

**European issues**

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# To insure again the Defence of Europe Draft treaty for the Defence and Security of Europe



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## **To insure again the Defence of Europe through a Treaty between The Federal Republic of Germany, The French Republic and The United Kingdom of Great Britain and Northern Ireland. for the Defence and Security of Europe**

## REINSURING THE DEFENCE OF EUROPE

Since the end of the Second World War, the defence of Europe has been guaranteed by the North Atlantic Treaty signed in Washington on 4th April 1949.

On several occasions and via various initiatives the States of Europe have tried to give substance to their own European defence organization within this Alliance. The Treaty of Brussels on 17th March 1948 created an alliance of European States that promised to provide each other assistance in the event of war breaking out again.

The draft treaty establishing a European Defence Community which planned for the creation of a European army under American command, signed on 27th May 1952, was rejected by the French National Assembly on 30th August 1954.

The Bonn Agreements (26th May 1952), then the Paris Agreements of 23rd October 1954 created the Western European Union and reintegrated the Federal Republic of Germany into the continent's collective defence system.

Since this date the Member States of the European Union have not succeeded in establishing a specific organisation designed to guarantee the security of the European continent on their own within the framework of their alliances.

The North Atlantic Treaty Organisation has fulfilled this task under the management of the United States of America.

Whilst the latter want Europe to take on more of the burden in terms of their defence and face other global developments, all attempts made by the Europeans to do so have failed. The Lisbon Treaty devotes most of its content to defence and foreign policy. The provisions and commitments made by the Member States have not been implemented or adhered to. Only the creation of institutions and new procedures has really come out of it.

NATO has of course contributed greatly to the interoperability of national defence tools but it has not enabled the States of Europe to rise beyond the

dispute regarding membership of the Alliance and the quality of being a member of the European Union.

However, an increase in the number of terrorist acts in Europe and the growing pregnancy of conflicts in its neighbourhood, world rearmament and the behaviour of some major Continent-States, which are skilled in power relationships and the "fait accompli", require that Europeans make a real effort in terms of their defence, both on a national and collective level.

This initiative aims to reinsure the defence of Europe, by rising above these oppositions, without challenging the progress that has already been achieved and any future successes, by ensuring that these efforts are undertaken for the long term, by reasserting solidarity between the States of Europe which accept to commit in order to guarantee the stability of a safe, peaceful continent, without stopping any party moving forwards, notably within the European Union.

## ADAPTING TO NEW REALITIES

The British vote of 23rd June 2016 in support of leaving the European Union has weakened Europe strategically. "Brexit" might mislead other powers in the international arena about European solidarity or encourage them to try to weaken fragile European unity. The UK and France are the only European nuclear powers that are permanent members of the UN Security Council. They contribute to the credibility and defence of Europe. Great Britain is linked to France via two defence agreements signed at Lancaster House on 2nd November 2010. Cooperation between the two countries is an example that has to be protected and strengthened.

Threats, risks and many uncertainties of a new kind are weighing over Europe. Because of their history, their constraints, their traditions or because of real laxity, the Member States have not anticipated these. Although the European Union has contributed successfully to the continent's stability, only a strong, prepared system of defence will be capable of protecting its acquis securely in the long term. Europe has to show that it is determined to defend its values and interests. It has to

learn how to use force again, even if it does not have to use it, which is what everyone prefers.

Many Member States have already announced an increase in their defence spending. Indeed it is urgent to make up for lost time of disarmament which is leaving Europe open to the danger of blackmail simply due to its impotence.

Moreover European interests have extended geographically across the world. The closure of just one of the world's major Straits used for trade (Babel Mandeb, Malacca, Pas de Calais, Gibraltar), would prove costly for its economy, since 90% of European trade passes via the sea. Now that it is everyone's neighbour, Europe has to give up its purely peaceful rhetoric and endeavour to achieve true *Smart Power*.

#### THE METHOD OF THE FOUNDING FATHERS

To do this the community method is not the only one to be effective in the current context. The Founding Fathers of Europe showed us the way by introducing mechanisms to pool interests, which meant that the actors cooperated drawing ever closer together. There will not be a European army in the near future, and demanding it is not very productive. However for defence and regarding other issues in which national sovereignty is involved, the intergovernmental method might one day lead to "communautarisation".

This was probably an error in the Lisbon Treaty: it wanted to organise intergovernmental cooperation in a community treaty. No structured, permanent cooperation has emerged, the capability commitments taken by the Member States have not been honoured, international crises have divided the Europeans whose solidarity has been tested and the NATO-EU dispute has never been overcome. In terms of security the Union is divided and impotent. As long as it has no chain of command, selected by direct suffrage that organises political accountability and establishes its authority, the constant battle between integration and cooperation will sterilise all initiatives in the specifically "regalian" area, which Defence truly is.

From an operational point of view, in spite of numerous civil and military missions, all of the most recent conflicts

(Libya, Mali, Syria) have witnessed engagement by some Member States outside of the framework of the Union.

The Union was unable to give any one State a mission on its partners' behalf, and thereby implement article 44.1 of the Lisbon Treaty. The Lisbon Treaty did not lead to the outcomes expected of it, whether this involved the Union's military operations, the strengthening of its military capabilities or its methods of operation and intervention.

In this context we should welcome the initiative taken by the Defence Ministers of Germany and France on 11th September 2016. It aims for direct implementation of the Lisbon Treaty by suggesting the launch of permanent, structured cooperation, the setting of capability goals and by demanding progress in terms of investments in the financing of defence. The present proposal does not affect the scope of this proposal but might contribute to it since it tries to avoid any negative effects of a "Brexit".

