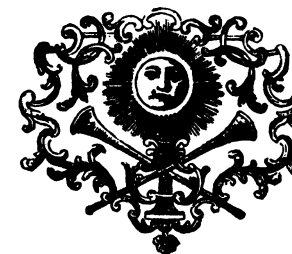


THE FEDERALIST

a political review

To look for a continuation of harmony between a number of independent unconnected sovereignties situated in the same neighbourhood, would be to disregard the uniform course of human events and to set at defiance the accumulated experience of ages.

Hamilton, The Federalist

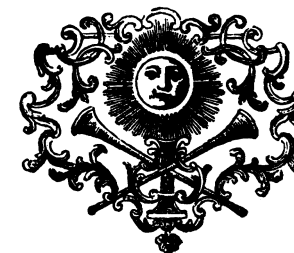


YEAR XXIX, 1987, NUMBER 3

THE FEDERALIST

a political review

The Federalist was founded in 1959 by a group of members of the Movimento federalista europeo and has been published in English, French and Italian since 1984. The review is based on the principles of federalism, on the rejection of any exclusive concept of the nation and on the hypothesis that the supranational era of the history of mankind has begun. The primary value *The Federalist* aims to serve is peace.



UNDER THE AUSPICES OF THE FONDAZIONE EUROPEA LUCIANO BOLIS

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The Gulf War

The dramatic events that are taking place in the Persian Gulf are the umpteenth demonstration — though further evidence was in no way needed — of the total impotence of Europe. At the same time they are eloquent witness to the growing incapacity of the bipolar equilibrium which emerged after the Second World War to guarantee a peaceful international order compatible with the world's economic and civil progress, and in particular the underdeveloped parts of the world. Moreover, the objective logic of the bipolar equilibrium is self-perpetuation, preventing the birth of new autonomous poles of development. And this is what the United States and the Soviet Union do — helped by their respective satellites — supplying both Iran and Iraq the instruments of their mutual destruction. By encouraging tensions in the region which runs from the Mediterranean to the Gulf, the superpowers and their satellites prevent the birth of a drive towards integration in the Middle-East region which they could effectively contribute to, in collaboration with the countries directly involved, if they developed joint projects designed to harness the immense resources which are being destroyed daily by virtue of their supplying the governments involved the arms with which millions of human lives have so far been sacrificed.

We should not forget that the development of Islamic fundamentalism, which is seriously threatening the stability of the Muslim world, is itself a consequence of the bipolar equilibrium, of its decadence and its current lack of alternatives. Iran not only has the feudal face that the government of the Ayatollah has publicized. As part of a different world framework with a just international economic order, it would have the potential gradually to become a modern, lay and progressive country. But every time a decision has had to be taken, since the times of Mossadegh, the game of international policy has sent the country down the worst road. Even after the fall of the Shah, Iran tried various lay solutions and only turned definitively towards theocracy after many

appeals to Europe by its governments for help and solidarity had fallen on deaf ears. The incitement and exploitation of religious fanaticism were therefore the last resort for the country's independence in the eyes of the forces who did not want the return of the Americans and the monarchy.

To hope today that the equilibrium of the region can be restored with a show of military strength by the Americans and some of their allies means believing that an international system is able to resolve the problems that it itself provokes. It may be added that, while the presence of the American navy in the Gulf, however useless, is the inevitable consequence of the world responsibilities that the United States—in the absence of alternatives—are forced to exercise, on the other hand the British, French and Italian expeditions are nothing more than an anachronistic surge of national pride, when they are not the result of unrealistic policies or calculated moves in the game of internal politics.

Clearly a short-term solution to the problem can only depend today on both the United States and the Soviet Union realizing the need for convergent action, exerted both on Iran and Iraq, under the guidance of the United Nations. Without both superpowers' commitment, any appeal to the UN is doomed to failure and to serve as an alibi in tranquillizing one's own conscience. Joint USA-USSR action may become possible in the near future—because of the enormous dangers for both superpowers implied in the conflict—even though this will be hard to achieve because of the intrinsically conflictual logic of a bipolar equilibrium.

Gorbachev's goodwill is now beyond question. But the fact remains that it is certainly not the bipolar equilibrium or its corollary, military blocks, that are the basis on which it is conceivable to start the process of gradually turning the United Nations into a body capable of mobilizing energies to safeguard international peace, i.e. an embryonic world government. For this to happen, it is necessary for a new actor to appear on the international scene, which is structurally interested in peace and collaboration, and which is able to act as a mediator between the two superpowers, to break the competitive logic of the bipolar equilibrium which risks driving the world to catastrophe. This actor must be able to encourage new trends in regional integration through a policy of openness and co-operation and should be committed effectively to disarmament and détente. Above all, the creation of this new actor should be an example of the end to national sovereignty. A new scenario would be born which would modify the expectations of men in a decisive way, directing them towards the ideal of a world government. The UN

would increasingly tend to become the legal framework for this new phase in the international equilibrium in which collaboration would prevail over competition.

This new actor can only be Europe. It is now an undelayable duty of the European political class to become aware of the need to direct their energies to the projected democratic Union of the states of the Community and to stop wasting their efforts in uselessly pursuing the idea, in which no-one now believes, that the "medium-sized powers" in Western Europe still have a role to play in international policy other than that of pouring oil onto the flames of conflicts such as the Gulf war with the supply of arms.

The Federalist

German Federalism against European Unification?

CLAUS SCHÖNDUBE

Hans Kelsen, the famous theoretician of the state and philosopher of law, who contributed in 1920 to the drafting of the Constitution of the Austrian Republic, gives us even today (thanks to his definitions of concepts and problems which are still up-to-date as regards the process of European unification) some very useful analytical instruments, albeit in totally different context. To take just one example, in the mid-twenties he sharply criticized the adoption of the word "integration" in the theory of the state as proposed by the German jurist Rudolf Smend. In his reflections, Smend argued that the state cannot be considered a system that has reached a stable equilibrium but is a set of manifestations of vitality, innovations and processes, and for this reason integration must be considered as a fundamental element in the life of the state.¹ Kelsen reacted sharply pointing out that, by arguing that integration is a "bringing together" with a view to unification, Smend was not only guilty of pleonasm (because every unification is a "bringing together" and every "bringing together" is a unification) but his thinking was totally unoriginal, because every state, as is apparent from the German word for "integration", is the institution of a link, a pact of union between men. A more hollow definition of the state would be difficult to find. Kelsen concluded that "only the non-German origin of the expression hides the banality of the whole concept."²

There is another problem regarding which many suggestions are to be found in Kelsen. In 1927 when reflecting on the constitutional form to be given to the then hoped for Union between Germany and Austria, he published an article on the *Zeitschrift für öffentliches Recht* on the problem of the emerging three tier federal state where he reached the conclusion that, should Austria be annexed to Germany, "the federal character of Austria would disappear or would, at the very least, have

been profoundly modified. From a technical and organizational point of view, a federal state in a federal state is an irreparable complication."³

It is precisely this "irreparable complication" that has become apparent in the framework of the process of European integration, in connexion with the ratification of the Single European Act in the Federal Republic of Germany. The *Länder*, whose governments make up the *Bundesrat*, i.e. the Second Chamber of the German Parliament, expressed a number of reservations. They demanded that the Federal Government should give them a greater say in the decisions of the European Community and, in addition, insisted on the *Länder's* prior approval and consultation regarding decisions affecting their powers. They also demanded the amendment of Article 24 of the Constitution, regarding the transfer of sovereign rights to inter-state institutions.⁴

The various stages in the controversy.

The problem of the *Länder's* participation in the construction of European unity is not new. Already at the time of the foundation of the Council of Europe, and more specifically when the Federal Republic took part a year later, the problem was repeatedly raised as to whether the deputies of the *Länder's* assemblies ought not to be granted the right to participate at least in the Parliamentary Assembly of the Council of Europe. At the time of the foundation of the ECSC and of the signing of the Treaties of Rome similar problems were discussed. The decline in the *Länder's* powers and the transfer of these powers to the *Bund* level (a matter we shall discuss below), the transfer of national powers to the European Community institutions and their exercise of powers previously assigned to the *Länder* led to repeated discussions and draft agreements regarding their participation in the process of formation of the Community's political will. The *Ministerpräsident* of the *Land Hessen*, Holger Börner, summarized the various stages in the issue in its fundamental terms in his inaugural speech as President of the *Bundesrat*. The *Bundesrat*, like the *Länder* soon became aware of the interplay between the advancement of the process of European unification and the federal system in the *Bundesrepublik*. Already at the time of the ratification of the ECSC treaty in 1951, the then *Ministerpräsident* of the *Land Nord-Rhein Westfalen*, Arnold, pointed out the danger that the *Länder* might be excluded from all participation in the decisions taken at a European level and that they would be "downgraded to purely administrative entities." With the signing of the ECSC treaty "the

fundamental powers of the *Bundesrat* as a legislative body" were jeopardized.

On that occasion the *Bundesrat*, in its statement of position regarding the draft statute drawn up by the Federal Government, asked that statutory provisions should be made for its participation in the process of formation of the political will of the German representatives in the framework of the Schuman Plan before ratification. This request to base the legal system on the rights of participation of the *Bundesrat*, and hence the *Länder*, in the process of formation of the political will of the Federal Government was not, however, taken up.

The *Bundesrat*'s right to participate was only provided for at the time of the ratification of the Treaties of Rome. Certainly the *Bundesrat*'s original request was not satisfied, namely that instructions to the representatives of the Federal Republic on the Community Council should be given by the Federal Government only after consultation with the *Bundesrat*. However, Article 2 of the ratification provisions of July 27, 1957 lays down that the Federal Government must keep both the *Bundestag* and the *Bundesrat* constantly informed about what is happening in the European Community's Council of Ministers.

The consultation must take place before the Council makes a decision insofar as, following the Council's decision, the need arises to draw up directly enforceable domestic German legislation. From an organizational standpoint, the *Bundesrat* subsequently decided (again in 1957) to create a special commission called "Common Market and Free Trade Zone Commission", which was later called "the Commission for the problems of the European Communities."

The *Bundesrat*, with great spirit of commitment, took on the task of bringing pressure to bear on Brussels through statements of principle on a whole series of issues. By 1957 it had debated 9400 draft statutes of the European Community, a figure which indicates the significance that the Community had already acquired.

But even outside the *Bundesrat*, the *Länder* took initiatives to involve themselves in the most appropriate ways possible in the process of formation of the European political will both by appointing their observers in the European Communities, and through the 1979 agreement between the Federal Chancellor and the President of the Conference of the *Ministerpräsidenten* of the *Länder* regarding the participation of the *Länder* in the approval of specific draft Community statutes.

The *Länder*'s observers must supply information to the *Länder* swiftly in order to allow them to make their position known regarding the

decisions being taken in the Community.

The 1979 agreement gave the *Länder* the opportunity to express their opinion to the Federal Government, in far-reaching ways whenever a Community project related to sectors that fell either partly or entirely in the jurisdiction of their parliaments. The task of the federal bodies is to reach a position which tallies with the *Länder* and to present it and impose it during negotiations insofar as this is possible.⁵

The problem of the steady erosion of the *Länder*'s powers and the steady increase in the domain of Community policy has become increasingly significant in recent years thanks, in particular, to the development of regional, social and environmental policies and policy on competition, all sectors in which the *Länder*'s powers relative to the promotion of economic development and social policies have been heavily compromised by Community law. The *Länder*'s civil service has been confronted with the provisions of Community legislation that they must implement without having any possibility of influencing the drafting of this legislation. The result has been that in recent years a tendency has developed in the *Länder* intensifying relationships with the Community in the form of meetings of top civil servants and ministers in Brussels, which led to the *Länder* opening information and contact offices in Brussels, so as to be directly represented vis-à-vis the Community.⁶

But the problem reached a head in the debate in the *Bundesrat* at the time of the discussion of the Draft Treaty of the European Parliament for the establishment of the European Union and the Single European Act.

On January 31, 1986 the *Bundesrat* expressed its opinion on the decision of the European Parliament regarding the Draft Treaty for the establishment of the European Union, in which European unification was confirmed in principle as the "historic task of the European peoples"⁷ and the goal of the European Union was affirmed. In the part of the resolution of the *Bundesrat* dedicated to principles, the Parliament's initiative is looked on favourably, the stagnation of the Community deplored, and the reform of its decision-making procedures repeatedly demanded. In the same resolution in which a federal structure for the European Union is called for, the possibility of "two-speed integration" is admitted. It also upholds the European Parliament's statement of principle under which reform of the Community's bodies is necessary. The resolution continues explicitly: "The right of legislative co-determination based on complete parity must be granted to the European Parliament. The decisions of the Council must in principle be taken by a majority."⁸ While in principle the cause of the European

Parliament is upheld and the Draft Treaty is seen as an appropriate basis for further discussion, the *Bundesrat* manifests strong reservations as regards the transfer of jurisdiction to the European Union as provided for in the European Parliament's Draft Treaty. The *Bundesrat* unanimously voted the following resolution (i.e. even with the votes of the *Länder* controlled by the CDU, the party in power): "The European Union must have a federal structure. It must guarantee the constitutional role of the *Länder* of the Federal Republic of Germany, as well as the traditional diversity and the rights of the regions as secure components of a European state order. Even the right to administrative self-government of the municipalities must be respected. Central decision-making bodies may have powers only in those sectors where transfer to the European level is absolutely indispensable for the realization of the European Union and that must be subject to consistent and effective discipline only at the Community level or Union level. In all other fields the member states — and, in those matters entrusted to them, the *Länder*, under the principle of subsidiarity — must retain their powers. The jurisdiction of the European Union and those of the states or their *Länder* must be distinguished clearly.

