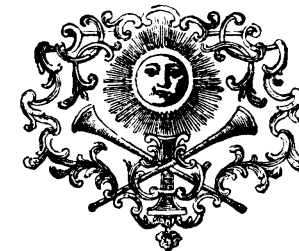


# THE FEDERALIST

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



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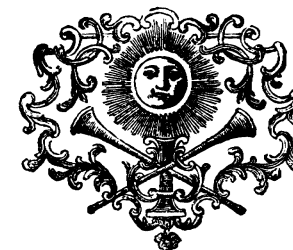
YEAR XXXIII, 1991, NUMBER 1

# THE FEDERALIST

a political review

*Editor:* Mario Albertini

*The Federalist* was founded in 1959 by a group of members of the Movimento federalista europeo and is now published in English and Italian. 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.



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## A Just War?

The debate on the issue of “just war” has been renewed by the tragic conflict in the Gulf, and it would be wrong to set this problem aside as a purely philosophical question. On the contrary, it has very definite political relevance, which is destined to increase continuously in a world where the rapid growth of states’ interdependence is increasing areas of friction, thus multiplying the reasons for conflict. Those who seek peace, but are aware that perpetual peace is not an objective for the immediate future, sense a strong need for a criterion with which to judge and a standard for orientating political action that allows them to fight for peace without lapsing into the irresponsibility of pacifism as a pure affirmation of principle. Moreover, this issue’s political significance is testified to by the fact that it was over this specific issue that world opinion was divided during the war.

Here, we will only consider the issue of whether it was just to fight the war, and leave aside the question of whether the manner in which it was fought was just or not. We will also assume that the embargo would not have achieved its objective, and hence the recourse to arms was unavoidable to achieve this aim. Discounting all these issues, was it just to embark on the Gulf War? The argument normally adopted to justify a positive answer is the need to restore the international rule of law which was violated by the annexation of Kuwait, and in particular to enforce the UN’s resolutions. A necessary premise when examining this issue, therefore, is an attempt to define the UN’s role as both guardian and source of international law, its role in this tragedy and in the current world order in general.

To talk of justice in relationships between people and between nations only makes sense, in an initial approximation, when there is a judge presiding over the conflicting parties who has the power to decide controversies on the basis of legal rules, and police who enforce his decisions. In today’s world, this judge’s existence can be guaranteed only by the state. The concept of justice will hence only make sense in

international relations when all states have agreed to submit to a superior sovereign power by entering a federal compact. Nowadays it is a fact that the UN is not a world federal government. This means that nations still find themselves in their mutual relationships in the state of nature, in which there are no just wars since, to repeat Kant's phrase, "the state of nature is in itself an unjust condition." On the contrary, the UN, by evoking the image and hope of a world state and of a universal judicial order without providing them, has rather a mystifying rôle and thus promotes violence instead of peace. During the Gulf War, in particular, its function was to back up the exercise of US military supremacy over the rest of the world. Its resolutions towards Iraq were taken on the initiative of the United States, and were carried out by war — the execution of which was delegated to the US and its allies.

A purely rationalistic approach leads to this conclusion. But it is not possible to stop there because, to repeat another of Kant's phrases, "peoples' state of nature, like that of individual people, is a condition which *shall* be left behind in order to enter into a lawful condition." And to talk of *duty* in history makes sense only in so far as one believes that the efforts made to achieve the ideals to which the duty refers are destined to become gradually more rooted in the hopes and expectations of other peoples, and therefore to succeed in the course of time. In this perspective, the fact that the UN evokes the image of a world government is not a mystification, but a *prefiguration*, to which increasingly interdependent relationships between people at a global level attributes growing solidity. It is an *embryonic* world state, and its resolutions are embryonic cosmopolitan law. It is indeed true that this embryonic form is a long way from the mature institution that it is destined to become. But it is equally true that the awareness of being involved in the process of creating a world state — even if only at the outset — supplies criteria for judging events, and suggests the way ahead both to governments and all people of goodwill. Political action is just or unjust according to whether it accelerates or retards, makes closer or more distant, the political unification of mankind and thus the entrance of the international community into Kant's *legal condition*.

All this leads to the conclusion that the issue of whether the Gulf War was just or not depends on the outcome of a process that has yet to be concluded. In any case, the answer will come only from the manner in which the peace is organized. If the end of the war brings with it greater divisiveness and the unfolding of greater armies and more armaments in Middle Eastern countries, and thus a greater danger that the scourge of

war will erupt again, the war in the Gulf will have been unjust. If it brings détente, greater stability and the expectation of increasing unity, it will have been just, even if of such a terrible and primitive justice that is the only one the court of history remains capable of administering.

For this latter course to be taken, those who have the power to decide the future order in the region, and more generally all those who can, to a greater or lesser extent, influence Arab and European public opinion, need to be aware of some fundamental facts:

1) The primary cause of the Gulf War was the political division of the region inherited from the Treaty of Versailles. It has had the effect of apportioning its immense oil wealth in a totally arbitrary way, concentrating it almost exclusively in a few states of small or tiny proportions (or at least underpopulated), and leaving without it large and densely populated states that have an acute need to promote their economic and civil development. But it has also impeded the growth of a modern market economy in the region — that requires an area of continental dimensions — and has instead favoured the maintenance of backward, dictatorial and corrupt regimes, and the spread of the scourge of fundamentalism, fed by social misery and injustice. In order to "win the peace", then, structures that promote Arab unity need to be created, taking as a model the institutions of the EEC, through the creation of a large market and an authority that would have the power to redistribute oil royalties in line with the development needs of the region's nations. This endeavour would point towards the aim of a large federation, both democratic and pluralistic, that would strictly separate politics from religion, in which alongside the Palestinians and all the Arab peoples, Israel and the non-Arab populations of the Middle East and the Maghreb would be able to find a place. It is true that the ultimate objective of an Arab federation can only be attained by states which have already established democratic systems within themselves. But it is equally true that the spur towards unity is itself a condition for the process of democratisation to begin. It is only through unity that the Arab people will be able to restore life to their ancient cultural traditions which are based on reason and tolerance, and overcome definitively the ruinous medley of politics and religion that is currently suffocating its economic and civil development.

2) The war has shown that the security of Israel and all the region's other states is no longer a military question. It will not be possible to talk of security in the Middle East, and between the Arab world and Europe, until a new climate has been created. The model of the Conference for Security and Co-operation in Europe (CSCE) is highly significant as



regards this issue. It represents an example of the fact that nowadays security depends in part on disarmament, on the creation of trust-building measures and transparency, and in part on economic co-operation and the guarantee of human rights. Hence, the point is to create a similar security structure in the Mediterranean and Middle East, and to link it with the CSCE. A vast network of guarantees and verification which would also involve the United States and the Soviet Union, would thereby be created. It is only in such a broad framework that the conditions for guaranteeing security to Israel, giving a homeland to the Palestinians and regulating the arms trade stringently can be created. And it is only in this context that, in co-operation with the region's oil states, a large development programme along the lines of the Marshall Plan can be launched for the Arab world, and the process of Arab unity be decisively embarked on. It is clear that the idea of applying either the model of the EEC or the CSCE in the Middle East can currently seem Utopian given the permanent and exasperated tension that exists between Israel, the PLO and other Arab states. However, it should not be forgotten that in Europe fifty years ago, through co-operation and integration, an even harder objective was achieved: that of overcoming the traditional enmity between France and Germany, such that a war between the member states of the Community is nowadays unthinkable.

3) The possibility of this happening depends in part on the Arabs, but also on the Community, which in the current situation could act towards the Arab world in the same way that the United States, with the Marshall Plan in Europe after the second World War, contributed decisively to encouraging economic development and the start of the unification process. In this respect the Community is favoured by geographical proximity, by the strong interdependence of economic interests, as well as by the fact that, not being a military power, it did not participate militarily in the war, and thus it is not seen as an imperialistic threat by the vast section of public opinion in the region that, instead, regards the United States as the principal enemy of the Arab cause. In reality the widespread belief that the United States has come out of the Gulf War greatly strengthened derives from an error of perspective. The United States, restricted by an astronomical budget deficit and ever more severe social conflict at home and, moreover, ending the war with a further massive loss of credibility vis-à-vis Arab public opinion, are today even more than ever a power in decline that will only play a short term role in the Middle East. In the medium term, only the Community can be the privileged partner of the Arab people. But for the Community to be able to take on this responsi-

bility, it must show the ability to carry forward a consistent policy of pacification and co-operation, and establish a political model that is worthy of imitation. This demands that the decisive step in the Community's institutional reform process be accomplished, transforming it into a democratic federation, and giving it the instrument of a single currency, that could among other things be used as a means of payment for oil supplies, thus significantly contributing to price stabilization. European unity and Arab unity would thereby become two closely interlinked projects.

It seems evident that these developments are essential to accelerate the transformation of the UN into a real world government. This cannot be achieved while the world continues to be divided into 150 states, often divided by arbitrary borders and condemned to underdevelopment by dimensions that are incompatible with modern industrial development, and hence democracy. Mankind's political unification will be ripe when peoples are united in great continental federal structures, capable of being the supporting pillars of a global federation. Europe and a unified, secular and democratic "Arab nation" are destined to be two of these pillars. The Gulf War will have been "just" only if the horrific massacres and the horrendous destruction it has provoked, makes people aware of the necessity of hastening the completion of the European federation and the start of the process of Arab unity.

*The Federalist*

## Considerations on the European Community and the New World Order

LUCIO LEVI

The revolutionary changes which are following one another at ever increasing speed (*perestroika* in the USSR, the fall of Communist régimes, the unification of Germany, the end of the cold war) are eroding the old world order established after the Second World War. But a new order has not yet materialised. The Gulf War is in fact both an expression of the crisis of the old bipolar order and the lack of a new order. It removes the illusion of progress towards a pacific world order having been already achieved. And it marks the defeat of the two political institutions (the EEC and the UN), which pursued the strategy of solving the conflict through negotiation. However their role shows exactly where pressure should be exerted to create a new world order, in which the force of law prevails over that of weapons.

The complex problems of the transition from the old to the new order raises questions on the characteristics and trends of world politics. In fact, if placed within this context, the very outlines of the political design of European unification take on new significance. In the new era which opened up after the end of the cold war, the European federation no longer appears as a third pole in the world system of states, but rather as the first step along the road to a World federation. In other words, the universal historical function of the European federation is to show that the era of world federalism has started.

On the other hand, the constituent phase of the new world order erodes the old institutions of the cold war (such as NATO and the Warsaw Pact) and develops others (such as the UN and the CSCE) more suited to satisfying the need for co-operation and solidarity of an ever more interdependent world. The assertion of the new world order thus implies a redefinition of the role of all international organizations and of their relations. To get one's bearings in the new era, the construction of

European unity must be set within the evolution of world politics, taking into consideration the role that the European Community can assume by directing the world towards unity.

*The European Community as a model and pole of attraction.*

The European Community represents the most advanced point of the integration processes taking place in the world economy. Around the central core of the Community a constellation of Eastern and Southern countries has formed, which are seeking from it a way to enter the world market. Through various forms of aggregation, more or less tight according to necessity, the Community has created institutions which have allowed it to form economic ties with the whole world. It therefore constitutes the nucleus of the unification process of the world economy. The Community is at the centre of a series of concentric circles, represented by various international organizations: from the EFTA to the CMEA, the European Council, the CSCE, and the Lomé Convention up to the UN. It represents the most solid circle, the international organization which has developed among its member states the strongest institutional cohesion and has a momentum which tends to make it evolve into a federation. Therefore the Community is privileged ground for experimenting the federal model.

