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## NEUTRALITY AND AUSTRIA'S SECURITY POLICY – DETERMINANTS AND CHALLENGES

### Introduction

The present study is an attempt at critical analysis and evaluation of the concept of neutrality in the security policy of the Republic of Austria. The dynamics of both social, political, economic, cultural, religious and ideological phenomena has resulted in the need to respond to new challenges and threats in the area of security policy, and hence the requirement to reformulate the theoretical formal legal structures, including neutrality, forming the basis of the security policy of Austria. The thesis of the article is therefore the claim that as a result of the changing internal and external conditions, the concept and phenomenon of neutrality in the security policy of Austria requires a new understanding and reformulation.

The aim of the article is to show the evolution of the concept of neutrality against a background of the changing internal and external conditions of security policy. Taking into account the fact that, studies on security are scattered between different scientific disciplines, and the phenomenon of security itself is complex, to verify or falsify the hypothesis stated in the introduction, a systemic method, techniques of critical analysis of sources and interdisciplinary approach will be used.

### The concept of neutrality. The content and scope of Austrian neutrality

In political science the concept of neutrality is defined in a variety of ways. Its understanding moves between two poles: from the policy of non-participation in armed conflicts to the policy of participation in security efforts understood as part of foreign policy. The concept is inherently tied up with the way in which neutral states actually function, and their neutrality determines the role they play in the international arena.

From a formal point of view, it is necessary to specify *perpetual* neutrality, recognized by international agreements, and *actual* neutrality representing the will

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of particular states (Sweden and Finland). Both forms of neutrality were to a significant extent based on international recognition. All neutral states followed traditional rules of neutrality and pursued a similar policy of neutrality. Neutrality was thus increasingly moving from the area of law to the area of politics<sup>2</sup>. One may also distinguish between a *temporary* neutrality, in which case it is left up to the state to decide whether to participate in a conflict or not, and a *permanent* neutrality which requires states to abstain from becoming involved in any conflicts<sup>3</sup>.

From the above it follows that the neutral state is one which has declared itself neutral towards belligerents. Such state is under obligation to abstain from engaging in a conflict and from offering assistance to either of the conflicting parties. Belligerent troops cannot be stationed in the territory of neutral states and the conflicting parties are obliged to abstain from infringing the territorial integrity of these states.

The concept of neutrality is not used only in theoretical models of specific states. As part of a security policy, it enters a military domain. Underlying different strategies designed to discourage a potential aggressor from infringing the integrity of neutral states was the principle of deterrence. The principle was complemented by the 'marginal effect concept' according to which the losses to be suffered by the aggressor, when running up against a small state's effective defence, were likely to be greater than the gains which the aggression might bring.

There is also an economic dimension to neutrality, clearly exemplified in the practice followed by Switzerland after the Second World War. The practice was based on the assumption that neutrality and integration were at odds with each other. Involvement in the activity of the organizations set up with the goal of promoting international integration was regarded as going against the rules of neutrality. For this reason Austria, Finland, Switzerland and Sweden distanced themselves from the Common Market and joined the European Free Trade Association. The Soviet doctrine of neutrality, too, was opposed to the rapprochement between these states and the EEC which the Soviets considered to be NATO's economic base. During the cold war neutral states attained a significant international position. Their policy of 'active neutrality' and the services they rendered brought them recognition and respect from other countries, especially developing ones.

The concept of neutrality was redefined at the turn of 1980s and 1990s, following fierce debates among politicians and various experts, including those on international law. Not only was this new interpretation of the concept of neutrality in line with the economic and political interests of these states, but it was also consistent with the expectations of international community. It opened the way for membership in the European Communities and enabled neutral states to join in the task of fulfilling the principles of international solidarity. Neutrality thus becomes a way of achieving stability and preventing internal conflicts. Consequently, it

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<sup>2</sup> Dariusz Popławski, ed. *Państwa niemieckojęzyczne w procesie integracji europejskiej* (Warszawa: Wydawnictwo Aspra, 2012), 285-308.