It is necessary to take the federal structure of individual member states into account and particularly vital that the basic sphere of sovereign state power, attributed to the *Länder* of the Federal Republic of Germany, be maintained with a clearly defined jurisdiction. Their right to participate in the Union's decision-making process must also be ensured in an adequate way, in keeping with their status in the state system of the Federal Republic."⁹

In a special part of the resolution, the *Bundesrat* heavily criticizes the European Parliament's project. In particular it contests the Union's sphere of jurisdiction which, in its opinion, reveals a strong tendency towards centralization legitimating the process of removing powers, in virtually every sector, from the member states. Faced with the fact that the Draft Treaty establishes powers which favour the Union in almost every field (at least under the various headings) the *Länder* fear that the constitutional guarantee of their powers contained in Article 79, Subsection 3, of the constitution, will be emptied of any real content.¹⁰

The *Länder* seem to be concerned about their powers in particular as regards education, science and research, social policy, health and consumer protection. "Under the principle of subsidiarity," concludes the resolution, "the transfer to the European Union of tasks that in the Federal Republic are not even carried out at federal level is untenable."¹¹

In the opinion of the *Bundesrat*, in the European Parliament's Draft Treaty the Union institutions are called upon to exploit fully their right to legislate and to acquire further new powers. Further reservations are manifested as regards administrative powers, finance (the failure to introduce maximum limits) and the criteria for delimitation of powers. The *Bundesrat* finally criticizes the unequal relationship in the number of the electors and the elected in the electoral laws for the European Parliament, according to the states, which infringes, in its opinion, the principle of the equality of the vote.

These considerations were voiced in the opinions on the Single European Act adopted by the *Bundesrat* on May 16, 1986. Even in this case the *Bundesrat* greeted the Act as "an opportune step on the road in the development of the European Community towards an economic and monetary union and, in a longer term prospect, towards the realization of a European Union."¹² However, it sees the Act as a further attack on the federal structure of the Federal Republic, that has adverse effects on the *Länder*, "since it affects the sphere of their original sovereign powers and their right to joint participation in drafting federal legislation, guaranteed by the constitution. Until today, no effective mechanism of compensation has been found in domestic legislation. For this reason, the *Bundesrat* considers it urgent and necessary to improve on its possibility of influencing, within the structure of the Federal Republic, the process of formation of the decisions of the European Community."¹³

For this reason, the *Bundesrat* has proposed the introduction of Article 1a in the ratification Act, thus formulated:

1) With the exception of the content of Article 2 of the ratification Act of the Treaties of March 25, 1957 on the institution of the European Economic Community and the European Atomic Energy Commission, the Federal Government shall inform the *Bundesrat* fully and expeditely on all the projects, within the European Community, that may affect the *Länder*.

2) The Federal Government is required to solicit the opinion of the *Bundesrat* before giving its assent to decisions of the European Community on EEC projects that, totally or in part, fall within the exclusive legislative powers of the *Länder* or affect their basic interests.

3) The Federal Government must take this opinion into account in the course of the negotiations. In the case of Community projects that, totally or in part, fall within the exclusive legislative powers of the

Länder, the Federal Government can depart from the position of the *Bundesrat* only for cogent reasons of foreign and European policy. In the other cases it must take its assessment of the interests of the *Länder* as formulated by the *Bundesrat* into due account.

4) In the case where it does not accept the opinion of the *Bundesrat*, the Federal Government must communicate to the *Bundesrat* the reasons that have led to its decision.

5) While it is compulsory to solicit the opinion of the *Bundesrat*, except for the measures already in force, the representatives of the *Länder* can, at their request, be admitted to the negotiations in the consultative committees of the Commission and the Council.

6) The details of the procedures of information and participation are drawn up in agreement between the *Bund* and *Länder*.¹⁴

The *Bundesrat* requires, moreover, that the mechanisms for the future participation of the *Länder* in the internal process of formation of the decisions should not only be fixed in the ratification Act of the Single Act, but, in future, even in the Constitution, with an amendment to Article 24 of the *Grundgesetz* that makes it impossible, at least in the cases in which it is a question of sovereign rights of the *Länder*, to transfer sovereign powers without the agreement of the *Bundesrat*.

In its statement of position, the *Bundesrat* intervenes on the individual points of the Act, regarding which it formulates a series of reservations. Criticisms are formulated in particular as regards the conferral on the Commission of powers of an executive nature (Art. 10 of the Act), the provisions regarding freedom to exercise a profession (Art. 16, Paragraph 2), the high standards of security in the Federal Republic (Art. 8), economic development (Art. 23), research and development policy (Art. 24) and environmental policy (Art. 25). In all sectors the *Bundesrat* recalls the original rights of the *Länder*, that can be changed only with their assent and only in precise cases, in which there is a real need for European action. The *Bundesrat*, in other words, asks that Community policy be oriented more incisively along federal principles and that the principle of subsidiarity be implemented.

It was only on November 12, 1986 that the Federal Government formulated its counter-observations regarding the *Bundesrat*'s opinion so much so that the entire procedure for ratification of the Act, towards the end of 1986, had to be brusquely accelerated. The entire year was in the meantime taken up by a hard-fought political and juridical debate relating to the federal system of the Federal Republic and the risk of its being emptied of meaning. Conventions were organized among special-

ists and, in particular, among the senior civil servants of the *Länder*; but even the members of the European Parliament and constitutionalists entered the arena to motivate their respective positions on the basis of juridical criteria. The doyen of German political scientists, Theodor Eschenburg, analyzed and assessed his views on the constitutional conflict that had thus arisen in the authoritative weekly *Die Zeit*.¹⁵

In his opinion, the Federal Government firstly expounds various principles of its political action assuring the *Länder* that it will observe the federal principles that lay down that no further bureaucracies shall be created, that it will take the results of the internal process of formation of political will into consideration, that it will do all it can to ensure that the high standards and levels of security in the Federal Republic will not be lowered by Community provisions. It, moreover, confirms that the rights of codecision of the *Bundesrat* will not be affected, that the regional economic development policy for education, research and the environment will remain the *Länder*'s tasks as in the past and that any new powers will be introduced only for the purposes of completing and linking the national initiatives.

The Federal Government is sceptical about the amendment of Art. 24 of the Constitution (though conceding it needs careful examination) and in particular has reservations about the content of Art. 1a, which, in its opinion, affects the very capacity of the Federal Government to act in the field of foreign policy. This, as the Federal Government points out, must be protected: "The Federal Government cannot be subjected to a directive of another federal body in the exercise of its powers in the field of foreign policy."¹⁶

The Federal Government, in other words, agreed to a new Article 1a, even though with some essential amendments. It also stated its willingness to agree to add several officials to the German permanent representation in Brussels from the *Länder* so as to keep the latter better informed. Insofar as Community decisions, entirely or partly, invade the domain of the *Länder*'s powers, the Federal Government agreed to supply them ample opportunities to express an opinion and stated its willingness to bear this in mind. The decisive amendment is in Paragraphs 3 and 5 of the text proposed by the *Länder*. The formulation of the Federal Government is the following: "The Federal Government in the negotiations takes into account the opinion of the *Länder*. When an opinion concerns *exclusive legislative powers* of the *Länder*, the Federal Government can depart from it *only for impelling reasons of foreign and European policy*. In the other cases it takes into account, in its consid-

erations, the interests of the *Länder* as formulated by the *Bundesrat*" (Par. 3). "In all the cases where the *Bundesrat* is to be given the opportunity to express an opinion, but without prejudice to the rules already in force, representatives of the *Länder* shall be admitted, at their request, to the negotiations carried out in the consultative Committees of the Commission and the Council, insofar as the Federal Government is allowed to do so" (Par. 5).

The Federal Government agrees, moreover, to present, within a short space of time, a draft agreement on the procedures for informing the *Länder*.

With these amendments, contained in the new text of Article 1a of the ratification Act, the *Bundestag*, on December 4, 1986, ratified the Single European Act before the deadline with only 6 votes of the Greens against, and the *Bundesrat* unanimously followed suit on December 19, 1986.

The underlying causes of the controversy.

With the ratification of the Single European Act by the two branches of the German Parliament, the dispute has been settled for the time being. But very soon it will arise again — especially at the time of the implementation of the measures of the Act. With the compromise between the Federal Government and the representatives of the *Länder* in the *Bundesrat*, the reasons for the contention have not indeed been resolved, but, if anything, only put back in time. It is necessary, therefore, to delve into the causes.

One of the most important causes is the growing loss of autonomy by the *Länder*, since the time when the Federal Republic was first founded. This is due to growing interdependence in the field of technology, economics and politics and the transfer of sovereign powers to supranational institutions. From the time it came into force till 1984, the *Grundgesetz* (the constitution of the German Federal Republic) had been amended 35 times and these amendments were exclusively to the advantage of the *Bund*. The regional Parliaments have almost completely lost their original role as legislators, even though at the same time the *Bundesrat*, which is a federal body, has been strengthened. Where before the regional Parliaments legislated, today they implement, in the majority of the cases, federal statutes; and even from the financial standpoint today the *Bund* occupies a much stronger position than before, in particular since the *Länder* have not opposed any strong

resistance in matters of major financial significance. Reform projects, making provision for the participation of the regional Parliaments in constitutional amendments, have been discussed for many years but have always met with strong resistance from the *Bundestag*, which does not want to give up its rights, which, in their turn, have steadily decreased, partly also because of interdependence.

A good illustration of this is the debate on the current situation in radio and television broadcasting in the Federal Republic. Among the most important prerogatives of the *Länder*, together with their administrative functions (since almost all administrative authority depends on the *Länder*, although federal laws apply) are its powers in the field of culture and, hence, in the control of radio and television broadcasting. In the age of satellites, this "sovereignty" is, however, completely ridiculous and made obsolete by direct transmission from space. No regional legislation on the use of the means of communication can prevent TV satellite broadcasts from being sent from one point on the earth to another. This is one of the reasons why the *Länder's* attention is directed towards Brussels, since they recognize that Brussels, i.e. Europe overall, can draw up legislation safeguarding, at least in part, the *Länder's* powers in the field of education. However, many other examples could be quoted such as the environmental protection, which has so far been largely entrusted to the *Länder*.

A further major cause is the *Länder's* lack of information as regards what is happening in Brussels. Federal legislative activity, in which the *Länder* participate thanks to the *Bundesrat*, is in fact followed and discussed by all publicly through the press, the parties, associations and the unions. The same does not occur for EEC legislative activity. The *Länder's* administrations are required to execute laws whose drafting they have not been a party to, that only in very rare cases are subject to public debate and that are the fruit of a supranational decision-making process matured in many languages and concluded without the presence of public opinion (since the Council of Ministers takes decisions, in its legislative capacity, in the course of sessions not open to the public). The desire to be present in Brussels at the moment of the decision — as the *Länder* do in Bonn — merely corresponds to the desire for better information and participation.¹⁷

To this we must add the specific nature of the method of integration chosen. Since attempts have been made to unify Europe through economic integration (with the exclusion of such major sectors as foreign, monetary and security policy),¹⁸ attempts have naturally been made in

Brussels, to integrate, regulate and harmonize even where, in reality, there was no need to do so. There may be reasons for drawing up regulations regarding European standards for bottles, bread, television advertising times, adding sugar to wine and the amount of carbohydrates in sausages. But there is absolutely no reason why they have to be binding. Federalism means freedom of the member states. The desire to make everything uniform in reality means attempting to eliminate the multiple forms of expression typical of Europe. This is true, naturally, in particular in the field of culture and education, i.e. the main sphere of action which has remained under the *Länder*'s control (large breeches in this field have, however, been opened up with the institution of new federal ministries for research and technology and for culture and science). This explains why the *Länder* resisted the projects of the EEC Commission and the European Parliament that interfere in these sectors, projects in which they have had no say and which are destined — in the long-term — to reduce their powers and hence even their source of finance.¹⁹

Even in the field of measures for economic development, a central area in the activity of the *Länder* (if for no other reason than the beneficial effects of the competition between them), they increasingly consider themselves damaged by Community provisions regarding competition.

Naturally not only objective reasons have caused these disputes. Party and personal "reasons" have fuelled the matter. The *Bundesrat*, as a federal body, is made up of the governments of the *Länder* and they, in their turn, are made up of party politicians. The presence in the *Bundesrat* of a majority which is not the same as the majority in Bonn is an invitation to use it as a forum in the power struggle between the parties — something that has already taken place.²⁰ But in the *Bundesrat* there is also dissent within each party — for personal reasons — which is directed against the government, as was the case in the controversy over the European Act.

Bavaria has always considered itself the most federalist *Land* among those in the *Bund*²¹ and in recent years its ambitious *Ministerpräsident*, Franz Josef Strauss (CSU) — excluded from Federal politics — has not spared his criticisms of the head of the Federal Government, Helmut Kohl (CDU) and, in particular, his foreign affairs Minister Hans-Dietrich Genscher (FDP).

In recent years Strauss has been one of the protagonists of what has been called the "parallel foreign policy" of the *Länder*.²² His many

journies abroad have been intensely political, with a trend that has departed from Bonn's policy in more than details.²³ No wonder then that the Bavarian government in particular took on the role of head of the opposition in the *Bundesrat* and those *Länder* led by the SPD joined in, with the consequence that the *Länder* which were governed by the CDU found themselves in a minority, willingly or unwillingly, and had to fall into line. The nature of party politics in our democracy explains why the entire dispute was motivated mainly by federalist concerns.²⁴

There are naturally other causes fuelling this controversy — even the strengthening of national feeling may have played a role — but the causes so far mentioned are probably the most important.

Federalism within federalism: an irreparable complication?

What lessons can be drawn from these disputes? For those who do not accept, either juridically or morally, or *de facto* the dogma of absolute national sovereignty as the basis of the future world order — but in particular of the present European order — this controversy recalls the nationalism of the nation-states, expressed here at the level of regions or the *Länder*. Anyone who has only a theoretical experience of federalism and who has not "lived", in the truest sense of the term, a state that has a federal structure, may even find this contrast incomprehensible. Is not federalism, we may ask, a dynamic principle that guarantees the freedom of the parts together with solidarity of the whole? Is it not logical that we manage to transfer powers to a higher level, if the parts do not prove to be more capable of resolving problems that have taken on a supranational character? The federal principle is distinguished from the static centralizing vision of the state precisely because it can respond much faster and more dynamically to challenges.