Indeed it is really useful to restate our joint commitment with the British, to take into account the work undertaken by Germany which is already helping in 8 of the Union's civilian and military missions and is making a real budgetary effort (+7% of the Defence budget in 2017), to show the example of strong commitment, standing alongside our partners, showing that we can intervene on the field, at sea and in the air, everywhere where our common interests are under threat. This example might lead other Member States to join in, as was the case for all the previous treaties in this area.

From this point of view France has shown its intervention and commitment capabilities. It cannot bear this effort alone however. As it approaches an electoral period, which will coincide with a difficult economic context, it also has to "make safe" its own commitments.

The present treaty would send out a strong message to the world, especially to our neighbours and partners. It would also go out to our fellow citizens, who are worried about insecurity and the lack of any joint response. It might lead other European partners to join in this initiative.

Via its simplicity, clarity and the surprise it will create, since it will be released at a particularly vital moment for the future of Europe, it might provide reinsurance from the point of view of security, revive defence cooperation and be a significant symbol of vital European solidarity.

**Treaty for  
the Defence and Security of Europe  
between  
the Federal Republic of Germany, the French Republic and the  
United Kingdom of Great Britain and Northern Ireland**

*The Parties to this Treaty,*

*Reaffirming their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments. Determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberties and the rule of law.*

*Seeking to promote stability and well-being in Europe. Resolved to unite their efforts for collective defence and for the preservation of peace and security.*

*Aware of the threats and dangers for the security of the European continent,*

*Have therefore agreed to this Treaty:*

Article 1

The defence of Europe shall be organised in the framework of the North Atlantic Treaty signed in Washington on 4th April 1949.

Article 2

The Parties commit to provide mutual assistance and to cooperate closely if the Armed Forces of one of them are engaged in an operation requiring the use of force.

Article 3

The Parties commit to bring to or to maintain their defence spending at 2% at least of their Gross Domestic Product and their defence expenditure of equipment at least at 20% of this figure.

Article 4

Without prejudice to this Treaty, the Parties will be free to develop any type of bilateral or multilateral cooperation which they deem useful for the implementation of their commitments under this Treaty.

Article 5

The Ministers of Defence of the Parties shall meet at least four times a year as a Defence Conference to share their analyses regarding threats against European security, to assess ongoing operations and to decide on cooperation between their Armed Forces.

Article 6

The Chiefs of Staff of the Parties shall meet at least twice a quarter to organise cooperation between their Armed Forces.

Article 7

Any party which would fail to respect the terms in articles 2 and 3 of this Treaty will automatically exclude itself from this Treaty. Its exclusion shall be acknowledged by the Defence Conference.

Article 8

Regarding the States which do not fulfil the terms set in article 3 of this Treaty, the Defence Conference shall set a timescale enabling it to satisfy those terms. The respect of this timescale shall be subject to article 7.

## Explanations and justifications

### WHY A NEW TREATY?

The Defence of Europe demands renewed effort on the part of the Europeans. A simple declaration of intent, in which the latter are specialised, would not be sufficiently solemn to achieve the goals set out in the present proposal: guaranteeing, reinsuring, committing, taking responsibility, and thinking out new action, might develop with increased cooperation.

Why a treaty between Germany, France and the UK?

The latter two countries are the only ones which can undertake effective military action. Germany, the Union's leading economic power, has decided to renew its efforts. The three countries have to set an example by remaining open to other Member States that are ready to adhere to the commitments contained therein.

It is vital to address a strong message to the UK and to reiterate it is still a part of our continent.

#### Preamble

Based on the preamble of the Treaty of Washington, it recalls the peaceful goals of the signatories and their determination to act. Immobility is not an option for the Europeans who, standing together, acknowledge the growing dangers and make the issue of defence a formal element in the defence of their values.

#### Article 1

The hour of truth has arrived. The Atlantic Alliance is the guarantor of European security and whatever debate we might have about its place and role we have to assume this in order to overcome the sterility of the questions raised by the EU-NATO relationship.

#### Article 2

This innovation "widens" the terms of article 5 of the Washington Treaty and introduces an additional obligation of solidarity between Europeans. Regarding Germany, this move forwards would appear acceptable given the context.

These provision would not weaken but strengthen the terms of article 5 quoted above, which have been challenged by some American politicians' declarations that have been the cause for concern everywhere in Europe.

#### Article 3

This second innovation matches the commitment made in both NATO summits in Wales and Warsaw. It is vital to strengthen it and make it law in the Signatory States, where it will be the occasion of obligatory parliamentary debate. Article 8 provides for the means of implementation of this obligation.

To the objection regarding the budgetary situation of certain Signatory States we might object with the absolute imperative of security, which requires the correction of the trajectory whereby Europeans spend up to 34% of their GDP on healthcare and solidarity and under 2% on their security.

#### Article 4

This entails allowing each signatory the freedom to act under NATO in a privileged alliance with the USA or within the framework of the European Union, where France and Germany want to move towards new types of cooperation.

Since the goal is to raise European awareness of the threats, pragmatism must be exercised as far as the means to achieve this are concerned.

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## Article 5

This purely intergovernmental organisation is the only one likely to bring real results. This "voluntary pooling" cannot be managed by the European Union's institutions, rules and procedures. The Lancaster House Agreements between the UK and France have now already increased the interoperability of the two armies and strengthened their cooperation. It seems opportune to offer Germany the same possibility.

## Article 6

Dialogue between military staff of the three countries is already of exceptional quality and there is mutual trust. It is important to formalise this and enable them to really make this stronger.

## Article 7

The third innovation introduced by the treaty provides for the automatic exclusion of the State that does not respect its obligations, notably and more especially, in terms of capabilities.

## Article 8

Since both France and Germany have not achieved the 2% threshold it would be out of the question for them to implement this from one day to the next. A roadmap would have to be drafted for implementation that would be discussed and established together, which might then be used for other members.

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