF and the EPF draw on, and further justify, ideas of 'protector' and 'combat' masculinity within EU security discourse and practice, which relate to the idea that people at risk and Europe's interests at home and abroad can only be protected and defended by means of 'strong' security institutions and 'real' force.

In the case of the EPF, there is also a different set of masculinities at play, which heavily rely on ideas of rationality and a risk-based approach to war, conflict and arms transfers. A key aspect of the EPF is its Integrated Methodological Framework (IMF), which sets out a risk assessment procedure that is to be followed in the case of EU assistance measures, including the provision of lethal armaments. On a questions and answers' (Q&A) webpage dedicated to the framework, the IMF is described as 'a robust process with guidelines and points to be examined, on a case-by-case basis, and in a sound and proportionate manner according to the specifics of each assistance measures'. While displayed in these vague and technocratic/rationalist terms, the IMF actually constitutes a highly political practice: it assesses which categories of actor(s), under which conditions, can be trusted with the military

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equipment delivered by the EU on the basis of criteria, such as compliance with export control criteria, respect of international law and physical security and stockpile management.

From other literature (e.g. Stachowitsch & Sachseder, 2019), we know that such practices of risk assessment rely on and reconstitute racialized and gendered categories of risk, vulnerability and care. But, in the case of the EPF, they also rationalize the EU's weapons delivery to third actors and divert more political questions. Indeed, the IMF and the EPF more broadly are based on the predetermined assumption that armaments provision by European states is already legitimate and not to be questioned. As Anna Stavrianakis (2016, 847) also argues, 'the incorporation of risk into arms trade regulation is [hence] better understood in terms of the maintenance of the legitimacy of war in the West'. Risk assessment frameworks such as the IMF merely regulate the arms trade of others, while legitimising arms exports from the Global North to the Global South and reaffirming their consideration of humans rights and International Humanitarian Law (IHL).

It is important to note that the EPF is financed by member states' contributions outside the EU's common budget. This means that the responsibility for the EPF is in the hands of the Council whereas the European Parliament only has an advisory position and no parliamentary control, which is why the Council tries to reassure critics that the delivery of weapons will take place in accordance with 'international standards'. In essence, the IMF underlines that the EU will follow international law and the Arms Trade Treaty (ATT), which has previously been subject to the criticism that it merely legitimises the arms trade and maintains racialised global hierarchies, as described in the above. At the same time, the provisions within the EPF are even weaker than those of the ATT. Although the Council Decision on the EPF emphasizes that it will comply with the Common Position 2008/944/CFSP on common rules governing controls of EU member states' exports of military technology and equipment, the EU Common Position update in 2019 failed to amend the Position's language to bring it in line with the ATT, which requires State Parties to refrain from exporting any military equipment if there is the risk that it is being used 'to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children' (ATT, Art. 7.4.).

To date, exact details about the IMF and how it will be operationalised are lacking, but the case of the Sahel gives us some clues about how and where the EPF will be used and what is at stake. The recent EU's Integrated Strategy in the Sahel mentions the EPF as an instrument that can be mobilized to 'assist military or defence capability-building actions, including in support of the mandates of CSDP missions, to support the G5 Sahel Joint Force and state institutions', even if these state institutions are known for committing human rights violations as the same EU document recognises. While the EU's Integrated Strategy in the Sahel suggests that the EU's involvement serves a comprehensive list of goals, including the protection of vulnerable populations and the strengthening of human rights and gender equality, the EU's main activity here takes the form of two civilian (EUCAP Sahel Niger and EUCAP Sahel Mali) and one military mission (EUTM Mali), which are aimed at strengthening the capabilities of defence and security forces, soon also through the supply of lethal weapons. This way, the EU merely pursues 'traditional' security goals with a focus on preventing migration to Europe and countering terrorism, while further contributing to the insecurities of women and marginalized people.

The EPF does not have any strong safeguards to prevent such possible consequences, nor is the EU in the position to monitor what happens to the military equipment it provides 'once it is handed over to partner governments and security forces' as the above mentioned civil society statement warns. The Council Decision states that the Political and Security Committee (in charge of the implementation) 'may decide to suspend wholly or partially the implementation of assistance measures at the request of a Member State or the High Representative (...) if the situation in the country or area of concern no longer allows for the measure to be implemented whilst ensuring sufficient guarantees'. Such suspension seems unlikely, however, as, according to the Q&A-webpage on the IMF, '[t]his is a highly political decision that can only be made on a case-by-case basis and according to the specific context'.

In conclusion, the EPF should be understood as further accelerating the EU's turn to militarism and masculinised power, while also raising new questions about how risk management practices deem military assistance and arms provisions legitimate. These developments are all the more troubling because of the EPF's off-budget structure and lack of oversight. The IMF constitutes an image of objective and depoliticised control of the EPF 'assistance

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measures' whereas it serves to legitimise a further militarisation of the EU's external engagement and obscures the politics and consequences of this move.

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