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TOWARDS A EUROPEAN “DUAL ARMY”: THE SPD PROPOSAL OF A 28TH ARMY

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Last October, the *Bundestag's Sozialdemokratische Partei Deutschlands* (SPD) working group on security and defence policy [issued a working paper](#) on establishing what it calls the 28th Army: a European Army, in addition to national armies, under the control of the European institutions. This proposal takes the debate on equipping the EU with an autonomous army a step further, beyond the words of President Macron, of whom the proposal is critical.

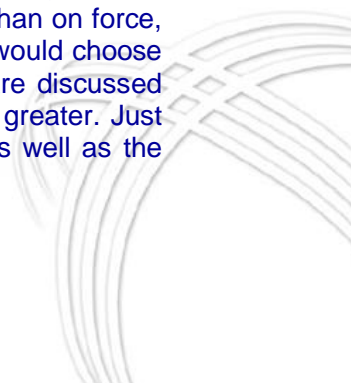
The SPD document addresses the possibility of unblocking the process of establishing an autonomous European Army. The idea is that the willing states should abandon the path of intergovernmental cooperation by establishing an autonomous European Army, the 28th Army, alongside their respective national armies, where necessary adapting the Treaties. It would be made up of professional soldiers recruited on a voluntary basis. At first, the army would be structured in tactical groups of 1,500 men, which would be progressively increased to 8,000. The army would report directly to the European institutions. After a transitional phase during which it would be financed by contributions from participating states, the European Army would ultimately be funded from the European budget.

The SPD's proposal is nothing new: their defence model is based on a federal model, notably the US federation. The US was the first to introduce what Australian constitutionalist Kenneth C. Wheare (*On Federal Government*, 1951) called the [dual army model](#), founded on an (initially) small federal army and a larger military structure based on state militias. Today these militias are known as the National Guard, and the governor of each state is the commander-in-chief.

The SPD document emphasizes the importance of opening a public debate. While the principle of parliamentary control over a European Army is seen as an imperative, the proposed corresponding institutional architecture is perplexing. According to the document, the European Army must depend directly on the European Commission, supported by the establishment of a European defence commissioner and a new parliamentary commission for defence.

The idea is only partially convincing. The EU's current institutional structure provides that the High Representative for Foreign and Security Policy (HR) is appointed, by qualified majority, by the European Council in agreement with the President of the European Commission. The HR is also Vice-President of the Commission and, in that capacity, is appointed by the European Parliament. He chairs the Foreign Affairs Council, which includes defence ministers. Therefore, the provisions of the Treaties seem to ensure the balance between the institution representing the citizens, the Parliament, and those representing the states, the European Council and the Council of the EU.

A federation is not only an association of citizens, as the SPD document seems to think, but also of states which, when joining together to base their mutual relations on law, rather than on force, choose the federal model due to their different/divergent interests. Otherwise, they would choose the path of the national unitary state. Differences in views on economic matters are discussed daily, and differences of points of view on defence and security are probably even greater. Just think of the co-existence of neutral states and other more interventionist states, as well as the different positions adopted regarding NATO.



It is certainly correct to call for the establishment of a Defence Commission of the European Parliament, but the HR is, *de facto*, the Commissioner for Defence. However, a provision that the decision to launch a military mission be made by the Commission alone would considerably alter the current institutional balance. Suffice to say that with the Recovery plan, the issuance of European debt – for the first time in the history of the Union – and the introduction of autonomous tax resources, the Commission would significantly increase its powers.

Looking ahead, the EU's institutional structure should instead envisage the transformation of the European Council into a collegial presidency on the Swiss model, with responsibility for foreign and security policy. The Commission should deal with the rest.

Another of the document's proposals concerns the tasks of the European Army which, in addition to the Union's collective defence, would be used to "*provide emergency aid and defend the territory of the Union from major disasters*". Essentially, the European Army would also be used for intervention *within* individual member states. In principle, this does not seem to be a fully acceptable provision. The risk is that the European Army, in addition to intervention for reasons of territory protection, may also be used for more general purposes over time.

The thirteen American colonies, that gave birth to the first federation in history, opposed this eventuality. The state militias, now the National Guard, have always been responsible for defending state borders, even against intervention by the federal government (J. Madison, *The Federalist Papers*, n. 46). It is up to a State's National Guard to intervene, in the event of unrest or natural disaster, to defend or assist the civilian population. Therefore, the planned European Army should only deal with European defence and be used in interventions outside the EU. National armies should deal with state defence, integrate the European Army in its role when necessary, engage in territorial defence on the Swiss model, and possibly also address the consequences of natural disasters.

Finally, the SPD document argues that since it is "*imperative to avoid creating parallel structures with existing EU institutions*", the latter should be integrated into the structures of the 28th Army and the "military planning and conduct capability" (MPCC), recently established, be used as an operational structure. Secondly, the commander-in-chief of the 28th Army should be an equal member of the EU Military Committee (EUMC).

The problem of duplication exists, but the solution should be the opposite to that proposed, i.e. the integration of the 28th Army into existing EU structures. The commander-in-chief of the latter should certainly be part of the EUMC, but should be appointed by the European Council, on the recommendation of the HR, and be its president. Only by starting from the European framework can the military instrument be made interoperable, standardised and capable of assessing existing deficiencies in military capabilities.

The SPD document has opened the debate on the establishment of a European Army by presenting a concrete proposal, on which a discussion may finally be opened. This opportunity should not be missed. Therefore, the proposal should be brought to the attention of the planned Conference on the Future of Europe, the forum for discussion on the role of Europe in the world and the model the EU intends to set for itself in the defence sector.

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(The opinions expressed here do not necessarily represent the CSF)

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