The war in Ukraine and Europe's geopolitical awakening

Since the second war broke out in Ukraine on 24 February 2022, there has been a proliferation of analyses of the causes and consequences of this conflict, but all these analyses will be of no use if they do not help shed light on the future. That's why many of them use scenarios that aim to cover the most plausible hypotheses. However, the world is by nature chaotic, and the future rarely fits into scenarios.

If we Europeans want to become the actors of our own destiny and not just the spectators of a story written by others, then our role is not to predict the future, but on the contrary, in the words of Antoine de Saint-Exupéry, to make it possible.

So, let us try to draw out the essence of what has happened over the last fifteen months in order to envisage a desirable future - a genuinely geopolitical European Union - and above all a practical way of getting there.

Seven observations on the war in Ukraine

1. The absence of shared rationality in international relations and the great fragility of international law

This should no longer come as a surprise to anyone, since history is full of examples of foolish decisions that led to the downfall of those who took them at the height of their power. It was this irrationality, or rather this other rationality, that led Vladimir Putin to invade Ukraine. Of course, there are all sorts of explanations for this decision, which appears to be contrary to Russia's interests; the fact is that Putin is the sole judge of those interests, and to achieve his objectives he has not hesitated to lie shamelessly to multiple interlocutors on multiple occasions.

The first lesson is that, in international relations, we can hope for the best, but we must always be prepared for the worst: *si vis pacem, para bellum*. This should lead us to take with the utmost caution statements such as: "Putin will not use nuclear weapons in Ukraine", "China will not invade Taiwan by force" or "the Americans will never withdraw from the Atlantic Alliance" because "it is not in their interest". It is precisely to guard against this kind of irrational bets that the Finns and Swedes have decided to join the Atlantic Alliance and the Danes have joined the European Union's Common Security and Defence Policy.

The very purpose of international law is to enable different rationalities to coexist through the peaceful resolution of conflicts. However, Russia's aggression against Ukraine has shown its disregard for international law, and in particular the United Nations Charter. Indeed, the list of international treaties and commitments violated

by Russia is impressive[1], but the most impressive of these violations is that of Article 2 § 4 of the Charter of the United Nations, which underpins the principles of the inviolability of borders, respect for the territorial integrity of States, and the prohibition of the use of force. This violation by a member state of the United Nations Security Council, the assigned guardian of international order, tacitly approved by China, another permanent member of the Security Council, is shaking the international legal order, which has already been badly shaken since the early 2000s.

This situation must lead us to rethink the legal order that emerged from the Second World War before it collapses, and first and foremost the role and powers of the United Nations Security Council, a body that has clearly become useless. What is more, the centuries-old dialectic of law and force between sovereign nations needs to be revisited if we really want to outlaw war.

2. The extreme brutality and abysmal mediocrity of the Russian army

The invasion of Ukraine revealed to the world the brutality, cruelty, and corruption of Russian forces, relying for the most difficult operations on a collection of criminal militiamen, systematically targeting civilians and engaging in looting and atrocities. The Russian army has lost its honour in this outburst of violence.

However, besides their brutality, the Russian forces proved to be notably mediocre. They failed in their intelligence gathering on opposing forces, in their assessment of their own forces, in their strategy, in their tactics, in combined manoeuvre (air, land, sea, cyber) and in joint manoeuvre (infantry, artillery, cavalry). They lost their flagship to a country that had no navy and they proved incapable of acquiring air superiority against an air force with ten times fewer aircraft. Poorly led, poorly trained and poorly informed, the Russian forces were defeated by an enemy whose army was virtually non-existent on the eve of the conflict.

There are two lessons to be drawn from this. Firstly, there is, in theory, no reason for European forces to be afraid of confronting Russian forces conventionally. It is totally improbable that what remains of the Russian army will be capable of "going all the way to Berlin", whatever the zealots in the Kremlin may say. In terms of manpower, equipment, and defence budgets (€214 billion in 2021, excluding the UK, compared with only around €60 billion for Russia), European forces should have everything they need to outperform their Russian counterparts. But that's just the theory. On the one hand, the Russian dictator has shown total indifference to the losses suffered in terms of men and equipment, which is far from being the case for European governments. Secondly, and more importantly, outside the collective defence of NATO, these European forces remain under national command and are not integrated. So, neither manpower nor budgets can be added up.

