Europska vojska ili europski san? Analiza prošlosti, sadašnjosti i budućnosti zajedničke obrane u Europskoj uniji

Maričić, Jakov

The Republic of Croatia
University of Zagreb
Faculty of Law

Student:
Jakov Maričić

MASTER THESIS

European Army or European Dream? Analysing the Past, Present and Future of Common Defence in the European Union

Department of European Public Law

Mentor:
doc. dr. sc. Nika Bačić Selanec, LL. M. (UMich)

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Izjava o izvornosti

Ja, Jakov Maričić, pod punom moralnom, materijalnom i kaznenom odgovornošću, izjavljujem da sam isključivi autor diplomskog rada te da u radu nisu na nedozvoljeni način (bez pravilnog citiranja) korišteni dijelovi tuđih radova te da se prilikom izrade rada nisam koristio drugim izvorima do onih navedenih u radu.

Jakov Maričić

Abstract

This master thesis provides an analysis of EU security and defence development since its inception up to today in order to show that an European army, given the current state of EU integration, is highly unlikely but not impossible. The thesis opens with an introduction detailing the topic of this thesis and follows with a background section explaining why this topic is relevant. It then provides a brief overview of the most important historical developments in the aforementioned period, focusing on security and defence, as this is necessary information to set the ground for further discussion. Following that the thesis examines the current state of EU defence focusing on various forms of cooperation currently existing between EU Member States while also bringing attention to the EU's relationship to NATO. The thesis then separates the obstacles preventing an European army from coming into being into three categories - practical, political and legal, before concluding with a discussion about the potential increase to the degree of integration in the EU as well as potential developments of EU defence.

Sažetak

Ovaj diplomski rad pruža analizu razvoja suradnje EU-a na području sigurnosti i obrane od njenih početaka do danas kako bi se pokazalo da Europska vojska, uzevši u obzir trenutno stanje EU integracije, nije vjerojatna ali ni nemoguća. Diplomski rad započinje sa uvodom koji detaljnije iznosi temu ovog rada za kojim slijedi dio s pozadinskim informacijama koji objašnjava zašto je ova tema relevantna. Nakon toga pruža kratki pregled najvažnijih povijesnih razvijanja u spomenutom periodu, fokusirajući se na sigurnost i obranu s obzirom na to da su to nužne informacije za kasniju raspravu. Slijedom toga diplomski rad pruža pregled trenutnog stanja obrane EU-a fokusirajući se na razne oblike suradnje koji trenutno postoje između država članica EU-a istovremeno skrećući pozornost na odnos između EU-a i NATO-a. Diplomski rad zatim čini distinkciju između prepreka koje sprečavaju nastanak Europske vojske stavljajući ih u tri kategorije - praktične, političke i pravne, prije nego što završava s raspravom o potencijalnom povećanju stupnja integracije EU-a i potencijalnim razvojem obrane EU-a.

1. Introduction

This thesis will analyse European Security and Defence policy focusing on why an European army (broadly defined as an army to which all or most of the Member States of the European Union would militarily contribute to, but which would ultimately be under the direct and complete control of a body of the European Union) is highly unlikely to come to be in the near future, but not impossible overall. Three main categories of reasons will be provided as to why this is the case. To provide the necessary background to this discussion, the thesis will firstly deliver a brief overview of the EU's Common Security and Defence Policy from its beginnings up to today, focusing on all attempts at creating a common defence force akin to a European army, as well as the most important historical events which influenced it. The thesis will then provide a comprehensive look at the current state and legal arrangement of defence cooperation within the EU, taking note of all developments up to September 2024. Focus will be placed both on the EU itself and the tools at its disposal, as well as NATO and the relationship between the two as NATO has played and still plays the most important role in the defence of the EU. With these foundations in place, the thesis will discuss the three aforementioned categories of reasons as to why an European army as defined above is highly unlikely in the near future, but not impossible overall, those three categories being political, legal and practical. Finally, this will serve as a segue into a discussion about future developments, in particular of the two main possibilities for Europe – one in which it remains at the level of integration it is currently at or even lowers it, and another in which the level of integration rises, highlighting the changes the EU would have to make in order to effectively achieve this.

2. Background

Following the events of the Second World War, Europe was faced not only with the task of mending the consequences of the conflict but with a horrifying question – How long until the next one? Given the context of the time, it was not an unreasonable question to ask. The First World War was initially referred to only as the "Great War" – a war so grand and destructive the adjective "Great" would forevermore be appropriate to describe it. And yet, mere two decades later, another war came to be and eclipsed the first one in every imaginable metric. It was not unreasonable to wonder whether conflict on such a scale could, or would, happen again a couple of decades later. Inspired by the need to repair and the desire to prevent such further bloodshed, world leaders came together and attempted to implement safeguards against the repeat of such a conflict. The countries of Europe began cooperation and integration, seeing it as the best countermeasure against nationalistic mentality, which partially caused the Second World War. In 1946 Churchill gave his famous speech[1] in which he called for the "United States of Europe", something which, if it is ever to become reality, began with the Treaty of Rome and the European Economic Community a couple of years later. In 1945, the United Nations came to be and on April 4th, 1949, The North Atlantic Treaty was signed and gave birth to NATO.

All of this ushered in a new era for European history, which the historians dubbed the "*Pax Europaea*" – a period of relative peace on the European continent (excluding "The Troubles" in Ireland, the War in Yugoslavia and several minor conflicts). It was a largely appropriate term to apply to the state of affairs in Europe, as such a long period of peace had not existed on the continent since before the Roman Empire's strength had begun to diminish. While the spectre of conflict still loomed over European nations in times of the Cold War, actual conflict never touched the peoples of Europe, and over time they, for the most part, worried about it less and less. A whole generation grew up and grew old without even considering the possibility of another conflict involving France, Germany, Italy and other countries which lie in the heart of Europe. The rise of the United States as a world superpower, thus far militarily unmatched by any other, gave a sense of comfort to most European nations which were allied with the US through their membership of

[1] Winston Churchill, "United States of Europe" speech, Zurich, (1946.)

NATO and the rising interconnectivity which sprang from the European Union meant that the European nations had no fear of their neighbours nor of any other European nation in the same block.

It would be incorrect to claim that the nations of Europe completely neglected their military, which will be addressed later in this thesis, but it is accurate to say that they did not pay as much attention to it as many other, less secure nations did. It is also accurate to say that the interconnectivity and cooperation which are the hallmarks of the European Union did not develop as equally when it came to common foreign and security policy as they did in the realm of economy, even though there technically is a Common Foreign and Security Policy. Most nations of Europe were content with relying on NATO and by extension the United States for their protection.

Things changed in 2013 and 2014 when the Russian Federation invaded and annexed the Ukrainian territory of Crimea after the Ukrainian parliament declared the country's aspirations for European integration.[2] All of a sudden war on the European continent wasn't as far-fetched and abstract as it had seemed. Another development of note took place when Donald Trump got elected as president of the United States in 2016 and began claiming that NATO as an organisation was 'obsolete' which rang bells of alarm among the countries of Europe.[3] Mr. Trump further claimed that should one of the members of NATO be attacked the US' involvement would depend on whether or not the member in question had settled all of its bills and other obligations towards the organisation and that ultimately he would decide on whether or not the US would respond.[4] In other words, the famous Article 5 of the North Atlantic Treaty, as Mr. Trump claimed, came with an asterisk.[5] From a legal perspective this is not an incorrect interpretation as it says that a member shall take "such actions as it deems necessary".[6] What measures each member deems necessary is up for the interpretation of each of them. On the other hand, there is also nothing in the Treaty which would prevent members from decreasing their defence expenditure which leaves Mr. Trump's criticism, at least in part, moot.[7] Legal analysis aside, whether these claims were purely political or they had actual merit to them is a question which is difficult and unnecessary to answer, especially since there might still be a chance to prove them as either (depending on the results of the 2024 US elections and the future in general). Suffice it to say, the statements alone were enough to rattle the

2 Interfax Ukraine, "Parliament passes statement on Ukraine's aspirations for European integration" (2013).
3 Cassandra Vinograd, Kristin Donnelly "Donald Trump Remarks on NATO Trigger Alarm Bells in Europe" (2016).
4 Ibid.
5 The North Atlantic Treaty, 1949.
6 Ibid.
7 Ibid.

leaders of Europe and within the European Union talks about a common military were (again) starting to intensify.

Of course, the concept of a united European army is as old as the concept of a United Europe – that is to say it dates back to 1950 when France first suggested it. It was attempted with the Treaty Establishing the European Defence Community in 1952, however this treaty never got ratified. While defence cooperation did significantly develop since then, a proper European army was never formed and the topic swims up to the surface of political talks every now and again, usually in times of various crises, before drowning in irrelevancy soon after. In 2016, this topic resurfaced again and this time it remained there. The nations of Europe began being more acutely aware of the fact that overreliance on a foreign power for military protection, regardless of the fact that said foreign power is an ally, was not the wisest of courses to take. Military spending and cooperation became more of an active topic discussion with every passing month and things were getting put in motion.