Although this consideration may be correct from a theoretical standpoint, even in the federal state there are constitutional provisions that were right when they were drafted, but which, with the passage of time, require updating. Every state — regardless of its internal organization — acts from this point of view like all other states, indeed just like any human being by trying not to lose power and sovereign prerogatives, i.e. the capacity to act, even though no longer able to exercise them to their full extent.

Herbert Spencer, who introduced the term integration into sociology, clarified this phenomenon, when he wrote that a state organization, by virtue of the fact that it develops itself, becomes a hurdle in its own

reorganization. Once it has been constructed, the individual components in the building resist all change, owing to the position that they have acquired and the ties steadily created between them. Self-conservation is always the supreme end of each part, since both the whole and the parts, once constituted, try to perpetuate themselves, whether they are useful or not.

Although an organization is vital to make interaction possible and thus to stimulate social growth, nevertheless, once founded, the organization is a hurdle to further progress, since the prerequisite of the latter is a reorganization, to which the existing organization is opposed.

However, even the opposition by the Federal Government is comprehensible. It does not want to see its power to act in foreign policy limited in any way by a mechanism of direct joint participation of the *Länder*, precisely because the Federal level is much more liable to lose its powers following European unification. In the sectors of the *Bund*'s exclusive powers — despite the incompleteness of the EEC — large breaches have occurred and with further progress in the process of unification powers have been further eroded.²⁵ This explains the Federal Government's opposition to other subjects — for example the European Parliament — taking part in Brussels in the process of formation of legislation, or even to allowing the direct intervention of the *Länder* in the working out of Community politics in Bonn. Under the basic legislation governing the Federal Government's powers, relationships with foreign states are part of the *Bund*'s jurisdiction.²⁶

But — it could be reasonably argued — relationships between the EEC member states are no longer classic relationships between sovereign states, but take on — to avoid any legal expression that may give rise to misunderstandings — the status of domestic politics. In the European Community there is a system of common government, a legislative power, an executive power, a Court of Justice and an elected European Parliament, even though the powers are not attributed in the sense of the classic federal system. In this system it can be assumed that there are even direct relationships between the Community and the states (the *Länder*) making up a federal state which is a member of the Community, in those sectors where these member states of the federation are empowered to act, without an "irreparable complication" for this reason being produced.

The German *Länder* would thus be able to apply many Community laws directly in their territory without passing through Bonn. Already in the Federal Republic municipalities have administrative autonomy and

thus there are direct contacts, regarding for example the regulation of the traffic, between the great cities (since they are part of a *Land*) and the Federal Minister of Transport. In this respect it should be stressed that the federal principle of subsidiarity implies that the affairs of government are managed at the level which is the closest possible to the daily life of the citizens.

Even if the current evolution suggests it is inappropriate to create a Europe made up of regions, since, on the one hand, the nation-state has become too extensive and, on the other hand, too small to resolve the problems of our times coherently, it does, however, seem appropriate that, during the revision of the Draft Treaty of the European Parliament, having taken the national Parliaments into account, efforts should be directed to developing that part of the preamble that concerns the participation of local and regional authorities.²⁷

The opposition of the *Länder* to the decline in their powers is not in any way to be considered, from the federalist standpoint, as an attempt to block the construction of Europe, but must be seen as the opposition of the lower levels, which until recently were allowed to take political decisions, to an attempt to downgrade them to mere administrative entities in fields where federal independence is possible. Federalism is not and cannot be a one-way road. A European political structure that, without any impelling need, completely vanquished the autonomy of the members would provoke a sharp refusal by many European peoples or, at the very least, would meet with indifference.

Precisely this is the danger that the EEC currently runs, for lack of democracy, transparency and a federal structure that brings it close to its citizens.

NOTES

¹ Rudolf Smend, *Staatsrechtliche Abhandlungen*, Berlin, 1985, p. 136ff.

² Hans Kelsen, *Der Staat als Integration*, Wien, 1920, p. 46.

³ Hans Kelsen, in *Zeitschrift für öffentliches Recht*, 1927, p. 329.

⁴ Article 24 lays down that: "1) the *Bund* can legislate for the transfer of sovereign rights to inter-state organizations; 2) in the attempt to preserve peace, the *Bund* can participate in a system of mutual collective security; this therefore makes restrictions of its sovereignty possible where these restrictions create and ensure a peaceful and lasting order in Europe

and among the peoples of the world; 3) to regulate disputes between states, the *Bund* must comply with agreements relating to general, full and compulsory international arbitration." The *Bundesrat* in this respect wants to express its opinions on transfers of sovereignty.

¹Published in *Das Parlament*, Bonn, n. 46/47 on November 15-22, 1986, p. 1ff.

²By the end of 1987 all eleven German *Länder* will be represented by officials at a ministerial level on the EEC, with their own liaison offices in Brussels.

³Decision of the *Bundesrat* on January 31, 1986, Document 31/86.

⁴*Ibidem*, p. 3.

⁵*Ibidem*, pp. 2 and 3.

⁶Art. 79, Section 3, lays down that: "No amendment shall be made to this *Grundgesetz* which affects the division of the *Bund* into *Länder*, the participation, in principle, of the *Länder* in the legislation or the principles laid down under Articles 1 and 20."

⁷*Ibidem*, p. 7.

⁸Decision of the *Bundesrat* on May 16, 1986, Document 150/86, p. 1.

⁹*Ibidem*, p. 1.

¹⁰*Ibidem*, p. 3ff.

¹¹Theodor Eschenburg, "Bundesstaat im Staatenbund - Bahnt sich ein Verfassungskonflikt an," in *Die Zeit*, Hamburg, n. 44 of October 24, 1986, p. 13. The proceedings of the conference which was particularly rich in information, and which took place on June 20 and 21 in Stuttgart on this issue, have been published as the book edited by Rudolf Hrbek and Uwe Thaysen: *Die Deutschen Länder und die Europäische Gemeinschaft*, Baden-Baden, 1986, p. 294.

¹²Federal Government Decision made on November 12, 1986, *Deutscher Bundestag*, Telefax n. 0228-9090, Lfd. n. 506 of November 13, 1986.

¹³The lack of information on the process of integration is an important but complex phenomenon, which concerns everybody and which in part must be attributed to European bodies which have not as yet shown any ability to conduct an effective information policy.

¹⁴Even though a preliminary formulation of this issue was given in the Single European Act, the fact remains that in this sector the procedures have remained those typical of the intergovernmental method, and hence no original Community powers are provided for.

¹⁵This explains for example the *Bundesrat*'s opposition to the EEC Commission's Erasmus Project (student exchanges). (See *Das Parlament*, n. 29/30 of July 19-26, 1986, p. 1ff.).

¹⁶Particularly in the last years of the Liberal-Socialist coalition. This also explains why every regional election has a political significance for the entire Federal Republic.

¹⁷The Bavarian regional Parliament was the only one to reject the *Grundgesetz* on the grounds that it was insufficiently federalist.

¹⁸Cfr. Klaus Otto Nass, "Nebenaussenpolitik der Bundesländer," in *Europa-Archiv*, Bonn, n. 21 of November 10, 1986, p. 619ff. It should be pointed out that Art. 32, Section 3, lays down that the *Länder* can also draw up treaties with foreign states. The Section states: "Within the limits of their legislative powers the *Länder* can stipulate treaties with foreign states with the consensus of the federal government."

¹⁹This was apparent in particular in the 1986/87 electoral campaign for the *Bundestag*, when the Bavarian CSU, led by Franz Josef Strauss, asked very energetically for a change in foreign policy. The main issues at stake were: the relationship with the USA, détente, policy towards South Africa and freedom movements.

²⁰The particular contribution of Bavaria in this controversy was made clear from the reading of the titles in an issue of the *Bundesrat*'s press review, which dealt with the *Bundesrat*'s position regarding the Single European Act. Here is a sample list of titles: "Bavaria wants to be present in Brussels"; "The free state is organized in Europe"; "A lance

broken for federalism, at the expense of Bonn"; "Bavaria opposes the Single Act"; "Bavaria: the government breaks its agreements"; "Bavaria blocks Kohl and Genscher's European plans"; "The particular wishes of Bavaria block further development of the Community" (from *Pressepiegel des Bundesrates*, Bonn, n. 7/86 of October 29, 1986).

²¹The following fall under the exclusive jurisdiction of the *Bund* (the field in which only the federal level has the power to legislate) under Article 73 of the *Grundgesetz*: 1) foreign affairs and defence, including civil defence; 2) federal citizenship; 3) freedom of circulation, passports, immigration and emigration, extradition; 4) the monetary and currency system, weights and measures, the determination of time; 5) the unity of the customs and trading territory, trade and navigation treaties, free circulation of goods, trade and payments to foreign countries, including customs and border protection; 6) the federal railways and air traffic; 7) the post system and telecommunications; 8) the juridical status of the personnel employed by the *Bund* and the public bodies directly controlled by the *Bund*; 9) legislation providing for industrial protection, publishers' and authors' royalties; 10) collaboration of the *Bund* and the *Länder* in questions relating to criminal police and the defence of constitutional principles, the institution of a federal criminal police office, the struggle against international crime; 11) statistics for federal ends.

²²Art. 32, Section 1, lays down that "the management of relationships with foreign states is the responsibility of the *Bund*."

²³The corresponding passage in the preamble to the European Parliament's Draft Treaty establishing the European Union contains the sentence: "Convinced of the need to allow the participation of local and regional authorities in the construction of Europe along appropriate lines."

Reflections on American Raison d'Etat and Euro-American Relationships

GUIDO MONTANI

In a recent volume of essays and speeches,¹ Henry Kissinger discusses the great options of American foreign policy from the standpoint of an outsider observing the government mechanism which involves the policymaker. It is a standpoint, says the former Secretary of State in his *Preface*, which is particularly useful when examining the structural long-term characteristics of international problems. Those who are in a position to take daily decisions do not have time for deep analyses: "Experience has taught the new outsider that the problems of which the policymaker is aware are the most urgent, not necessarily the most important" (p. IX). Indeed, the collection of Kissinger's essays provides significant food for thought on the nature of international politics, from the privileged standpoint of a superpower, in a phase in which the achievements of science and increasingly tighter economic interdependence impose worldwide solutions to problems affecting the whole of mankind.

The guidelines for the interpretation of contemporary political facts, adopted by Kissinger, are defined with great precision in the course of his essays. They correspond to American *raison d'état*, i.e. the role that the USA has to play vis-à-vis other world powers to maintain or increase its power. The rather special situation facing the United States is described as follows: "It is that the 1980s are a period in which the United States has to conduct foreign policy as other nations have had to conduct foreign policy throughout their history. In the 1950s the United States represented some 52 percent of the world's Gross National Product. Under these circumstances, our foreign policy was really a problem of identifying issues and overwhelming them with resources. Our allies were largely dependent on us and our adversaries needed primarily to be convinced that we meant business on whatever issue concerned us most. Every decade since then, the percentage of the world's total Gross National Product which the United States represents has declined by

some 10 percent. Now the United States represents some 21 or 22 percent of the world's Gross National Product. It still makes us the single largest economic unit, but it imposes on us necessities against which our historical tradition has rebelled. We now, for the first time in our history, face a situation in which if the whole rest of the world were to fall under hostile domination we would be clearly outmatched. Our policy from now on must be more like that pursued by Britain toward the continent of Europe through several centuries. It was a principle of British policy that a Europe united under the rule of a single dominant power would be in a position to outmatch and endanger Great Britain; therefore, Britain made itself the balancer of the European equilibrium, a role it fulfilled by acting soberly, rather unemotionally, based on a careful assessment of the balance of power. With respect to the rest of the world, the United States is today in an analogous position. Maintaining the equilibrium is no longer a favour we do for other nations. It is an imperative of our survival" (pp. 79-80).

The pursuit of world power equilibria thus represents the polar star of US foreign policy. And Kissinger, with great lucidity, attempts to apply this principle to the main international issues. The former Secretary of State believes himself to be a realist: it makes no sense to fight sword in hand either for great ideals, or to maintain a system now destined to be eliminated by the train of events. It is worthwhile only pursuing those policies which achieve the crucial objective of reinforcing American influence in the world. However, this classic precept of foreign policy no longer seems effective in today's world. The reader cannot help escaping the conclusion here and there that there are obvious difficulties: maintaining a bipolar equilibrium in the long run creates more difficulties than it solves in the short run. For example, as regards the Middle East — perhaps the most complex question in which the American administration is inevitably involved with enormous risks — Kissinger recognizes that "Egypt — and, if we are honest with ourselves, the dominant trend within our own Department of State — seeks to nudge the talks in the direction of a Palestinian entity, the inevitable chrysalis of a Palestinian state" (p. 54). But a little later on he admits that "the creation of another radical state with irredentist aims toward both Jordan and Israel is irreconcilable with the stability of the Middle East" (p. 98). This is a classic case of running with the hare and hunting with the hounds: America is trying to get on with all the parties (and, above all, with the powerful Jewish lobby in USA) with the result that local tensions are merely aggravated.

Even more strident is the contradiction inherent in American foreign policy vis-à-vis the Third World. "It is clear that a world of progress and peace requires that more than one hundred new and developing nations be made part of the international system; no international order can survive unless they feel a stake in it" (p. 20). In this respect Kissinger is very well aware that it is impossible for these peoples to take part in the world system — which for the time being is restricted to rich countries — without any effective development aid policy, so much so that he puts forward proposals for a new US Marshall Plan for Latin America. But, in the final instance, it is politics as the art of the possible which holds sway: "In a period of austerity in the industrialized world, official aid budgets are not going to be substantially increased. Developing countries will have to adjust to the reality that foreign private investment is the most promising source of development capital" (p. 72). However, very realistically, Kissinger himself recognizes that this type of policy in the long term can only provoke a growing Third World indebtedness on the financial market and that the fears of a new and very dramatic crisis in the international economy, whose dimensions could be even greater than those of 1929, are far from unfounded. The world is on the edge of an abyss and major reforms — says Kissinger — are required both in the system of trade (nation-states are increasingly tempted by protectionism) and in the international monetary system (it is dangerous to insist on the policy of floating exchange rates). The construction of a new international economic system is thus the order of the day. The initiative can only come from the USA. "Only America can lead the world to rapid economic recovery" (p. 137), Kissinger asserts with great confidence. But the reader is left with the legitimate doubt of wondering — assuming America is really capable of promoting world recovery — how come the US government (precisely when Kissinger was in power) chose to adopt a system of floating exchange rates rather than strengthen the Bretton Woods system.