Secondly, the European Union cannot stand idly by and watch the invasion of a free European country, the massacre of civilians, the murder of prisoners, war crimes, crimes against humanity, and the deportation of children, an act that constitutes genocide. Let us make no mistake about it: behind the false pretext of Ukraine joining NATO, which had no chance of happening (especially as there was no formal

[1] MAURO Frédéric " War in Ukraine: what consequences for international law? " Revue Défense nationale February 2023

request from Ukraine and no NATO accession plan), it was the mere prospect of Ukraine joining the European Union that was unbearable for the Kremlin. This is because of everything the Union stands for, the freedom, diversity, and equality of its members. For the time being, the EU is not "at war" with Russia, in the traditional sense of the term, nor is it "cobelligerent", a term devoid of any legal value, but which would mean that European forces are fighting alongside Ukrainian forces or that Russian forces are attacking European forces, which is not the case. On the other hand, the European Union must admit that Russia has been waging a hybrid war against it for several years, well before the invasion of Ukraine, and that it must therefore equip itself with the means to win this hybrid war. Otherwise, where will Russian neo-colonialism end? In Georgia, Moldova, or Estonia?

3. The small size of European armies and the absence of a European defence

Without the massive support of the United States of America, it is highly probable that European military aid would not have been enough to enable the Ukrainian forces to resist as they did in the face of Russian barbarity. This is a fact.

Of course, we can rightly congratulate ourselves on the fact that the European Union has remained united, except for the Hungarian government, and we can also welcome the progress made by the European authorities in putting in place serious incentives for the development of a European defence industrial and technological base. From this point of view, Vladimir Putin has done more for the European defence industry than any of the initiatives taken since the Lisbon Treaty came into force.

The invasion of Crimea in 2014 had already led the Commission chaired by Jean-Claude Juncker to put in place a series of programmes in favour of defence research, which paved the way for the creation of the European Defence Fund. The second war in Ukraine had an even more decisive impact on the progress of European construction in terms of the defence industry; acquisition of military equipment for Ukraine (European Peace Facility, with almost 8 billion euros); incentives for Member States to buy military equipment jointly (EDIRPA - *European Defence Industry Reinforcement trough common Procurement Act*); three-pronged action plan, totalling around 2.5 billion euros, intended to reimburse Member States that would donate or jointly buy munitions to help Ukrainian forces and, above all, contribute to developing munitions production in Europe. This last component, known as ASAP (*Act in Support of Ammunition Production*), could mark the beginning of a genuine European defence industrial policy.

However, the defence industry does not make defence, even if it contributes to it. European" defence, in the sense of defence of the European Union by the Union and in the interests of the Union, is still only a dream that we barely dare to whisper. The shock of Ukraine was not strong enough to persuade the Member States to go beyond the intergovernmental framework in which they themselves have confined themselves and to set up an integrated defence. Most of them are desperately clinging to the illusion that defence should remain a national prerogative, even if it means burying it. Even the ridiculously modest idea of setting up a 5,000-strong rapid reaction force, promised in the strategic compass

for 2025, will be difficult to make operational. The fact is that the conventional forces available to the Member States are, with rare exceptions, strategically thin in terms of stocks and munitions. Even France, which claims to be the Union's leading military nation, has no capability reserves and has proved incapable of sending even a dozen heavy tanks to Ukraine, let alone a fighter aircraft squadron.

4. Aggressive nuclear sanctuary, a major new strategic development

For the first time since Nagasaki and Hiroshima, Russia's leaders have used the nuclear threat not defensively, but offensively. Until now, "nuclear deterrence" consisted of "dissuading" a potential enemy from attacking its "vital interests" by threatening it with nuclear fire. In this case, however, Russia has used the nuclear threat to deter any retaliation on its own soil. In other words, it is no longer "if you attack me, I will annihilate you" but "I attack you and you cannot retaliate on my soil, otherwise I will annihilate you".