Soon after, Europe was shaken again when, in February 2022, the Russian Federation launched a full-scale invasion of Ukraine, a continuation of the previously mentioned Russo-Ukrainian War. This war is still ongoing at the time of writing this thesis and presents the largest conflict Europe has seen since the Second World War.[89] "Within days, one could already find online comments and opinion pieces on the event – still very much in an initial phase of fast-paced developments on the ground – claiming it effectively marked the end of the *Pax Europaea*, and, further, even the beginning of the end of the post-Cold War unipolarity under American supremacy."[10]

In short, the *Pax Europaea* had arguably ended.

If the talks about a common European Army were on the surface before, these developments launched them into the sky. The idea was being discussed in scientific papers,[11] newspaper articles[12]

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8 Serhii Plokhy, "The Russo-Ukrainian War" (Penguin Books, 2023).

9 Paul D'Anieri, "Ukraine and Russia From Civilized Divorce to Uncivil War" (Cambridge University Press, 2019).

10 Petrelli Melim Santos L., "The end of the Pax Europaea: IR theory and narratives on Russia's aggression in Ukraine" (Master Thesis, European University Institute 2022).

11 Radim Doležal, "Common European Union Army Under the Constitutional Law of European Union" (European Studies – The Review of European Law, Economics and Politics 2017); Georgios Koukakis, "The evolution of the European Union Security Strategy: Towards the establishment of a European Army?" (Center for International Strategic Analyses (KEDISA) 2024); Vojtech Jurčák, Peter Poláček, "The Need For the European Union Army/On Armed Forces" (Torun International Studies 2022).

12 Bart M. J. Szewczyk, "Why a European Army Makes No Sense" (Foreign Policy 2024); Cas Mudde, "If Europe wants to defend itself, it must build armies that people want to join" (The Guardian 2024).

and even YouTube videos.[13] As a result, a large number of misconceptions and inaccurate statements have been thrown around proclaiming that an European army is right around the corner or that it is a fantasy which will definitely never come to be, as well as everything in-between. It is the purpose of this thesis to cut through popularist statements such as the ones above and prove that an European army is at the moment of writing unlikely, but not entirely impossible.

[13] TLDR News EU, 'Why an EU Army Looks Increasingly Likely'.

3. EU Common Security and Defence Policy throughout history

In order to properly address the topic of this thesis and to have an educated discussion on the possibility of an united European army, it is first necessary to "set the stage". Unfortunately, the stage has been getting set since the very beginnings of the European Union and is still, in fact, being set. Therefore, to properly know where the EU stands, we must explore where it stood and in order to effectively do so we must turn our attention to several significant historical events. This is because foreign policy, and in our case more importantly, security are two branches of governance which are, more so than any other, affected by contemporary events, politics and leaders – to understand one we must be familiar with the other. This being said, this thesis is not a historical one. Nearly all historical events are tangled in a very complicated web of inter-causality and if all of them were given due consideration, this thesis would go on forever and would eventually become a history textbook. For the sake of brevity, certain historical events which may not be the most important for the topic at hand will be omitted or abbreviated.

3.1 Post-WWII Period – The early days of European Integration

The Second World War left Europe in an unenviable position. Historical estimates place the losses between 70-85 million people, an enormous amount considering the estimated population of Europe during that time period was around 500 million.[14] While the immediate reaction of European countries was to rebuild and recover, the political climate was far from entirely without tensions. The conflict had stopped and was quickly replaced by the shadow of new ones. Germany's separation into two parts was symbolic of a larger ideological division both in Europe and the world at large and thus most were still on edge. The United Nations had, at this point, already been formed, however it quickly became obvious that the ideological differences between permanent members of the Security Council would likely render the protection the UN promised tentative at

[14] The Office of Population Research (OPR) "1940 Population Estimates for European Countries" (Population Index 1942).

best. Mr. Louis S. St. Laurent, then Canadian Secretary of State for External Affairs said as much in his address of the General Assembly of the United Nations stating that he is concerned for the "*peace-loving nations*" because of the inability of the Security Council to act and that: *"If forced these nations may seek greater safety in an association of democratic and peace-loving states willing to accept more specific international obligations in return for a greater measure of national security."*[15] Exactly this soon came to be as, in March of 1948, the UK, France, Belgium, the Netherlands and Luxembourg signed the Brussels Treaty based on which they soon created an alliance called the Western Union (WU) alongside its branch, a military organisation with the goal of mutual defence called the Western Union Defence Organization (WUDO), in response to the perceived threat of the USSR.[16] This agreement, marks not only the first step at military cooperation and integration for the countries of Europe but also the first step towards NATO as the signatories of the Brussels Treaty quickly began negotiating cooperation with the US and a mere year later the North Atlantic Treaty would be signed and its signatories would include the five aforementioned nations. The fact that Europe's defence cooperation has been intertwined with NATO from the very origin of both is prophetic of things to come as, since then, Europe has struggled to escape NATO's shadow. For now, this agreement was satisfactory for all sides involved – the US had secured allies in the West of Europe in case of further escalation of the tensions with Soviets while the European countries, which were still very much hesitant to rearm Germany, were satisfied with the US watching their backs.

In 1950, Jean Monnet played an important role in the creation of the European Community for Steel and Coal (ECSC) which is today considered as the beginning point for what is today the European Union. The goal of this Community, among others, was to ensure that "*any war between France and Germany becomes not merely unthinkable, but materially impossible."*[17] This was true for other members of the Community as well. At the same time the Soviets had tested their first atomic bomb and the Korean War broke out – a War in which both the US and the Soviet Union were actively involved in, although not directly, on opposite sides. This continued to raise tensions between the two titans and prompted the US to pressure Europe to allow the rearmament of Germany. Monnet feared that, should Germany get the rearmament it and the US wanted, it would have little further interest in participating in the ECSC.[18] Not only that but German rearmament would be considered a

15 Lord Ismay, "NATO the first five years 1949.-1954." (North Atlantic Treaty Organization 2021).
16 Ibid.
17 Robert Schuman, "The Schuman Declaration" (1950).
18 Jean Monnet, Memorandum to Robert Schuman, (1950).

defeat in the eyes of the French who were still very much feeling the aftermath of the War. Regardless, following the initial success of the ECSC, Monnet asked for, and received, US support for the creation of a European Defence Community (EDC) believing that the fastest and most efficient way to further community and integration among members of the ECSC was the creation of an European army.[19] While his belief may have been true, his timing was not – the EDC Treaty, officially proposed by the then Prime Minister of France – René Pleven (and afterwards referred to as the "Pleven-Plan") was signed in 1952 following arduous negotiation. It was never ratified, being rejected by France two years after its proposal.[20] Economic integration, represented by the ECSC, was considered less binding and severe than what the EDC was proposing. There was simply a lack of political will, especially considering the fact that, by then, the post-war ideological momentum was waning, the Korean War had ended, Stalin had died and the Cold War (as a period of more vague than actual threat) had truly begun. The peoples of Europe were willing to (somewhat) limit their sovereignty in favour of economic integration and cooperation, but not in favour of putting their security into someone else's hands. This is a trend which can be observed even today. "European defence collaboration continued but in less ambitious forms and primarily within the framework of NATO."[21]

3.2 The Cold War Period

The Cold War saw greater transfer of European defence to the newly created NATO. While there have been attempts in this time period of reviving cooperation in security and defence policy, it had largely remained ineffective or half-baked. The Cold War period was seemingly beneficial to the overall economic well-being of Europe. However, while Europe did experience economic growth and integration, both progressed at a glacial pace, at least compared to the economic boom the US was experiencing. In the mid 1960s the French president Charles de Gaulle's opposition to the European Community caused the 'Empty Chair Crisis' essentially paralysing the Community for the foreseeable future. The period up to the Single European Act of 1986 was named by some 'eurosclerosis' due to the inability of the European Community to fully act. While this period of

19 Renata Dwan, "Jean Monnet and the European Defence Community, 1950-54" (Cold War History 2021).
20 Ibid.
21 Jan Joel Andersson "European defence collaboration – Back to the future" (European Institute for Security Studies EUISS, 2015).

time is dense with interesting events, this chapter will try to narrowly focus on developments and attempts at a common foreign policy and/or defence during this time period.

