



CENTRE FOR STUDIES ON FEDERALISM

policy paper

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February 2017 - no. 23





The **Policy Paper** series of the Centre for Studies on Federalism includes analyses and policy-oriented research in the field of national and supranational federalism. The papers aim to stimulate scholarly and political debate on topical issues by presenting original data, ideas and proposals.

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Towards a European Federal Defence

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1. The Current Debate on the European Defence Union

In 2016 the debate on the need to equip the European Union with an autonomous defence capability received a major boost for two reasons: a) the unstoppable flow of immigrants from areas in the throes of an economic or political crisis and terrorist attacks involving several European countries that have placed the need for a joint response on the agenda, hence, for a European foreign and defence policy; and b) a new historic occurrence, i.e. the change in American foreign policy towards Europe. In an interview with *The Atlantic* magazine¹, former US President Barak Obama, speaking in a way that was unusual for him, accused Europeans of having acted like “free riders” in the intervention in Libya in 2011, sending them a clear signal that they have to ensure their own defence. New President Donald Trump has been even more explicit. In an interview with *The Times*², after arguing that Brexit was a “great thing” and that other countries would follow the UK’s example, he said that NATO is an outdated institution and its cost cannot continue to be borne mainly by the US.

The turning point in US foreign policy, which has now brought Republican and Democratic administrations together, is in fact the equivalent of Nixon's August 1971 decision to suspend the convertibility of the dollar into gold. By that measure, Nixon recognised that the US alone were no longer able to guarantee the world monetary and financial order. Today, the US recognise that they alone are no longer able to guarantee political and military order in the world. Above all, for the first time since the end of the Second World War, the new US Administration has declared its indifference, if not hostility, towards the developments in the European unification process. From a political point of view, this has an even greater impact than Nixon's decision, because it may mark the end of an era founded in Bretton Woods upon the multilateralism, that has governed world relations for more than seventy years.

How did European institutions and governments react to the increasingly obvious need to promote European defence? At the meeting on 25-26 June 2015, the European Council had already asked the High Representative for the Common Foreign and Security Policy to present a report on the EU's global strategy. Shortly before Federica Mogherini presented it in June 2016, Jean-Marc Ayrault and Frank-Walter Steinmeier³, respectively the French and German foreign ministers, proposed a permanent structured cooperation (Art. 42.6 TUE) that should be open to other countries. Later on, during the informal Council Meeting of Foreign Ministers in Bratislava on 2-3 September 2016, the High Representative put forward her proposals on how to implement the Defence Action Plan⁴. Among them is her call to Member States to use the provisions of the existing treaties on permanent

structured cooperation. However, responding to a reporter, she clarified that "the European Army is not something that is going to happen any time soon, but what can happen very soon, if the Member States are committed, is to advance in the field of European defence with very concrete measures, and this is what I put on the table today." On September 11, following the Council Meeting, French and German Defence Ministers Jean-Yves Le Drian and Ursula von der Leyden⁵, sent Federica Mogherini a joint document wherein they insisted on resorting to permanent structured cooperation. For its part, on November 22, the European Parliament adopted a Resolution on the European Defence Union⁶ in which Member States were again urged to proceed with permanent structured cooperation, financed by a "start-up fund" provided for in Art. 41.3 TEU or by the European budget. Finally, the European Council of 15 December 2016⁷ concluded by inviting the High Representative to submit proposals for "[...] the establishment of a permanent operational planning and conduct capability at the strategic level, the strengthening of the relevance, usability and deployability of the EU's Rapid Response toolbox" and, above all, "options for an inclusive Permanent Structured Cooperation". This reconstruction of the meetings and main positions taken by European and national institutions highlights two elements: the willingness of France and Germany to move towards the permanent structured cooperation, supported by the European Commission and Parliament; and the fact that, at this stage, there is no consensus on the establishment of a single European army, and that, if we want to continue in this direction, we should follow innovative paths. A contribution in this sense can be drawn from the experience of the existing federal unions, especially the US one.