The greatest difficulties and contradictions emerge, however, as regards security policy. US security depends on two basic factors: ties with the USSR and Western Europe, the main ally of the United States. Kissinger lucidly recognizes the stalemate situation in which the US finds itself: "Once the Soviet Union acquired the capacity to threaten the United States with direct nuclear retaliation, the American pledge to launch an all-out nuclear war on behalf of Europe was bound increasingly to lose its credibility and public acceptance — and so would NATO's defense strategy. For that strategy now rested on the threat to

initiate mutual suicide ... The legacy we are left with is a precarious combination of a reliance on nuclear defense, trends toward nuclear stalemate, growing nuclear pacifism, and continued deficiencies in conventional forces. If the democracies are reluctant to resort to nuclear weapons, and if they continue to evade the necessity of building up their conventional forces, then the Western Alliance is left with no defense policy at all, and we are risking the collapse of the military balance that has made possible thirty-five years of Western security, prosperity, and democracy. We will in effect have disarmed ourselves unilaterally while sitting on the most destructive stockpile of weapons that the world has seen" (pp. 65-66).

It is at this point that the reader begins to have serious doubts on the value of the polar star that Kissinger identifies as the reliable guide for the uncertain US policymaker. Kissinger claims he is convinced of the superiority of the USA, unless substantial changes take place in international equilibria, vis-à-vis the USSR. For example, as regards the economy, he argues that "the dilemma of Communism is that it seems impossible to run a modern economy by a system of total planning; yet it may not be possible to maintain a Communist state *without* a system of total planning" (p. 67). This contradiction is sufficient to maintain the distances between the two economic systems: the USSR is destined to chase after the US eternally. But in the military field, the reader cannot help noticing that there are no good grounds for boasting of a sure US superiority. Even supposing the armaments available to the two superpowers were reduced by half, enough of them would be left over to guarantee mutual destruction (as Kissinger admits on page 184). It is not thus through the search for military and technological superiority that the United States will be able to guarantee their security (the SDI project does not change the substance of the dilemma).

The basic problem, which Kissinger discusses at greatest length in his essays, is the relationship with European allies. Europe will be the decisive area for the West's future. NATO is in crisis. An alliance between unequal parties cannot survive without problems. Kissinger remarks that "in the long run, consultation works only when those being consulted have a capacity for independent action" (p. 205). Europeans do not, however, want to take on independent responsibilities on the matter of defence. For this reason, one of the main political proposals in the book relates to a NATO reform plan, in which Kissinger invites the European allies to shoulder the responsibilities of sustaining the burden of conventional defence in Europe. This will make it possible to carry out

a gradual withdrawal of American troops in Europe or their use, while maintaining Europe as a base, in other regions of the world (the Middle East, Africa, etc.). Only vis-à-vis a politically united Europe conscious of its world responsibilities will it be possible to improve ties between the allies on both sides of the Atlantic. "In the field of defense, increased European responsibility and unity would promote closer co-operation with the United States" observes Kissinger (p. 207).

As regards the problem of a United Europe the United States have in the past looked on this favourably and continue to do so. As Kissinger points out, "Federalism, of course, was a hallowed American principle. Shortly after the Philadelphia Convention, Benjamin Franklin was urging on the French the attractions of a federal Europe. A similar evangelism, in a more practical form, shone through the Marshall Plan." Americans have not always been aware of the fact that greater European independence would have generated grounds for conflict with the USA. They deluded themselves into believing that Europe would be able to share the goals of US foreign policy entirely and would not attempt to follow others on their own behalf. "That cannot be so." Despite these illusions, Kissinger concludes that "our original judgement was correct: European unity, strength, and self-confidence are essential for the future of the West. It is beyond the psychological resources of the United States — not only the physical — to be the sole or even the principal center of initiative and responsibility in the non-Communist world" (pp. 13-14).

* * *

What is striking in Kissinger's observations is the concern for problems which lead the US to look beyond their *raison d'état*, taken in the traditional sense of maintaining the existing world balance of power. The world is currently founded on Russian and American bipolarism, but the greatest contemporary problems have forced the two superpowers to seek solutions incompatible with maintaining the *status quo*. It is in fact a complete and utter nonsense, in terms of bipolar equilibrium, to encourage the process of European political unification and emancipation of the Third World. Such a policy, if pursued consistently, can only lead to polycentrism and, therefore, towards a redimensioning of the superpowers to a regional rank. In truth, the parallel suggested by Kissinger between the position of Great Britain vis-à-vis the European system of states and the United States' current position is only accurate in part. The European system was an advanced international system

while the size of the nation state was sufficient to guarantee the cultural, civil and economic development of European peoples. The national framework, however, proved to be an unbearable suprastructure already at the beginning of the century, when the growing interdependence of European economies forced the states of the old continent to desperately seek a "vital space" beyond the sacrosanct national boundaries.

Kissinger records this new fact in the contemporary age. "For the first time in history the world economy has become truly international ... Not even the strong political differences between the Soviet bloc and West have proved an obstacle to these dominant trends" (p. 223). It follows that the main task of contemporary politics is "to resolve the discordance between the international economy and the political system based on the nation-state" (p. 225). From these correct premises, however, Kissinger does not draw the logical conclusion: it is no longer true that the United States can take on — alone — the leadership of a process that can lead to a solution of major contemporary problems. We can no longer repeat what happened in the immediate postwar period, with the Marshall Plan and analogous initiatives for the construction of a stable international economic system, in which the USA played a beneficial role for the entire world (including the USSR). Here lie the main difficulties in the current US foreign policy. The relative decline in US power vis-à-vis new centres (Europe, China, Japan, Third World) of the international politics encourages the US government to seek solutions increasingly based on the exercise of force, rather than on the consensus of the allies and the other peoples. But this generates a dangerous involuted spiral. US leadership has so far been based more on the consensus of the allies than on imperial logic. It is unthinkable that America will be able to maintain the unity of the western world with methods like those the USSR has used since the war with its satellites. The obstinate search for world leadership will alienate the US even more from its Atlantic partners.

A true turning point in American foreign policy can only come from the reversal of the current priorities (the interests of America, says Kissinger, are also the interests of the world). The interests of America and the entire Western world may be better pursued if the interests of all mankind are placed first on the list or, to be more empirical, if the US give absolute priority to the solution of the world's major problems through co-operation — and not conflict — with the other centres of power in the world. Today it is possible to conceive policies that go beyond *raison d'état*, which represent the structure underpinning real international

détente, the indispensable premise for the future (albeit the very distant future) world government. The guidelines to this new US policy might be the following.

1) Vis-à-vis the USSR, America ought to try to obtain real guarantees for its own security and that of the West aiming more at a democratic transformation of the Soviet regime than at improbable military and technological supremacy. The nuclear holocaust is a common threat to both Americans and Russians. An atomic war, world public opinion is convinced, could not have effects limited to a small region of the world. Today the danger of war takes on a new dimension in the awareness of peoples because a nuclear war would leave neither victors nor vanquished. Given the point to which nuclear technology has been perfected and the exploitation of spaces, it is really nonsensical to pursue security only in military terms. The only true guarantee of security for the USA consists in encouraging the process of democratization which, albeit with difficulty and with an unsteady pace, is now underway in the USSR after the XXVII Congress of the Soviet Union's Communist Party. Were this process to take root, the conditions would arise for a relaunch of a plan of collective guarantees similar to the 1947 Baruch Plan, when the USA, who then held a monopoly over the atomic bomb, generously offered the USSR the possibility of sharing control over the new technology. The tension generated by the Cold War did not make it possible to achieve appreciable results then, but a new "Baruch" plan would be quite different in a situation where world public opinion is increasingly concerned with science fiction-type projects about star wars and desires concrete steps towards peace (guaranteed by the world's real power to monitor nuclear technology on a world scale and not just bilateral agreements).

Effective steps towards international détente could also take the shape of a greater, and possibly complete, liberalization of trade, technological and financial ties between East and West. The USA are stubborn in their policy of preventing greater ties between Eastern and Western European countries for reasons of military security. But does it make sense to continue this type of ostracism when the USA and the USSR are so powerful militarily to be able to destroy each other several times over? And is it legitimate to ask the Soviet regime to create more democracy and liberty within its borders when everything is done to block the introduction of the Soviet economy in the international market? Has the American government not always sustained that economic freedom in the past represented and still does represent a major

premise for economic growth, development and democracy and finally lasting ties of friendship between peoples?

2) Vis-à-vis Europe, America currently feels uneasiness as regards having to support the cost of European defence for allies who repay her with continual criticism. Kissinger is right: an alliance based on an unequal distribution of responsibilities does not stand up to the weathering of time. The radical solution to this state of affairs is the explicit US invitation to its allies in Europe to provide for their own defence. It would be a healthy shock to the Old Continent that now has a European Parliament elected by universal suffrage, but does not have the courage to take on the world responsibilities that ought to fall to a people who are just as rich as the USA and more numerous than the people of the USSR. Europe has all the resources needed to guarantee autonomous defence. But in this sense we need to recognize that there is no sense in implementing the half measures proposed by Kissinger. At the very most, NATO could be dissolved, with a dual advantage: the Eastern European countries would be invited to do the same with the Warsaw Pact and a factor of serious tension between the USA and the USSR would be eliminated (the desire to carve Europe up into spheres of influence). A Europe capable of autonomous defence (and hence possessing its own nuclear deterrent) would be a much more precious ally for America than European countries are today, integrated as they are in NATO, but utterly dependent on their Atlantic overlord as regards defence. True solidarity between Europe and the United States is based on a common culture, political regimes and the now very close economic integration. These factors will be decisive for joint future action by the USA and the European federation in world policy in defence of democracy.

3) Vis-à-vis the Third World, the United States ought to work to promote a new world Marshall Plan for the industrialization of underdeveloped countries, with long-term public credit granted to the poorest countries. All the major industrialized countries, in particular Western Europe, the USSR and Eastern European countries ought to participate in the implementation of this plan, whose basic objective is to end the world's North-South divide. The structures of a new international monetary system and a new system of trade could be redefined within this very long-term project. The basic characteristic of the institutions of the "new world economic system" should be that all states who accept its inspiring principles should be allowed to join. They should also encourage, as far as it is possible, the formation of a free world market with monetary and credit institutions subjected to collective control.

(For instance the development of instruments of payment of international trade as Special Drawing Rights vis-à-vis the use of national currencies as reserve currencies should be encouraged). It goes without saying that this great project of renewal of the world economy could use many of the agencies and institutions already created within the UN and would represent the backbone of a policy directed towards relaunching the UN as the main body for international co-operation. In the economic field, it will in actual fact be possible to proceed in the direction of strengthening international institutions with greater gradualness as compared with security and weapons. The experience of the European Community ought in this sense to be a significant model. A climate of intense co-operation — between the USA, the USSR, Europe and Japan — to defeat the dramatic problem of famine and underdevelopment can only make the process of détente irreversible between East and West.

This change in tendency in American foreign policy is inspired by political realism, if by this we mean the pursuance of a policy designed to translate the problems raised by the course of history into projects. From this standpoint, anyone who backs the conservation of a world in decline is not a good politician since he is destined in the long run to be defeated: and there can be no doubt that American foreign policy based on the search for supremacy is now condemned by history, because time will prove it to be contrary not only to the interests of the allies but also the Americans themselves. For this reason, Europeans have great responsibilities to bear. They must conclude, without further hesitation, the process of construction of the European federation, with their own government, own currency and own defence. The European federation — we should be clear on this point — will be able to become a new superpower and operate against US foreign policy. This falls within the logic of a world system based on power equilibria. There are, however, many causes as we have already stated that unite Europeans and Americans, so much so that it would not be at all inconceivable to place an economic and monetary union between Europe and America on history's agenda, in the first phase, and to transform the Atlantic Alliance into a true Atlantic federation (with the possible inclusion of Japan), in the second phase. But this will be practically impossible as long as East-West tension continues. European peoples deeply feel the ties of history and culture that unite them on this side and the other side of the Iron Curtain. In addition, there is an increasingly deep-rooted conviction that the world is marching towards unity and that any policy aimed at maintaining the opposing blocks is now condemned by history.

For this reason it is virtually impossible that public opinion in Europe will rise in favour of the Atlantic federation as opposed to the Eastern Communist countries (think merely of the German problem). It is much more likely that Europeans will accept the objective of a federation of democracies if this means that the union of all peoples who accept a few basic principles of civil co-existence, above all political pluralism. But the Soviet Union should be cordially invited to join in such a project, possibly agreeing with all those forms of unity compatible with the degree of pluralism and democracy achieved within its borders. The participation, for example, in joint control bodies of the international economy is now both possible and necessary. In a nutshell, the Atlantic federation should only be one of the possible variants of the "partial world government" proposed by Einstein.

New fruitful ties between European and American federalists now seem possible. US federalists can operate in favour of a federation between democracies, as the first step towards world government, even through strong criticism of the power politics of their government, when it is manifested, and suggesting concrete alternative projects to overcome this. On this basis, solid joint action between federalists in the old and new continents, in the struggle to overcome the politics of power, may come about.

NOTE

¹ Henry Kissinger, *Observations. Selected Speeches and Essays, 1982-1984*, Boston, Little, Brown and Company, 1985.