The aforementioned Western Union saw the continued existence of WUDO as unnecessary and undesirable as it represented a parallel to NATO.[22] The members of the now Western European Union (WEU, the name was changed with an earlier amendment of the same Treaty) had therefore decided to change the Treaty of Brussels in order to transfer the headquarters, personnel and everything related to WUDO to NATO.[23] Seeing as the Treaty which had founded the WEU had in its preamble certain objectives which were considered more cultural, economic and political, those duties were transferred to the Council of Europe for the same reason.[24] In short "[t]he WEU was the only existing security structure which acted as an interface between the EU and NATO, but it was too weak politically, too insignificant militarily and too unwieldy institutionally to be able to carry out the major responsibilities which were being thrust upon it."[25] It had become obsolete before ever truly coming into being. This being said, it did not cease to exist, not yet at least. It remained in a sort of dormancy for several decades but never again truly played a part on the world stage.

In 1961, an intergovernmental 'alliance' of sorts which included cooperation in the area of foreign policy and defence was proposed by France bearing the name the "Fouchet Plan" after the French ambassador who had written it. It was largely pushed by Charles de Gaulle as a means of combating the European Communities which he presumably saw as a threat to the large role France had played on the European stage up to that point. The plan sought to form an alternative to the new Communities created by the Rome Treaties just several years before. The proposal was met with utter disinterest – it failed and was followed by the Empty Chair crisis[26].

While the Fouchet Plan did not fare well, it was apparent to the European states that some form of closer cooperation when it came to foreign policy needed to exist between them for the purposes of representing the interests of the ever-growing Community. Progress was finally made in 1969 at the conference of heads of states/governments in the Hague. There, the participants of this conference agreed to instruct their Ministers for Foreign Affairs to essentially invent the best way to progress

22 Brussels Treaty Organisation "Resolution" (1957).
23 Ibid.
24 CVCE "Western European Union (WEU)" (2016).
25 Jolyon Howorth, "Security and Defence Policy in the European Union" (Palgrave Macmillan 2007).
26 Jessica Fernandes, "A European Army: Realistic project or utopic vision?"(Master Thesis, Universität Wien, 2015).

political unification.[27] This endeavour bore fruit the very next year with the 'Davignon report' which stated that governments should "strive towards political unification", that is to say that they should "work on harmonising their views and attitudes as well as act jointly when that is feasible and desirable."[28] This cooperation was enacted and commonly called the European Political Cooperation. While it did not exactly succeed in giving Europe a single voice, it *did* represent the first real step towards a Common Foreign and Security policy and it would later on be integrated into the CFSP pillar of the European Union as part of the Maastricht Treaty.

3.3 The Post-Cold War period

When Jacques Delors became the president of the European Commission in 1985, he set out to wake the European Community from the half-hibernation it had been in for the past few decades. Shortly after his election, he visited each member state to find out what projects were likely to be accepted by all of them.[29] Having said this, he also considered which projects would further the integration (and federalization) of the European Community.[30] The primary concern of the Member States at the time was to recover from the relative economic stagnation of the past decades and so primary on his list of projects were single market, single currency… but also common defence policy and institutional reform.[31] The result was the Single European Act (SEA) which was adopted in 1986. While bringing many major changes to the structure of the Community, for the purpose of this thesis, it is most important to note that it explicitly puts cooperation in the sphere of foreign policy within the scope of the EEC Treaty.[32]

This development was soon reflected in the reawakening of the WEU. While formally reawakening in 1984, it would take until 1987 when it adopted the "Platform on European Security Interests" in which it declared its commitment to building an European union in accordance with the SEA by emphasising and including security and defence into the process of European integration.[33] In 1992,

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27 The Heads of State or Government of the Six "Final communiqué of the Hague Summit" (1969).
28 Davignon Report, (1970).
29 John Pinder, Simon Usherwood, "The European Union: A Very Short Introduction" (Oxford University Press, 2007).
30 Ibid.
31 Ibid.
32 The Single European Act (1986).
33 Western European Union, "Platform on European Security Interests" (1987).

the Maastricht Treaty was adopted and the European Union was formally born. As one of its three pillars it declared Common Foreign and Security Policy, obviously giving it a great deal of importance. The same year, the WEU adopted the Petersberg Tasks which are merely a list of certain humanitarian goals which were to be achieved and several years later in 1996.[34] NATO agreed to allow it to oversee the creation of the European Security and Defence Identity (ESDI) – an European part of NATO which would in theory allow the nations of Europe to make use of NATO resources without NATO directly getting involved. Neither the ESDI nor the Third Pillar of the European Union proved effective in dealing with international crises – as evident by the war in Kosovo which ultimately ended with an intervention by NATO. This, along with the general disarray in the east of Europe following the Yugoslav wars, as well as the Rwandan genocide, likely prompted the Saint-Malo Declaration in 1998.[35]

Seeing as the Declaration essentially created the European Security and Defence Policy (hereinafter: CSDP) as it exists today (as part of the Common Foreign and Security Policy of the EU) it will be discussed in larger detail in the following section of this thesis. For now, in order to put a bow on the largely unimpressive story of European cooperation in the field of common foreign policy and defence, it is sufficient to say the following. In 1999, the Amsterdam Treaty came into force and integrated both the ESDI and the WEU into the CFSD – it transferred the Petersberg Tasks to the CSDP which also replaced the WEU's ESDI. While WEU continued to exist for many more years (officially ceasing to exist in 2011) it only did so formally, not actually contributing anything noteworthy.

If we were to look back on the progress of Common Foreign and Security Policy of European countries since the Second World War up to this point, it could best be summarised by saying 'two steps forward, one step back'. Looking back at the legacy of WU/WEU a contemporary international relations scholar wrote: "Of all the international organisations that exist today, the Western European Union (WEU) must be one of those whose length of existence is the most inversely proportional to the actual functions that it has fulfilled."[36]

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[34] The Council of Ministers of Western European Union (WEU) "Petersburg Declaration" (1992).
[35] David Hoghton-Carter, "The Saint-Malo Declaration and its impact on ESDP after 10 years" (2009).
[36] Philip H. Gordon "Does the WEU have a role?" (1997).

4. European Defences Today

The previous part of this thesis took a brief overview of how European defences evolved through modern history, as well as the historical events which influenced them. With these foundations in mind, we may begin looking at the current state of Common Security and Defence Policy. This thesis will observe the state of CSDP, the legal grounds on which it stands as well as what tools it has at its disposal. Finally, it will analyse the relationship between the EU and NATO, as the EU relies primarily on NATO for defence purposes and as such it is an integral part of Europe's defences.

As a preface, before we begin, a couple of important things are worthy of note.

As things currently stand, the European Union has not declared any concrete plans for an European army as defined in the introduction of this thesis. While there have been increasing calls for one from various politicians and influential people,[37] it still remains (as far as public knowledge goes) only a hypothetical. This is important to keep in mind as we discuss all different ways in which European defence takes place today. While some of them may be similar to armies at first glance, there are key distinctions which will be highlighted.

That being said, cooperation in the area of defence has been intensifying and improving. Recent study shows that, while defence policy still remains almost entirely the responsibility of each Member State,[38] overall military spending and budget allocation have seen a significant boost and will probably continue to do so.[39] There have also been a growing number of initiatives and developments within the context of the CSDP in the last few years, the latest being Denmark deciding to opt-into EU security policy after over 30 years.[40]

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37 Jean-Claude Juncker "In defence of Europe", speech, Prague 2017; "France's Macron pushes for 'true European army" (2018); De La Baume M., M. Herszenhorn D. "Merkel joins Macron in calling for EU army to complement NATO" (2018).

38 Treaty on European Union (Consolidated version) (2016).

39 European Commission: Directorate-General for Economic and Financial Affairs, Alessandra Cepparulo, Paolo Pasimeni, "Defence Spending in the European Union" (2024).

40 EEAS Press Team, "Denmark: Statement by the High Representative on the outcome of the referendum on the opt-out in defence matters" (2022).

There is also the distinction between CFSP and CSDP which needs to be addressed. Formally, CSDP is a part of the CFSP of the EU – the two largely overlap, however CFSP is a broader term and encompasses institutions and services which, while greatly important for the functioning of the European Union, such as the Diplomatic Service of the EU, are not equally important for the purpose of this thesis. In short, everything that falls within the CSDP also falls within CFSP, but everything that falls under CFSP does not necessarily also fall under CSDP. This thesis focuses mainly on CSDP.

Lastly, considering the current (some may say turbulent) geopolitical landscape and tensions, any and all research put into this thesis may prove to be outdated by the time this thesis finds itself in the hands of any readers. If not, it will almost surely be outdated by the end of the decade and everything written here should be taken with a grain of salt.

4.1 Status Quo

As previously mentioned, the inability of the European Union to adequately react to contemporary crises prompted the Saint-Malo declaration which was signed by British prime minister Tony Blair and French President Jacques Chirac. It clearly states that

> "[t]he European Union needs to be in a position to play its full role on the international stage. (…) To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises. (…) Europe needs strengthened armed forces that can react rapidly to the new risks, and which are supported by a strong and competitive European defence industry and technology."[41]

If it is said that European defence cooperation reawakened in the 1980s, it can be said that it began to sincerely focus in the 2000s, a process which has since then developed further and keeps on doing so, as it will be discussed shortly. This could be seen in the text of the *would-be* European Constitution which mostly got copied over to the Lisbon Treaty. It abolished the pillar system the

[41] Franco–British St. Malo Declaration (1998).