<sup>3</sup> See also Janusz Pieńkos, *Prawo międzynarodowe publiczne*, (Kraków: Zakamycze, 2004).

enables the conduct of a foreign policy that is both independent and responsible. Because of the adoption of neutrality the state machinery is also harnessed to work for peace.

In dealing with the issue of neutrality, scholars have recently begun to apply the concept of *postneutrality*. It is meant to express the belief that given the challenges of today's world neutral states should be allowed to participate in armed conflicts – an approach which is of course at odds with the classic understanding of neutrality.

Neutrality also becomes an element of national identity. However, it is also commonly linked with material wealth, although the very fact of being neutral does not produce wealth. Its attainment depended on a variety of factors, including the Marshall Plan, the process of European integration and the efforts of the Austrian nation.

Hans Kelsen was one of the first to raise the issue of neutrality at the beginning of the twentieth century. He advocated the idea of both full and the so-called quasi neutrality. The latter was based on the assumption that it was up to Austria to decide whether to take part in armed conflicts<sup>4</sup>. This temporary neutrality lost all its significance following the outbreak of the First World War.

The idea of basing security policy on neutrality was then developed by Heinrich Lamasch and Karl Renner who wanted to model Austrian neutrality on that of Switzerland. Lamasch even conceived an idea of creating a special buffer zone in the centre of Europe involving both Austria and Switzerland. However, this idea was not accepted by the government. The art 88 of the Saint Germaine agreement, including the 4 October 1922 Geneva Protocol and the 15 July 1932 Lausanne Protocol, confirmed Austria's quasi neutrality.

Austria's neutrality originates in the implementation of the 15 May 1955 Treaty on the re-establishment of an independent and democratic Austria and of the Constitutional Law of 26 October 1955. It is also grounded in the Moscow Memorandum.

The neutrality of the Republic of Austria finds its expression in the following principles:

*Primary* obligations arising from its neutrality include:

- taking any measures to prevent the use of its territory and air-space in armed conflicts,
- abstaining from any military intervention,
- following legal principles of neutrality in relations with conflicting parties.

*Secondary* obligations include:

- abstaining from starting wars and armed conflicts,
- abstaining from participating in armed conflicts,
- defending the state's independence and sovereignty, depending on external conditions,

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<sup>4</sup> See Robert von Ooyen, *Hans Kelsen und die offene Gesellschaft* (Wiesbaden: Verlag für Sozialwissenschaften, 2010).

- implementing a policy of neutrality<sup>5</sup>.

Austria pursues its neutrality with full respect for human rights, under the conditions of political and ideological freedom, including especially freedom of speech and the press.

It should be noted that Austria's neutrality has enjoyed many decades of strong public support, which is clearly seen in public opinion polls and a variety of surveys. However, there is disagreement among the Austrians both about how neutrality should be understood and about how it should be implemented. The view of this issue is deeply affected by some populist tendencies (*Kronen Zeitung*).

However, the view held by the social-democratic circles is that because of a great number of alliances and agreements to which Austria is party, it should no longer be regarded as a neutral state. Such an opinion is shared by the National Defence Academy in Vienna, and given Austria's strategic partnership with NATO and the EU this opinion appears to be justified.

Neutrality certainly cannot be treated as a guarantee of the state's independence. The Austrian neutrality was confirmed in the Constitution of 26 October 1955 and is something of a mirror of the neutrality of the Swiss Confederation, a country which aimed to preserve its integrity and ensure economic development, while staying away from war and the so-called great politics. The adoption of neutrality was also a price which Austria had to pay for the Soviet Union's consent to *Staatsvertrag*. Kremlin fell back on the imperialistic policy by making the case that the decision to introduce neutrality was taken because no state wanted to seize control of Austria's territory and because there was no consent to its division. Neutrality was also adopted with a view to avoiding war. In reaction to GFR's accession to NATO, the Soviet Union attempted to prevent Austria from joining the military alliance in question. Ultimately, neutrality was introduced with the consent of the Austrian nation. Western states decided to support this formula for fear of having neutrality interpreted in various ways. The fear of the Soviet pressure was also involved.