Thanks to these characteristics, the Community is not only a model for other regional areas aspiring to unity and for the world (UN reform), but also a pole of attraction for those countries revolving within wider orbits. All the countries revolving in the orbits closest to the Community (in the first place the countries of the EFTA and those of Eastern Europe belonging to the CMEA, plus Yugoslavia) would like to belong to it. But if the present institutional mechanisms remain unchanged and a process of democratization and strengthening of the Community is not started off, the latter's decision-making ability will tend to diminish as the number of member states increases. It is quite evident that by doubling the number of member states, each one with its burden of particular problems and ties for common policy, the Community would risk total paralysis and thus dissolution. The experience of widening the Community, above all after the admission of the United Kingdom, clearly shows that this process has slowed down (and continues to slow down) progress towards political unity.

Institutional reform which would confer on the European Community the first instruments of power sufficient to express itself effectively at

international level, consists in the creation of a democratic government of European economy. More precisely, it is a matter of transferring to the European level the powers relating to the control of currency and macro-economic policy, of attributing to the European Parliament legislative powers and greater control towards the Commission, of conferring the role of Community government on the Commission and of transforming the Council of Ministers into a Community Senate, which shares its legislative power with the European Parliament, but is deprived of executive power.

To reinforce this, the Community has adopted the policy of submitting the admission of applications for membership to the unqualified acceptance of the objectives of institutional reform. This theme is now on the agenda, following the summoning of the Intergovernmental Conferences on Economic and Monetary Union, and Political Union. Consequently, only if the Community reinforces its cohesion will it be able to play a leading role in the Pan-european process and become the nucleus of the institutional order of the European Common Home. By proving that it is possible to make a union of states exist beyond nations, the creation of the first federal nucleus in Europe will allow the reconstruction of an international order as an alternative to the old and collapsing bipolar system, by now weakened by the decadence of the hegemonic role of the superpowers and eroded by the revival of nationalism.

#### *The European Community and the new world order.*

It must be noted that the European Community is a subsystem in the world system of states. Therefore, if it is true that its international influence conditions the developments of world politics, it is also true that it is conditioned by it. In fact, the sudden acceleration which European unification has undergone is not only the product of an internal need (the need to overcome the contradiction of European market unification in 1992 without a currency or a government), but also the result of an external requirement (replying to the break-up of the Communist bloc, to the revival of a strong German state in the middle of Europe and to the re-awakening of nationalism).

On the other hand, it must not be forgotten that the stability of the processes of co-operation and of economic integration, and still more those of political unification, assumes that any antagonism of a military nature has disappeared. It is true that, according to the federalist point of view, peace can be irreversibly guaranteed only through a federation.

However, it must be acknowledged that the tendency towards the disappearance of war from among the means of the foreign policy of states represents a basic condition for starting any form of integration.

The experience of European unification shows that the formation of a unified economic space has taken place within a framework of precise political conditions: the loss of independence by national states, the convergence of their foreign policy, and the hegemony of the United States over Western Europe.

It is true that on a worldwide scale there is no hegemony which can play the role the United States had in the process of European integration, but there is a new fact, which must be acknowledged and analysed in all its complexity: the crisis of the sovereign state, a form of political organization which has lost its self-sufficiency in the field of security control, protection of the environment and the direction of economic and social development. It is a phenomenon which appeared in Europe some time ago and which constitutes the presupposition for a continental unification process. Today it is beginning to concern the superpowers themselves and, as happened in Europe, it produces a strong drive to co-operation, allowing problems, that the single states are unable to solve on their own, to be faced.

Actually, there is a surprising analogy between the beginning of the new era of world politics, started off by the first agreements on disarmament, and the beginning of the process of European integration after the Second World War: then French-German reconciliation, now collaboration between the USA and USSR after a long period of deep tension.

Underlying the new course of world politics are deep changes in the means of production and in the organization of security. On the one hand, the scientific revolution has made the world more and more closely interdependent, with the result that an increasing number of problems have taken on worldwide dimensions. Hence the need for worldwide solutions and institutions. On the other hand, nuclear weapons and other mass destruction weapons have brought about a crisis of power politics and have paved the way for the exhaustion of the *raison d'Etat*, through the assertion of the principles of "mutual security" and of "non offensive defence" introduced by the new Soviet strategic doctrine.

All this shows that the new course of world politics is not just generated by good will, but is above all the result of necessity. The cost of the arms race has become intolerable for the United States and the Soviet Union. Not only the destructiveness, but the very cost of arms create a crisis in power politics. The latter is in fact so expensive that it ends up

by turning against whoever practices weapons accumulation. In other words, in the era of global interdependence and of mass extermination weapons, might tends to destroy itself.

Consequently the superpowers abandoned the cold war, thoroughly exhausted. They then decided to put an end to military confrontation and to collaborate for survival. And their decline has been accompanied by the ascent of Germany and Japan within the hierarchy of world power. They have become great economic powers precisely because, after being defeated in the Second World War, they lost the role of military powers and did not have to expend their resources in the arms race.

Likewise, the road to European integration was resolutely taken only when France and Federal Germany acknowledged the existence of common interests and derived the conclusion that the reasons inducing collaboration were stronger than those of antagonism. But unfortunately the world starts its unification in much more difficult conditions than the countries of the European Community. The latter in fact were able to found the process of integration on conditions of remarkable homogeneity both concerning the degree of development and political régimes (industrial economies and democratic systems) and on the protectorate of the United States, which eliminated military antagonisms in Western Europe.

The conclusion which can be drawn from all this analysis is that a World government is no longer merely an aim dictated by reason. It is an event in progress. It is a tendency which can undergo slowdowns and pauses (as has lately happened during the Gulf War), but which cannot be stopped.

The problem which arises at this point is that of examining the institutions in which the world unification process is taking place, starting from the European Community. The development and consolidation of the new world order involves a complex process of reorganizing the international organizations created in the postwar period and which therefore bear the mark of the bipolar system and of the cold war. What can be attempted now that we are at the beginning of the process, is the identification of more general tendencies.

#### *The EFTA.*

The EFTA, which was created on the initiative of the United Kingdom as an alternative to the EEC and which now groups six West European

democratic states, most of which are neutral, is moving towards full membership of the EEC, as has already happened for some of the founder states (United Kingdom, Denmark and Portugal). To benefit from the advantages of European market unification, it aspires to renegotiate its commercial relations with the Community so as to create a "European economic space."

Two reasons make EFTA countries the first candidates rightly to become members of the Community. The first reason is linked to the changes in the world order which, with the overcoming of blocs and the end of the cold war, have eliminated the function of neutral countries. The second reason concerns the homogeneity of political and economic institutions and development levels between these countries and the Community.

#### *The Council of Europe.*

After representing the political framework in which the process of European integration started and after experiencing a long phase of stagnation, when the direction of the process was taken on by the European Community, the Council of Europe is now characterized by renewed vitality. It has in fact taken on a new role: that of a bridge between Eastern and Western Europe, after being for years one of the institutions through which the hostility of Western Europe towards the Communist world expressed itself.

On the one hand, the Council of Europe now gathers together all the twenty-three states of Western Europe. In other words it groups the twelve member states of the European Community and the other eleven that are not part of it. On the other hand, the activity of the Council of Europe has promoted the development of East-West relations and has opened its institutions to the countries of Eastern Europe and the Soviet Union. The consultative Assembly has in fact created the status of "special guest" to receive the representatives of the parliaments of non member European states, which have started a process of democratic transformation of their political institutions, thus carrying out obligations underwritten in the CSCE. Thus, it has established a transitory institutional link with these countries, meant as a staging-post along the road towards full membership.

The underwriting of the European Convention of human rights represents the completion of the process of democratic transformation of Communist régimes and goes in the same direction as efforts within the CSCE in favour of the respect for human rights and fundamental liberties.

The eastward opening of the Council of Europe allows an international guarantee to be offered to the new democratic institutions of the Eastern countries and is a means of consolidating them.

All this emphasizes the need for some form of organic coordination between the "third basket" of the CSCE, which concerns human rights, and the Council of Europe. Once the transition towards democracy in Eastern Europe has been completed, the protection of human rights and fundamental liberties should be entrusted to the European Court of Human Rights.

#### *The CMEA.*

It has been rightly observed that the 1989 revolutions in Eastern European countries did not bring any new ideas. They were simply inspired by the principles of Western democracy and of the market system. However, on the basis of these principles alone it is impossible to create a new international order as an alternative to the Soviet-American bipolar system, the decadence of which has opened the road to the revival of nationalism, to the dissolution of the power blocs and to the break-up of multinational states such as the Soviet Union or Yugoslavia.

If Eastern Europe and the Soviet Union are overwhelmed by conflicts among nationalities, borders are questioned and once more the tendency towards fragmentation prevails, the whole continent will go back to 1919 with well-known consequences: economic stagnation, authoritarian degeneration of institutions and war. The new democracies of Eastern Europe would be merely ephemeral flowers that do not herald spring.

Federalism is the new idea which can allow the organization of an orderly transition of ex-socialist countries to democracy and a market economy. The example of the European Community, in spite of its serious institutional limits, already clearly shows that the member states can find greater freedom and prosperity in union than in separation and isolation. In fact, in Eastern Europe the idea has widely asserted itself that the European Community represents a reference point and a model for solving economic problems and for the stability of democratic institutions, which could also play a similar role in restraining ethnic conflict.

The old common economic institution, the CMEA, created in 1949 to organize trade among socialist countries, should undergo radical reform to adapt to the changes taking place in the economic systems of the individual countries, unless the tendency to dissolution prevails. And in fact, the difficulties of the Soviet Union and the attractiveness of the

Community leave scarce prospects for the renewal of the CMEA.

Instead, the entry of East Germany into the Community, as a result of German unification, has opened up the prospect of Community enlargement to include the other East European countries adhering to the CMEA and Yugoslavia. The speed with which a united Germany has been created shows that the Ecu and the European market could assume in the eastward extension of the Community the same role as the Mark and the West German economy has done in the unification of Germany. The use of the Ecu as a means of payment, an adequate transitory period to allow the convergence of the economies and the intervention of the EBRD (European Bank for Reconstruction and Development) to finance investments in Eastern Europe are the indispensable economic factors for extending the Community.

Of course, the institutional premises of this process must first be fulfilled, in other words a single currency, a European bank and a European democratic government system. It is necessary, therefore, to accelerate the transformation of the Community into the embryo of a European federation, to allow the latter to favour economic reconversion and the consolidation of democracy and to contain balkanization in Eastern Europe.

#### *European Community-Soviet Union relations.*

The fact that the Soviet Union is a great power, provided with the means to exterminate mankind many times over, places it, even within a context of international détente, in a different category with respect to nation states, which are seeking in the European Union the way to establish a new model of international organization orientated towards the construction of peace. For this reason, the hypothesis of extending the European Community to the Soviet Union would become plausible only in the case of the latter disintegrating. In any case, economic co-operation between the European Community and the Soviet Union is destined to develop very intensely. It is enough to consider the fact that the range of action of the EBRD includes the USSR and that the proposal of the Dutch government, supported by the President of the EEC Commission, Jacques Delors, of a European Agency for energy is an initiative which is destined to develop complementary aspects and integration between the two economic areas.

But the overall evolution of Euro-Soviet relations will depend on the direction taken by the federative processes in progress in the two areas.

To use the terminology suggested by Carl J. Friedrich, while in the EEC a "process of integration" is taking place, in the Soviet Union a "process of differentiation" has started. If the two processes settle at an equilibrium of a federal nature and therefore nationalistic impulses are contained and the dangers of disintegration, which threaten the pluralistic unity reached through contrasting ways by the two communities, are eliminated, co-operation between the European Community and the Soviet Union is bound to extend, deepen and experiment with new forms of federalism. But this requires, on the one hand, that the member states of the Community should cross the threshold of the irreversibility of the unification process by creating federal institutions.

On the other hand, the independence of the republics and of the minor territorial entities in the Soviet Union should develop without actually dismembering the state, which is what the republics along the western borders would like to happen.