EU had been operating under up to then and redefined many of the EU's institutions. It also must be mentioned that the Declaration 'ruffled some feathers' in NATO, as shortly after the US Secretary of State Madeleine Albright spoke before North Atlantic Council and softly reprimanded the EU by saying that, while the US did support the enhancement of European capabilities, Europe should take heed not to undermine NATO by avoiding the famous (or infamous) three D's: de-linking from NATO, duplicating existing efforts and discriminating against non-EU members.[42] These three D's would be strongly adhered to in the future development of NATO and remain one of the primary causes for the hesitancy of many EU Member States to move away from NATO.

4.2 The High Representative of the Union for Foreign Affairs and Security Policy

For the purposes of this thesis, one of the most notable changes introduced by the Lisbon Treaty is the merging of the High Representative for Common Foreign and Security Policy which had been introduced by the Amsterdam Treaty with the European Commissioner for External Relations and European Neighbourhood Policy. The resulting role, the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter: the High Representative, the HR), ended up being far more important and competent than either of the previous two and plays a large role to this day. They are elected by the European Council, preside over the Foreign Affairs Council, submit proposals to the Council, serve as one of the Vice-Presidents of the Commission and heads both the CFSP and the CSDP (which only makes sense considering the CSDP is part of the CFSP).[43] In summary, their job is to ensure the consistency of the Union's external action.[44] This concentration of power, while it did not change EU competences, did allow CFSP to be (largely) led by a single leader which in turn allowed it to be more focused than before. A perfect example of this is the Implementation Plan on Security and Defence drafted by HR Federica Mogherini in 2016 which proposes *"A New Level of Ambition"* for Union security and defence.[45]

While the EU rightly focuses on developing its democratic institutions and the impact of the European Parliament, it seems that this merging of roles was optimal and correct considering the

42 Secretary of State Madeleine K. Albright, Statement to the North Atlantic Council, speech, Brussels (1998).
43 Treaty on European Union (Consolidated version) (2016).
44 Ibid.
45 European External Action Service "Implementation Plan on Security and Defence" (2016).

topic of CFSP. Historically speaking, plurality has always been the enemy of effective military leadership. This is not meant to claim that the role of the High Representative is that of a military leader, far from it, but if the EU is ever to have a joint military force it would likely need a singular commander (or a small number of them) akin to the role of a president in most western democracies. This function would, it can be assumed, most naturally be appointed to the High Representative. If this were ever the case, it is a good thing they have thus far demonstrated the ability to speak in a clear voice.

4.3 The 'mutual assistance clause' and the Permanent Structured Cooperation (PESCO)

The mutual assistance clause, formally Article 42(7), is a part of the TEU (Treaty on European Union) which states that Member States have "an obligation of aid and assistance by *all means in their power*…" in case of "*armed aggression*" on the territory of the affected Member State.[46] While it is quite obvious that the clause mirrors the one in Article 5 of the North Atlantic Treaty, it would be a mistake to call it nothing more than a "localised reaffirmation" of the aforementioned. In 2015, in response to terrorist attacks in Paris, France asked other Member States for aid based on this clause, not based on Article 5 of the North Atlantic Treaty.[47] While it is dubious if a terrorist attack could be considered "an armed attack against one or more (of the parties of the Treaty)" that alone does not discredit the fact that France relied on the EU and not on NATO for help. It proved that the mutual assistance clause can be relied on and Member States showed readiness to adhere to it, at least up to a certain degree. This being said, it must be noted that the clause itself reiterates that "Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence."[48] Overall, this displays that the EU is capable of defence cooperation to a degree without any real reliance on NATO – a step forward compared to the past, even if it does still mostly rely on NATO.

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[46] Treaty on European Union (Consolidated version) (2016), *emphasis added.*

[47] Niklas I. M. Nováky, "The Invocation of the European Union's Mutual Assistance Clause: A Call for Enforced Solidarity" (2017).

[48] Treaty on European Union (Consolidated version) (2016).

The mutual assistance clause is not without its flaws – the actual nature of the assistance to be provided is nebulous and undefined. The TEU (or any other specific document for that matter) does not give clear instructions on how to implement the clause – it just says that it is to be done within the context of NATO. These, however, are not valid criticisms as they can be attributed to Article 5 of North Atlantic Treaty as well. In fact, it is this very freedom which Mr. Trump relied on when he said that he would get to decide if and how the US would respond in case of an attack on one of the NATO members, as mentioned in the background section of this thesis.

It should also be mentioned that the Treaty on the Functioning of the European Union contains a somewhat similar clause which calls for Member States to act jointly in case of a terrorist attack or of a disaster, be it natural or man-made.[49] While the two partially overlap, Article 42(7) TEU provides a much broader legal basis for action as both "armed aggression" and "all means in their power" provide ample room for interpretation and in turn for application in a wide range of potential situations – most notably, it can be relied upon in case of a military invasion from a foreign power.

It must be stressed that Article 42(7) TEU represents the floor, not the ceiling, of security and defence cooperation within the EU. The Treaty itself explicitly states that "[t]hose Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework."[50] The Treaty calls this "Permanent Structured Cooperation" (PESCO) and is enhanced by Protocol 10 of the TEU which forms an integral part of the Treaty.[51] While the participation in PESCO is completely voluntary, it must be pointed out that all but one Member State participate in it, the exception being Malta. All legal acts are adopted by the Council, however the very purpose of PESCO is for smaller groups of Member States to cooperate in security and defence. When it comes to these smaller projects, only their members are allowed to vote. This only makes sense – if France and Germany enter a project whose purpose is to make interoperability of their equipment easier, why should a third Member State have a say in it? This arrangement can be a double-edged sword though, as on one hand it circumvents the required unanimity, while on the other hand it may deepen the differences between defence capabilities of

49 Treaty on the Functioning of the European Union (Consolidated version) (2016).
50 Treaty on European Union (Consolidated version) (2016).
51 Ibid.

certain Member States, or rather groups of Member States. While the intention for a more uniform organisation of European security and defence is there, it not only fails to avoid, but it may even enhance the practical issues regarding the possibility of an European army – something which will be discussed in a later part of this thesis.

It should be mentioned that an European Defence Fund (EDF) was somewhat recently established.[52] It is a common EU fund which serves primarily to be spent on joint research and/or acquisition projects. With every passing year it becomes larger and larger and according to some it represents a step away for the EU from its usual regulatory role to a more involved one, although it would be premature and incorrect to label it as 'positive and supranational'.[53] There is not much to be said about the EDF as, in the opinion of the author, its purpose and role is still malleable. This being said it will be discussed in more detail later.

4.4 Relationship with NATO

Stepping for a moment from under the umbrella of the EU, it's time to discuss NATO. As mentioned above it is still considered to be the "foundation of collective defence" between Member States and as such it deserves special consideration. NATO has its origins in the same time-period and context as the European Union and very quickly grew and developed. The Cold War gave it a large boost and over time it became what it is today – the world's most powerful military alliance. By its mere existence, it has undoubtedly influenced the politics and standpoints of many European countries throughout the last 70 or so years, and is most certainly one of the factors which caused an underdeveloped common European defence (as well as individual defences of many European nations). Today it numbers 32 members (23 of which are also EU Member States) some of which will be briefly mentioned at the end of this section. For the purpose of this thesis, it is most crucial to examine its relationship with the European Union. While NATO and the EU have always been intertwined, it is only as the EU began developing a proper legal personality that closer agreements and legal ties came to be.

[52] Regulation (EU) 2021/697 (2021).
[53] Catherine Hoeffler, "Beyond the regulatory state? The European Defence Fund and national military capacities" (2023).

Initially, the cooperation between Member States of the EU and NATO was coincidental – most Member States of the EU happened to be NATO members as well, and in this way the countries which cooperated within the context of the EU also did so within the context of NATO (the membership, of course, does not perfectly overlap). This changed in 2002 with the EU-NATO declaration on the European Security and Defence Policy. This declaration forms the basis of a strategic partnership between the two.

On a side note, it also displays the shift in perception the world had on the European Union. The EU did not have a proper legal personality until the Lisbon Treaty[54] and yet, many years earlier, NATO was ready to form a partnership with it.