Notes

THE CONGRESS OF THE WORLD FEDERALIST MOVEMENT

From August 6 to 13, 1987, the World federalists met in Philadelphia, the city where two hundred years ago the Constitution of the United States was drawn up, to participate in a symposium on the strengthening of the United Nations and to attend their Twentieth Congress.

The symposium was organized to reply to the following question: "What has Philadelphia 1787 to say to the world of 1987?" It was solemnly opened with a paper by Norman Cousins, President of the United States section of the Association of World Federalists, in the *Independence Hall* (where the independence of the United States was proclaimed and where the Convention which drew up the first federal constitution in history met). The symposium then continued in the campus of the University of Pennsylvania, where the Congress of the World federalists itself also took place.

The symposium was above all a confrontation between American scholars of federalist theory and diplomats representing some of the most important countries in the world at the United Nations. Scholars of federalist inspiration illustrated the outlines of a "federal" reform of the UN institutions. The diplomats illustrated the difficulties hampering this reform. They paid tribute to federalism, but substantially defended national sovereignties.

Of particular interest was the speech by Professor Timofeev, of the Moscow Academy of Sciences, who argued that the world faces a turning point arising from the priority character assumed by the problem of peace and the need that East and West have as regards resolving the problem of security together. Hence the need to draw up new thinking enabling us to face the new problems raised by the evolution of contemporary history. It was with great surprise and pleasure that the audience learned from Timofeev that federalism has become a matter of

study in the Soviet Union. In this speech there was an echo of the changes of the Gorbachev era, confirmed by various American federalists who recently met groups of Soviet pacifists in Moscow. On the basis of these premises, and provided the process of renewal is not interrupted, it is legitimate to believe that, in a few years' time, we will have a Soviet section to the World Federalist Movement. The full meaning and significance of this is evident if we bear in mind that the prospects for world federalism are linked to the end of the East-West conflict, without which the bases for the first steps on the road to the world's unification are missing.

The symposium did not, however, tackle the issue of the type of political action needed to achieve a union of states in a peaceful way, action on which few are aware because of the absolutely extraordinary nature of such an event. Yet analysis of the precedent of the formation of the United States would give important guidelines for all those who are struggling to unify the continents and the world with federal institutions. It is well-known that Spinelli studied this precedent and was inspired by it in drawing up the strategy in the struggle for the European federation.

The work of the Congress has been carried out mainly in four commissions: 1) disarmament and security, 2) development on common heritage, 3) strengthening the United Nations, 4) human rights. The plenary sessions were given over to debating and approving the resolutions and amendments of the statutes.

The contents of the four resolutions drawn up by the commissions reflect the richness of the debate and the vastness of the themes discussed. In the resolution on the problems of security the following proposals are advanced: a) calling a permanent conference on security and international law, to improve the mechanisms needed for the peaceful settlement of international conflicts; b) establishment of a UN Agency for satellite control of armaments; c) creation of a peace-keeping force, available to any state which calls for its use, made up of soldiers directly recruited by the UN; d) creation of a UN Agency guaranteeing peaceful use of outer space; e) support for a nuclear weapons freeze, a moratorium on testing and a policy of no first-use of nuclear weapons.

In the resolution on development and common heritage, the Congress noted that faced with the growing needs of the world's population, and in particular in Third World countries, there has been a decrease in the amount of available resources: destruction of tropical forests,

spreading of deserts, contraction of supplies of fish, a tendency to exhaust unrenewable mineral resources and energy supplies, some of which (such as oil) have a key role to play in the working of the world economy. To this we need to add the crisis in the international monetary and commercial system and the growing indebtedness of Third World countries. All this requires global strategies to maintain natural resources and to plan the world's development, in such a way as to reduce pollution of the biosphere, develop sources of clean energy, improve production and distribution of foodstuffs, ensure that everybody has access to health services, promote the transfer of resources from rich countries to poor countries, extend the use of special drawing rights in international regulations. But the line along which major developments of the powers of the United Nations are possible is the affirmation of the principle, contained in the Convention on the Law of the Sea, that the seabeds beyond the limits of territorial waters are mankind's common heritage, and, on the basis of this, their exploitation must be attributed to a world authority. The Congress invited those states who have not yet ratified this Convention to do so and to extend the concept of common heritage to new sectors, such as outer space and Antarctica.

As regards the reform of the UN institutions, the following are the main proposals: a) limitation of the right of veto within the Security Council, starting with its abolition in cases such as the appointment of an enquiry commission and the admission of new members and banning the recourse to it by a permanent member when this is one of the parties to the conflict; b) replacement of the system of voting in the General Assembly with a system (called "binding triad") which, as well as the principle of equality of all the member states, also takes into account their population and their financial contribution; c) institution of an assembly of the peoples elected by universal suffrage side by side with the current assembly of nations; d) the strengthening of the International Court of Justice. The calling of a constitutional convention was indicated as the most correct method of achieving reform in the federal sense of the international organizations which operate both at a world and at a regional level.

On the question of the defence of human rights the Congress proposed: a) the development within the UN of legislative instruments for their defence laid down by the European Court of Human Rights; b) to oversee the application of world and regional conventions which protect them and to denounce violations; c) to fight to obtain recognition of the rights of minorities, of the emarginated and of those who live in

a foreign country.

Both from the resolution and from the debate the tendency emerged, in particular among the leaders, to direct the discussion towards the identification of the stages in the transition to the World federation and the search for intermediate objectives. This shows that a process of evolution is underway in the Movement, which in its turn is the result of great changes that have taken place in world politics.

For many a long year the work of the World federalists has been to define the shape of the ultimate goal, i.e. of the Constitution of the World federation, taken as an alternative to the limits of the UN and its incapacity to guarantee peace. The nature of this commitment was a consequence of the great gulf separating the idea of world unity from the possibility of actually achieving it. The rise of the idea of transition is the expression of the need to search for a stronger relationship with the transformations in the course of contemporary history. The premise for this choice is the awareness that the struggle for world unification is a long-term objective. Hence the disappearance of the illusion that the final objective can be achieved quickly, jumping intermediate phases, i.e. by calling a world constituent assembly. At the same time, however, the evolution of history has raised problems that cannot be solved except on a world scale and through the strengthening of the UN. Hence the effort to identify intermediate objectives, whose realization would make it possible for the world to make a U-turn in its crazy course to nuclear and ecological disaster and to direct it bit by bit towards unity.

Security was recognized as the absolute priority which in the nuclear age, and even more in the age of crisis in the balance of terror, must be taken as an indivisible good, i.e. as mankind's security, based on the progressive development of world institutions, starting with the creation of a UN Agency guaranteeing satellite monitoring of armaments and the peaceful use of space. But other intermediate objectives seem to have become concrete. For example, it emerged for the first time with the Convention on the Law of the Sea that it is possible to uphold the sovereignty of the United Nations on what is defined as "mankind's common heritage", such as the seabeds, Antarctica and space, creating within the UN forms of functionalist integration on the model of the European Community.

Despite this rethinking phase underway, the World Federalist Movement has not yet managed to conceive the European federation as an element in this process of transition. It is seen as a fact whose significance is exhausted on the regional level and not as a start to the process

of pacification which, although underway in one part of the world, affects the entire world.

European federalists (and in particular the group whose mouthpiece this review is) attribute great historical significance to European unification: it represents the first step towards the defeat in the logic of force in international relationships and towards international democracy. It also represents a step towards the World federation, which for European federalists has ceased to be merely a distant ultimate goal without any influence on the present and has become a driving force in the process of pacification of mankind.

This explains why we must consider the reasons for the separation between European federalists and World federalists as being groundless. Greater agreement regards not only the theoretical line (i.e. the way of conceiving the basic trends in contemporary history), but largely the political line, insofar as the greatest political and social problems (peace, environment, social justice etc.) have taken on world dimensions (and not just European ones) and can be solved only through world federalism.

Differences exist, it is true, as regards the strategic line, i.e. on the objective on which to concentrate forces. All in all, however, the respective positions, which originally were considered as alternatives, today seem to be increasingly complementary. The presence of the representative of the Italian national organization, whose membership in the World Association for World Federation was approved on the eve of the Congress, was considered as one of the most promising events in this Congress. This presence was interpreted as the sign of the emergence of a new prospect: the possibility of relaunching ever tighter links between the World federalists and European federalists after the split 40 years ago. This conviction which matured as a result of various meetings (the meeting of the Council of the WAWF, which took place in Aosta in 1986, and the Strasbourg Congress of the European Union of Federalists this year), has become consolidated thanks to the diffusion of this review, whose approach has received unanimous agreement among World federalists.

The collaboration which has been started would seem to be particularly fruitful even in the light of a further consideration. The World and European federalists are present in Europe to different extents according to the territorial areas: where there is no UEF or only a weak group there are strong WAWF groups (the Scandinavian countries and Netherlands), while where the UEF is strong the WAWF is either inexistent or

very weak (Italy, Germany, Belgium). The bases thus exist to multiply the influence on European public opinion on the basis of serious joint work.

Lucio Levi

WHY THE SINGLE ACT IS INSUFFICIENT

It is possible to discuss for hours whether the Single Act is indeed a great leap forward for the Community or merely a cosmetic change. The next few years will show whether the extension of the possibility to take a majority vote to a few more Articles of the treaty will really lead to more rapid decision-making in the Council; whether the Commission will recapture its executive role; and whether the Parliament's influence on Community legislation will increase. Certainly there are still battles to be fought within the confines of the Act. However, the purpose of this article is to argue that, even if the optimistic interpretation of the Single Act is correct — indeed *especially* if it is correct — the need for further reform will become apparent.

Let us *assume* that the Single Act will be successful in its priority objective of achieving a genuine internal market by 1992, in the sense that there is total free circulation of goods, services, capital and labour. What would have been achieved would be a single market, but without common instruments to manage, control and organise that market.

Let us first take an obvious example. If the Community has not laid down common standards for *consumer protection* within the single market, and separate national provisions (albeit mutually recognised) still apply, then the market will be vulnerable to distorted competition which will at the same time threaten consumers. This will be possible because companies could switch production to those member states with less stringent provisions. This problem has already raised its head in such matters as foodstuff additives. In such a situation, consumer protection can be achieved in one of two ways: national provisions, to which all imports must conform (which would destroy the single market) or common provisions applicable throughout the Community. Under the Single Act, there is some scope for harmonizing national provisions

under Article 100A, but is this sufficient? The same Article allows national derogations to be applied for matters related to consumer affairs (Article 30, public health, public policy), and no provisions are laid down for the Community to develop a proper consumer policy.

The situation is perhaps worse in the case of the *environment*. Here, too, distortions in competition can be introduced if national standards diverge. Indeed, some countries may well be tempted to attract industry by imposing less stringent standards (and therefore costs) on companies, especially where they themselves will not be the first victims of environmental damage (as, for instance, with acid rain). Of course, the Single Act includes a chapter on the environment, in which common standards can be laid down. However, unanimity is required to take decisions: a recipe for inadequate compromises based on the lowest common denominator.

More directly in the economic field, differences in *indirect taxation* (notably VAT rates and excise duties) will either cause frontier controls to be maintained or introduce further distortions of competition (notably in favour of certain small states which may deliberately undercut their neighbours in this field). Again, the treaties provide for the harmonisation of such taxes, but the method laid down is that of unanimity within the Council — the dictatorship of the minority.

Distortions of competition will arise in *capital markets* too if there is genuine free circulation without some harmonisation of banking legislation, supervisory standards and access to capital markets. This brings us onto the *monetary* issue: if, within the single market, the Community is to maintain a dozen competing national currencies then the whole economy will suffer. As the Albert-Ball report put it: "incessant fluctuations in the exchange rates represent, for interdependent economies, a handicap almost as serious as would be the instability of weights and measures. Can we imagine doing business with a 'floating' metre and kilo?" The Single Act provides for monetary co-operation in the framework of the EMS. However, it lays down that any institutional development of the EMS requires not only unanimous agreement among national governments but also ratification by each and every national parliament. It would be naive to expect major developments of the EMS with such cumbersome procedures. But even closer co-operation of national currencies within the EMS, if it is achieved, will remain insufficient. Unless there is a common Community currency, businessmen will be hampered by the costs of simply converting currencies from one to another and of paying residual exchange rate risks. Governments will have to maintain separate reserves to defend their national currencies against each other as

well as separately towards the outside. A single market without a single currency is an illusion.

The issue of *cohesion*, which is the latest Community jargon for economic convergence, will also come to the fore in a single market. The tendency for economic production to centralise in certain areas will accentuate. The Single Act pays lip-service to strengthening policies for cohesion, but does nothing to increase the resources of the Community. The total Community budget represents scarcely 1 percent of gross domestic product. The structural funds represent less than 20 percent of the Community budget. Any meaningful redistribution of resources requires much larger sums, to which the weaker economies must surely be entitled, having opened their vulnerable industries to unrestricted competition within the single market. Yet, the Community's resources are exhausted and, under the treaties which the Single Act left unchanged on this point, can only be increased by the unanimous agreement of each national government and each national parliament. A single state can therefore block the development of the Community. Instead of spending money jointly on, for instance, regional policy, member states have separate, competing (and therefore more costly) regional subsidies. The Netherlands Scientific Council has described this as a "subsidy contest between member states which has led to a massive squandering of public funds within the Community."

If the Community, despite the continuing requirements for unanimity in many of these vital fields, nevertheless manages to develop common policies, it will be necessary to strengthen the Community's *institutions* in order to carry out these policies effectively. This means in particular strengthening the Commission in its executive role (dare one say governmental role?). Where policies are common throughout the Community it should be up to the common executive body to manage them. Here, the example of the Common Agricultural Policy is instructive. As one of the few genuinely common policies in existence, it has shown up one of the main institutional failings of the Community. As our common executive managing a *Common* Agricultural Policy, the Commission is clearly better placed than the member states to evaluate the overall needs of this policy. For instance, on price fixing, the Commission is in a far better position to evaluate the overall results of different options available. Nevertheless, the member states have kept the price decision in the hands of the Council. Year after year, each minister comes along to Council meetings to defend national sectorial interests. To achieve unanimity, they make *quid-pro-quo* deals which inevitably add to the general level

of prices proposed. If one looks at the results of this process over the years, the national ministers have year after year adopted a more generous price package than the original Commission proposal. Since 1979, the cumulative difference is some 12-13 percent. In a situation in which many products are in surplus, the impact of price changes on the cost of export restitutions and on stocks is more than proportional. If prices were now 13 percent lower, the cost of the CAP would be between 3,000 and 6,000 million ECU *per annum* less (that is well above the amount of the Community's research budget, currently subject to so much controversy). This would not be so much at the expense of farmers, but rather a reduction of storage costs and export subsidies. The additional burden imposed on the Community budget can be blamed directly on the institutional nonsense of having a common policy but not entrusting it to our common executive.