To contain secessionist tendencies, a wider form of autonomy of the member states could be experimented with, with respect to the one that is normally adopted in federal states. It is in practice a matter of developing an anomalous aspect of the Soviet constitution: the foreign policy jurisdiction of the member states. While in other federal constitutions foreign policy is an exclusive competence of the federal government, in the Soviet constitution it is a concurrent competence. This principle, contained in an amendment passed in 1944 to justify the claim to a seat at the UN by Byelorussia and the Ukraine, has never actually been enforced. The strong centralization of power and the cold war left no room for demonstrations for independence on the part of the republics at an international level. In actual fact, foreign policy has remained an exclusive power of the federal government in the Soviet Union also.

Today the situation has changed dramatically. Under the stimulus of *perestroika* and with the end of the cold war, the republics have asked to exercise their sovereignty and to re-found the Union on new bases, expanding their powers in opposition to the central government. Therefore the moment has come to transfer some powers to the republics, such as those relating to the maintenance of public order, by creating police forces under the control of the individual republics, or those relating to some non-military aspects of foreign policy, acknowledging the rights of the republics to establish diplomatic relations with other states and to participate in negotiations on international affairs, such as trade, economic co-operation, transport, and protection of the environment.

This autonomy of the republics would allow, on the one hand, the

impulse towards centralization to be offset, since it derives from international tensions and, on the other hand, the almost colonial relations of the Russian republic with the peripheral republics to be annulled. Moreover, it could be used not only to stipulate bilateral or multilateral agreements, each with different contents, but also to make valid and true federative agreements with neighbouring states. Finally, the specific requirements of the borderline republics require experimenting with another new aspect of federalism. While in all existing federations member states have equal powers, it can be envisaged that in the Soviet Union single republics might be able to obtain supplementary competences (on condition the others consent to it). This would allow the borderline republics to participate in the work of the international organizations concerning them, to have closer relations with neighbouring states so as to solve common problems together and to be a link between the European Common Market and the Soviet economy.

Another anomalous aspect of Soviet federalism is the right of secession, which is acknowledged for the individual republics. It is a well-known fact that it is a principle enunciated and upheld by Lenin. It clashes with that of the irrevocability of the federal pact, which has the purpose of ensuring perpetual peace among the states which have underwritten it, and of replacing force with the rule of law as a means for solving conflicts. However, in the Soviet Union there has never been a proper federal pact among the republics, so from the very moment the latter refounds the Union on the basis of a treaty inspired by the principles of federal democracy, the right of secession (dependent on the observance of certain constitutional procedures) must be considered a further guarantee of the independence of the republics.

It is evident that if nationalism, which is now spreading in Eastern Europe, were to prevail in Europe, there would be no room for the solution proposed. But let us consider the hypothesis that the federative process taking place in Western Europe progressively involves Eastern Europe. In this case, the final arrangement the communities situated along the borders may tend to opt for, due to the tension between impulses to disintegration and impulses to integration, could be to belong to both federations simultaneously.

Thus the borders between the two federations would progressively lose the military characteristic of a line dividing two communities, which develop power relations between them and whose cohesion is based on necessity and fear, and become meeting points between East and West and between the European federation and the Soviet federation. The open

and flexible nature of this form of federal organization would allow the antagonism between states to be reduced, until it is eliminated, anticipating political relations which foreshadow those between continental federations within a World federation.

#### *NATO and the Warsaw Pact.*

It is obvious that, within the context of the new cycle of world politics, NATO and the Warsaw Pact cannot preserve the structures and functions they had at the time of the cold war. The problem of changing them, of reducing the weight of the military component and of their transformation into political coordination structures is on the agenda.

Of course, the timing of this process is conditioned by the evolution of another process: that relating to the consolidation of Pan-european security structures within the framework of the CSCE. After the sudden fall of the Communist régimes, followed by the agreement of the withdrawal of Soviet troops, the Warsaw Pact looks like an institution with no future. But one might wonder what will be the role of NATO after the dissolution of the military organization of the Warsaw Pact. It must be remembered that on November 19th 1990 the Heads of State and government of NATO and the Warsaw Pact underwrote a joint declaration, in which it was stated that the two alliances no longer consider themselves as enemies and offer each other mutual friendship.

The conclusion can be drawn from this that conditions are becoming ripe for a parallel withdrawal of American troops from Europe, even if it is easy to foresee that NATO will survive the Warsaw Pact. Besides, the process has already started. It is predictable, in fact, that the troops, moved to Saudi Arabia for the Gulf War will not set foot in Europe again. This does not imply a break in the links between Europe and America, but rather an evolution, that will tend to diminish progressively the weight of the military aspects of the alliance to the advantage of political ones. At the same time, for geographical reasons and considering the strong economic interdependence between North America and Latin America, it can be foreseen that a Pan-american federative process will develop, of which the common market between the United States, Canada and Mexico constitutes a promising start.

#### *The Western European Union.*

The Western European Union (WEU), established in 1954 after the

failure of the European Defence Community project with the traditional characteristics of military alliances, has once again become topical in relation to the debate over the institutional reform of the European Community. In fact a fusion between the EEC and the WEU has been proposed, to extend Community powers to the military sector.

The creation of an integrated European defence system not only is not possible in the near future, owing to the resistance of the two nuclear powers (France and the United Kingdom), but it does not even seem to be an indispensable element for exerting international influence on the part of the Community, which the world now needs.

In the first place, it must be considered that economic and monetary Union would allow wide powers to be transferred to the European level in a sector, such as that of the economy, which has assumed growing importance in international relations, and will become more and more important as defence gradually loses the central place it has occupied in the past. These powers can represent the basis for considerable foreign policy initiatives by the Community. Moreover, within the CSCE a common security system is developing and the prospect exists of another being created in the Mediterranean, which would associate the Community with the Arab world. In the future, these security systems could perform the task of Community defence within the framework of strengthening the UN role in maintaining peace. The defensive function of the Community could therefore continue to be entrusted to existing institutions, in the first place to NATO, but also to individual states, with the prospect of a progressive decline of the military factor. Consequently, the military competences of the Community could be limited essentially to conferring tasks relating to the participation of Europe in the defence of international order within the framework of the UN. For example: organizing the participation, on behalf of the United Nations, of its forces in operations for maintaining peace, elaborating common positions in the negotiations over disarmament and the control of armaments, and taking part in the control of the weapons trade.

Finally, it must be taken into account that the creation of a European military system would not be motivated by the threat coming from the East, considering the collapse of the Warsaw Pact and the tendency towards disarmament. However it would represent a factor of tension with the Soviet Union and would therefore work against the success of *perestroika*, which requires the shift of resources from armaments to development.

Of course, the hypothesis of a European federation without its own

defensive system can take shape on condition that the evolution of world politics consolidates the prospects of détente. But, in turn, this type of European federation would have the requisites to become the driving power of the process towards world unification. The cold war finished with the awareness that power politics is not a means to which the solution of the greatest problems of humanity can be entrusted. The future of the world will depend in fact on the ability to promote a pacific order which effectively checks power politics.

The institutions of the European Community, in spite of their limits, represent an important experiment in the establishment of this order. And they are also the example of an international organization which founds its influence in the world on the attractiveness of its economic co-operation system and not on military power.

A European federation, endowed solely with economic and monetary powers, would differ from all existing states, even from those with limited powers, such as federal states, for its greater power to remain open. For this reason, it would foreshadow the World federation, because, like the latter, it would lack military power.

#### *Relations between the European Community and the Arab world.*

Among the most unpropitious prospects disclosed by the Gulf War is that of a conflict between the Arab world and the European Community, as the attitudes of hostility and revenge of the Arab masses towards Europe show. For reasons of geographic and complementary economic characteristics, the greatest responsibility for the solution of the problems of the Mediterranean and of the Middle East lies with the European Community. The multinational force has defeated Iraq and freed Kuwait, but the explosive problems of the region remain. For this reason, the European Community must initiate, as Italy and Spain have proposed, an analogous negotiation mechanism to the one which is at the basis of the Helsinki process, which would allow three interdependent questions to be tackled at the same time: the security of all the countries in the area, economic co-operation destined to reduce the social imbalances in the area, and respect for human rights that would open the way to the development of democratic institutions.

However, the success of this plan requires a stronger Community, such as could be born from the formation of the embryo of a federal government. The inadequacy of the present structures has been emphasized by the failure of Community efforts to find a solution to the Gulf

conflict through negotiation. Consequently, a European Community with stronger cohesion among its member states and with adequate international influence would have the political authority and resources to guarantee security and to promote development in the Mediterranean basin and the Middle East.

The European Community can play an analogous role, in some aspects, to the one of the USA and the USSR in the CSCE. In other words it could promote the creation of a common security system, which would allow Israel and the Arab countries to live together peacefully and shift resources from armaments to development.

At the same time, the Community could promote a plan for financial and technological aid similar to the Marshall Plan, which: a) makes aid conditional on the elaboration of a regional development plan directing resources according to criteria of international justice; b) creates a Euro-Arab banking institution, which allows the development of the whole area to be financed with European capital and to direct the surplus financial resources of the oil producers to the purchase in Europe of technologies and industrial plants destined for the poorest Arab countries; c) starts off a development process able to contain the huge migratory stream from the Arab countries to the Community; d) favours economic integration, which represents the pre-condition for the development and independence of the Arab world; and this requires a process of aggregation between existing sub-regional organizations (the Arab Maghreb Union, the Arab Co-operation Council, which groups some countries of Mashrek and Yemen, and the Gulf Co-operation Council, which groups Saudi Arabia and the Arab Emirates) with the prospect of reinforcing the Arab League; e) promotes, on this basis, the development of democratic institutions and the political unification of the whole region; f) in this way creates the premises for the formation of an organization of a federal nature, open to collaboration with bordering regional communities, which would enable Arab nationalism and Islamic fundamentalism to be defeated.

#### *The Conference on Security and Co-operation in Europe.*

The Conference on Security and Co-operation in Europe (CSCE), which groups 34 States (the European states, the Soviet Union, the United States and Canada) was originally promoted by the USSR to guarantee the *status quo* in Europe and therefore to perpetuate the division of the old continent into two spheres of influence and into two antagonistic blocs.



In the last few years, thanks to the principle of the free circulation of people, information and ideas, contained in the final Act of the Helsinki Conference (1975), it has become the vehicle of a deep transformation of the political régimes of the countries adhering to the Warsaw Pact and for overcoming the division of Europe.

In fact, on the one hand, respect for human rights and fundamental liberties has become a principle which is shared all over Europe. On the other hand, both the creation of a system of common security and economic co-operation have laid the foundations for the establishment of permanent institutions, which Gorbachev calls the European Common Home.

The new security model, based on the principle of "non-offensive defence," will have to prove its effectiveness as an instrument for overcoming East-West conflict and for dismantling the blocs. Actually, the essential task of the CSCE is the creation of a common security system which has no precedent in history, because it is founded on the principle of the transparency of military activities, on measures of mutual trust, on the control of armaments and on a disarmament process, the effectiveness of which is entrusted to on-site inspections. These are the first forms of mutual limitation of sovereignty, which do not rest on supranational powers. What is really new and extraordinary is the fact that the superpowers themselves promoted this process.

The establishment of the European Common Home marks the start of a new world order and represents the embryo of a "partial World government." The example of Western European integration shows that the reconciliation between France and Germany marked the starting point of the integration process and that the French-German axis was its driving force. The USA and the USSR are destined to play the same role in the world unification process. But there is another analogy: as European integration, which began with six countries and progressively spread until it embraces twelve, today, forty years from the start of the process, has come to face the problem of the unification of the two halves of the continent, so the unification of the world, starting within the framework of the thirty-four countries joined in the Helsinki process, will gradually tend to involve other parts of the world until it identifies with the strengthening and democratic reform process of the United Nations.