Since 2002, the EU and NATO have had three joint declarations which were followed by sets of proposals to be implemented in order to ensure the goals set in the declarations are achieved. All of them ultimately lead to strengthening security and cooperation between the two.[55] The third declaration came following the re-escalation of the Russo-Ukrainian War and presents the furthest development in the cooperation between the two up to date. Up to then, apart from ensuring that the policies of the two wouldn't overlap and contradict one another, the cooperation has mostly been focused on policy coordination and exchange of information. The trend for most of the 21st century has been closer to establishing an alliance in which both would perform what they excel in – a sort of division of labour. NATO would focus on hard security issues and undertake activities such as military exercises and training missions, while the EU would work predominantly on aspects of security not strictly related with defence.[56] The third declaration displays a significant escalation of this cooperation, reaffirming and seemingly committing with new vigour to closer, practical cooperation when it comes to "combating hybrid and cyber threats, operation cooperation including maritime issues, military mobility, defence capabilities, defence industry and research, exercises, …" These are of course just buzzwords and it is very difficult to estimate how far this newfound willingness to cooperate will reach in terms of actual tangible results. Historically speaking, NATO

54 The Treaty of Lisbon (2007).

55 Joint Declaration on EU-NATO Cooperation by the President of the European Council, the President of the European Commission, and the Secretary General of the North Atlantic Treaty Organization, (2016); Joint Declaration on EU-NATO Cooperation by the President of the European Council, the President of the European Commission, and the Secretary General of the North Atlantic Treaty Organization (2018); Joint Declaration on EU-NATO Cooperation by the President of the European Council, the President of the European Commission, and the Secretary General of the North Atlantic Treaty Organization (2023).

56 Monika Sus, "Deprived of the luxury of non-cooperation: EU-NATO partnership in wartime" (2024).

has always been sceptical of the EU dabbling with defence, while most EU nations have been reluctant to fully commit to NATO as it leaves the EU's security policy reliant on the United States.[57] In the past neither were willing to "jump in with both feet" so to speak. It remains to be seen how or if this will change as the Russo-Ukrainian conflict draws to a close.

One more thing which needs to be addressed is the ideological difference between a minority of NATO members and the rest. Poland recently tried to systematically remove and replace judges unfavourable to the regime,[58] Hungary's Viktor Orban has been accused of being Putin's pawn[59] and Turkey is not even considered a democracy according to the Democracy Index published by the Economist Group.[60] All of this begs the question of how well NATO would function should Article 5 ever be called upon. I believe this question is one that has loomed over the heads of EU Member States' leaders for some years now, and is one of the factors driving development in the area of European defence as well as contributing to the possible realisation of an EU army.

4.5 EU Battle Groups

The EU Battle Groups (EUBG) are without a doubt the closest thing the EU currently has to a functional army. While the concept was being developed since 2003 it was only in 2004 that the European Council clearly accepted the Battle Groups as an important goal for the EU in their Headline Goal for 2010.[61] The core idea was to create small sized battle groups capable of rapid deployment, in order to respond to international crises.[62] The precedent was laid some time earlier, in 2003, when the EU successfully deployed a larger force to the Democratic Republic of Congo after the UN Security Council authorised a temporary deployment of "an Interim Multinational Force", allowing it to take all necessary measures to ensure peace.[63] The Battle Groups as proposed in 2004 would be smaller, more flexible and able to be deployed in even less time than it took to respond to the aforementioned crisis – ideally within 15 days. The European Parliament described these Battle Groups in 2006 as "the minimum militarily effective, credible, rapidly deployable and

57 Stuart Lau, Jacopo Barigazzi, "Who's the Boss When It Comes to Defense: NATO or the EU?" (2024).
58 Altabas A., "Judicial Independence under Article 19(1) TEU and Article 267 TFEU: Untangling the Gordian Knot" (2024).
59 Keith Johnson, "How Orban Became Putin's Pawn" (2024).
60 "Democracy Index 2023" (2023).
61 General Affairs and External Relations Council, European Council "Headline Goal 2010" (2004)
62 Yf Reykers, "EU Battlegroups: High costs, no benefits" (2017).
63 Ibid.

coherent force package capable of standalone operations or for the initial phase of larger operations."[64] It was also intended for the Battle Groups to be able to cover the Petersberg Tasks which were mentioned in the historical part of this thesis – tasks which are also incredibly wide in scope and ambition.

This leads us to the first issue with Battle Groups. While the generality of the Tasks may seem as a good thing, offering the EU flexibility to act in any international crises which fit the description of the Tasks, the magnitude of these Tasks actually produces the exact opposite effect. The Battle Groups are intended to consist of only 1500 or so troops because the intention was for them to be flexible and easily deployable. While this small size succeeds in that, it also leaves the Battle Groups inept to handle any major international crisis, paradoxically exactly those types of crises the Groups are supposed to be able to handle. "In their current configuration, most EU Battlegroups simply lack the fighting power for any mission that goes beyond political symbolism."[65] In short, the Battle Groups lack the strength to act properly.

Second issue lies in the fact that the members of the Battle Groups are constantly in flux. The Groups are meant to be rotated, so that every six months a new pair of Groups is on standby. Inversely this means that every six months the currently standing Battle Groups get disbanded and will not reform until all the other ones have rotated out. This means that every individual Group will have a hard time establishing a consistent level of readiness and method of action since 6 months is far too little time to train an armed force, especially an internationally acting armed force likely composed of people of different backgrounds which may speak different languages. On top of this, or maybe because of this, it is difficult to convince Member States to contribute to the Groups as there is no firm legal obligation which naturally means that some Member States contribute disproportionately more than others. When they do contribute, they contribute in different ways. For example, Germany usually offers up infantry, while Italy contributes with its maritime soldiers and Cyprus with medical support.[66] This leads to variation… and inconsistency. In short, the Groups are organised almost in a way meant to display political unity more than to produce an effective fighting force. In the pursuit of equality of contribution of Member States to the Battle Groups, efficiency was sacrificed.

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64 EEAS, "EU Battlegroups" (2013).
65 Mattelaer A., Coelmont J., "Modern European Operations: From Phoney Wars to Sickle Cuts" (2013).
66 Yf Reykers, "EU Battlegroups: High costs, no benefits" (2017).

Thirdly, there is a unanimity requirement in order to deploy the Battle Groups. Unanimity will be further discussed later, but for now it is enough to point out that any historical organisation with required unanimity for decision making can be used as an example of why this renders the Battle Groups undeployable, especially when we consider the EU's staggering number of Member States.

The lack of strength, nebulous organisation and unfocused political will behind them means that the Battle Groups were *never* deployed.

This is an issue the EU is aware of and attempting to fix. In 2022, the "Strategic Compass for Security and Defence" was released, planning to strengthen the EU's security and defence policy. One of the chief goals it sets is improving and softly remaking the Battle Groups, increasing the number of each of them, focusing them more on live exercises and war games, urging the Member States to commit more to them, both financially and in personnel, etc.[67] The Compass, however, was created before Russia's invasion of Ukraine which means it does not necessarily reflect the sense of urgency the EU currently feels. The changes it proposes are numerous and undeniably strengthen EU's CSDP, however it remains to be seen how these plans will be implemented in reality and whether they were sufficiently ambitious or not. As things currently stand, the Battle Groups have only cost money and resources without actually achieving anything (apart from, it could be argued, contributing to unity on some political level).

[67] EEAS, "A Strategic Compass for Security and Defence" (2022).

5. The (Im)possibility of an European Army

Having been familiarised (as briefly as it was possible) with the current state of European defences, we come to the core subject of this thesis – is an European Army, as defined in the introduction of this thesis, likely or even plausible. To answer this question, this thesis analyses three great categories of reasons or obstacles to an European army existing given the current state of affairs. These three categories are practical, political and legal. These categories cannot, of course, cover every single reason imaginable, but they will cover the most important ones.

The thesis will first cover practical reasons, as they are the most self-evident and uncomplicated of the three. These reasons have already been mentioned or alluded to in this thesis, but they will nonetheless be summarised since they play as an important role as the other two categories.

The second category to be covered will be political reasons. Again, this has already been alluded to and in part mentioned previously in this thesis, however a closer look has not been made to the most recent developments. Given the incredibly rapidity of developments on the geopolitical stage, new factors are being introduced on a daily basis and each of them has the potential to further shift or influence this category. That being said, politics are beyond the scope of this thesis and will not be analysed in detail, merely mentioned as they undoubtedly play a part.

Finally, the last category of reasons covered by this thesis are legal reasons, which will focus on the topic of sovereignty, unanimity and in small part constitutionalism and legal structures.

One of the key components of a well-functioning army is a focused leadership which is incredibly difficult to achieve for any alliance of nations without them establishing common and superior, *federal*, bodies. While the EU does have many federal elements, it is nowhere near the power of a fully federalised union. In terms of size, both in population and economic might, the EU is perhaps the most comparable to the US. However unlike the US, the discrepancy in military might cannot

be greater. For this reason, a lot of comparisons will be (and have already been) drawn between the two.