If one ventures beyond the internal market to other objectives of the Single Act, one can see here too that the Act will soon be demonstrably insufficient. The area of *research* is already in a crisis, as no individual research programme can now be approved before the adoption of a "framework programme" which requires unanimity. Yet this is an area in which the Community has a vital interest in catching up with the United States and Japan.

The codification of *political co-operation* procedures in treaty form in Article 30 of the Single Act was perhaps useful in formalising EPC and linking it to the Community. However, few changes were introduced to existing practices. The one significant development was the establishment of a political co-operation secretariat. Although this will no doubt be useful as regards the administering of political co-operation, the establishment of a secretariat separate from the existing Community institutions is a danger. The Community has adequate institutions representing the member states (Council), the electorate as a whole (Parliament) and an executive body acting on behalf of the Community as a whole (the Commission). Why establish a separate inter-governmental body? In the medium to long-term this is a potential source of conflict and must be changed.

A bigger handicap for political co-operation is the fact that it remains a mere co-ordination of national foreign policies, with nothing more than lip-service paid towards the concept of a common foreign policy. Yet our collection of small to medium-size nation-states has no chance of influencing world events, even in areas of direct concern to Europeans, such as the Soviet-US arms control negotiations. Unless a common

policy is developed, we may as well have no policies at all.

Last, but not least, is the issue of *democracy*. It is unacceptable that the legislative powers that national parliaments have delegated to the Community should be exercised exclusively by the Council (i.e. national ministers, meeting behind closed doors, with no collective responsibility). The Single Act, except in two matters where the assent of the European Parliament is now required (Accession of new Member States, and Co-operation Agreements), leaves the role of the Parliament as merely consultative. This must be changed to ensure that Community legislation is subject to the approval of the representatives of the electorate as well as those of national governments.

In all these areas, and others, it is apparent that the Single Act, even if it is successful in some of the objectives which it seeks to achieve, will clearly be insufficient to allow Europe to face the problems of the future. As the Commission put it recently: "the ship of Europe needs a helmsman." What we are talking about is the government of Europe in those areas in which member states are (reluctantly) relinquishing their national domestic controls. Those who claim that the Single Act will be the last word on the institutional issue this century are surely mistaken.

Richard Corbett

Federalist Action

CONSIDERATIONS PRELIMINARY TO A REFLECTION ON FEDERALIST STRATEGY *

In drawing up their strategy, federalists should never forget that theirs is a particularly difficult political task. To appreciate this all we need to do is compare the nature of our political action with that of the political action of political parties. The latter are involved every day in the realization of a wide range of political objectives and the conquest or maintenance of the largest possible number of power positions in the existing institutional framework (governments, national parliaments, European Parliament, regions, municipalities etc.). For federalists the problem is completely different. It is true that in the past federalists have fought and won many battles and equally true that they have lost many battles. In the course of their history, they have certainly accumulated a precious capital of prestige and influence. But the very nature of their objective — which is not the conquest of existing power, but the creation of a new power — keeps them structurally outside the existing institutional framework. This forces them to do without the normal incentives of political struggle based on the prospect of obtaining short-term concrete results, such as changes in the power situation or in the balance between sectoral interests. For federalists then it is much more difficult to keep their forces on the field than it is for the parties.

The federalists, in their strategic reflection, must also be fully aware of the nature of the process of European unification and the role that they have in this process. In this respect, two (apparently banal) considerations need to be rigorously borne in mind to avoid falling into error: 1) that the federalists are an indispensable factor in the process of European integration and 2) that they are not the only factor.

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The current situation. The minimalist temptation. The decisive nature of the federalist initiative.

That the federalists are an indispensable factor in the process must not be overlooked in any way in a delicate moment like the current one. After the serious setback constituted by the Luxembourg Single Act, the goal of Union seems to have disappeared from the political scene. And as always happens after a defeat, many are tempted to lower their sight, look for easier goals and commit themselves to more modest objectives. This is why within the UEF invitations to concentrate our energies on more "concrete" objectives, like that of fulfilling all the institutional potential of the Single Act or the internal market envisaged for 1992, rather than on the "unrealistic" objective of the Union, have become more insistent.

This minimalist deviation derives from the failure to recognize the specific role of federalists in the process of European unification. By passively adopting as our objective what the political situation beyond our control imposes on us from time to time, we would end up by renouncing our autonomy and forgetting the decisive role of initiative that we have so far always had in the process of European unification (EDC, European elections, EMS and the Draft Treaty establishing a European Union). And we would be overlooking the fact that this role must be manifested with particular determination in difficult times, when Europe seems to be no longer on the agenda of the governments and the European Parliament is inert and discouraged. Our specific characteristic is that we are the only agent in the process whose *raison d'être* is the exercise of initiatives by which to achieve the European Union. This is not true for the European Parliament, whose activity consists in the vast majority of cases in drawing up statements of position on the most disparate matters, almost as if they were a real Parliament in a real state, rather than in undertaking the task of stimulating the process of the creation of a European state. And it is certainly not true for the governments whose *raison d'être* is the management of national realities and who run European policy as a sector of their foreign policy. This means two things: 1) that in inert phases, the objective of political unification of Europe can be maintained only by the federalists, which creates the conditions for the process to restart when the general political context becomes more favourable and 2) that for the federalists the renunciation, during the phases of inertia in the process towards European integration, of the goal which defines their identity and is the

cornerstone of their existence would be pure political suicide.

The maximalist temptation. Opportunity.

It is equally important, however, to recall that, while it is true that the federalists are an indispensable agent in the process, it is also true that they are not the only agent. The others are national governments, together with the Parliaments by which they are expressed, and, today, the European Parliament. This means that, though, on the one hand, structurally speaking the federalists have responsibility for initiative and mobilization — that nobody can take on in their stead — they must be careful not to fall into the temptation of thinking that they act in a political vacuum, i.e. that the success of their struggle depends only on them. On the contrary, for the federalists success of the initiative firstly, and mobilization subsequently, depends on the fact that the political process, as a result of the action of all its components, provides them with an opportunity. The battles where the federalists have been most incisive in the process and which have most strongly attracted the media, have been made possible because of the existence of a favourable political climate, thanks to which the governments — within the framework of the Community — and the European Parliament have been particularly sensitive to their demands. We need merely recall that the long struggle for direct elections benefited from the fact that this objective was taken up by Giscard d'Estaing and subsequently by the European Council as a whole. Or we could mention the European currency to which both Giscard and Schmidt very quickly committed themselves by creating the EMS. Or again the reform of the Community institutions which was immediately championed by the European Parliament under the guidance of Spinelli. Or finally the success of the Milan demonstration, due, apart from the federalist commitment, to the fortuitous circumstance that a meeting of the European Council of Ministers whose main theme was the decisive one of institutional reform was held in the only European city where it was at the time possible to organize a great demonstration.

There is thus a further error, which is symmetrical vis-à-vis the previous one, which it is equally important to avoid and which consists in forgetting that our action can be successful only when the external circumstances permit it. This means that the second essential element in our strategy, as well as initiative, is opportunity. Ignoring opportunity means making the maximalist mistake of thinking that the success of our

struggle depends only on the intensity of our commitment and hence that the only true problem is throwing all our forces indiscriminately into the battle which from time to time we carry out, as if it were the last decisive battle without worrying about whether we can make it part of an overall strategic design or how to keep our forces on the field in the case of defeat. This error causes those who make it to lose contact with the majority of the forces who are likely to side with us (in our case the rest of organized and organizable Europeanism and the European Parliament itself) with the consequence that all the material and moral energies of the activists are burned up in fanciful battles which are lost from the outset, leaving them discouraged and with no prospect of victory, and thus exposing our organization once more to the risk of dissolution.

All this leads to the conclusion that we must formulate an instrument of action which is independent of the situation and which allows us to remain on the field, if necessary, even for a long period of time, waiting for the opportunity.

The European dimension of the federalist struggle.

A second factor which makes our struggle particularly difficult is its necessarily supranational nature. It is a feature which has remained partly hidden from the awareness of activists while the European political scene was full of projects which, despite having federalists as their initiators, were rapidly adopted by the great national leaders or by the European Parliament. This was the case with the direct elections to the European Parliament and the Draft Treaty establishing a European Union. The existence of these great reference points gave an objectively supranational nature to federalist activity even though so far it has *de facto* been carried out essentially at a national level and only weakly coordinated at a European level. Today, as we have seen, the situation is different. No great political project is present on the scene. Indeed the external factor (which until recently gave the federalists an objective unity in federalist action at a European level) is missing. It follows, on the one hand, that the unity of federalist action, in the absence of external factors of cohesion, has become all the more necessary and that, on the other hand, its achievement depends only on us. Moreover, it is a need that all those who are involved in the struggle for Europe perceive today as a basic fact which is immediately obvious. The activists of any of the national UEF sections, however strong they may be and however effectively they manage to get their influence felt by the government,

Parliament and the political forces of their own country, realize that their action will remain fruitless for as long as it is confined within the national framework and that their efforts are condemned to sterility if they are not added to those of all the federalists who are active in the other European countries.

The nature of the UEF.

Faced with this requirement, which everybody feels and which, because of an only apparent paradox, those who are committed in the most active and best organized national sections feel most acutely, lies the reality of the UEF. The UEF is the first supranational political organization in history. And it is the organization to which all those who in Europe recognize themselves in federalism belong. It is thus the only natural framework in which it is conceivable to achieve the true unity of action of all federalists. This statement seems to me to be decisive, because it must give the measure of our importance in the European political chessboard and the urgency of our responsibilities.

What we must ask ourselves then is whether, and under what conditions, the UEF is capable of expressing a sufficient degree of unity of action. We must not hide the fact that so far the supranationality of the UEF has been much more formal than substantial. It has so far played a symbolic role of extreme importance, which however cannot hide the fact that the true centres of federalist initiative are still the national organizations, where they exist (and where they do not exist, the UEF is not able to develop the role that they should have if they did exist). Finance and organizational efficiency only exist — if they exist — at a national level. The UEF so far has voted many resolutions but, every time that the problem of action has been raised, they have done no more than bear witness to the actions decided and carried out at a national level. In any case it is very clear — and it would be hypocritical to hide this — that the power of decision in the federalist universe (where there is something to be decided, because in the countries where a federalist movement exists only on paper it would be ridiculous to speak of a power of decision, whatever it may be) resides in the national level. Hence when something is decided at the UEF level, it is done only because they manage to achieve a compromise between national movements — exactly as happens in the Council of Ministers of the Community — or because the UEF agrees to lend its name to actions that in actual fact are decided and realized at a national level.

This is an objective fact, for which nobody bears responsibility. It is inevitable that even the European organization of federalists will undergo the conditioning of the institutional reality in which it must act. And this is a fact which must necessarily be taken into account, because in politics incapacity or refusal to take into account reality necessarily leads to paralysis of the will, and hence impotence. The problem to which we must address ourselves then is not the highly unrealistic goal of reversing the relationship of the forces between the national and European levels within the UEF, but simply the task of giving some substance to the formal supranationality of our organization creating the presuppositions for a real, albeit modest, degree of unity of action between European federalists. This needs to be done in the awareness that it is the indispensable condition for the reinforcement and the very survival of the national federalist movements themselves, which cannot any longer afford to present themselves to public opinion and the political class of their respective countries with a line of action limited to the horizon of their own country since this exposes them to the risk of losing their credibility.

The Campaign for European Democracy as the framework for the action of the UEF.

It is a question then of identifying the instruments which have the function, on the one hand, of guaranteeing and making visible the continuity in our action and the permanent character of our strategic objective and, on the other hand, of guaranteeing and making the European dimension visible. This can be done by making the efforts of each of our basic organizations and each of our militants add to each other in such a way as to be perceived by the political class as belonging to a single strategic design, without abandoning our right to adapt our strategy according to the evolution of the political process and without our being prevented from differentiating it according to the diversity of the local, regional and national situations. What we must develop is a framework for action which acts as a vehicle and container for all federalist actions in Europe in such a way as to give them unity, and hence political effectiveness, despite their variability in time and space.

It is in this light that the Federal Committee of the UEF has launched the Campaign for European Democracy, an action whose main objective is the demand that the governments of the Community confer a constituent mandate on the European Parliament. This action has three common

elements that identify its physiognomy and guarantee its unity: 1) name, 2) a uniform text and 3) a body which steers action and causes information to circulate.

The common name (Campaign for European Democracy) has the function of making it possible for any action carried out by any basic organization of the UEF to present itself as an episode in a single strategic design, whatever its contents. Clearly if journalists, politicians and ordinary citizens, in their movements from one European city to another, become aware of actions, however different, which are presented under the single name of Campaign for European Democracy, they will be induced to attribute to each of these initiatives a political relevance which is far greater than they would have had if the same action was presented under different names; and to attribute greater power to the organization which carries them out, with consequent greater impact on the media.

A similar argument must be made for the uniform text. Once it is used to collect the signatures of local bodies, associations of various kinds and citizens, it would provide all our grass roots organizations—and even the most isolated activists in countries where federalism is badly represented—with an instrument of homogeneous action, which as such makes it possible to sum up the results obtained by all the local sections and to make the few courageous active federalists in countries in which our organization is weak feel they are participants in a design of a European dimension in which they can be usefully inserted. This common text—like that approved by the Federal Committee—must indicate the long-term objective of the Campaign, to guarantee that permanent character of the goal of our struggle without which every partial defeat would risk provoking frustration and discouragement.