2. Common Defence in Federal Unions: The American Precedent of the “Dual Army”

In the US there are two armies, the National Guard, under the authority of the federation’s Member States, and the federal army. The choice of the “dual army”, which distinguishes the US from other federal unions, dates back to the years of the War of Independence from Britain. The thirteen American colonies, for political and ideological reasons, did not want to cede all military powers to the federal executive, which gave rise to a unique situation that lasted as long as the federal structure of the continent remained the same and that, at least formally, still endures. With the Philadelphia Convention and, above all, with the Bill of Rights, the US Founding Fathers were forced to take note of state mistrust of a strong standing army under the control of the federal executive and the sense of independence of its member states reflected in the institution of the state militia. The latter was regarded as a tool of the states’ governments in the event of aggression by third states, other states of the federation or the federal government itself.

From the beginning and for about a century and a half, the federal army was always small, just enough to defend its borders against possible invasions by European powers and protect the expansion of the American colonists to the west. This situation posed enormous problems in terms of recruiting, training and management of military operations, which became more evident when the federal army had to face military conflicts with European powers. Only twenty years after the Philadelphia Convention, the West Point Academy was set up to educate and train officers and only thirty years later a federal general staff and a single command of the federal armed forces was established.

The American Civil War did not lead to substantial changes in military power relations between the federal and state level. Indeed, towards the end of the nineteenth century, the federal army was smaller than that of Bulgaria. The federal army began to prevail over state militias when the US began to exercise a worldwide policy starting with the First World War. In fact, it was only under the National Defence Act of 1916 that state militias were transformed into the current National Guard and were used outside US borders and for an unlimited period of time. The size ratio was still in favour of the National Guard with respect to the federal army, but this situation was definitively reversed under the Armed Forces Reserve Act of 1952, which allowed the federal army to set up its own reserve line, regardless of the National Guard. However, the US lost much of their federal institutional structure a long time ago.

In the case of historically established nation-states such as those in Europe, which have embarked upon a path of political unification, it seems harder to hypothesize that a *single* army could replace 27 national armies. For Europeans more than for the US, the concept of *federal* instead of *single* defence is therefore best suited to point the way ahead.

3. Towards a European Federal Defence

The US experience can indicate the measures that European countries can initially adopt:

- a) first, since the creation of a single European army in place of 27 national armies is inconceivable, a more realistic option might be a European military structure that would coexist for a long time alongside the existing national armies, which would be devoted strictly to territorial defence;

- b) second, the establishment of a European general staff in command of sufficient armed forces to manage and complete the operations decided on at the EU level and those carried out at the request of the UN. As was the case for the US, changes at an international level would then prompt the strengthening of the armed forces available to the EU through direct enlistment or by using national armed forces. However, in the event of the latter, a European right to directly draft national armies should be laid out;
- c) third, the establishment of a military academy based on the West Point model. Therefore, this would require the creation of a European West Point to train officers of any rank in the European defence system based on common tactical and strategic thinking;
- d) fourth, the demystification of the objection constantly raised to thwart any steps towards federal European defence: the standardisation of armaments. For more than a century, the US army never had standardised armaments and when the need arose, as in the case of the First World War, they had to use British and French armaments, partially manufactured in the US. The problem of standardisation started to be overcome when the growing importance of technological innovation made it increasingly clear that participating in a war (especially on a global scale) was not possible without the parallel reorganisation of the defence industry. But the fact that in Europe standardisation is necessary not only to reduce costs but also to make the military more effective is something that should not be undervalued. However, the current level of standardisation has not been an obstacle

for multinational initiatives, such as the Strasbourg Treaty establishing Eurocorps.