5.1 Practical reasons

For the longest time, it was the opinion of many of the Member States of the EU that a joint military power on an EU level was utterly unnecessary and that national military forces in combination with NATO were sufficient for protection. As discussed previously in this thesis, this is no longer the case. Member States have largely become aware that significantly more cooperation on the EU level is necessary and they have acted on it but only recently with alacrity. Because of this, the Member States of the EU have, until very recently, largely been working on their defence independently of one another although still within the context of NATO. As a result, the EU has several practical problems which stand in its way and prevent it from creating an army.

The first problem is lack of interoperability. The EU, as previously mentioned, is quite similar to the US in terms of many statistics but not so far as military might is concerned. It might then come as a surprise that the EU Member States, overall, have *six times* as many weapon systems as the US.[68] This is exactly because of the reasons mentioned above – each Member State of the EU thought itself as solely in charge of its defence and security. There was no obligation and no reason (from the point of view of many Member States) to ensure that a French made fighter plane could easily be used by the Spanish or that it would be compatible with missiles produced in Italy nor with parachutes made in Germany. This is even further complicated when we consider that many Member States of the EU purchase their military equipment from the US, meaning that the number of weapon systems in Europe is even more diverse. This presents an obstacle to a common European army because the Member States simply cannot, due to literal inability to do so, cooperate when it comes to their military equipment. Even forgoing the idea of a common European army, this presents a problem if the Member States wanted to help each other out in general. If war came to one of them, the other Member States might find themselves in a situation in which they are unable to help as much as they theoretically could simply because there is no way, for example, to donate repair parts for a vehicle if the vehicles the Member State in question uses are built in a completely different way.

[68] Niall McCarthy “Europe Has Six Times As Many Weapon Systems As The U.S.” (2018).

Similar and closely related (inseparable in fact) to interoperability is duplication. Member States of the EU develop weaponry, vehicles and military related tools independently of one another. This means that several Member States are working on different vehicles, ammunition, weaponry, equipment, etc. which would serve the same military purpose within an army.[69] The EU had, according to a research in 2013, 79 different military systems and platforms in use, compared to only 21 in the case of the US.[70] Again, this presents an obstacle because it is the opposite of efficient and coordinated. The differences between military systems of Member States are comparable to the differences between languages of Member States. While lingual diversity symbolises rich history, diversity in defence within a union as closely knit as the EU, between allies in every sense of the word, is simply unwise.

The final problem, which is more of a symptom of the first two, is inefficient spending. The issue of military spending in the EU has been a hot topic as of late and many Member States have increased their annual military spending because of that while many others have voiced their complaints about the same. It may come as a surprise then that the EU ranks second in the world in terms of annual military spending, being surpassed only by the US.[71] The amount of money being spent is not in itself an issue, but rather the misallocation of money. A country such as the People's Republic of China may spend less money on developing a fighter aircraft than the EU does, but the amount it does spend on developing it spends on developing a single one. The EU will instead develop 4 different fighter aircrafts, all of which will be built in such a way that a person trained to use one of them cannot use the others and the equipment used in one of them cannot be used for the others. Furthermore, none of the 4 would be decidedly superior to the other three, and smaller Member States would be tempted to buy different ones depending on their budget and other factors, furthering the issues at hand.

A counter argument could be brought up here claiming that this is an unfair comparison, seeing as the EU is not a country and should not be compared to countries. This argument can easily be defeated by pointing out that we already compare the EU to other countries when considering economic power, market shares and so on. It is true that the EU is not a country, but it is considered

[69] Valerio Briani "Armaments duplication in Europe: A quantitative assessment" (2013).
[70] Ibid.
[71] "SIPRI Military Expenditure Database" (2023).

as such in many (non-legal) categories. It is precisely not viewing the EU as a single entity, if not as a country, which brought about the aforementioned problems.

Taking all of this into account, the EU has made considerable steps towards addressing this category, the two most noteworthy ones being the EDF and PESCO which were mentioned earlier.

The primary purpose of the EDF is precisely to combat these issues, giving funding to the EU Member States specifically for the purpose of military cooperation by way of co-development of interoperable military technologies and equipment. EDF still remains as only an incentive. The Member States may initiate projects which qualify for EDF funding, but they have no real obligation to do so. This means that Member States may forgo such joint developments and interoperability and simply continue to do so as they already had been doing if the funding from the EDF proves to be insufficient or if logistical issues present themselves to the cooperation between Member States. The EDF is still too young to properly assess the impact it has had and continues to have. Regardless, the cooperation in question would occur in the form of PESCO, which has already been briefly discussed. On the other hand, this only half fixes the problem. While it is true that PESCO does combat the obstacles laid out in this segment, it is likely that it alone is not enough to surmount them. While it does make it more difficult for duplication and lack of interoperability to occur, it is not impossible, as two separate groups of Member States could theoretically be working on two separate projects which would fulfil the same purpose and thus the problems would still remain, only less widespread. Fixing both these problems would require imposing changes from the top, which is linked to unanimity and will be discussed later.

5.2 Political reasons

The second category of reasons can broadly be placed under the umbrella of political reasons – generally speaking, they all boil down to lack of political will. Therefore, this segment will focus more on the main causes for this lack of political will.

The first of these is the EU's relationship with NATO. NATO is still considered the "foundation of collective defence" for the Member States of the EU.[72] This is a narrative which has been repeated

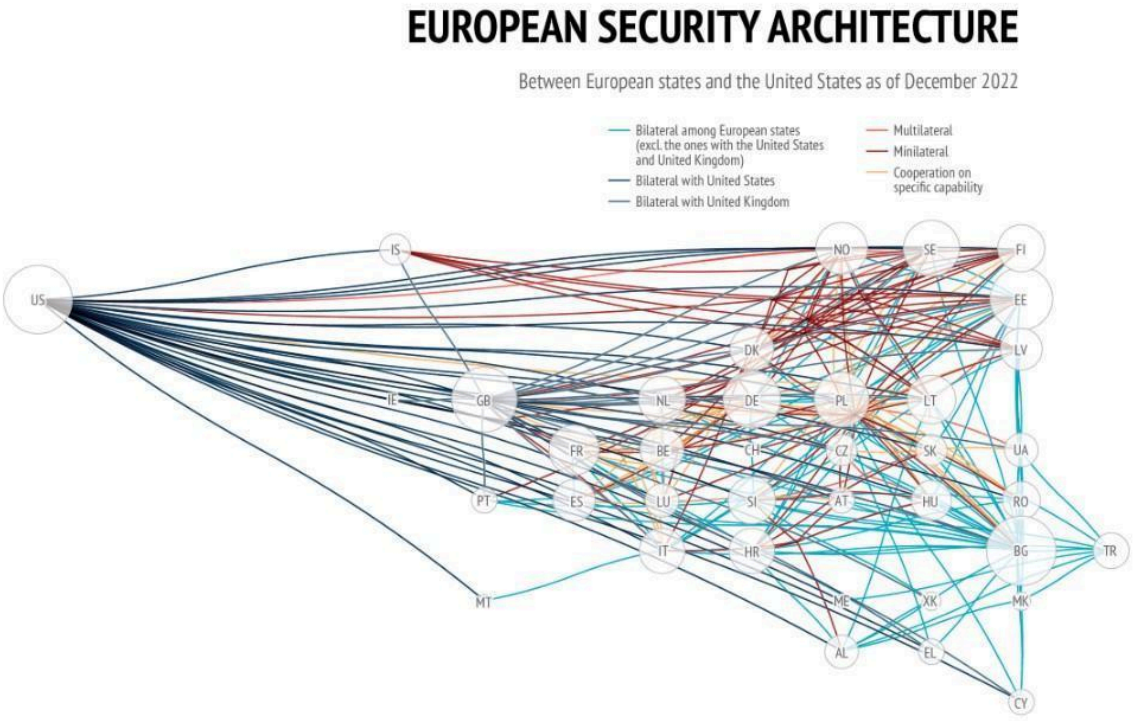
[72] EEAS, "A Strategic Compass for Security and Defence" (2022).

constantly whenever the topic of defence comes up and is the main reason why the EU's defence remains as undeveloped as it is. Although it is obvious that NATO should not be as largely responsible for the EU's defence as it is, even some of those Member States which agree are resistant to stronger development of the EU's defence. This is because it seems futile to try and replicate and recreate the many modes of cooperation existing within the framework of NATO within the framework of the EU. Why would we waste resources working on something that already exists? This could also be considered a practical reason and could comfortably be placed within the first category, however it is placed here because it is connected to a conundrum. That conundrum being that working on the EU's defence very well *could and likely would* lead to a repeat of what exists on NATO level, meaning the EU would be allocating significant resources to replicate something which technically already exists and the EU has access to. Having just pointed out that defence and security spending in the EU is misallocated, it would be hypocritical to consider this the best course of action. On the other hand, the alternative is doing nothing and submitting to NATO. Neither of the two seems like a good option. The political will for either does not seem to be particularly strong, meaning the EU currently sits and wallows in half-decisions – wanting to be independent of NATO, but not too much and wanting to be protected by NATO, but not too much.