Owing to its interregional dimension, the CSCE will be undermined by a double contradiction. It is in fact at the same time too big and too small. It is too big to become a regional pillar of the World federation. But it is also too small to face great worldwide problems. The disarmament

process itself, although it is the pride of the CSCE, will be unable to achieve the goal of eliminating mass destruction weapons unless the problem of the destruction of nuclear and chemical weapons is tackled together with the Third World. But other innumerable problems, such as the Gulf War or huge migratory flows, exist to prove that in an interdependent world the countries of the North cannot allow themselves to ignore the problems of the South, but rather are inevitably involved in them.

Thus it becomes necessary for the CSCE to present itself as an association of states which is not against anyone and above all is characterized by its openness towards the Third World. What would be the significance of disarmament, if the resources thus made available were not used to finance wide economic co-operation projects with developing countries? It is therefore likely that the institutions of the CSCE will unleash a dynamic movement tending to reinforce initiatives for peace, disarmament and international co-operation beyond the borders of Europe. And this not only because the end of the cold war is an event destined to produce beneficial effects on the rest of the world (in the first place causing the UN to escape stalemate), but also because the problems of the CSCE area are closely linked to those of other continents. In other words there is no regional solution to problems which have a worldwide dimension, whether they are of a military, political, economic or environmental nature.

The CSCE Assembly, the institutional organization which is still being discussed, could decide to have a structure open to the participation of Parliamentary representatives of the democratic states existing in other parts of the world (for example India, Australia, Mexico, etc.). The conditions and procedures for being admitted to this Assembly could be those foreseen by the Council of Europe statute, which were successfully adopted to receive the new democracies of Eastern Europe. Besides, a proposal has been made that the Council of Europe itself should house the CSCE Assembly.

In conclusion, if within the CSCE a Parliamentary Assembly were established which would open the doors to the participation of the representatives of all democratic countries and would acknowledge the status of "special guests" to the delegates of states committed to the democratic transformation of their political régimes, the embryo of a World parliament would be born. It would become the seat of debate about UN reform projects and plans to solve the great global problems humanity has to face. The need would then arise to associate all peoples

in the discussion of questions that are crucial to their future, through the direct election of this Assembly.

### *The UN.*

Once the dynamics of the aggregation processes developing within the CSCE have settled, very likely giving birth to a confederation of three federations (those of North America, Europe and the Soviet Union), a process of reorganization on a regional scale will have developed in the rest of the world also. I have mentioned the incipient federating processes in the Arab world and the American continent, but there are tendencies to unity also in Africa and South-East Asia.

The general reference framework of these processes is the UN, whose highest decision-making body, the Security Council, could become more efficient and democratic if it were the expression of the world's regions. This is the only way to overcome the inequality between microstates and superstates, which represents one of the most serious problems with UN institutions. The role of the Security Council, in the framework of democratic reform of the UN, seems destined to be that of a second branch of legislative power — in other words of a Senate.

The European Community, which leads the process of the regional reorganization of international relations going on all over the world, possesses the necessary requisites to begin the reform of the Security Council. By putting its own representative in the place of those of France and the United Kingdom, it would open the way to the admission of India (which is a state of continental dimensions) into the Security Council, and then gradually other regional entities. It would be enough if in all those regions where federations have not yet been established, states were to decide to be represented at the UN by the international organization they belong to, taking its presidency in turn. This would allow the unjust distinction between permanent and non permanent members in the security Council to be overcome in a reasonably short time and to eliminate the right of veto, replacing it with a qualified majority vote.

As for the Parliamentary Assembly, its creation in the framework of the United Nations comes up against the obstacle represented by the fact that most of the member states still do not have democratic structures, in spite of the great progress of democracy in Eastern Europe and Latin America in the 1980s. Bearing this in mind, together with the proposal of creating a Parliamentary Assembly alongside the general Assembly, it becomes necessary to explore the hypothesis that the CSCE Parliamen-

tary Assembly to be established might become the first nucleus of a world Parliament. As a matter of fact, after the fall of the Communist régimes, democracy is destined to consolidate within the Helsinki framework.

### *Conclusions.*

In conclusion, it can be affirmed that the European Community can play a decisive role in directing the world towards unity. The indispensable condition for this role to be played is the reinforcement of European unity by transferring powers concerning the management of the economy to the Community and by democratizing decision-making procedures. Monetary sovereignty should in fact be considered much more effective than military for asserting Community influence in the world.

This influence can help the Community to: a) complete the federal unification of all Europe; b) favour the extension of the federal model to other areas, through the development of unification processes in those regions that are still divided into nation-states, starting from the Mediterranean area and the Middle East, and the assertion of new forms of federalism in states which have already reached continental size, such as the Soviet Union; c) start off UN reform, beginning with the restructuring of the Security Council on a regional basis.

## The World Federalist Movements from 1945 to 1954 and European Integration

JEAN-FRANCIS BILLION

The decade from 1945 to 1954 is fundamental for the study of World federalism. This was its golden period, the decade which saw the popular and spectacular activities of Garry Davis; it likewise saw the development, but also the failure, of the two strategies which had received the most numerous and militant support: that, first of all, of the Peoples' World Convention (PWC), and, subsequently, that of reforming the UN Charter. The serious crisis which hit the world federalist movement in 1955 undermined numerous organizations and publications. This period began with the end of the Second World War, with the first use of atomic weapons, with the creation of the UN in June 1945 and with the birth of the World Movement for World Federal Government (WMWFG), the most important of the groups dealt with in this paper. There were developments on the international front that were unfavourable to world federalist theories, with the birth of the cold war and with the Korean war. To draw a parallel with European integration — which represents the central theme of these pages — it may be pointed out that this same period, for European federalists, was that from the creation in 1946 of the European Union of Federalists (UEF) to the failure of the battle for the European Defence Community (EDC), and consequently to the withdrawal of the plan for a European Political Community which had been linked to it on the initiative of Altiero Spinelli. The attitude of World federalists with regard to federal regional integration in general, and in particular to European integration — the first example of it — will thus be the central argument of this paper; however it is first worth recalling who were this first generation of World federalists, and what were their main priorities and motivation.

Tom O. Griessemer was an exile from Nazi Germany, who along with Clarence Streit<sup>1</sup> was one of the founders of the Federal Union in the USA in 1939, before becoming the first secretary general of the WMWFG and setting up *World Government News*, one of the most important American world federalist journals of the era. He expressed himself in these terms: "A fundamental difference, however, separates all other peace movements from us World federalists: their reasoning is speculative, ours is empiric. They *believe* that if more people refuse to serve in armies, or if more people were better Christians, or had less children, etc., there would be no more wars. We World federalists, on the other hand, know that peace in any human community is the result of justice, that justice requires law and law government. We know this because we have seen it tested daily and proved daily all around us".<sup>2</sup>

In analysing this first period in the history of organized World federalism, Rolf P. Haegler writes: "The sense of urgency felt by some, of a last chance when faced with the threat of nuclear destruction; the faith of others in the possibility of rapid and definitive successes; these aroused a great enthusiasm, which is characteristic of the first generation of World federalists;" but he also says: "The drawbacks of this situation were not slow in making themselves felt: when it went out of fashion, for many the initial enthusiasm died."<sup>3</sup>

### *The gestation period of World federalism.*

Following the First World War, there began to develop isolated attempts at European and World federalism. From the very beginning the League of Nations, which was set up on the return of peace, was denounced as confederal and powerless by its very nature. In Germany, from 1914, the group *Neues Vaterland* adopted the objective of promoting all initiatives likely to influence politically the countries of Europe, basing its ideas on the "civilized notion of peaceful competition and supranational unification." In 1910, in the United States, the New York Peace Society founded a World federation Committee, which was to become autonomous in 1912, under the name World Federation League. Still in the United States, the first parliamentary initiatives for the creation of a World federation were made first by Massachusetts and later by the House of Representatives, in 1915 and 1916 respectively, while various pacifist and feminist associations in turn adopted world federalist slogans. In Asia, the Rajah Mahandra Pratap published in 1938 the journal *World State* and created numerous World federation Centers in an area

which extended as far as Japan; he was in contact with the Scandinavian World federalists who organized in Sweden the first Internordic Meeting on World federation towards the end of the thirties. In Great Britain, even before the Federal Union, various associations developed such as the Union for Democratic Control, then in 1932 the New Commonwealth Society. In Switzerland, the *Mouvement populaire suisse en faveur d'une Fédération des peuples* was founded in Geneva in 1940; it was represented by Max Habricht, jurist and key figure in World federalism in Luxembourg and later in Montreux, in 1946 and 1947. Finally, to return to the United States from 1924 onwards Rosika Schwimmer and Lola Maverick Lloyd, feminist and pacifist activists during the Great War, published *Chaos, War or a New World Order* and in it developed their idea of the PWC for the first time, before launching the Campaign for World Government in Chicago in 1937.<sup>4</sup> This happened a year before Streit published *Union Now* and before three associations were founded in Britain, the United States and New Zealand, independent of each other but bearing the same name: Federal Union.

*From war to the creation of the WMWFG.*

In fact, when Derek Rawnsley, Charles Kimber and Patrick Ransome created the Federal Union in England, 1938, they knew nothing of *Union Now*, the publication of which came to them as a surprise, but they already advocated the two levels of European and World federation. Starting from 1939, they began publishing their journal *Federal News*, and relations developed between the federalists of Canada, Eire, Switzerland, the United States, France, Australia, New Zealand, Southern Africa, India and Argentina. In 1942, despite the war, the European Committee of Federal Union was constituted, with representatives in London from fourteen different nationalities.

At the same time, in continental Europe, contacts developed in Geneva in 1944, then in Paris and in Hertenstein in 1946, between federalist cells within the Resistance, which were to lead to the creation of the UEF.

In the United States, in February 1947, some months before the Congress of Montreux, the chief federalist organizations set up the Conference of Asheville, in North Carolina, to create the United World federalists. They were to become the most important World federalist group in the USA, with eighteen thousand members (in mid 1947), meeting in two hundred local groups spread throughout thirty-three

American states. Debate centred on the strategy to follow for the creation of a World federation. From the very beginning, all delegates had adopted a profession of faith which, on questions of principle, laid down the following: "We believe that peace is not merely the absence of war, but the presence of justice, of law, of order — in short, of government; that world peace can be created and maintained only under world law, universal and strong enough to prevent armed conflicts between nations."<sup>5</sup> Phillips Ruop testified to the liveliness of debate when, in February 1948, he wrote in *Common Cause* that "most delegates had come to distant Asheville unaware of the basic differences among them concerning techniques of promoting the World Government" but that "they were caught between two vocal minorities: those who wanted the World's Peoples Convention and those who wanted to concentrate on amendment of the Charter of the United Nations." Ota Adler, a member of the Federal Union, wrote in *Federal News*, in May 1947, after his return to England, that "the majority of American Federalists believe in using the United Nations Organization ... A minority, however, mostly younger people, had more revolutionary ideas" and wanted to by-pass national governments, which were suspected of wanting to preserve their independence and sovereignty.

The strategic alternative between the constituent method which aimed to by-pass nation-states and to ignore the UN, and that which preferred the reform of the San Francisco Charter, was, like the contrast between regional federalists and World federalists, to remain at the centre of world federalist debate right up to the mid-fifties. In world federalist circles, there were critics of the non-democratic nature and of the ineffectuality and uselessness of the UN from the very beginnings of the international association. Rosika Schwimmer and Lola Maverick Lloyd had even cherished the hope of organizing a Conference of Peoples alongside the official meetings of San Francisco; they were obliged to give this up for lack of financial means, but some representatives of the Campaign for World Government were nevertheless present to illustrate "the federalist alternative" to the national delegates. In Europe the European Committee of Federal Union had, already in the autumn of 1945, called in a memorandum for "direct election of the UN General Assembly so as to be able to control a Security Council which would have atomic weapons at its disposal."