A significant change in the interpretation of the concept of neutrality took place during Gorbachev's era, when the cold war was drawing to its end. Austria managed to reduce the concept in question to what came to be known as neutrality's "hard core". The so-called *avokado doctrine* was also put forward. It stated that neutrality does not have to be given a strictly military meaning and is not necessarily tied up with the prohibition of association. Instead, it can be thought of as an alternative to be resorted to in times of war. Austria's presence in EU, expressed in a phrase "solidarity in Europe, neutrality outside it", is based on this idea. A long articulated tension between solidarity and neutrality can be discerned here.

Neutrality thus serves the purpose of protecting the country and its people. However, never in history has neutrality brought with it an absolute guarantee of safety. European neutrality was deeply affected by the disintegration of the polarized world of the cold war era. The states that had seemed to benefit from the division of

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<sup>5</sup> Alfred Verdross, *Die immerwährende Neutralität Österreichs* (Wien: Verlag für Geschichte und Politik, 1977), 23-25.

the world into the West and the East came to face a real danger of falling into international isolation and sinking to a level of secondary importance. Strongly criticised, neutrality was predicted to soon fall into decline. However, it was not its decline but its evolution under changing international circumstances that characterized the history of the concept in the first decade of the twenty first century.

### **The National Security Strategy of Republic of Austria**

The election campaign in 2010 showed that the Republic of Austria was in need of a new security strategy. In 2011 Chancellor Werner Faymann put forward a draft of the strategy, but it was not dealt with at that time because the country became preoccupied with the debate on the armed forces. The new security strategy was eventually adopted in 2013. It consists of three main chapters.

- security policy in the twenty first century,
- determinant factors of Austria's security,
- Austria's security in the new decade<sup>6</sup>.

The document clearly defines the most important goals to be pursued by Austria in the field of national security. It describes the international situation in which these goals are to be pursued. Originating in a number of sources, the security policy is conceived here in terms of both military and social security, treating human rights as a key value. It is expected to be pursued by both political and non-political agents in a complex and integrative way.

The first chapter identifies the areas likely to be connected with security threats such as political, social or ecological space. At the same time the case is made that because security is a complex matter complex efforts are required in order to prevent these threats.

The second chapter characterizes both internal and external factors that determine Austria's security policy, including especially Austria's presence in international structures such as the EU, NATO or the European Council. It also describes different challenges the policy is facing such as terrorism, regional conflicts, natural disasters, migrations, crime or climatic changes.

The third chapter provides a strategy for Austria's security policy. The goals of the policy which it defines involve ensuring the country's territorial integrity, guaranteeing the full protection of its population, preserving the constitutional order, enforcing democratic principles, including civic freedoms, maintaining social peace, containing political extremism, sustaining economic development, averting economic crises, minimizing the effects of natural and technical disasters, reinforcing the ability to deal with natural and technical disasters, improving both civilian and military abilities to handle emergency situations, maintaining freedom of movement in the Schengen area, preventing conflicts in the neighbourhood of Austria, fighting international terrorism, participating in the efforts to control

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<sup>6</sup> Bundesheer, March 2016, retrieved [http://www.bundesheer.at/download\\_archiv/pdfs/sicherheitsstrategie\\_bericht.pdf](http://www.bundesheer.at/download_archiv/pdfs/sicherheitsstrategie_bericht.pdf).

weapons of mass destruction, combating organised crime and human trafficking. Of particular note is the fact that the chapter contains a reference to the so-called ‘soft measures’, which means that it aims at raising citizens’ awareness about the issue of national security and deals with the problem of offering consular assistance to Austrian citizens outside Austria<sup>7</sup>.