This "aggressive sanctuary"[2] or offensive deterrence, which consists of attacking a country by protecting its own territory using the nuclear umbrella, has created a strategic asymmetry that considerably limits Western aid to the Ukrainians. Without the threat of the use of nuclear weapons, it is not unlikely that the Americans and the Brits, both guarantors of compliance with the Budapest Memorandum, under which Ukraine renounced its own nuclear weapons, would have intervened militarily, as they did to defend Kuwait, Bosnia or, more recently, the people of Libya. At the very least, the West would have been less reluctant to supply so-called "offensive" weapons such as heavy tanks, long-range ground-to-ground missiles, or combat aircraft to the Ukrainian forces. By limiting their aid in this way, they hoped to avoid an "escalation". The West has been dissuaded and its own fears are hampering Ukraine's ability to win a decisive victory by denying it the right to strike military installations on Russian territory. Under these conditions, is a Ukrainian victory possible? Can we accept Russia's relentless bombardment of Ukrainian civilian infrastructure and forbid Ukraine from striking Russian soil with Western weapons?

There are two lessons to be learned from this. Firstly, it will no longer be possible to think in terms of "European defence" without including the nuclear variable in the overall equation. What could prevent Vladimir Putin's successor from seizing all or part of the Baltic states? Admittedly, one might think that Article 5 of the North Atlantic Treaty, NATO's famous collective defence clause, would come into play and that the US government would threaten the Russian government with nuclear retaliation. But will it really do so? Will it be prepared to risk nuclear war to defend Vilnius, which President Trump described as a "suburb of St Petersburg"? And will the Atlantic Alliance withstand the return to office of a neo-conservative American president?

On the other hand, this new strategic fact risks triggering major nuclear proliferation. The invasion of Ukraine by a nuclear-armed state, which is also a member of the United Nations Security Council, is bound to give pause for thought

[2] According to Bruno Tertrais, deputy director of the Fondation pour la Recherche Stratégique (FRS), the expression was coined by Jean-Louis Gergorin in the early 1990s - see "l'ombre du nucléaire sur la guerre d'Ukraine" FRS bulletin March 2022. https://www.frstrategie.org/programmes/observatoire-de-la-dissuasion/ombre-nucleaire-sur-guerre-ukraine-2022

to any country that is openly threatened by a nuclear-armed state. This is inevitably the case for Taiwan's leaders faced with repeated threats of reunification by force from their large Chinese neighbour, but also for the South Koreans faced with the North Koreans. As for Ukraine itself, it must necessarily ask itself what guarantees of security it is entitled to obtain on its own if the West fails to protect it. It certainly has the scientific and technical resources to rebuild nuclear weapons, as well as delivery systems that need not be ballistic or even intercontinental...

5. The rise of China as a superpower and the illusion of 'soft trade' as a peacemaker

China's emergence as a superpower is not a new phenomenon. What is new is the Chinese government's desire to call into question the international legal order based on law - a legal order that has benefited it greatly through the World Trade Organisation - and to replace it with an order based on force. This shared view with Russia explains the geopolitical intimacy that exists between the Russian and Chinese leaders. Why should Ukraine submit to Russia, and Taiwan to mainland China? Quite simply because "the strong wield their power and the weak must yield to them". It is like stepping back 2,500 years to a kind of Melian dialogue in which Putin and Xi Jinping are new Callicles, refuting the laws of the city and praising force: the rule of force instead of the rule of law.

The important thing to remember is that attempts to bring China and Russia into the international legal order, imperfect though that order may be, have proved futile. Trade" has not brought about "change", contrary to the German doctrine of *Wandel durch Handel*. All the hundreds of thousands of billions of dollars earned through trade with the West, all the transfers of technology, voluntarily conceded or fraudulently snatched away, have served not so much to raise the standard of living of the populations of these two countries as to build new military forces, get new sophisticated military equipment and transform peaceful atolls into fortresses. This manna has also been used to corrupt the democratic balance of our Western societies by all the means of hybrid warfare and to sow the seeds of anti-Westernism in Africa, South America and everywhere else in the world. This should make us think twice about our interest in doing business with states that want to dominate us and ultimately nothing less than to destroy us.