Jean Larmeroux, the first elected president of the WMWFG and president of the *Académie internationale des Sciences politiques*, making a comparison with the League of Nations, wrote about the UN that "there

too sovereign states are gathered together. There too weapons belong to individual member states of the organization. There too committees of experts and security council meetings are necessary in order for the aggressor to be designated as such. There too, a complete absence of uniform plans is the rule. There too, the *veto* of one can stop the good intentions of the others. There too, failure is already guaranteed.”<sup>6</sup>

While the Conference of Asheville had been mainly occupied with the dilemma between the PWC and strengthening the power of the UN, the 1946 Conference of Luxembourg took as its main theme the opposition between world and regional federation. Federal Union, at the end of hostilities, called a General Assembly of European and world federalist groups, whose general orientation had been formed many years before by its European committee. Yet we have seen that even before this, there had been other federalist meetings more specifically European, in particular that of Hertenstein in September 1946. In the absence of Federal Union, which could not be contacted, some of the more important European groups had established the principle that European Union is an “essential component of true World union” and a stage towards “the World Community of Peoples.” Despite this, the Europeans tended to give priority to European federation over World federation. From 1943, for example, *Libération*, one of the main French newspapers of the Resistance, wrote that “abolition of war could not be achieved all at once on a world scale ... One solution consists of forming unions or federations which would allow states with close territorial or cultural ties to abolish their currency, customs and defence barriers and to manage their resources in common.” In Paris, in June 1946, in *Fédération*, Vital-Mareille declared that European federation was necessary to prepare for World federation. In Britain too, friction had appeared within Federal Union between European and World federalists. Frances L. Josephy, who from 1941 to 1945 had replaced R. Mackay in the Presidency of the Executive Bureau of the organization, was very favourable to the European option, and had caused the resignation of other members of this organization, when she proposed in September 1944 a *memorandum* which illustrated the choice facing federalists: Federal Union “can say that because World federation is not practicable at the end of this war, Federal Union has no political function and must become a purely educational organization” or accept that “twice in 25 years a war has broken out in Europe; Europe is at a point of development at which its people can elect a federal Parliament; therefore ... the immediate job of Federal Union must be to press with every means in its power for inclusion in the postwar settle-

ment of a provision setting up a European Federation, open to accession by other nations, as the most urgent step to World federation.”

Thus the foundations were laid for the incomprehension and controversy that divided the majority of American federalists from the Europeans at Luxembourg and subsequently, even if to a lesser degree, at Montreux. After long procedural debates a summary of the meeting of Hertenstein and its conclusions was distributed to participants, and then the heart of the question was tackled, while F. L. Josephy proposed a motion, called the *twin aims*, which committed federalists to fight at the same time for the transformation of the UN into a Federal World Government, and for the creation of a regional government in Europe which would take the form of a democratic European federation.

In the aftermath of the Conference the American delegates and some European delegates publicly declared their opposition to the very principle of regional federations, or at least stated — while not opposing the creation of a European federation, if this was the will of the people of Europe — that this point was not their concern. Adopting a less hard-line attitude than that of F. L. Josephy, Umberto Campagnolo, the then secretary-general of the Italian MFE, voiced to Congress, and subsequently in *L'Unità Europea*, the doubts that World federation awakened in him, while André Voisin and a certain number of French delegates insisted on integral federalism.<sup>7</sup> After Josephy had repeated and made explicit her intentions, it was decided that “a World organization should be set up, and within this organization a section for European federation and within that a section for federation within countries.”

After Georgia Lloyd, and later Henry Osborne, British Labour parliamentarian, had launched the idea of the World Constitutional Convention and expounded a petition with this aim,<sup>8</sup> the three session chairmen were able to draw up and have unanimously adopted the Declaration of Luxembourg which stated: “We Federalists from all parts of the world ... have decided to and do now bring into being an International Association uniting all organizations which seek the creation of a World Federal Government,” and made this concession: “Many of us advocate as a step to this end, the formation of Regional Federal Unions, and in particular the United States of Europe.” The preparatory conference of Montreux was in this way able to begin on the basis of the decision to create, in parallel, the WMWFG and the UEF, and to designate *interim* leaders of the two associations.

Tom O. Griessemer, secretary of the WMWFG, was called on to prepare the first Congress of the organization, which encompassed

twenty associations from eleven countries, while the UEF was born in Paris in the offices of *Fédération* in December 1946, after the definitive agreements taken at Basel some days before, on the fringes of the Congress of the Swiss *Europa-Union*.

Montreux saw a clear reconfirmation of the validity of regional federalism as a criterion for coming closer to World Government, even if on certain conditions. This is testified to by the following passage in the Declaration adopted at the Congress: "We consider that integration of activities at regional and functional levels is consistent with the true federal approach. The formation of regional federations — insofar as they do not become an end in themselves or run the risk of crystallising into blocs — can and should contribute to the effective functioning of World Federal Government." When he analysed the Congress of Montreux, Walter Lipgens was thus able to say that it had achieved significant results, that the Europeans recognized — as UEF was to do explicitly later on — that World federation was the final objective, and that the non-Europeans accepted the idea of regional federation as an intermediate stage; he also wrote that in contrast to what had happened at Luxembourg, the two groups had established a lasting agreement and that the European federalists had clearly taken on a pre-eminent role. Walter Lipgens went on to say that at Montreux, 50 per cent of the 31 members elected to the Council of the WMWFG were part of the Federal Committee of the UEF, as were six of the nine members of the Executive Committee; this is confirmed much less enthusiastically by Edith Wynner, who wrote in a letter to Rosika Schwimmer on 27 August 1947: "The facts are that the European Federationnists are in control of our Council and for all practical purposes of our Executive Committee," while Francis Gérard, another office-bearer of the WMWFG, limited himself to commenting in his contribution to *Basis of Federalism* that at Montreux the UEF had elected to its directive bodies a certain number of World federalists. Although, as Lipgens recalls, this relationship was not destined to be repeated in subsequent Congresses, after Montreux "there was no longer rivalry between the two organizations."<sup>9</sup>

The other themes dealt with at Montreux — on the one hand PWC or reform of the UN, on the other minimalism or maximalism and federal or confederal structures of the Universal Movement — created divisions between World federalists in the course of the ten years we are considering. After Asheville, the great majority of American federalists were in favour of reforming the UN Charter; at Montreux they were surprised by the opposition that they met with from many Europeans (above all the

British), who were advocates of the constituent method.

For his part, Henry Osborne, in contact with the Americans in charge of the Campaign for World Government, after his election to the British Parliament, had created the Parliamentary Group for World Government, which, in the summer of 1947, had adopted a Plan in Outline for World Government by 1955, in which provision was made for a constituent assembly of nations<sup>10</sup> to meet at Geneva in the autumn of 1950 to draw up a world constitution. Leading figures had declared themselves in favour of the Osborne Plan: in particular, in the United States, Albert Einstein and together with him the prestigious Emergency Committee of Atomic Scientists, which constituted important moral support.<sup>11</sup> The position of the supporters of UN reform, especially the Americans, was summed up by Cord Meyer Jr.,<sup>12</sup> first president of the UWF, in a chapter entitled "United Nations Reform," in the collective work on World federalism published by Norman J. Hart some months later on behalf of the Young World Federalists (association of young World federalists, later known under different names, such as World Student Federalists — WSF — and World Federalist Youth — WFY).

In the declaration of Montreux, the WMWFG had in the end adopted both strategic approaches: "We recommend the following lines of action: 1) The mobilization of the peoples of the world to bring pressure on their governments and legislative assemblies to transform the United Nations Organization into World Federal Government by increasing its authority and resources, and by amending its Charter; 2) Unofficial and concerted action: in particular the preparation of a World Constituent Assembly ... This Assembly, set up in collaboration with organized international groups, shall meet not later than 1950 for the purpose of drawing up a constitution for the World Federal Government." Rolf P. Haegler notes in any case that, until the failure of the plan for the PWC to meet at Geneva, "all World federalist groups, in the first years of life, worked with ardour for the realization of the People's Constituent Assembly."<sup>13</sup>

The third great theme of debate and conflict at Montreux concerned the power of the future World Government. World federalists were divided into two main streams: minimalists who wanted to limit the World Government to a peace-keeping role in order to make it acceptable to the greatest possible number of countries, in particular the Soviet Union; and maximalists, convinced that peace and justice went together, that the one could not be achieved in a real and lasting way without the other, and that World Government must therefore be given very extensive powers. Again, the dividing line was the Atlantic Ocean, with the

American delegates speaking of World Government “limited” above all to the control of atomic energy and weapons of mass destruction, while the European delegates wanted it to be able to prevent not only war — that went without saying — but also economic catastrophe. This debate between minimalists and maximalists was destined to continue for a long time within the World federalist movement, and two examples of the subjects under discussion are found in the *Preliminary Draft of a World Constitution*, drawn up by the Chicago Committee at the beginning of the fifties, of which we shall say more later, and the book *World Peace through World Law* by Grenville Clark and Louis B. Sohn, published at the end of the same decade.<sup>14</sup>

The final theme dealt with at Montreux was that of the internal organization of the movement: should the federalists be “federalised,” as the Dutch and Scandinavians wished, or should each national movement preserve a very large degree of autonomy within the WMWFG?

#### *The Golden Period of World federalism.*

After Montreux, the WMWFG thus had a legal existence, even though there were still many small collateral groups, whose actions it did not always manage to co-ordinate. Its office-bearers dedicated themselves to structuring and developing it where it did not yet exist; to this end contacts were made during the journeys of Abbé Pierre, parliamentarian and hero of the French Resistance, and of Edouard Clark, American federalist, in Czechoslovakia, the Middle East, the Far East, and in the Indian sub-continent. Thus, at its second Congress, in Luxembourg, in 1948, the WMWFG consisted of 250,000 members of nineteen nationalities, coming from thirty-nine full-member organizations and eleven affiliated ones. Despite all its efforts it nevertheless remained confined to the western hemisphere and, as Giuseppe A. Borgese, secretary of the Chicago Committee, noted: “the World federalist movement was still a Eur-American or Amer-European enterprise, strikingly occidental and white.”

At the University of Chicago the Committee of Chicago had been created; for about four years it published the newspaper of political and cultural comment *Common Cause*, and after many years of work brought out its *Preliminary Draft of a World Constitution*. The preamble of the Draft World Constitution was adopted by the Congress of Luxembourg of 1948, which also elected a constitutional committee, which included Alexandre Marc and Elisabeth Mann Borgese, younger daughter of

Thomas Mann and wife of Giuseppe, both very active in the World federalist movement.<sup>15</sup>

As regards the debate on regional federation and/or World federation, the Chicago Committee pronounced itself in its draft constitution in favour of a regional subdivision of World federation in nine large intermediate regions, one of which included Western Europe.

The Congress of Luxembourg, which brought together about three hundred and fifty participants from twenty-two countries, had in turn to affirm the validity of the regional federations in its final declaration, but still without strongly committing itself to concrete action in this direction, specifying that “integration at regional levels can be an approach to World Federal Government. The formation of regional federations may well hasten the establishment of World Federal Government provided: a) that they do not become ends in themselves; b) that they may be expected to diminish existing tensions and the existing disparity between great and small nations; and c) that they remain sub-ordinated to the over-riding objective of establishing World Federal Government. It should, however, be emphasized that regional federations cannot of themselves solve the problem of achieving enduring peace.”<sup>16</sup>

The World federalists, just as they were able to accept and use, on certain conditions, regional (or continental) federalism, behaved in the same way with the functionalism that at Luxembourg was considered a means to the end of World federation.