It should be noted that the document under discussion is very consistent and responds to contemporary challenges facing security policy. Comprehensive in its approach both to the concept of security and to the ways of dealing with various threats, it attaches a great importance to democratic values and to the protection of human rights, showing much respect for cultural, social and religious differences. It is of particular importance that the strategy does not neglect to address the issue of social awareness regarding different aspects of national security and, consequently, stresses the role of civic education which in Austria is in large measure provided by the state<sup>8</sup>.

The National Security Strategy upholds Austria’s status as a neutral state. However, this neutrality appears to be understood in entirely new terms. Austria is expected to take an active part in European security policy through its membership in regional and international organizations. In a globalising era, one in which concepts, norms and values are relativized, Austria understands the need to make neutrality become a perspective from which to interpret and affirm the security of not only one’s own country but also of the whole region. The possibility of combining various aspects of neutrality with an active participation in international life is admitted under the Article 23 of the Austrian Constitution.

Austria’s neutrality should thus be treated as a combination of a classic understanding of neutrality and an active engagement in the international affairs.

### **Challenges of Austria’s security policy. The immigrants’ problem**

One of the greater challenges that Austria is facing today concerns a steady influx of immigrants. In 2015 the number of asylum requests was ten times greater than in 2007. However, it should be kept in mind that the number of asylum seekers is considerably greater than the number of all immigrants arriving in the Republic of Austria.

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<sup>7</sup> Sławomir Kamiński, *Nowa Strategia Bezpieczeństwa Narodowego Austrii*, March 2016, retrieved <https://www.bbn.gov.pl/pl/prace-biura/publikacje/analizy-raporty-i-nota/4899>, *Nowa-strategia-bezpieczenstwa-narodowego-Austrii.html*.

<sup>8</sup> This aspect can be seen in the way in which both school and out-of-school civic education in Austria works (schulische und außerschulische Politische Bildung in Österreich). For more on this issue see: Anja Besand (Hrsg.), *Politische Bildung Reloaded. Perspektiven und Impulse für die Zukunft* (Schwalbach/Ts.: Wochenschau Verlag, 2006); Gertraud Diendorfer, Thomas Hellmuth, Patricia Hladtschnik (Hrsg.), *Politische Bildung als Beruf. Professionalisierung in Österreich* (Schwalbach/Ts.: Wochenschau Verlag, 2012); Peter Filzmaier, Daniela Ingruber, *Politische Bildung in Österreich. Erfahrungen und Perspektiven eines Evaluationsprozesses* (Innsbruck: Studienverlag, 2001); Thomas Hellmuth, Cornelia Klepp, *Politische Bildung* (Wien-Köln-Weimar: Böhlau Verlag, 2010); Peter Mayo, *Politische Bildung bei Antonio Gramsci und Paulo Freire* (Hamburg: Argument Verlag, 2006).

**Tab. 1. The number of asylum requests submitted in the Federal Ministry of Internal Affairs**

| Year | Number of asylum requests |
|------|---------------------------|
| 2006 | 13349                     |
| 2007 | 11921                     |
| 2008 | 12841                     |
| 2009 | 15821                     |
| 2010 | 11012                     |
| 2011 | 14416                     |
| 2012 | 17413                     |
| 2013 | 17503                     |
| 2014 | 28064                     |
| 2015 | 88151                     |

Source: Bundesministerium für Inneres, July 2016, [http://www.bmi.gv.at/cms/bmi\\_asylwesen/statistic/start.aspx](http://www.bmi.gv.at/cms/bmi_asylwesen/statistic/start.aspx).