Today one step towards a common defence is to emphasise existing supranational military cooperation under the structured cooperation instrument. In 2004 four of the founding countries – Belgium, France, Germany and Luxembourg – and Spain signed the Treaty establishing Eurocorps, which entered into force in February 2009 and provides that the participating countries should mobilise up to 60,000 men. In 2002 the military force that it is currently equipped with was certified by NATO as a rapid reaction force. Moreover, Eurocorps already has a unified general staff, even if at the divisional level, based in Strasbourg, and in early 2016 it signed a letter of intent, albeit non-binding, with the EU External Service to strengthen ties between the two organisations because Eurocorps “aspires to become a preferred military asset for the EU in the future.”⁸. Therefore, a decisive step towards a common European defence could be to incorporate the Treaty on Eurocorps into the EU treaties, but for this step to be successful Italy should join this first European military structure⁹.

4. The Precedent of the EDC

As mentioned at the beginning, France and Germany have raised the issue of exploiting the possibilities offered by the Lisbon Treaty, in particular with regard to the launch of permanent cooperation in the defence sector. Is this proposal more or less advanced than the attempt made 65 years ago to promote the European Defence Community (EDC)? The political, national and international

contexts that existed when the EDC was proposed and the permanent structured cooperation that is now being proposed are certainly very different. However, some considerations are necessary, also to highlight the extent to which some progress has been made in the European unification process and whether the attempt may have more chance of success today than in the past.

To answer our question, the content of the EDC Treaty should be taken into consideration along with the Statute of the European Political Community (EPC) which, upon the initiative of Altiero Spinelli, was drawn up by an ad hoc Assembly. First of all, it should be noted that the European countries parties to the EDC only made part of their armies available: the total forces available for European defence amounted to 39,700 units in peacetime and 46,900 in the event of armed conflict, i.e. lower figures than those provided by Eurocorps. Most of the troops remained in the hands of the individual Member States and, therefore, what was envisioned as a common European defence at that time was something similar to the American military structure, based on a federal army and state armies. Second, all the most important decisions, from the amount of military employable to financing the organisation of the military forces and so on, were unanimously adopted. For instance, the financing of the EDC was based on contributions from States and was to be decided unanimously.

Finally, we should mention the issue of the amendment of Art. 38 of the EDC, which was imposed by De Gasperi under pressure from Spinelli. The phrase included in Art. 38 reads: “The Assembly [the ECSC and the EDC Assemblies] shall be guided in its examination by the following principles:

The permanent organization which will replace the present provisional organization should be so conceived as to be able to constitute one of the elements in a subsequent federal or confederal structure, based on the principle of the separation of powers and having, in particular, a two-chamber system of representation [...]”¹⁰ Spinelli, whilst keeping the process open to greater European unification, had to accept the compromise of referring to a *both federal and confederal* solution: if the EDC had been approved, Art. 38 would have facilitated an important step forward towards greater European unification, but the struggle to create the European federation should have gone ahead.

However, as was then noted, the Statute of the EPC, which was drafted while the ratification of the EDC Treaty was still underway, was “neither federal nor confederal”¹¹: it was something completely new. It provided for the direct election of the European Parliament and the creation of a common market, but the Council of Ministers, which decided unanimously, remained the fundamental institution. Regarding the EPC Statute, in his *Diario* Spinelli observed: “Il progetto di Costituzione europea è pronto. Con i suoi difetti e con il suo lievito rivoluzionario. [...] Il mio giudizio complessivo sulla Comunità è che essa è veramente un avvenimento rivoluzionario in Europa (se si realizzerà). Il potere che il Consiglio di ministri nazionali ha non permette ancora di parlare di federazione. Ma le strutture federali potranno provocare una tale coagulazione di interessi e di passioni da permettere una lotta vittoriosa contro le nazioni-stato. Questa costituzione, se nasce, è la premessa della rivoluzione europea tra cinquanta anni”¹². (English translation “The draft European Constitution is

ready. With its flaws and its revolutionary ferment. [...] My overall assessment of the Community is that it is a truly revolutionary event in Europe (if it is implemented). The power held by the national Council of Ministers still does not allow us to talk about federation. But the federal structures may trigger such a strong concentration of interests and passions that this enables a victorious struggle against nation-states. This constitution, if it is established, is the premise for a European revolution in fifty years.”)