It was a question of creating organisms above the national level, limited to this or that problem or particular area of intervention, like FAO, the UN body specialized in the area of food, whose founder had been Lord Boyd Orr, second president of the WMWFG. Abbé Pierre, in a press conference held in Paris in 1967, later summed up this orientation as follows: “The beginning of the post-war period was for the growing World federalism the era of the jurists, of those who believed with astounding optimism that World Government would happen overnight, and who dedicated all their efforts to drawing up the best possible constitution ... Lord Boyd Orr then had the idea of launching what was called functionalism. He more or less said: ‘Let the jurists carry on with their excellent work ...; in the meantime, we shall develop the ministries of this government which does not exist, in other words we shall make FAO, UNESCO, UNICEF, and WHO function as fully and effectively as possible. Let the function create the organ’.”<sup>17</sup>

Emery Reves, who had not been able to attend at Montreux, but who, in his book *Anatomy of Peace*, remained one of the spiritual fathers of the

movement,<sup>18</sup> made a speech in which he repeatedly declared himself in favour of a federal structure of the Universal Movement, of an evolutionary nature of the process which would lead to World Government, and of the fact that this historical process should begin with a federation of Western Europe. In this important speech Reves also tackled the other points which divided the movement: minimalism or maximalism, Constituent Assembly or reform of the UN.

The Congress of Luxembourg, which created a special committee to co-ordinate action promoting the PWC, also stressed its support for the reform of the UN, and adopted a third approach, on the proposal of Jean Larmeroux, called the "parliamentary" approach. The first steps of this third strategy, which was intended to meet the difficulties of practicality and programming encountered in the constituent method, dated from February 1948 at a WMWFG executive committee meeting and had met with opposition among a few supporters of the Osborne Plan.

The strategy was to use parliamentary groups created in Great Britain, France, Holland, Italy and Luxembourg, as a basis to organize a world convention of parliamentarians; its task would be to draw up the world constitution. Jean Larmeroux and other leading federalists were in fact well aware of the difficulty which they would have in holding elections in time for delegates of the PWC and in fact, as Tom O. Griessemer said at Luxembourg: "A Peoples's Constituent Assembly, if it succeeds, will not be the beginning of World Government. If it fails, it can set back our work by years, and perhaps decades."<sup>19</sup>

The new approach was divided into five stages: "1) upon the initiative of individuals in the existing Parliamentary groups, an official meeting of delegates from every Parliament in the world in a World Convention. In the course of this meeting, vote on a motion, the text of which each delegate promises to bring up for consideration in his own parliament, and in which the principle of an official World Constituent Assembly is decided; 2) vote on this motion by each Parliament. When the number of Parliaments shall reach ten, a convoking, by the governments of these ten countries, of an Official World Constituent Assembly of all the states agreeing to abide by decisions reached there; 3) the establishment of the Constitution of the World federation; 4) the ratification of such Constitution by each Parliament; 5) elections to the World Parliament as provided for by the Constitution."

Finally, the Congress was consulted by the Young Federalists on various points which had been debated by the junior congress at Hastings, such as the reform of the confederal structure of the movement and the

necessity of developing it beyond the western hemisphere, the guarantee that the orientation and action of federalists should not let it be supposed that World Government might be synonymous with international *status quo*: an entity likely to block the struggle of colonial peoples for equality of rights and opportunities. In general the Young Federalists, like the supporters of the PWC and like the World Citizens led by Garry Davis, had at that time a more maximalist attitude than that of the Universal Movement as a whole.

Garry Davis, young actor and American ex-service pilot, had joined the UWF on his return to civilian life. Being, as Guy Marchand was later to define him, "the man of spectacular gestures," not an organiser, a thinker or a theoretician, he monopolized for two years the newspapers of Paris and aroused the enthusiasm of crowds, popularizing the idea of World federation and of universal citizenship. For all that time he remained in contact with WMWFG, without however accepting that his supporters, who from the beginning of 1949 had been part of the International Register of World Citizens, should be absorbed by that organization, since he considered it "a mobilization center for one worlders rather than an 'approach' or a specific line of strategy." On 25th May 1948 he renounced his American citizenship, and on 12th September he took refuge in the *Palais de Chaillot*, at that time under the jurisdiction of the UN. The publicity success was enormous, and Robert Sarrazac<sup>20</sup> was able to create, in his wake, a committee of solidarity whose members — eminent figures — contributed to set up other spectacular operations in France. As Albert Camus was later to write in *Combat*, Garry Davis had succeeded perfectly in launching a "cry of alarm." However, little by little, relations between Davis and his supporters became tense, even before he left again for New York in March 1950. Guy Marchand, one of his first companions and his secretary, said for example that "Garry Davis is finished for World federalism."

Criticism had in any case been lively, and had come both from the pacifist field, like that published in *Esprit* which accused him of "wanting to make peace by magic," and from European federalists, such as Jean-Maurice Martin, who wrote in *Fédération*: "France gave Garry Davis the kind of reception which is usually kept for those who pull the wool over the police's eyes, who make fun of the teacher and go on hunger strike in the name of human brotherhood. The Frenchman has always felt sympathy for anyone a little bizarre, mysterious and prophet-like, buffoon and victim, crackpot do-it-yourselfers of the Concours Lépine,<sup>21</sup> and creators of grand systems, who take recourse with the same calm courage in



professions of faith and mystification.”

After his departure, Sarrazac continued for some time to exploit the still vibrant enthusiasm he had aroused, to develop the “mundialisation” of territorial and non-territorial communities which he saw as representing a collective counter-attraction to world citizenship. They developed quickly in France, but also in West Germany, Belgium, Denmark, and, beyond Europe, in India, Japan and later Canada. The same tactic of “appealing to the people” had been adopted in the United States in 1948 in the form of *World Government Weeks* at Chicago, Minneapolis or Miami.

In the meantime the WMWFG had continued its activities and had prepared its third Congress, held at Stockholm in the summer of 1949. Alexandre Marc prepared and proposed an ambitious plan of action, with the intention of co-ordinating the various approaches worked out by the Movement, but this plan in the end was not adopted, while the internal debate continued on the necessity or otherwise of federalising the federalists. Elisabeth Mann Borgese summed up the situation of the Universal Movement effectively when in May 1949 she wrote in *Common Cause* that “the World movement as a federalist organization now faces the necessity of enacting federalism on itself, on infringing on the sovereignty of its member organizations in favor of a dividing world policy. The limbs are aching. The Garry Davis action, reaching for the first time in the history of the Movement the imagination of the masses, and the impetus of the Peoples’ Convention idea — both have grown too tall for the suit tailored at Luxembourg.”

The Congress of Stockholm, although it was one of the best prepared among those of the early years, did not conclude, in contrast to the preceding ones, with the adoption of a declaration summing up the proceedings, nor was the line taken by the Movement specified. About thirty-five members took part, coming from fifteen countries and from thirty-one organizations, mostly from Europe and the USA, but also from India, Japan and New Zealand. The Congress began with a debate on the statutes, of which one of the principal points was the acceptance or not of World Citizens and their various associations into the Movement.

It was eventually decided that the members of the WMWFG could be put into four categories: local, national or international federal organizations; associations promoting world citizenship; affiliated organizations with reasons for being different, but sympathetic to the cause of World federalism; individual members.

Numerous papers were distributed to the congress delegates, in particular thanks to the efforts of Alexandre Marc, on the revision of the

Charter, the constituent method, the parliamentary approach, regional federations, and on other subjects such as world citizenship, atomic energy, international trade and unemployment, the colonial question and the problem of refugees, food, population, functionalist federalism, the World constitution, and East-West relations.

On the eve of the Congress Elisabeth Mann Borgese wrote, again in *Common Cause*, that “‘World Government’ had often remained an empty slogan like ‘peace’,” that the question “What kind of World Government?” could no longer be avoided, and that it was no longer possible to turn one’s back on economic and social problems connected to the question of the World Government. She went on to condemn the infighting among supporters of different strategies: the promoters of the PWC against those of the reform of the UN, the Europeanists against the globalists and the minimalists against the maximalists.

Numerous papers on the regional approach were also discussed, in particular that of Alexandre Marc<sup>22</sup> and that of Henry Brugmans,<sup>23</sup> more Europeanist than World federalist, according to some. At the end the Congress adopted the text of its sub-committee on the regional approach, which established that action for World Government should not necessarily limit itself to the world level. Hence all regional movements, if they fitted into a World federalist perspective, should be encouraged, in particular that for the European Federation, which could help bring about balance between East and West. The Congress also congratulated UEF for its efforts towards achieving European federalism; it asked that the new organs of the WMWFG should, on the educational and political level, seek a common basis of action with regional federalists, whose aims were compatible with theirs, and encouraged them to unite with World federalists. Peter Hunnot observed in the October issue of *Humanity* that a paper opposing the regional approach had had to be withdrawn because of the glaring lack of support. Finally the Congress sent a *memorandum* to the Stockholm Conference of the Interparliamentary Union, which it considered “the most direct representative body of the peoples of the world” and for this reason suited to “propose the basis for a popular representative World Assembly for the direction of World Affairs.”

#### *The failure of the constituent method and the Congress of Rome.*

Some days before the WMWFG, the Young World Federalists had held their Congress at Copenhagen<sup>24</sup>, and in December Lord Boyd Orr

received the Nobel Peace Prize.

In 1947, following the adoption of the Usborne Plan by the British Parliamentary Group, the movement Crusade for World Government was created with the aim of broadcasting the plan as widely as possible. In every country, or in as many as possible, popular non-official elections were to be held, in order to elect representatives — one for every million inhabitants — to the People's World Constituent Assembly. After a preparatory meeting at Ghent in March 1950, this Assembly was to be held in Geneva in the autumn. In the end, only Tennessee succeeded in holding an election, which however was official, under the Harwell Law, passed in April 1949. In no other point of the globe was it possible to organize elections of this type, despite the help of the international secretariat of the World Citizens and of the Mundialised Communities, and despite the commitment also of substantial sections of the world federalist movement in Great Britain, the United States and Scandinavia, and of smaller groups in Africa, Asia, and Latin America. In consequence, the meeting in Geneva which took place in the presence of only three delegates from Tennessee and one from Nigeria, whose validity was initially contested, could no longer be anything other than a purely symbolic act. An act, wrote Elisabeth Mann Borgese, of the same value as that of Garry Davis when he gave up his American citizenship, encamping in "global territory" and proclaiming himself the first Citizen of the World; Elisabeth Mann Borgese furthermore expressed her doubts in *Common Cause*, regarding the potential of the Convention of Geneva, which was "the work of one man, and one man alone, lawyer Fyke Farmer of Nashville, Tennessee." Moreover, the organization in Geneva lacked the military rigour of Sarrazac who had "created Garry Davis" and, while the symbolic act of the latter opened new possibilities of action, potentially unlimited, "the Geneva Convention ran the immediate risk of being at the same time a beginning and an end."

Geneva was also the context of deep conflict and disagreement between the supporters of Farmer, who joined together for this course of action within a World Action Committee for the Peoples' World Convention, whose activity ceased after another meeting in Paris in November 1951, and other groups, such as the international secretariat of the World Citizens, the WMWFG and its Steering Committee for the PWC, which created the World Council for the Constituent People's Assembly. With regard to Geneva, Guy Marchand wrote that two organisms which sought to destroy each other, the WMWFG and the International Secretariat of the World Citizens, have allied themselves in order to destroy the

organisers of this Congress. The law which had allowed the official election of the delegates in Tennessee was finally declared illegal and abrogated in 1952 by an American Court of Justice.

In the meantime the WSF held their fourth Congress at Folkestone at the end of the summer of 1950, in an atmosphere poisoned by the Korean conflict and in which, according to their out-going secretary Norman J. Hart, "it has become increasingly difficult to put forward World Government as a possible alternative." The Congress, in a declaration in five points, mentioned the most common traditional strategic approaches, spoke of decolonialization, of economic aid and of human rights, and reaffirmed its support for regional federalism, particularly with reference to the Schuman Plan.