In dealing with the issue of immigration Austria has gone from a welcoming attitude towards immigrants to an increasingly sceptical one. This evolution took place against the background of presidential campaign. This is something of a paradoxical contradiction having at its roots an uncontrolled influx of migrants. On one hand we are dealing with spectacular initiatives, undertaken by various institutions, such as a platform for migrants [www.migration.gv.at](http://www.migration.gv.at), numerous concerts, integration projects, extra-curriculum classes designed to foster the integration of the immigrants' children into school system. On the other, however, we can observe the society's increasing discontent which made itself felt in the recent presidential elections<sup>9</sup>.

Austria's National Council, that is, the lower chamber of the Austrian parliament, has recently toughened the asylum law. It provides for the possibility of proclaiming a state of emergency when, for example, there is another wave of migrants. All the asylum requests are to be subject to careful examination and the whole procedure of granting them is going to last much longer than before the enactment of the new law.

Austria also attempted to physically cut itself off from immigrants by putting up barbed wire along the border with Slovenia, by erecting a fence at the Brenner Pass or by decreasing the number of immigrants it was prepared to accept. These steps

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<sup>9</sup> Norbert Hofer, representing FPÖ and reluctant towards the immigrants, would have won the election, getting 49,7% of all votes. Alexander von der Bellen of the Greens wins the elections, getting 50,3% of all votes. However, after the announcement of the results FPÖ lodged a motion to the Constitutional Tribunal regarding electoral malpractice during the second round of the elections on 22 May 2016. The Tribunal ordered the holding of the second round of the election one more time. Alexander van der Bellen was to be sworn in on 8 July 2016. It will be for the first time in Austria's history after 1945 that the elections, to be held again in November, will be repeated.

were taken because the country lies at the end of the Balkan route that runs from Africa to Europe.

This year Austria is planning to accept no more than 37 500 asylum seekers. In the following years this number is going to be even smaller. Head of the Austrian Ministry of Internal Affairs Mikl-Leitner launched a campaign which was conducted in Kabul and four other cities and which involved posting notices saying, for example, 'asylum only temporary' or 'no income means no right to bring family'. It was designed to make potential migrants aware of the fact that settlement in Austria is subject to more stringent regulations.

In addition to declining economic indicators, the case of Germany – according to the Austrians the Germans have failed to cope with the wave of immigrants – is often used as an argument against the immigrants.

The immigrants thus present a challenge not only for Austria's security policy but also for social, economic and educational one. Austria also has an experience of a host state, because it is the seventh wave of immigration that it has dealt with since 1945. There can be no doubt that immigrants are going to change the image of Austrian society, which is so multicultural, but it is hard to answer the question of how. The way in which the question is likely to be answered by politicians, political parties, professionals, journalists and ordinary citizens will never be uniform, depending on their education, economic indicators and the conditions created by the state.

The presented problems do not exhaust the description of neutrality in the security policy of Austria in terms of reflecting its complexity and multidimensionality. From the presented analysis, however, the following conclusion can be drawn that in the face of the rapidly changing conditions of foreign and security policy in the Republic of Austria, Austria's neutrality should thus be treated as a combination of a classic understanding of neutrality and an active engagement in the international affairs.

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#### **Abstract**

The article discusses the phenomenon of neutrality as a theoretical construct and the pragmatic principle followed in the security policy of the Republic of Austria. It shows the definitional outline of the term, its determinants, functions, use and role in the face of the contemporary challenges of the constantly changing international reality.

#### **Neutralność w realizacji polityki bezpieczeństwa w Republice Austrii - uwarunkowania i wyzwania**

Artykuł omawia fenomen neutralności jako konstrukcję teoretyczną oraz pragmatyczną zasadę realizowaną w polityce bezpieczeństwa Republiki Austrii. Ukazuje zarys definicyjny pojęcia, jego uwarunkowania, funkcje, zastosowanie oraz rolę w obliczu współczesnych wyzwań zmieniającej się rzeczywistości międzynarodowej.

#### **Key words**

Austria, neutralność, polityka bezpieczeństwa

#### **Słowa kluczowe**

Austria, neutralność, security policy

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