Action thus conceived must in some way be co-ordinated by a single guiding centre, whose function must be to work out the technical instruments needed to carry it out, to draw up and diffuse the practical instructions for the groups and isolated activists, to collect information and to get them circulated, to propose and decide in cases of urgency, on condition that its decisions be ratified by the UEF bodies, the adaptations made necessary by the evolution of the political situation.

A final characteristic remains to be considered—as suggested by Gerhard Eickhorn—that this action should have. If its physiognomy only remained what has been delineated so far, it would run the risk of being considered by our grass roots organizations as being only poorly mobilizing—and by the mass media as being dull—because, in the

final analysis, it would not be distinguished in any substantial way from the numerous campaigns to collect signatures that the federalists have carried out in the past and which have certainly generated a certain tiredness among our militants, in the media and among the citizens themselves vis-à-vis an overused instrument. To prevent this from happening, it is necessary to introduce into the action an element of novelty which reflects the specific nature of our action and our organization which is supranationality. This may be obtained by addressing the appeal to governments, parliaments, party leaderships, unions etc. of one or more of the other member countries of the Community (and in particular the two decisive countries, France and West Germany). It is easy to realize that this character of supranational novelty would attract the attention of the press, television and public opinion in general both in the country where the collection of signatures is organized and in the country where the government and other bodies are addressed and hence it would acquire much greater power of mobilization vis-à-vis our militants.

The subdivision of the Campaign into phases. The first phase.

For groups organized at local or regional level to be activated, it is essential that they have sufficient room left for the creativity of each and the possibility to approach the European issues from a standpoint which takes the special problems arising in the various parts of the territory into account and which adopts the style and the language which correspond to the different nuances that are presented, albeit within the substantial unity, by the political culture of the various European countries. It is for this reason that a framework for action, like the one approved by the Federal Committee, will present the characteristics of an authentically federalist action, leaving space for local differences, but allowing the accumulation of efforts thanks to some common elements.

This does not detract from the fact that it can serve as a vehicle also for other unitary battles designed, however, to achieve intermediate objectives on the road to the achievement of the Union. This means that without ceasing to follow and highlight the long-term objective of the constituent mandate to the European Parliament, the Campaign can be articulated into different phases which are stages in the process which must lead to the achievement of this long-term objective.

The possible content of the first of these phases (the subsequent phases could be decided in future on the basis of the development of the

situation) has already appeared in the pre-congress debate of the UEF and its national sections. It is essentially a commitment to the achievement of three objectives: a) a referendum on the European Union and its contents to be held jointly with the next European elections; b) the achievement of the institutional presuppositions of real involvement of the national Parliaments in the process of democratic reform of the Community institutions and c) the Brussels demonstration on the occasion of the European Council on June 29th next.

The referendum.

The proposed referendum has so far raised conflicting reactions. The perplexity that it has generally raised derives from the feared constitutional impediments that would make it impossible to hold it in some of the countries of the Community, or which in any case would subordinate its possibility to complex and improbable procedures of constitutional revision. Now these perplexities are well-founded, and the prospect of a referendum within the context of the national legal system would be considered in those countries as utterly unrealistic and therefore not credible for the activists who would have the task of carrying it out. But a different conclusion arises if the proposed referendum is envisaged in the framework of the European legal system. And this would be the case if it was the object of a formal decision of the Council of Ministers of the Community, previously solicited by a solemn appeal of the European Parliament and subsequently ratified by national Parliaments. In this hypothesis, no constitutional objection would any longer be raised, in force of the principle, which has been upheld several times by the Court of Justice of the Community, to the effect that Community law prevails over national law.

I know that against this affirmation it could be objected that not all the Constitutional Courts or other bodies with powers of constitutional control in the Community states would equally recognize this principle. But it would be simply scandalous if the European Parliament justified its inertia by interpreting the relationships between Community law and national legislation in a way which runs counter to the interpretation of the Court of Justice (quite apart from several Constitutional Courts and a large number of jurists of international renown).

There can be no doubt that the success of this battle — which has, moreover, begun both inside and outside the European Parliament —

must be considered possible, but not probable, because of the foreseeable resistance of national governments. But this is still a battle which is worth fighting. Its objective is indeed credible and as such can, on the one hand, mobilize the energies of our militants to bring pressure on the European Parliament and, on the other hand, to give the European Parliament an instrument for once more placing the question of the Union on the order of the day so that it becomes the leitmotiv of the next European electoral campaign. It is a point on which European Parliamentarians ought to be very sensitive, because the Union — i.e. the democratic government of the Community — is the only theme capable of bringing life to an electoral campaign which is otherwise going to be desperately short of prospects and hence destined to degenerate into twelve squalid conflicts of power between national parties on national themes. The electors who have now reached their third European appointment, would begin to see an election for the European Parliament which has no power and which does nothing at all to gain power as a legpull and would abandon the polling booths. The prestige of the political career of the newly elected members would be seriously compromised. It may be concluded that, conceived of in this form, the battle for the referendum, even if it should be lost, would strengthen the front of the forces struggling for the Union and weaken those forces which oppose it.

The involvement of the national Parliaments in the process of Community reform.

The problem of a stricter link between the European Parliament and the national Parliaments — whose absence has undoubtedly adversely conditioned the outcome of the Draft Treaty — was placed with force by the *Europa-Union Deutschland* and by the President of the German Council of the European Parliament (and President of the *Bundestag*) Philipp Jenninger. The goal is co-ordinated pressure both on the national Parliaments and on the European Parliament so that both set up formal commissions whose specific task it is to guarantee — even by organizing common sessions — that the national Parliaments are informed and consulted on the problem of reform of Community institutions and are thus involved in an increasingly intense way in the process of reform. To achieve this programme we could count on the precious help of the federalist intergroups that have been formed or which are being formed within the European Parliament and the national Parliaments.

It is also in this case a theme which offers our local sections the chance to activate the ties that they hold with MEPs, with national members of Parliament and with political forces in general. The UEF leaders will have the task of formulating juridically well-founded, and politically achievable, proposals to give the sections and the militants effective instruments of pressure.

The Brussels demonstration.

This leaves the Brussels demonstration which, owing to the admirable commitment with which it is being organized by the Belgian friends, ought to take on dimensions comparable with those of the Milan demonstration. In this respect we should recall the importance demonstrations have during the meetings of the European Council (even the least spectacular ones) both from a political point of view — to remind political leaders that there is a supranational movement which represents the electors constantly surveying their behaviour every time Europe is at stake — and from the point of view of consolidating our organization. Many activists, in particular the younger ones, become aware for the first time during these demonstrations that they are not alone in their country working — usually with much toil and little gratification — for the unity of Europe, but that they belong to an organizational reality which is numerically modest, but of European dimensions. It is an awareness which reinforces their will to struggle. Moreover, the mobilization of forces, together with political initiative on the theme of the European Union, is the task which justifies our existence. In this we should not fail even in the least favourable phases of the process. For this reason we must assign, in the forthcoming months, a high degree of priority to recruiting participants for the Brussels demonstration.

The internal aspect of the Campaign. The use of twinning.

In the structure of the Campaign, as presented so far, it is impossible to separate the external effects from the internal ones. It is evident that the organization will become strengthened and will become aware of its European dimension in that it will acquire the capacity to carry out an action directed towards the institutions and the national and European political forces. All this does not alter the fact that the weakness of the UEF — and its virtual absence in some countries of the Community —

forces us to reflect on the advisability of giving the Campaign instruments of action whose goal is the reinforcement of the organization introducing, on the one hand, in the UEF an element of concrete supranationality which reaches down to the grass roots and, moreover, places the experience of the stronger sections of the UEF at the service of the development of organized federalism in the areas where it is weak or non-existent.

One recommendation in this sense is made by Mario Albertini, who identified in the twinning between European cities an important instrument for the achievement of these objectives. Thanks to the precious action over various decades of the CEMR (Council of European Municipalities and Regions), each of our cities is linked to many other cities in the Community, and it is well-known that in many cases the federalist groups of the twinned cities have established useful and interesting contacts exploiting the occasions which twinning offers. It is a question of generalizing this practice, introducing it into the framework of the Campaign and thus stressing the transnational character of the latter, coordinating the various initiatives already underway insofar as this is possible, starting new ones and dedicating particular attention to contacts with the cities where there is no federalist group, with the intention of creating one, by means of the organization of seminars, debates, round tables, meetings with schools to be carried out in collaboration with the AEDE (*Association Européenne des Enseignants*) and so on.

The very great interest in this proposal lies in the fact that, if it were accepted by the sections, the task of reinforcing the UEF, deepening its substantial supranationality, its extension to the areas in which it is very weak or completely absent, would become the task of each local group, in that every federalist section in every town where the UEF is represented would be entrusted with the task of following and developing contacts and the political and cultural debate with federalist groups of the twinned cities, where they exist, and creating new ones, where they do not exist. Evidently, the effectiveness of action carried out in such a capillary way would be much greater than that of any other initiative studied and achieved exclusively at the level of the leading European and national bodies, which would not make it possible to place the more active groups at the service of weaker or inexistent groups.

Conclusion.

The Campaign for European Democracy, thus articulated, may seem

a relatively modest action. It is modest because our forces are modest and our degree of unity is modest. But we should not forget that, despite the reduced consistency of our forces, our weight has made itself felt in a decisive way in the process of European unification every time a favourable occasion has presented itself and we have been able to indicate the correct reply and carry it out with commitment, independence of judgement and combativeness. Nor should we forget that the opportunity may arise at any moment. Today the absolutely priority duty is to stay on the field agitating for the Union. What we can rely on is that if we are able to create an embryo of political action which is really European, which will be so in deeds and not only in words, we will make an important contribution to the growth of our awareness, our force and unity.

Francesco Rossolillo

Federalism in the History of Thought

LUIGI EINAUDI

The explosion of the first atom bomb changed the nature of war for ever and raised an anguishing question mark over mankind's future. Among the few people who immediately realized that mankind's condition had changed and that the criteria by which the world was usually judged were totally inadequate, was Luigi Einaudi. An economist of international standing, a careful commentator of the greatest political events of his times, Budget Minister and finally President of the Italian Republic, Einaudi published two articles in Il Corriere della Sera on March 29 and April 4, 1948 significantly called "Who wants peace?" and "Who wants the atom bomb?" to force pacifists to rid themselves of their ideological glitter and reflect on the conditions that might lead to lasting peace.

At that time little attention was paid to Einaudi's articles. The conviction that peace and war depended on the nature of the political régime or on the capitalist organization of the Western economy was too deeply rooted to leave room for rational examination of the problem. But somebody had to take on the responsibility for defending the principles of reason. And Luigi Einaudi was well qualified to do so.

As early as 1897 he had perceived the unitary nature of the European historical process and, in an article published in La Stampa on August 20 that year, he remarked that the collaboration created between the states of the old Continent could be considered the dawn of European unity. He believed that the simple will to co-operate among sovereign states and the declared intention of preventing new wars were sufficient to guarantee lasting peace. In that short text the young Einaudi's judgement of the results of the collaboration between European powers was in blatant contradiction with historical experience. After all, the article faced up to the problem of peace in the right arena, the European one.

Over the years Einaudi's thinking became sharper and clearer. In 1918, when the havoc of the First World War had shown that understanding between the sovereign powers was not sufficient to avoid armed conflict, he did not hesitate to criticize Wilson's planned League of Nations sharply, claiming that such an institution was not an instrument of peace and was nothing more than the façade behind which the hawks favouring war could act undisturbed. In two articles published in *Il Corriere della Sera* on January 5 and December 28, 1918, Einaudi had no difficulty in showing that all the coalitions of states created in the course of the centuries had been dissolved as soon as some conflict emerged, and that their presence had not even managed to avoid a war.

This was the way things were with the First World War. Its roots lay in the division of Europe which had not managed to create a political order consistent with the degree of unity achieved in the wake of the progress fulfilled by the Industrial Revolution. If this contradiction had not been resolved by creating a federation of states modelled on the American example in the Old Continent, the disputes between the European nations would have sparked off a new and much more dramatic conflict.

Einaudi was right and in 1945, without changing a word, he returned to his text of 1918 once more warning Europeans against the fatal myth of the nation-state. In the meantime the problem of peace had become even more pressing because, with the atom bomb, man had acquired the capacity of jeopardizing not only the survival of civilization but even of life itself.

This new departure, which added new barbarity to the barbarity of war, induced Einaudi to return to the problem of the most efficient means of banishing all armed conflict from the face of the Earth. To further this goal, it is not sufficient to launch oneself against the atom bomb, subscribing to solemn conventions against its use, writing in newspapers and shouting one's abhorrence of the new weapon from the rooftops. To banish war, once and for all, there is only one means: "renunciation of military sovereignty by the individual states." For Einaudi, this was the touchstone with which to measure the sincerity of the intentions of those propounding peace.

As a conclusion to the article "Who wants peace?" Einaudi wrote: "When we must distinguish friends from the enemies of peace, we must not stop ... at professions of faith, which become louder the more they are deceitful. We must ask: do you want the state in which you live to have complete sovereignty? If the answer is yes, then you are the enemy of

peace. Are you, on the other hand, determined to give your vote, your approval only to those who promise to hand over part of their national sovereignty to a new body called the United States of Europe? If your answer is yes and if words become deeds, then, and only then, can you say you are in favour of peace. All the rest is lies."

* * *

WHO WANTS THE ATOM BOMB?