6. The emergence of a non-aligned "global South”

Of course, it is still too early to bet on the formation of a non-aligned bloc around the embryo formed by the BRICS (Brazil, Russia, India, China, and South Africa). Let us not forget that Russia's invasion of Ukraine was condemned at the United Nations on 23 February 2022 by one hundred and forty-one countries out of one hundred and ninety-three, i.e. 73%, or 95% if only the votes cast are taken into account. It's a long way from talking about the isolation of the West. The fact remains that, in terms of population, the BRICS group, as heterogeneous as it is, makes up more than half the world's population and continues to attract countries traditionally more favourable to Western ideas, such as Saudi Arabia.

With this in mind, we must try to understand why such powerful players as Brazil, India and South Africa have refused to condemn what is a flagrant violation of

international law and the sovereignty of nations, a violation whose consequences they themselves could one day suffer. Is it a question of crude manipulations such as those carried out by Russia in Mali, of considering powerful economic interests such as those linking India and Russia, of taking revenge on a preaching West that is incapable of respecting the rules it has itself laid down, or perhaps all the above? Whatever the case, the West in general, and the European Union in particular, need to take a fresh look at their development aid policy to see what has failed and led to a situation that is the opposite of what was intended.

7. The never-ending transformation of the European Union into a geopolitical player

In November 2019, speaking before the European Parliament, whose vote she was awaiting to take over as President of the European Commission, Ursula Von der Leyen announced that she wanted a stronger Europe in the world, in a word, a more "geopolitical" Europe. As far back as 1998, at the Saint Malo summit, the British and French had stated that "the European Union must be able to play its full role on the international stage", which is the most concise definition to date of a geopolitical player.

For an international player to be able to play "its full role", whatever that role may be, on the international stage, it is necessary, to quote Luuk van Middelaar in his remarkable work on the "geopolitical awakening of Europe"[3], for it to concentrate in its hands the mastery of three elements linked respectively to space, time, and power.

Space means territory and territory means borders. Yet the European Union was built precisely on the idea of abolishing internal borders, leaving it to the Member States to manage external borders. And despite the progress made, notably through the establishment of a common tool (Frontex), this is still a source of great tension between Member States.

The second element is time, and geopolitical time is none other than history, or to be more precise, the "story" that we tell about it. And here again, the European Union has built itself by rejecting the common European past of wars, massacres, and atrocities, leaving each of its Member States to tell its own national story, without building a truly European story. By looking almost exclusively to the future, it has become a sort of great tree without roots. Yet it is history and culture that bind peoples together and forge their awareness of their own identity, for better or for worse.

Finally, power has many aspects: economic, monetary, cultural, scientific, agricultural, etc., but it must also and necessarily be military. Indeed, there is no geopolitical player worthy of the name who is not capable of defending himself and depends entirely on others to ensure his own protection.

Of all the elements that make up a geopolitical player, the European Union's lack of capacity to ensure the defence of its territory and population, by itself and for itself, i.e. in defence of its own interests, is undoubtedly the most serious. It is clear how Ukraine's dependence on the supply of Western military equipment hampers its

[3] MIDDELAAR Luuk, "Le Réveil géopolitique de l'Europe" - Éditions du Collège de France 2022

freedom of manoeuvre and conditions the success of its attempts to recover its entire territory. This gives the United States and Europe considerable leverage over Ukrainian policy, even though they have never made such a fuss about selling sophisticated military equipment to the Gulf States, India, and Brazil, to name but a few. If the European Union does not want to take the same risk of depending on others at a critical moment in its history, if it really wants to be able to play "its full role on the international stage", then it must be able to defend itself. The lesson to be learned from the war in Ukraine is not whether European defence is desirable, but how to make it possible. The time has come to put a roof over the European house.

What future for the European Union?

1. Stop the semantic race

Since the signing of the Maastricht Treaty in 1992, European leaders, particularly the French, have engaged in a sort of semantic innovation contest to describe the need for the European Union to have a common defence.

First there was the notion of a "European Security and Defence Policy" (ESDP), then that of a "Common Security and Defence Policy" (CSDP), defined by the drafters of the Treaty establishing a Constitution for Europe as a kind of "defence Eurozone" or even "European Security and Defence Union". Every semantic device has been used to avoid talking about "European defence", starting with the specifically French barbarism "Europe de la défense". It is symptomatic that instead of talking about a European army or even simply "European defence", the drafters of the Lisbon Treaty preferred to talk about "an operational capability based on military and civilian means" (Article 42.1 of the Treaty on European Union - TEU). This goes without mentioning the capability process that is supposed to enable this "capability" to be built up, namely "permanent structured cooperation", three words that put together are incomprehensible to ordinary mortals, for the sole purpose of avoiding the word "integration"!