Combating this lack of political will are recent geopolitical events and those who rely on them to call for change. Some of them have already been mentioned in the Background segment of this thesis (Mr. Trump's comments, the War in Ukraine, etc.), however there are many more examples which play an enormous part. Most recently, we can observe the Israel-Hamas war (or as some have come to call it the Israel-Gaza war). While none of these countries are members of NATO, the US, which is considered to be Israel's greatest ally, is. This complicates things when another member of NATO, such as Spain, publicly condemns Israel's actions,[73] calls it genocide and joins a case before the International Court of Justice in order to convict Israel for the crime of genocide.[74] This example of indirect political conflict between the US and another NATO member leads us to a very logical question – what happens if (or when) a conflict of interests occurs for the US and it has to choose between its contributions and obligations to NATO and to one of its other allies, especially in the areas of the world in which the US has a particular interest, such as the Middle East or East Asia and the Pacific?

[73] "Spanish minister wants Israel tried in world court for Gaza 'war crimes'" (2023).
[74] Seb Starcevic, "Spain to join South Africa's genocide case against Israel" (2024).

Yet, despite all of this, it is questionable whether the US and NATO even could be separated from the EU. This is not only for political but also practical reasons (as mentioned, the two overlap). There are many articles written exploring the depth and severity of interconnectivity that exists between the EU and the US when it comes to security, and many of them could easily be quoted and inserted into this thesis but, as a picture is worth a thousand words, perhaps this display will suffice.



Source: Insight EU Monitoring, "EU-ISS analysis on European defence partnerships: Stronger together"

The image displays all bilateral connections between European states and the US (dark blue), the UK (blue), those among themselves (light blue), multilateral connections (orange) as well as cooperation on only specific capabilities (yellow). As it can easily be observed, the lines connecting European states and the US are so innumerable that they lose their meaning.

Up until now, the EU has been playing a complementary role to NATO, covering its weaknesses and vice-versa.[75] It may seem that, while there may be a desire to more firmly commit to its own defence capabilities and to move away from NATO, Member States remain indecisive, politically unaligned and most importantly completely tangled up with the US. It would seem Member States

[75] Monika Sus, "Deprived of the luxury of non-cooperation: EU-NATO partnership in wartime" (2024).

are largely resigned to develop Europe's own defences at a glacial pace seeing as that's probably the best they can do considering the monumental effort it would require to untangle the above illustrated web and to create an (at least mostly) independent European defence. A great stretch of imagination is required in order to invent a historical event of such a magnitude to give Member States the kick they would need in order to unify their political will and foreign and security policy, let alone to fully commit to a common defence which could rival that of the world's giants and to boldly step away from US dependence. In terms of geopolitical strategy, the direction in which the EU is currently going is probably the safest (although it remains unclear if it is the wisest), however it does mean that for political and practical reasons there simply will not be fertile grounds for a common European defence on a larger scale for a very long time. Until then, an EU army simply cannot exist as anything more than a pale shadow of what it could be – and of what it would need to be.

5.3 Legal reasons

Finally we come to the third category which is the most complicated of the three. We can roughly distinguish two great legal reasons – sovereignty and decision making (as well as, to a degree, the level of integration the EU is currently at). These play a huge role in preventing the existence of an EU army as they are linked to the very roots of the Union as an organisation.

5.3.1 Sovereignty

Sovereignty as a concept has existed since the time of absolute monarchies and its definition has changed and evolved since then. Even today it is difficult to exactly define what sovereignty is. Hans Kelsen describes it very accurately by stating:

> "Although the expression 'sovereignty' denotes one of the most significant fundamental concepts of both the traditional theory of state law and that of international law, it is fraught with an ambiguity of dire consequence in the controversy over its meaning."[76]

[76] Kelsen H., "Sovereignty" (1998).

As a perfect example of this ambiguity, we can observe the relationship between international and national law (according to dualist view). Dualists consider international law as a complementary but ultimately separate legal system. This does not sit well with the traditional view on sovereignty which has always been described as indivisible – where then does it truly lie? If it lies in the hands of the State, then we devalue international law down to a mere suggestion, and if it lies in the hands of whichever international agreement or organisations serves as the source of international law in this hypothetical situation, then we defy years of tradition and deny sovereignty of a state to the people(s) occupying it. The logical answer would be that sovereignty is shared between the two or divided among them, however, as mentioned above, indivisibility commonly seems to be considered as a key element of what sovereignty is. The only thing about sovereignty which seems to be certain is that the understanding of the concept seems constantly in flux. All countries of the world consider themselves sovereign and yet no government in Europe would be considered sovereign if legal theorists of the mid-twentieth century were asked.[77]

It is exactly in this predicament that the EU finds itself. The EU is commonly defined as a supranational organisation of its own kind with federal elements. It claims competence over a wide range of tasks, duties and abilities – all of which were delegated to it by the Member States whenever they joined the Union or accepted the updates made to the Treaties. All of this was done while, in practice, ignoring the issue of sovereignty. Most Member States would claim they have sovereignty over themselves, however this is not entirely true (if we *strictly* adhere to what earlier jurists would consider sovereignty) considering the rich history of CJEU judgements which are considered obligatory and which the Member States have, almost always, adhered to. It would not be entirely true to claim the EU has sovereignty either, as there are still many areas in which it is not competent and has no say in. Not only does neither variant make sense, but the consequences of either would be destructive. EU sovereignty would mean unification and federalisation, while state sovereignty would demean the EU to subsidiarity. "As the European Union is deeply pluralist and disagreement-ridden, none of these alternatives has been in itself very promising; unification would undermine the flourishing of political culture within Member States and subsidiarity would undermine it between them."[78] The issue of sovereignty is complex and has been debated to a ridiculous extent. There are many possible, theoretical solutions to it, however it is far beyond the scope of this thesis to provide another potential answer to this conundrum, nor to provide support to a pre-existing one.

[77] William Wallace, "The Sharing of Sovereignty: the European Paradox" (1999).
[78] Samantha Besson, "Sovereignty in Conflict" (2004).

What is key is the following – sovereignty matters. It is ingrained into legal theory, tradition and method of thought of most countries whose legal system derives from Roman law. While few would place it within the category of legal science but rather within the constitutional or political categories, it would not be untrue to say that the topic of sovereignty elicits an emotional response in people and as such it is a delicate subject. Considering this, it must be kept in mind that every legal step forward within the context of sovereignty is also necessarily a political step.

The topic of military, armament, defence and so on are nestled right in the middle of the topic of sovereignty – the two are intertwined. The right *and ability* of a state to defend itself is an extension of its sovereignty, it is an expression of superior power over a piece of land because the inability to do so is contrary to what sovereignty *is.*[79] If a superior power over a land cannot prevent what it does not approve of within that land, then it is not superior.

The concept of sovereignty had initially been ignorable for the Member States, as most competences transferred to the EU have been of an economic nature. It was still somewhat ignorable when the EU began pushing boundaries of its competences by intruding into the sphere of social rights or foreign policy matters. It, however, completely ceases to be so when the topic of common security and defence arises, especially when it comes to the idea of a common army.

This is one of the primary reasons why a common European army, as defined in the introduction of this thesis, is extremely unlikely. To exist, the Member States of the EU would need to delegate not only their soldiers and resources to it but also to delegate *command* over it to a single person or body (otherwise the army would be ineffective and impractical). To do this in turn, the concept of sovereignty would have to be either abandoned or reimagined in a way all Member States would find acceptable. It is ironic that Europe, the continent which cares the most and is largely responsible for the invention of sovereignty, is the one which has since the beginning of the European project moved away from it the most and would need to do so even more. There have been many new, theoretical ways to consider sovereignty, such as cooperative sovereignty.[80] However, it is perhaps best to look to the US and quickly observe their view on sovereignty in order to see what the EU might learn from it. This is because the US has had a more flexible approach to sovereignty, which seems to have worked considering the country's rich legal tradition, and because

[79] Robert O. Keohane, "Ironies of Sovereignty: The European Union and the United States" (2002).
[80] Samantha Besson, "Sovereignty in Conflict" (2004).

comparison of the EU with the US, as it is the largest western federation, has been a running theme of this thesis.