To the question: "Are you against the atom bomb?" there is no man in the world who will reply "Yes!" Uncertainty and disagreement arise only when we go on to ask "What is the most effective means against its use?" Would such a means be the mere prohibition accepted and subscribed to by all sovereign states in a solemn international convention? I imagine that we are all agreed in holding that an international pact, which merely and simply prohibited the contracting states from resorting to the use of the atom bomb would be one of the many pieces of paper which would go straight into the waste paper basket when the need arose to implement it. A renewed Kellogg Pact which removed from mankind the states and the men guilty of making and using the atom bomb would be immediately subscribed to by everybody. But it would do nothing to dispel the disquiet that all the peoples of the world have at the mere thought that, despite the ban, the production of the lethal weapon is bound to continue. Indeed the suspicion that such and such a state, evilly-minded and relying on the good faith of the others would simply get ready to launch a surprise attack on its enemy, would merely be increased. In other words, the supporters and adversaries of the use of the atom bomb cannot be distinguished merely on the grounds that one lot refuses to subscribe to a convention outlawing the atom bomb. Anyone who may have signed a manifesto against the use of the atom bomb has no good reason to silence anyone who refuses to sign such a manifesto on the grounds that he is the enemy of mankind and a wicked proponent of the use of this most lethal of weapons. The reverse might very well be true: it may be that the person signing the manifesto outlawing the atom bomb is, consciously or unconsciously, precisely the person who, by denying the use of the means to observe the prohibition, is *de facto* the most effective proponent of the use of the bomb. In this field, as in many other political and social fields, what cannot be seen is rather more important than what can be seen. It is not enough to write on newspapers

and shout one's hatred of the atom bomb from the rooftops. Articles and speeches serve no purpose, until the means to ensure that the prohibition is observed are defined.

There is only one criterion on the basis of which we can judge whether words correspond to serious intentions, proposals really designed to safeguard mankind against the risks of this great scourge. The dilemma is: do we want the prohibition to have effect within the full sovereignty of the states who renounce (the use of the atom bomb) or do we recognize that the prohibition presupposes the renunciation of sovereignty itself? This is the yardstick by which we need to test the seriousness and sincerity of those who argue that they are against the use of the atom bomb.

If we start from the premise of maintaining the full sovereignty of the signatory states, it is useless to go any further. This type of pact is hypocritical and would only serve to foment suspicion and accelerate the fatal path towards the destruction of civilization. It is useless to follow up the banning of the bomb with a promise from every individual country not to fabricate the forbidden weapon. Just as futile is the ceremony of destroying existing bombs and vanity of vanities is the obligation to allow the inspection of one's own factories by commissions of international experts entrusted with the task of winking out suspect production of materials liable to be put together to make the wretched weapon. Pacts, promises and obligations of this sort were experimented after the First World War when Germany was defeated and they did not prevent Germany ten years later from presenting itself to the world formidably armed, armed to the teeth in fact, in the midst of virtually disarmed nations. What hope is there of preventing research, experiments, breakthroughs and production in the often huge and inaccessible territories of some of the great modern states? What probability would these wretched investigators have in gaining effective access to the factories which produce arms when the nation-state has a thousand ways of preventing the foreigner from investigating, assessing, realizing the danger in time and giving warnings that it exists? We would have to assume that the sovereign state, through the unanimous conviction of its citizens, would really abandon the idea of using this weapon. But it immediately becomes clear that this is sheer wishful thinking. Is there any serious chance of avoiding the need to pursue and perfect studies on the atom for scientific and industrial purposes from being universally recognized and accepted? The surveys and discoveries in this field are so promising that nobody wants to be last in this

stupendous race. But the race to bring benefits to man is fatally intertwined with the race to exterminate man. How could the future UN inspectors or any other such figure, arriving unexpectedly on the scene of the crime, manage to establish whether a process or piece of equipment designed for man's benefit is not secretly being used for the purposes of war? We would have to assume that the inspectors themselves would have to be the people who made the atom bomb, i.e. that they belonged to organizations secretly maintained by evil states, organizations set up to produce destructive bombs rather than beneficial energy. Only those who produce the forbidden product know the secrets of its production whereas international inspectors only know the lawful processes, those which lead to industrial progress. Is there any remote probability that the contravening state will lend its own technicians specialized in the production of the prohibited weapon to the international inspectors who are supposed to repress the outlawed weapon?

Inevitably we must recognize that for as long as we remain within the concept of sovereign states, banning the atom bomb is mere utopia. Since every sovereign state has the right to exist and defend itself, it also has the duty to exist and defend itself: prohibitions and inspections would only serve to weave mutual deceits, accelerate research and multiply experiments with a view to being the first to possess enough bombs to catch the enemy unawares.

The problem cannot be overcome if we do not give up the military sovereignty of the individual states. Is there perhaps one of the 25 Swiss cantons and half cantons and the 48 North American states which have the slightest preoccupation about the possible use of the atom bomb by one of its confederates? No. Because none of the Swiss cantons or the North American states has any military power, which belongs only to the confederation. The weapons, overt or secret, are designed, perfected, produced and kept only by the federal government; and the cantons and the states, without any proper military organization, are incapable of thinking up and implementing plans to attack other cantons or states belonging to the same sovereign body.

On this road lies the only hope for salvation. It is a long road; but we must begin to follow it, if we are to avoid wasting our time with useless diatribes or hypocritical camouflaging of evil goals. It is pointless delegating absurd international tasks to inspectors. It is important that the inspectors be the only producers. The first requirement is to transfer possession of all the raw materials, all mineral deposits suitable for the production of the atom bomb to an international body, a true super-state,

albeit limited for the time being in its goals. No factory should exist beyond those belonging to the international atomic authority, whose personnel should be drawn from all the member states on an equal footing. But the people belonging to the authority would no longer be American or Russian or English or Italian or French officials etc. They would be officials belonging to the authority and bound by conditions of loyalty to it alone. These officials, being part of an authority producing the atom bomb and necessarily knowing perfectly well where production ceases to be industrial and lawful and becomes warlike (it seems that such a moment or point exists and is ascertainable), would not be mere inspectors incapable of penetrating the secrets of others. They would be authors and participants in very new technical procedures and the most unthinkable secrets and they would be able, as far as it is possible to hope, to understand whether one of the member states is going beyond what is lawful to the point where the authority can warn the signatory states of the danger and give sufficient time for it to be repressed. And since the period of time between the moment when production goes beyond the lawful point and when the wicked atom bomb is perfected is quite long, the innocent states, warned of the threat from the wicked state, would have time to produce bombs to counterattack.

Who will give the international authority the monopoly over the deposits of materials suitable in the production of atom bombs and the monopoly — or at the very least control — over the industrial uses over these materials? Who will ban the individual sovereign states from getting hold of the atomic factories in their territory and hiding the existence of deposits needed to produce the necessary raw materials?

Hard questions; which we must candidly ask ourselves if we wish to resolve the problem of peace. For the time being I have tried only to show that an international pact to ban the atom bomb is a vain goal and probably hypocritical; equally vain would be a pact which, although conserving the military sovereignty of the individual states, ingenuously relies on international inspectors. I have also tried to show that the vital condition for the repression of the use of the atom bomb is the transfer of ownership and the use of all that is necessary for its production to an international body which is above the individual states.

But is this condition possible and is it enough?

* * *

WHO WANTS PEACE?

The shout: "We want peace!" is too human, too nice, too natural for people who have come out of two frightful world wars and threatened by an exterminating Third World War, for it not to be echoed and applauded by men whose hearts are not those of ferocious beasts.

But, immediately, the obvious question crosses the minds of men of reason: "How can we implement this human, Christian proposition?"

There is no point in appealing to new ideals, religious or social transformations. The only guide is historical experience and reasoning. This tells us that those systems which have existed and which have not so far prevented wars cannot be considered a reliable system for preventing wars. No religion is a safer means than any another; because wars have gone hand in hand with a great variety of different religions; and not even the Christian religion bans the defence of one's own country against unjust aggression. It has always been the case that, against the dictates of the divine commandments, some men are bent on theft, laziness, vagrancy, murder or wars; so that the good can do no more than defend themselves against the wicked.

Nor are social transformations a sure means — because cruel wars have been fought in all social régimes: among shepherds and farmers, in régimes based on the collective ownership of the tribes and peoples, during feudalism and serfdom, before and after the rise and blossoming of the bourgeoisie. The theory of living space was all the rage before and after Nazism and today it seems to be guiding the Russian Communists. Inheritors of the millenia when men conducted a beast-like and anthropophagous life, men often imagine, under the guidance of false prophets, that they can enrich themselves by denuding others. Men of peace in today's world, who knew intuitively or easily imagined that war could only bring death and ruin, were deceived by the few people mad keen on domination to wage war on each other; and the savers saw their savings vanish in smoke, the entrepreneurs their ownership of factories and lands threatened and the workers their reward for labour reduced.

If a comparison must be made between opposing systems of social organizations as fomentors of war, the conclusion can only be one: the more the economic forces in a country are independent from the state (the so-called collective will) the easier it will become to maintain peace whereas the more the economy is concentrated in the hands of a single will the easier it will become to slip into war. A society of millions of independent owners, of countless industrialists and tradesmen is a

society which wishes to trade with foreign countries, to sell its products on the best markets and acquire the products it needs from abroad cheaply. The many people who wish to improve their fortune need peace and abhor war. In the countries where economic power is, on the other hand, concentrated in the hands of the state, monopolies arise, and riches are obtained by seeking the favours of governors and the ideals of victory and glory of the leaders feed the hunger for large and quick gains by the adventurers who fawn on power. Bourgeois societies, where the privileged monopoly holders of state favours are powerful, are adventurous and bellicose.

Those who love to prey to the damage of the foreigner can be opposed by the only arms which are any good against those who steal from their fellow countrymen or citizens. When a well-organized state did not exist and where it still does not exist today, thrive theft and murder. What have men invented to keep control over thieves and murderers? Policemen, judges and prisons. If the state does not exist, the good and honest man must defend himself by himself, with great effort and poor results. He loses the desire to work, produce and save and the whole of society becomes poorer. The state has therefore taken on the task of choosing and paying policemen, judges and prison guards, so that the good can breathe, work and contribute to reducing poverty and increasing universal wealth.

Against the wholesale slaughter and theft carried out in the name of war by one people against another people there is no remedy other than that of the age-old and universal experience which has proved to be effective against murders and the thefts carried out one by one by man against man: force. Just as the state with its policemen, judges and prison guards keeps thieves and murderers at bay so it is necessary for a force above the state, a super-state, to check those states which wish to attack, rape and plunder others.

Anyone who wants peace must want a federation of states, the creation of a power above that of individual sovereign states. All the rest is pure talk, often vain, and not infrequently designed to hide the intention to wage war and conquer that states which declare themselves to be peaceful really have. We thus reach the same conclusion we reached regarding the atom bomb. It is not enough to shout: ban the bomb, long live peace! if you really want to live and to get the bomb banned. It is vital to desire or at the very least know what is the necessary and sufficient condition for both these desires not to remain thrown in the wind. This condition is called a superior force to that of sovereign

states, it is called a federation of states, it is called a super-state. If a judge of the wicked has to exist, if the aggressor must be taken by the neck and forced to desist from robbery, there must exist a force, a superior state to others which has to be obeyed by the individual states, then the individual states must be deprived of the right and possibility to have war or peace.

But beware: the super-state cannot be a League of Nations or a United Nations organization. On January 18, 1918, in these very columns, I argued against the League of Nations which had not then even been founded, but which was noisily championed by many fanciful idealists, including the most vociferous of them all, that Benito Mussolini who subsequently vilified it and contributed to its destruction. I argued then that it was an empty idea which was destined to failure. There is no reason today to think differently about the organization that has replaced it.

As the facts have proved me right regarding the League of Nations, today we can all see that the UN is not an effective instrument for world peace. What is the purpose of a league, an association, behind which must run the good will of each of the associated states to correct the recalcitrant state flouting the collective will? Without its own military force a society of states is fatally the butt of mockery and scorn. For as long as Switzerland was a simple league of sovereign cantons, each of which had its own army, its own customs and its own diplomatic delegation with foreign powers, it was subject to influences from outside and did not possess any true national unity. Only in 1848, created finally after the sad experiences of the intestine war and after the abolition of internal customs when the right to establish duties at the federal border passed from the cantons to the Confederation, did a united and federal Switzerland grow up with the right to coin its own currency, to have an army and ties with foreign countries. An analogous experience occurred two thirds of a century before in what became the United States of America. If the current United States grew up and became great, if nobody threatens the peace in the territory of the land of the stars and stripes, this is due entirely to Washington's and his collaborators' genius who saw that the state that they had founded in the war of liberation was lost unless a great step forward was made: if the individual states did not give up the right to surround themselves by customs, to the right to produce their own money, to have an army and diplomatic representatives. By renouncing a part of their sovereignty, the thirteen states kept and still keep the rest, which is the greater part since it relates to the moral

and spiritual values of the people. The great step forward was when the Constitution of July 26, 1788 began with the famous words: "We the people of the United States," and not we the people of the thirteen states, but we "the entire poeple of the United States," we decided to found a more perfect union.

With these words, and only with these words, the United States of America suppressed the internal war of their immense territory: creating a new state not made up of sovereign states, but directly constituted by the people of the United States and therefore superior to the states created by the individual parts of the people themselves living in the territories of the individual states. It is vain to imagine and rave about intermediate solutions.

The only means to suppress wars within the territory of Europe is to imitate the example of the American Constitution of 1788, totally renouncing military sovereignty and the right of representation vis-à-vis foreign countries and part of financial sovereignty. If we must proceed down this road gradually, then let the customs Union stipulated between Netherlands, Belgium and Luxembourg (Benelux) and the one signed by Italy and France be blessed. But it should be clear that this is a mere beginning, beyond which we must begin to follow a very long road with determination. When we must distinguish friends from the enemies of peace, we must not stop therefore at professions of faith, which become louder the more they are deceitful. We must ask: do you want the state in which you live to have complete sovereignty? If the answer is yes, then you are the enemy of peace. Are you, on the other hand, determined to give your vote, your approval only to those who promise to hand over part of their national sovereignty to a new body called the United States of Europe? If your answer is yes and if words become deeds, then, and only then, can you say you are in favour of peace. All the rest is lies.

(Prefaced and edited by Giovanni Vigo)

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