As for the concept of European "strategic autonomy", that obscure object of desire, it has had at least three different meanings since it was invented by the French in the 1994 National Defence White Paper. The first is that invented by the British and the French in Saint Malo in 1998. It is the matrix of the CSDP, which does not expressly bear the name of strategic autonomy, but which is indeed the first historical version, since it involves the European Union managing international crises in its neighbourhood when the Americans do not wish to intervene. It also constitutes the Union's positive law, which explains both the limited scope of the strategic compass adopted in 2022 and the desire to put in place (at last) a "rapid deployment capability" that should be "operational" in 2025 to fulfil the promise made in Article 42.1 of the TEU fifteen years earlier...

There was then a second version of strategic autonomy, mentioned many times in the 2016 "global strategy", which so frightened the countries of Eastern Europe, because it could be interpreted as the beginning of military independence from the Americans, which in the minds of the leaders of these countries could have

encouraged the United States to withdraw militarily from Europe to "pivot" towards the Asia-Pacific.

Finally, there was the third version of strategic autonomy, after the election of President Macron in 2017, which concerns not only military autonomy, but also various areas such as "trade, finance, investment". This version of strategic autonomy, in turn, frightened Europe's most liberal governments, who feared it would be a new manifestation of France's tropism for protectionism and industrial policy. This third reaction gave rise to the counter-concept of "open strategic autonomy", an oxymoron put forward by European Commissioner Margrethe Vestager.

It is no doubt in order to put an end to this semantic quarrel that the French President has tried to find a way out by inventing the concept of "European sovereignty", which is neither more nor less than strategic autonomy in its broadest sense, i.e. independence pure and simple. An independence that would obviously not be autarky, which would be neither desirable nor possible, but in which "interdependence" would be chosen and not imposed.

However, the war in Ukraine, by allowing us to probe the great military weakness of the European Member States, has led many observers to sound the death knell for the very concept of strategic autonomy and to pronounce, no doubt prematurely, the vacuity of the concept, in the same way that President Macron pronounced the "brain death" of NATO. However, even without naming the idea, it seems possible to agree on its content.

2. Agreeing on the substance of things

On closer examination, the differences in approach, particularly between the Germans and the French, are no longer as great as they were at the turn of the 2010s.

As far back as May 2017, Chancellor Angela Merkel, speaking in the Bavarian capital the day after a G7 summit, had stated that: "The time when we could rely entirely on each other is almost over" and she added that: "We Europeans must take our destiny into our own hands", calling for closer relations with President Macron's France. Indeed, the Meseberg summit in June 2018 ended with a declaration by the two leaders proclaiming: "France and Germany share the same ambition for the European project: a democratic, sovereign and united Europe, (...) a Europe ready to assert its international role in favour of peace, security and sustainable development (...)".

Ursula von der Leyen, newly elected President of the European Commission, proclaimed in her State of the Union address on 15 September 2021: "The good news is that in recent years we have begun to develop a European defence ecosystem. But what we need is a European Defence Union (...)".

In his speech to the European Parliament on 9 May 2023, Chancellor Olaf Scholz reiterated his call for a "geopolitical Europe", which he had first formulated in his Prague speech of 29 August 2022, a true counterpart to the Sorbonne speech given by Emmanuel Macron in September 2017. For the Chancellor, it is a question of

moving towards a "stronger, more sovereign, more geopolitical European Union, a Union aware of its place in history and its geography, acting with strength and cohesion in the world".