In 1950 the WMWFG had no congress, departing from custom, but this year was used above all for preparing the Congress to be held the following year in Rome, which was to be split into two parts in order to establish at the same time an international conference of organizations sympathising with the cause of World federalism. The WMWFG at that time comprised fifty-three organizations, with a total of about 150,000 members. At the beginning of June 1950 in Paris there was a preparatory conference for the Congress held in the *Fédération* offices, at the same time as the statutory meetings of the Executive Committee and then of the Council. Elisabeth Mann Borgese, who reported on it in *Common Cause* in August 1950, in the same article also specified the Universal Movement's plan of action for that year, based on four premises: to evolve its action from national to international level; to sub-divide its programme into various politico-constitutional, socio-economic and cultural fields; to find external links with World federalist circles in order to develop its action wherever it was little represented, and operate a mixture of different approaches previously adopted and of programmes which they involved.

As regarded more specifically Latin America, Pierre Hovelague, militant Argentinian pacifist and federalist, who was to become secretary general of the WMWFG for that period, had indicated what were, in his opinion, the necessary conditions for World federalism to develop in this part of the world. He recognized, first of all, that Latin America, with the exception of the Latin Americans resident in Europe, had never had a very active role in the cause of world unity and so he set himself the problem of how to remedy this state of affairs. Any popular determination freely expressed, or any federalist propaganda, was destined in the majority of cases to be blocked by totalitarian régimes; and even where this was not

the case, it was inconceivable to organize mass political actions like those organized in Europe and the United States. It was therefore imperative for World federalist action, and in particular for that in favour of the Constituent Assembly, to find connections in parliamentary and trade union circles.<sup>25</sup>

The Paris meeting had been organized with this in mind. Twenty-one religious, political, cultural, economic and social organizations participated (sixty had been invited), all deemed likely to co-operate on limited objectives for a limited period. The UEF was represented by Henri Frenay and Usellini, among others, respectively President and Secretary General of the European federalists. *L'Union française des fédéralistes* also applied to be affiliated to the WMWFG on this occasion. Despite these renewed contacts, the UEF finally decided to stay outside the Congress of Rome, even though at Paris the WMWFG had supported its plan for a federal European pact. Finally, African and Asiatic representatives of the Congress of Peoples against Imperialism also participated at the Paris meeting, under their president, the Labour Parliamentarian Fenner Brockway and his secretary general Jean Rous.<sup>26</sup> The Congress of Rome was thus supposed to be, as Elisabeth Mann Borgese hoped in *Common Cause*, "the summit of non-official action for World Government, or even better, a sort of general States of the World?" Things did not go like this, even though it took place as planned in April 1951, in the presence of about two hundred participants, of whom only sixty-nine were federalist delegates. The Council of the WMWFG had invited the Partisans of Peace, which was of communist inspiration, to participate. However, this invitation could not be honoured, as the UWF refused to accept this organization and, to obtain its withdrawal, was prepared even to stake its own membership of the movement. The UWF obtained satisfaction, but this exclusion provoked a series of resignations in the decision-making organs of the WMWFG. Thus the latter, after Rome, became even more subject to the more conservative and minimalist Scandinavian and North American sections.

For the first time, the existence of the movement came into question, and it emerged weakened from a Congress whose final motion had little to do with the declarations which had preceded it, contenting itself with paraphrasing the positions reaffirmed shortly before in Washington by the UWF for a universal Federal World Government with powers strictly limited to arms control. As regards regional federations, the political commission's report only mentioned that the formation of regional federations could still be considered a step in the right direction, and that

they were not incompatible with either of the two methods, reform of the UN or PWC, supported by the movement. General Riiser-Larsen, a Norwegian polar explorer, was elected third president of the WMWFG, while Count Sforza, Italian Foreign Minister, spoke of his support for European federalism as a priority, and Pope Pious XII received a small delegation from the Congress.

*The struggle for the reform of the UN and the second setback for World federalism.*

The WMWFG was in crisis and being guided by its most minimalist current; the supporters of the PWC, affected by the setback of Geneva and the World Citizens, after the first burst of enthusiasm needed to find a new impetus; many periodicals had to cease publication, such as *Peuple du Monde* in 1950, *Humanity* and *Common Cause* in 1951, *World Government News* in 1952, to mention only the most important. After the withdrawal of the invitation to the Partisans of Peace, the WMWFG and World federalism as a whole were for a long time accused by soviet propaganda<sup>27</sup> of being the "fig leaf of American capitalism" and the apologists of imperialism and in effect took on, for the most part, an increasingly pro-western attitude.

In the United States at Des Moines, in June 1951, the majority of its juvenile section cut itself off from the UWF to create in October a new association, the World Order Realized Through Law and Democracy (WORLD), believing that to call for peace in a purely propagandistic way was not sufficient and that it was necessary to consider the economic and social aspects of the international order.

It was in this situation that the WSF held its fifth Congress in Copenhagen in August 1951, limiting itself to reaffirming in broad outline the positions adopted the previous year in Folkestone as to regional federations, the problems of development, and human rights.

After Rome, the Council of the WMWFG was composed of nineteen Americans, British and Scandinavians out of thirty members, eight of whom were however members of the UWF; it was a geographical and political balance diametrically opposed to that achieved at Montreux, and the Movement, at least until 1955, gave priority to the reform of the UN Charter. Rolf Paul Haegler wrote on this subject that the situation, starting from 1951, differed on many counts from that of previous years, and that in the absence of popular support, they should rather hope to obtain the institution of a "World Security Authority" through the action of govern-

ments and of the United Nations, avoiding speaking as before of World Government, in order not to offend the nationalism that was reviving above all in the United States, where Senator Joseph McCarthy and his supporters were on the rampage.

Right from the creation of the UN, the Charter of the Organization provided, in Article 109, paragraph three, that its revision had to be on the agenda of the tenth annual session of the General Assembly, and so in 1955. It was towards this very objective that the WMWFG directed its actions, when it met in London at the first Parliamentary Conference on World Government in the presence of two hundred and thirty delegates, including thirty-seven parliamentarians from twenty-four countries. The initiative had been taken by British MPs supporting World federalism, the Parliamentary Group for World Government, and by the popular British Parliamentary Association for World Government created to provide support for the action of the parliamentary group. This first Conference of parliamentarians adopted a minimalist resolution and decided to set up a World Association of Parliamentarians for World Government, which effectively came into being in 1952.

Many sections of the WMWFG started studying the revision of the UN Charter and the Universal Movement held a study conference at Ulempas, in August 1952, some weeks before the second Conference of Parliamentarians. The president of the Universal Movement, Riisar Larsen, saw in the reform of the UN the first decisive battle of the federalists, and foresaw that the more maximalist the proposals advanced, the more bitter and difficult the struggle at the Conference of 1955 would be. At Ulempas it was officially decided to put the accent on the reform of the international organization and to relegate to second place the Peoples' World Convention. The other approaches, functionalist, parliamentary, or regional, like integral federalism and the successes of the global approaches, were merely mentioned. Some World federalists remained however quite aware of the necessity of setting a timetable for their action: one of these was Jacques Savary of the World Council for the PWC, who had been linked to the WMWFG from its creation in Geneva in January 1951. He highlighted the impossibility, in this state of affairs, of a real World Federation, because it presupposed "the existence, in the whole world, of political, social, economic, demographic and cultural conditions which are far from being reached." Dr. Mackay, Vice-President of Federal Union, also declared "that there is no short cut for the creation of a World Federal Government" and made himself the champion of regional federations in Western Europe, in

Africa, in Arab countries and in Latin America in order to end Russo-American bi-polarism.

The sixth Congress of WSF, an organization which by then was moribund and which Ulempas had even thought of dissolving, also declared, at Amsterdam in August, its support for UN reform.

The second Conference of Parliamentarians and the official creation of the Universal Association of Parliamentarians for a World Government took place in London in September, before three hundred participants from thirty countries, and the proceedings were opened by the British Foreign Secretary. The Association brought together members from fifteen parliaments, and the British group was formed of sixty-one members belonging to the three parties, Conservative, Liberal and Labour. The agenda included among other things, the following points: amendment of the UN Charter; development of under-developed areas in the direction of a World Government; relations between regional federations; World Government. There were numerous organizations represented, such as GATT, the UN, FAO and UNICEF, and socio-economic, cultural, political and religious associations. Two plans were discussed and, in the end, jointly approved, noted as Plan A and Plan B. Plan A indicated in detail the exact powers of a World Government, which implied "substantial amendment of the UN Charter designed to produce a genuine and, we believe, workable scheme of World Government to replace the present international anarchy;" in Plan B, on the contrary, "no redrafting of the Charter has been attempted. The proposals merely state five principles designed to extend the operations of the United Nations." Plan B, less ambitious, aimed thus only to set up transitory measures which allowed the way to be held open for the creation of World Government.

The texts adopted by the second Interparliamentary Conference were to serve as a basis for the convocation of the three Conferences and Congresses which were to be held in Copenhagen in August: indeed some days later in that city the Congress of the WSF, then a joint Conference of Parliamentarians and the WMWFG, and the fifth Congress of the latter were held.

World Federalist Youth adopted a plan of action which underlined that its principal objective was "the strengthening of the UN by Charter's revision" and approved various resolutions on human rights, on the situation of Berlin, on the creation of a World Development Authority, on the condemnation of colonialism and on the rights of peoples to self-determination. The joint Conference of Parliamentarians and the WMWFG

was attended by almost five hundred participants coming from almost thirty countries, representing as many national parliaments. The WMWFG Congress, for its part, reaffirmed the primacy of UN reform over the method of Constituent Assembly, which provoked friction with the World Council for the PWC. The definitive separation of the two groups was by now merely a question of time and was made fact in January 1954. The attitude to be adopted towards Communists, towards colonial countries and towards a world development fund gave rise to argument. Federal Union proposed an important document on regional federalism. The position taken by Congress concerning European Federation was fairly explicit, because it affirmed that "a Western European Federation is to be welcomed by World federalists as the solution to many of the problems of Europe, and above all as the end of much of the European anarchy which was the cause of two world wars." It stresses the danger however of a European Defence Community "in absence of a political democratic authority" and declared that "the European Political Community will permit the creation of this authority."<sup>28</sup> The WMWFG finally directed its own congratulations to the UEF "for the greatest effort the world has yet seen to replace national sovereignty by federation."

The Congresses and Conference of Copenhagen and the resolutions adopted by them on UN reform established, according to Rolf P. Haegler, the doctrine of the Universal Movement at least for a decade, and the majority of World federalists kept a positive memory of Copenhagen, particularly compared to the Congress of Rome.

As we have seen, the World Council for the PWC was much more critical and was to reprove the WMWFG, in its information bulletin of September 1953, for having renounced its role as co-ordinator for the World federalist movement and for being increasingly at the beck and call of western interests.

In the hope that the question of the revision of the Charter should indeed come up in 1955, the WMWFG in 1954 and in 1955 concentrated all its energies on this point. For the whole of 1954 it organized preparatory conferences for this purpose, particularly in Asia, where the principal conference — organized in collaboration with the Japanese section of the WMWFG and by the Japan Association for World Government — took place in Tokyo in May on the subject of the necessarily universal character of the UN. In Australia, seventeen associations of national importance organized, together with the World federalists, an important convention on the UN, while study groups looking at the UN Charter were set up in countries such as Canada, Denmark, Great Britain,

Holland, India, Japan and France. While the strength of the Universal Movement continued to diminish, so that in 1954, at the time of the London Congress, it numbered only twenty-five organizations, with about 57,000 members, an important meeting of Scandinavian federalists was planned for 1955.