Fifty years: this was the period of time necessary for the EDC and EPC to bear fruit, but this is the importance of a step taken towards a common European defence. However, Spinelli's initiative could never have been put forward without the Pleven plan, just as now a similar initiative cannot be put forward by European federalists without the launch of structured cooperation in the defence sector. Today, compared to the 1950s, in addition to the European Court of Justice and the directly elected European Parliament, we have the European currency, the internal market, which is far more than the common market, and the possibility of initiating structured cooperation. From the foreign policy perspective, the idea of creating a European military structure would not be built on nothing. European countries, with Eurocorps and other joint military structures, are already conducting 35 civilian and military operations, EU-led and under the auspices of the UN, mainly in Africa and the Middle East, an indication that there is at least some basis of a common foreign policy. Therefore, it is reasonable to think that “the revolutionary ferment” referred to by Spinelli may bear fruit, even in less than fifty years.

Notes

- 1 Jeffrey Goldberg, The Obama Doctrine, *The Atlantic*, April 2016.
- 2 Donald Trump: ‘Brexit will be a great thing . . .you were so smart’, *The Times*, 16 January 2017.
- 3 Jean-Marc Ayrault, Frank-Walter Steinmeier, *Une Europe forte dans un monde incertain*, in: <http://www.france-allemande.fr/Une-Europe-forte-dans-un-monde-incertain-par-Jean-Marc-Ayrault-et-Frank-Walter.html>.
- 4 https://eeas.europa.eu/headquarters/headquarters-homepage/9444/federica-mogherini-remarks-at-press-point-following-first-day-at-gymnich-meeting_fr
- 5 Jean-Yves Le Drian e Ursula von der Leyden, *Revitalisation de la PSDC - Vers une défense au sein de l'UE globale, réaliste et crédible*, in: <http://www.france-allemande.fr/article9346.html>
- 6 European Parliament Resolution of 22 November 2016 on the European Defence Union (2016/2052 (INI)).
- 7 The European Council, *The European Council meeting (15 December 2016) - Conclusions*, EUCO 34/16.
- 8 Statement delivered by Federica Mogherini in reply to a question by a MEP. (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2016-001180+0+DOC+XML+VO//EN>).
- 9 This solution largely reflects the contents of the Italian document entitled “For A Stronger European Defence: The Italian Vision” (published at the end of September 2016 and submitted to the European Parliament on 11 October 2016: http://www.difesa.it/Il_Ministro/Eventi/Pagine/La_visione_italiana_per_una_difesa_europea_più_forte.aspx).

- ¹⁰ http://aei.pitt.edu/991/1/political_union_draft_treaty_1.pdf.
- ¹¹ Paul Henri Spaak's words pronounced during the ceremony of the submission of the draft Statute of the EPC to the Foreign Ministers of the six founding countries of the ECSC, which took place on May 9, 1953 (V.: http://www.cvce.eu/obj/discours_de_paul_henri_spaak_president_de_l_assemblee_ad_hoc_strasbourg_9_mars_1953-fr-aa9ac65d-2656-4330-a784-5aa565e0841c.html).
- ¹² Altiero Spinelli, *Diario europeo (1948/1969)*, il Mulino, Bologna, 1989, pp. 170-71.

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The **Centre for Studies on Federalism (CSF)** was established in November 2000 under the auspices of the Compagnia di San Paolo and the Universities of Turin, Pavia and Milan. It is presently a foundation.

The activities of the CSF are focused on interdisciplinary research, documentation and information on internal and supranational federalism, the developments of European integration, the government of globalisation.

The CSF promotes an annual **Lecture**, named after Altiero Spinelli, on topical European issues. The CSF publishes **Research and Policy Paper**, a book series on “**Federalism**”, **The Federalist Debate** (also online), the **Bibliographical Bulletin on Federalism**, the online-journal **Perspectives on Federalism**, the **International Democracy Watch**.

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