Of course, we can highlight the nuances between the French and German visions[4] , but we can also reasonably point to a **body of convergence** between the policies pursued for several years in these two countries, namely:

a. **Europeans can only hope to become geopolitical players again through the European Union**. Indeed, "In a world that will have eight or even ten billion inhabitants in the future, each of our European nation states is, on its own, far too small to defend its interests and its values" (Olaf Scholz, speech to the European Parliament); this is not simply a question of economic prosperity, it is a question of survival in a world where destructive nationalism and imperialist megalomania are resurfacing.

b. **To be a geopolitical player, the Union must be more "sovereign".** For Olaf Scholz, "European sovereignty essentially means that we become more autonomous in all areas, that we assume greater responsibility for our own security, that we are even more united in defending our values and interests in the world". (Prague speech). This is conceptually congruent with the "Macron doctrine" as expressed in November 2020: "So, when I talk about sovereignty or strategic autonomy, I link all these subjects (currency, technologies, the extraterritoriality of the dollar) which at first sight seem very far apart. What makes us decide for ourselves? That's what autonomy is all about: the idea that we choose our own rules for ourselves"[5] .

c. **This sovereignty depends on the Union's ability to defend itself, and this defence of the European Union can only be conceived within NATO.** It is undoubtedly on this point that the differences between the French and German positions are the greatest. For Olaf Scholz, it is clear that "The United States remains Europe's most important ally. This means that we will be better allies for our transatlantic friends the more we invest in our security and defence (...)". (Speech on 9 May 2023). Whereas for Emmanuel Macron, "Europe, and France in particular, has a vocation to be a balancing power, a power for solutions with, obviously, an ally in the United States of America, but which also knows how to build multilateral solutions with the Chinese. There is no answer to climate change without the Chinese, there is no answer to biodiversity without the Chinese. In addition, the German vision of European defence focuses more on the defence industry (not necessarily or not always with the French), whereas the French vision gives priority to the operational dimension of forces (not necessarily or not always with the Germans).

   But what is essential is that France accepts the idea of a European defence within NATO, without which there will be no European defence. For almost all European Member States, the only real way to ensure their security is to

[4] MENNERAT Pierre, "Discours de Prague : comprendre le discours de Scholz sur l'Union" 29 August 2022, Le Grand Continent and by the same author "Olaf Scholz : l'autre Europe géopolitique" 10 May 2023.

[5] "La doctrine Macron: une conversation avec le Président français", Le Grand Continent 16 November 2020.

maintain US military investment in Europe through NATO. This is precisely what has prevented the unanimous adoption of the concept of strategic autonomy, interpreted as a desire to separate from the United States of America. On the other hand, it is essential that Germany accepts the idea of strengthening European defence, as it is clear that "despite all that President Biden in particular has done for our (transatlantic) partnership, we know at the same time that Washington's gaze is also increasingly turned towards China and the Asia-Pacific. This will also be the case for future American governments - perhaps even more so". (Olaf Scholz, Prague speech). Perhaps this is the end of Germany's geopolitical naivety.

d. **Finally, and most importantly, the German and French leaders agree on the need to reform the European Union at the same time as enlarging it.** For Olaf Scholz, "it has to be said honestly: an enlarged Union must be a reformed Union. It must be emphasised that enlargement must not be the only reason for reform, but its objective. (...) To achieve this, there is much to be done: more Council decisions with qualified majority voting in foreign and fiscal policy". (Speech of 9 May 2023). As for Emmanuel Macron, he too believes that "we need a Europe that decides faster and stronger". (Interview of 14 May).

So, the question is: how can we enable the Union to take "faster and stronger" decisions on defence and taxation? And therein lies the rub.

3. Agreeing ways and means of strengthening the Union's ability to decide

There are two ways of reforming the European Union to give it the ability to take decisions.

3.1. Revision of the Treaties

The first is clearly the one envisaged by Chancellor Scholz, namely a change to the treaties, because "the European treaties are not set in stone. If, together, we come to the certainty that the treaties must be changed for Europe to progress, then we must do it" (Prague speech). This amendment is essential if we are to carry out the reforms he is proposing, namely:

a. **a gradual transition to qualified majority voting in the common foreign policy, but also in other areas, such as fiscal policy;** this is because: "We must remember that allegiance to the principle of unanimity only works as long as there is little pressure to act. But when there is an urgent need to act, the principle of unanimity is not the answer". (Prague speech);

b. **reforming the European Parliament, and in particular the number of MEPs, which is set by the Treaties at a maximum of 751;** as this number will be exceeded when new countries join the European Union, a new balance will have to be found to ensure that the Parliament does not become a "plethoric institution";

c. **Finally, a better balance between representation and efficiency must also be found within the European Commission.** This is because, according

to the Chancellor, "a Commission with 30 or 36 commissioners would reach the limits of its ability to function". However, he remains very attached to each country having a commissioner, a constraint that the Lisbon Treaty makes it possible to dispense with.