5.3.2 American view on sovereignty and a potential blueprint for an EU army

The history of the United States largely impacted its legal logic. In the case of relations between the 13 colonies and the UK, the straw that broke the camel's back was the topic of taxation, which is a form of exercising sovereignty. The colonies refused to be taxed because they lacked representation in the UK parliament which was considered the supreme power of the British empire. In other words, by rejecting the supremacy of the British empire they also rejected the idea of absolute, *sovereign* power in one body. The historical circumstances the colonies found themselves in required of them to view sovereignty in a different light. Thus the then forming United States was bent on simultaneously establishing "external sovereignty" and utterly rejecting "unitary sovereignty".[81] On the outside, the US was (and is) a single sovereign entity, but on the inside its sovereignty is split and distributed both horizontally, between different federal bodies, and vertically, between federal bodies and state bodies. In theory it does not sound as if it should work, but it is precisely this strain which propelled the US forward for most of its existence and led to their own unique viewpoints and legal logic. It also seems that US jurists have never bothered themselves with where sovereignty lies as much as European ones did. To them, as declared in *Marbury v. Madison*, "It is emphatically the province and duty of the judicial department to say what the law is."[82] In other words, the practice of law trumps the theory of law. Where sovereignty lies (or does it even exist as a concept) is not nearly as important as the whole system functioning is. Paradoxically, the situation is somewhat reversed today – it is the US who represent one of the biggest defenders of unitary sovereignty, while the countries of Europe, through the EU, have been moving away from it.[83]

This process of "switching places" is far from finished (not that it ever truly could be), especially in the case of the EU. While the EU is slowly stepping away from the concept of sovereignty its Member States had known for most of their modern history, it still remains largely inflexible. That being said, and closer to the topic at hand, the way the US historically viewed sovereignty spawned

[81] Robert O. Keohane, "Ironies of Sovereignty: The European Union and the United States" (2002).
[82] Marbury v. Madison (1803).
[83] Robert O. Keohane, "Ironies of Sovereignty: The European Union and the United States" (2002).

curious military arrangements which could be a source of insight on how the EU might go about doing something similar.

Naturally, the structural differences between the two are colossal, which makes this a bit of an "apples-and-oranges" comparison. An analysis of all the differences between the two is a project more fitting for a book than for a segment of a thesis. Therefore, staying close to the subject of this thesis, the focus shall be on the relationship between the state of Texas and the US as a whole. This is because Texas has an incredibly developed and largely *independent* army, answering only to the president of the US as the supreme commander and otherwise being (excluding some segments) out of the control and authority of the federal government.[84] In other words, federal superiority over the state of Texas does not impact its ability to have an expansive standing army. In fact, Texas, as a state, has such a strong sense of identity that there have been numerous calls for secession from the US throughout history, most recent of which being the year of writing this thesis.[85] Whether this actually happens or not is entirely irrelevant. If there can exist a state with its own military and strong sense of identity within a federation as strongly held together as the US, then why might not something similar be achieved within the EU.

This curious example deserves closer analysis as it serves as a potential blueprint for how the relationship between Member States and the EU could look like if an European army comes to pass. Of course, there are many ways in which that might happen, but a relationship in which Member States keep their own militaries while simultaneously contributing to a common European army seems like the logical form it would take, as it is the smallest leap from *status quo*. Two things need to be kept in mind, however. First, in order to achieve this, the European sense of sovereignty needs to continue to change and evolve to the point where Member States can explain and/or justify (as far as legal theory is concerned) to themselves, on one hand, the contribution to a common army while, on the other, simultaneously surrendering control over it to an supranational entity they, in turn, have no strong control over. Second, the other 'barriers to entry' for an European army laid out in this thesis cannot be ignored. Legal plausibility is not sufficient if the issues of practicality and politics are not addressed. All three categories of reasons will need to be surmounted, or the very least circumvented, in order to create fertile grounds for a true European army. To achieve this, Europe would need to change.

[84] 32 U.S. Code § 109 - Maintenance of other troops; Texas Government Code, c. 437.
[85] James Bickeron, "Texas Secession 'Closer' Than Anyone Thinks" (2024).

5.3.3 Unanimity as the enemy of decisiveness

As stated in the part of this thesis analysing the current state of security and defence in Europe, for nearly all decisions related to defence unanimity is required. This presents a huge obstacle as it means not only that the creation of an EU army hangs on a uniform vote but that, should an EU army evolve from the EUBG, as it is most likely, any and all further changes to said army or the deployment of the same would also depend on that same vote. Were the European army to be created in this manner, it would suffer the same fate as the never-realised UN standing army, that is to say a historical footnote that never had an impact in reality.

This is, however, a very real obstacle that is not easy to surmount. It is closely tied to previously discussed sovereignty. A nation delegating its defence to a higher, supranational body alone is considered by many a huge infringement of sovereignty, but then to go a step further and suggest that very same body be able to make military decisions by majority vote, allowing for a possibility of it acting against the wishes of one or more states contributing to it is almost fantasy.

In this, we can see one of the largest structural differences between the EU and a closely integrated, constitutional federation. In such a federation, generally speaking, the federal government does not need to consider the votes of every state that comprises it. So long as a majority of states in question is on board with a particular decision, it will go through. When we consider the logistics of regular, everyday military activity during a conflict, the states which comprise a federation do not get to vote at all, and decision-making process is left to the few people in command.

The EU could not be further away from such an arrangement. The mentioned PESCO also needs to be observed as it shows that unanimity, and even majority, may be circumvented. However, larger results would require larger changes. The aforementioned majority already would require changes to the primary law of the Union, which is tantamount to constitutional change. This giant leap towards further integration is of course not impossible, but from everything looked at thus far, one would be pressed to find any evidence of such major changes being in the works. Thus, unanimity as a barrier to an European army remains.

6. The Direction of Change

Change is inevitable and constant, and it has and undoubtedly will have its effects on the European Union. While it is impossible to know what those changes are, it is useful to provide possibilities. Overall, there are two *very* broad directions in which the EU can go. It can either go the route of increased integration or the route of maintaining the same level of integration (or even decreasing it, but for the sake of the topic at hand this is essentially the same thing).

This is, of course, extremely simplifying things. As with everything EU-related, things are more complicated. In order to theorise, we need to specify what "increased integration" means and what it involves. Increased integration can still be subdivided into smaller categories from the smallest increase to the most radical. By exploring these smaller categories, an opportunity presents itself to estimate how likely each is to happen.

The lowest level of increased integration would be the unification of the EU's foreign policy. Before the EU can be ready to deploy any military force anywhere, it must be in agreement with itself as to where to send that force and against whom. As previously mentioned, unanimity is an exceedingly difficult hurdle to overcome. A unified foreign policy, but not military decision making (if it is even possible to separate the two) would logically present the smallest step towards larger integration the EU could make in the future. By achieving this, the political category of reasons against an EU army would largely be nullified.

The second level would be unified cooperation of the Member States in terms of military. This would be an enhanced evolution of PESCO – meaning that there would be an imposed standard for armament development and production, as well as joint and commonly shared research on the topic. The EDF as it currently exists is meant to encourage this type of cooperation. This is perhaps the most likely mode of increased integration the EU could take and could easily be substituted with the first level. It is, however, much more likely that a unified foreign policy needs to be achieved in order to *impose* this cooperation and for that reason, the levels are arranged as such. Achieving this level would largely address the practical category of reasons.

The third level would be the achievement of an European army as defined by this thesis. At this level, the Member States would likely still have their own military force but would contribute to a common one and cooperate among themselves in order to maintain it. This level would require overcoming all three categories of reasons and achieving the previous two levels of increased integration. This level of integration would obviously require large constitutional changes to the EU, which would be an entirely different entity by that point.

Finally, there is a fourth level, in which the Member States would forgo their own military and defence capabilities and depend entirely on the common military force of the EU. This level is so far from where the EU currently is that it is better suited for a science fiction novel than for an academic thesis.

The potential futures laid out in this thesis are only that – potential. It is impossible to say with any amount of certainty even how likely or unlikely these are. What is certain is that urgency breeds rapidity. Major historical events and crises have always been the greatest catalysts for change. Therefore, should these increases to integration come to be, they would either do so gradually over the course of a large amount of time, or the very opposite, in the blink of an eye following something which forced the change to come.

Conclusion

The topic of this thesis is vast. So much so that there are a plethora of other incredibly interesting factors which could be taken into account and angles from which this topic could be observed. To analyse the plausibility of a European army means to enter a web of interconnected and tangled subjects, almost all of which deserve their due. Therefore, the picture presented in this thesis, challenging as it was to paint, is still only a piece of a much larger collage.

Even so, two things can be said for certain – the EU still does not have an army and it is highly unlikely that this is about to change in the near future.

By analysing the history of European defence tendencies and how the Member States of the EU have behaved, we can conclude that change for them comes at a slow pace. While there is change and there is development in the field of European security and defence, much of which has been looked at in this thesis, it is quite obvious that the conditions for a large step needed in order to make a true EU army a reality have not been met. Many obstacles still stand in the way of it and the EU still has a long way to go before its military spending can truly be reflected in its military strength and until it can be counted among other military giants.

That, however, does not mean that an European army is utterly impossible, far from it. The foundations are being laid, the world is changing and the EU is changing with it, be it with a small delay. The final chapter attempts to guess at where those changes will lead, but whether those predictions are wrong or right remains to be seen. Overall, the puzzle pieces are being gathered, but it will be a while before we can approximate the final picture. For now, an EU army remains unlikely.

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