Unfortunately, this route is likely to lead to a dead end, as there are only two possibilities for revising the Treaties[6] . The first is the simplified revision procedures set out in Articles 48.6 and 48.7 of the Treaty on European Union. These are the famous "passerelle clauses", which provide for a switch to qualified majority voting, on condition that this decision is taken unanimously by the Member States.[7] However, it seems clear that this procedure will never be implemented, as there will always be at least one Member State out of the 27 that will refuse this possibility.

The second is the so-called "ordinary" revision provided for in Article 48, paragraphs 2 to 5, which exists in two variants: with or without an intergovernmental convention.

This is the path that has been favoured with the launch in 2021 of the "Conference for the Future of Europe". This citizens' consultation, made up of 800 citizens chosen by lot as well as representatives of the Member States and the Commission, has been promoted by President Macron since 2019. After many difficulties in setting it up, the Conference produced a document that was made public on 9 May 2022[8] . Among the 325 avenues for reflection, corresponding to 49 objectives on different themes, there is a proposal to call into question the unanimity rule, particularly in the areas of taxation and foreign affairs (proposal 21). There is also a proposal to create "common armed forces" (proposal 23) in the following terms:

> "Common armed forces, used for self-defence and designed to prevent aggressive military action of any kind, with the capacity to provide assistance in times of crisis, including natural disasters. Outside Europe's borders, they could be deployed in exceptional circumstances, preferably under a legal mandate from the UN Security Council and thus in compliance with international law, without competing with or duplicating NATO and respecting the different national relationships with NATO; in this regard, an assessment of the EU's relationship with NATO should be carried out in the context of the debate on the EU's strategic autonomy."

On the very day the final report was presented, President Macron declared in the Strasbourg hemicycle: "Faced with this, we will obviously also have to reform our texts. I also want to make it clear today that one of the ways of achieving this reform is to convene a convention to revise the Treaties. This is a proposal from the European Parliament, and I support it. I am in favour of it".

However, as soon as the final report was published, a group of thirteen Member States, mainly from Northern and Eastern Europe, published a letter in which they declared themselves "opposed to premature attempts to launch a process to modify the Treaty". This was followed by a letter from six so-called core European countries (Belgium, Germany, Italy, Luxembourg, the Netherlands, and Spain),

[6] FAVIN LÉVÊQUE Jacques, "Revising the European Treaties: Why? Why? When? Comment ? Revue Défense Nationale, n°859 April 2023

[7] KOTANIDIS Sylvia, "Passerelle clauses in the EU Treaties: Opportunities for more flexible supranational decision-making"; European Parliament Research Service December 2020

[8] Conference on the Future of Europe - final report May 2022

which France could not join in order to maintain its neutrality as President of the Council of the European Union, but which was clearly supported by France. These countries declared themselves "open in principle to the necessary modifications of the Treaty which are defined jointly" and proposed an "inter-institutional process" involving the European Parliament, the Council, and the Commission to support the "search for a consensus" on these issues.

In fact, on 22 June 2022, the European Parliament, using for the first time the possibility granted to it since the Treaty of Lisbon of initiating a revision of the Treaties, adopted a resolution entitled: "Call for a convention on the revision of the Treaties"[9] , in which it skilfully requested that the passerelle clause in Article 48.7, which essentially concerns defence issues (with the exception, however, of military operations outside the Union and capability cooperation operations for the benefit of third countries), could be triggered by qualified majority rather than unanimity.

More than a year after the vote on the report from the Conference on the Future of Europe, the European Council has still not deigned to respond to the European Parliament's call, even though it is legally obliged to do so under Article 48.3 of the Treaty. This illustrates the difficulties of achieving a consensus at a possible Intergovernmental Conference and the lack of appetite among Member States to move further in the direction of qualified majority voting and thus of strengthening the Union's ability to decide for itself, particularly in defence matters[10] .

3.2. Building an avant-garde

This avenue was also mentioned by President Macron in his speech in Strasbourg:

> "In the context of this challenge (convincing our peoples that the European adventure is the one that brings them together, protects them and enables us to move forward), we know that we may not all agree. Nor should we be afraid of differentiation and the avant-garde, which have always been fruitful for the European project. Moreover, they have never excluded, they have led, and they already exist, from the euro to Schengen. But I have been struck in recent years by the fact that, in some ways, the desire to keep us to 27 prevents us from being more ambitious (...)
>
> "We are afraid to take on the challenge of being more ambitious, and from the euro to Schengen, it is always the same thing, and we're wrong because these avant-garde circles do not exclude, but they allow those who want to go a little further to lead others and make ambition desirable, instead of making a wait-and-see attitude more risky".

This is the same path that was outlined bilaterally in the Meseberg Declaration in 2018, with the creation of a "European Security Council" enabling decisions to be taken by qualified majority, but which has never been implemented. In the current context of war in Ukraine, and with a view to further enlargement of the European Union in the short and medium term, we believe that this is the most feasible way forward.

Without this possibility, the European Union will never be able to take the decisions it needs to build genuinely interoperable armed forces, equipped by a genuinely

[9] Adopted text TA(2022) 0244 European Parliament resolution of 9 June 2022 on the convening of a convention to revise the Treaties

[10] DUFF Andrew - "Raising the stakes on constitutional reform: The European Parliament triggers treaty change" - European Policy Center - 6 March 2023

competitive and defragmented defence industry. Wanting both qualified majority voting and remaining within the framework of the Union of twenty-seven leads to an intellectual impasse, destined to remain a political incantation that can justify inaction.

So, without further ado, we need to bring together a group of pioneering States, around the seven that have expressed their support, to form a European Defence Union, a "Defence Eurozone", or a "Defence Eurogroup" - whatever the word, as long as it has substance.

Various institutional proposals can certainly be made[11] , but it will in any case be up to the participating states alone to negotiate the final architecture. On the other hand, we believe it is possible to set out the conditions that must be met by the future decision-making body.

First and foremost, the legitimacy of the Commission must be beyond dispute if we are to avoid further false accusations against the "bureaucrats" in Brussels. Who could be more legitimate than the Heads of State and Government and the Members of Parliament of the Member States, be they European or national?

The second condition is that this body must be effective, and one thing is certain: it will not be effective if its decisions are taken unanimously. Qualified majority voting is essential if all this is to be of any use. This implies accepting that one's own country can be outvoted, which after all is already the case for 80% of European decisions.

Finally, this body will have to be sustainable, or if we prefer "structured", i.e. structuring, in the sense that it will have to give rise to coherent policies and not case-by-case agreements. It must be designed for the long term and must be sufficiently robust to cope with all kinds of unpredictable events, like the Constitution of the United States of America.

Lastly, it must be open-ended, allowing all Member States that wish to join to do so gradually, as is the case with the euro or Schengen, because the aim is not to exclude anyone, but to include everyone at their own pace and according to their own decision.

Conclusion

The second war in Ukraine showed that war on European territory was once again possible, and that it could be extremely ferocious. It highlighted the mediocrity of the Russian forces, but also showed the limits of European forces without the support of American forces. Since this support is not a treasure that can be taken for granted, the Union must take charge of its own defence, including by introducing the element of nuclear deterrence.

Europe's main defence architecture is the European Union itself. This does not mean distancing ourselves or decoupling from the United States of America, but it does mean that the Union must be a genuine ally and not a “protégé” under

[11] MAURO Frédéric " Pour un nouveau cadre institutionnel de la politique de sécurité et de défense commune : la mise en place d'un Conseil de sécurité européen " IRIS - analyse n°10, janvier 2021

curatorship. Finally, the war in Ukraine must lead the European institutions to rethink their relations with China, but also with the "global South".

If the European Union, or at least a vanguard of determined Member States, does not make the quantum leap to a more political Union, capable of making its own decisions and taking long-term action, then "European defence" will remain an unattainable dream and all the lessons and observations drawn from the second war in Ukraine will have been for nothing.

Frédéric Mauro
Lawyer at the Brussels Bar
Associate researcher at IRIS

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