The sixth Congress of the WMWFG, which modified the name of the movement to World Association for World Federation (WAWF), was held in London between the end of August and the beginning of September, following that of the WSF, held in Copenhagen in May. It took place moreover only 48 hours before the fourth Conference of the Parliamentarians. The principal questions debated were the revision of the Copenhagen resolutions of the previous summer, the creation of a World Development Fund and other economic questions. From the London meetings there emerged an amended version of the texts of Copenhagen on UN reform, which the WMWFG eventually refused to sign and which was therefore circulated only by parliamentarians, under the title *London Manifesto*. Again World federalists noted their acceptance of the regional method which aimed to create, before World federation, large continental federations. Again they refused to draw from this acceptance the practical conclusion for their actions. The WMWFG, in its *Final Report on the Regional Approach to World Federal Government*, agreed only on the fact that "at the present juncture of world history it is impossible to indicate any one road towards World Government;" the regional federations could be a possible way, on condition that they answered certain constitutional, humanitarian and democratic criteria. Finally, the Congress considered that "European institutions must be reinforced and developed" and decided to "continue examining possibilities for federation or progressive co-operation in the countries of Latin America, in the Antilles, in the Middle East and in the Arab World."

### Conclusion.

After having promoted two strategies which failed one after the other — the constituent method and then the revision of the UN Charter — World federalists were obliged to re-assess their ambitions, to the point of being accused of servilely following the UN.

In actual fact, the revision of the Charter, which it was hoped would happen by 1955, never took place: it was initially put off for ten years, to be delayed indefinitely in 1965.

At the same time the WMWFG and the World federalists, by refusing

really to adopt regional federalism, and contenting themselves with an ambiguous support for it and particularly for the process of European integration, deprived themselves for all those years of the only means at their disposal to have a real influence on the course of history.

One of the chief historians of World federalism, Finn Laursen, wrote that, even if in 1955 they still to some extent supported regional federations, this problem no longer attracted their attention after that date.<sup>29</sup> It was only at the Congress of Brussels in 1972 that the WMWFG again seriously considered the EEC and the prospects that European integration opened up.

Despite the divergence of points of view during these years, the opposition and then the reciprocal indifference between World and European federalists, they still had various cultural points of reference in common. To take an expression of Mario Albertini, "the peace culture, in opposition to the war culture", sooner or later had to bring them together,<sup>30</sup> all the more so since the great debate that had divided them constituted common themes of discussion within both federalist approaches: which structure, confederal or federal, for the international federalist movement; functionalism, working within existing institutions or the constituent approach of a more revolutionary type (PWC and the Congress of the European People); maximalism or minimalism; what re-apportioning of powers between the various levels of European or world power ...

The increasing closeness of the different components of the international movement of federalists (World, Atlantic and European) is well under way today. Their contacts are increasingly regular and characterized by reciprocal trust, in an epoch in which the new policy of Michail Gorbachev — if nationalism does not prevail — gives a glimpse of real possibilities of struggle beyond regional federations, for the slow, gradual transformation of the UN into a real Federal World Government.<sup>31</sup>

## NOTES

<sup>1</sup> Clarence Streit, *New York Times* correspondent to the League of Nations, wrote *Union Now* in 1939 and created in July of that same year, in New York, the Interdemocracy Federal Unionists Inc., which became Federal Union Inc. in 1940. In 1939 Streit saw in the union of democracies the only means of checking totalitarian powers and fascism, before the USSR, in his opinion, took the position of power which had been that of the Axis

powers. This was before he collaborated in creating the Atlantic Union Committee. Given the World federalists' refusal to countenance Atlantic federation I shall not consider Streit nor his supporters further in this paper: in fact, as Rolf P. Haegler wrote, World federalism could not become itself without breaking with Streit.

<sup>2</sup> Tom O. Griesemer, "World federation," in *Basis of Federalism*, Paris, World Student Federalists, 1949, pp. 31-4.

<sup>3</sup> Rolf P. Haegler, *Histoire et Idéologie du Mondialisme*, Zürich, Europa Verlag, 1972, p. 13.

<sup>4</sup> On feminism and pacifism during the First World War and on Rosika Schwimmer, see Anne Wiltsher, *Most Dangerous Women (Feminist Peace Campaigners of the Great War)*, London, Pandora Press, 1985. See also, in connection with the International Congress of the The Hague, which was to call for "the constitution of an international federation," the *Report of the International Congress of Women*, Amsterdam, International Women's Committee for Permanent Peace, 1915; Edith Wynner, *World Federal Government, Why, What? How? in Maximum Terms*, New York, Fedonat Press, 1954, and the collective pamphlet *Rosika Schwimmer, World Patriot*, London, 1947. From the first publication of *Union Now*, Schwimmer, after some meetings and exchange of correspondence with Streit, formally opposed herself to his convictions (thus providing a forewarning of the split in the American federalist movement during the Second World War) in her pamphlet *Union Now, for Peace or War*, Chicago, Campaign for World Government, 1939.

<sup>5</sup> "Observer," United World federalists, *Federal News*, London, no. 156, May 1947, p.8.

<sup>6</sup> In *Les Etats-Unis du Monde*, Paris, Senac, 1949.

<sup>7</sup> Walter Lipgens, in *History of European Integration, 1945-1947, The Formation of the European Unity Movement*, Oxford, Clarendon Press, 1982, pp. 312-13, writes on this subject that "M. Voisin, of *La Fédération* of Paris, argued that federation did not simply mean World Government, but would consist of a pyramid of communities with more extensive authority the higher one went, from municipalities to nations and from regional federations to World Government."

<sup>8</sup> On this subject, see the sharp comment by Andre Voisin in November 1948 in *Fédération*: "Mr. Osborne, British Labour M.P., and his American friends, proposed the constitution in 1950 of a planetary assembly, each member of which would have to be elected by a million World Citizens, and the formation of a single working government from this assembly of two hundred representatives. The Yankees explained with satisfaction the mathematical simplicity of the mechanisms which would be set up. With strict equality, total peace would reign: a sole authority, with sole power would prevent for ever the necessity of using the atomic bomb. This primitive conception of how to arrange things and govern people was, it was said, that of the greatest experts from beyond the Atlantic. This view of society as a geometric problem provoked the lively protests of the Italians, Dutch, Belgians, Swiss and French present, as well as of many British."

<sup>9</sup> On this point see the comments by Henri Brugmans (in Walter Lipgens, *op. cit.*, pp. 588-590), elected to posts of responsibility in both organizations, according to whom it was at that time difficult "to make appropriate use of our victory over the World federalists." In a letter to Lipgens, Brugmans returned to this comment in 1966 specifying that "the 'victory' consisted in the fact that we had secured the principle of 'a World confederation of regional federations' and also a pro-European majority on the Executive. But the victory was no use because we had too few forces to make use of it; the World federalist movements were utopian as far as most of their members were concerned."

<sup>10</sup> See the *Plan in Outline*, London, Crusade for World Government, 1948, or, for the

version presented at Montreux, *Federal News* (no. 149, August 1947, pp. 1-5); likewise Henry Osborne "The People's Convention Approach," in *Basis of Federalism*, op. cit., pp. 44-46.

<sup>11</sup> The Committee of Atomic Scientists was created between May and August 1946 under the presidency of Einstein (who from the time of the First World War had belonged to the Berlin group *Neues Vaterland*) and very quickly took up a federalist position. At the end of June 1947, at Pocono Pines, it announced its support for the *Plan in Outline* and decided to institute a Foundation for World Government. The Committee suspended its activities in 1947 and was dissolved in 1951.

<sup>12</sup> Cord Meyer Jr., first president of the UWF (and thus group-leader at Montreux of most of the delegates coming from the United States) changed his attitude completely later on, to the point of taking on senior responsibilities in the CIA.

<sup>13</sup> Rolf P. Haegler, op. cit., p. 20.

<sup>14</sup> Grenville Clark was highly critical from the very beginning of the plan for the UN Charter prepared by the allies at the conference of Dumberton Oaks. Being a jurist, he called a conference in Dublin (New Hampshire) in 1945 which launched an appeal for the immediate replacement of the UN with a "Federal World Government," but ended up by concentrating on article 109, paragraph three, of the Charter of San Francisco, which provided for its revision. He had an important influence on the World federalist movement, particularly on the minimalist component, thanks to his various writings: first *A Plan for Peace*, then *World Peace through World Law*. See Joseph P. Baratta, *Grenville Clark World Federalist*, Amsterdam, IGPS, 1985.

<sup>15</sup> Elisabeth Mann Borgese, "Luxembourg Balance Sheet," in *Common Cause*, vol. II, no. 5, December 1948, pp. 175-77. Despite this fact and its intellectual qualities, the Chicago project did not influence the thinking of the World federalist movement for long. For a short history of the Committee of Chicago and its origins, see the preface of Elisabeth Mann Borgese to the re-issue of the "Draft World Constitution" in *A Constitution for the World*, Santa Barbara (Calif.), Center for the Study of Democratic Institutions, 1965.

<sup>16</sup> Rolf P. Haegler, op. cit., p. 164.

<sup>17</sup> Quoted in "La méthode fonctionnaliste," in *Monde Uni*, no. 10, February 1969, p. 12.

<sup>18</sup> Emery Reves, Hungarian by birth, founded several anti-Nazi printing offices and press organisms in 1930 in Paris. He took refuge in New York in 1941 and played an important role in the early years of the world federalist movement, in particular with his book *Anatomy of Peace* (London, Penguin Books, 1947) which had considerable success and was translated into several languages in the period immediately following the war.

<sup>19</sup> On the altercations at Luxembourg over the PWC see also Jean-Maurice Martin who wrote in *Fédération*, in October 1948: "We came back from it a little disappointed, but especially worried and fearful for the very destiny of the movement. A large proportion of the assembly, a minority however, certainly demonstrated the highest degree of militant faith, but also an incomplete comprehension of the political imperatives of the moment, and, as regards federalism, an absolute doctrinal poverty ... We are glad to acknowledge that at the same time various top level American movements demonstrated the political realism we expected, and a perfect knowledge of federalist doctrine, in particular The United World federalists ... and The Committee to Frame a World Constitution."

<sup>20</sup> Robert Sarrazac, official of the French Resistance, created the *Front Humain des Citoyens du Monde* in Paris in 1946. Present in that capacity at Montreux and Luxembourg, he took up again the points of agreement and disagreement in his publication *Lettres aux Citoyens du Monde* (supplement no. 2 to the 10th Letter, 21 August 1947) and affirmed his preference for the constituent method. On colonial problems and on the European

federation, see also the 9th letter (August 1947, points 6 and 7).

<sup>21</sup> Famous French contest for amateur inventors.

<sup>22</sup> "Working for World Government doesn't imply working on a world scale ... regional groupings constitute progress compared to the present 'feudal' or nationalistic divisions ... Regional forces, however, are not enough to eliminate the necessity and the urgency of a World Government, but, if anything, make it even more necessary, for the purpose of ensuring co-ordination and avoiding war between regional units ... *Regional federations* are not only stages, as is often supposed, but *constitutive and permanent elements of the structure of a World Government*," but also "it is indispensable to show up the dangers of certain tendencies which could hide behind the screen of regionalism. '*Nationalism*' is all the more harmful when it forms into more powerful units."

<sup>23</sup> "We can no longer content ourselves with repeating certain slogans, incontestable as they may be, such as 'only a World Government can guarantee peace' ...; among the first generation of fighters for federalism, some will find it difficult to overcome this first passage. They will bewail the period in which World federalism, still without concrete responsibilities, could simply proclaim its truth before a world in anguish. It is absurd to say: 'We are concerned with the world, Europe does not interest us here' ... Moreover, the European federalists belonging to WMWFG cannot continue to be part of it, if they do not feel themselves understood and supported by an organization to whose birth they have greatly contributed. They cannot submit to a stricter discipline from the Universal Movement, if the general line followed by them has not been approved by Stockholm ... Abstract declarations like those of Montreux and Luxembourg are no longer enough."

<sup>24</sup> On the subject of European federation, the Congress stated that "the collapse of the European economy would produce conditions very unfavourable to the constitution of a federal government. A European federation would avoid this danger and would determine a development in the European economy which would allow it to play a positive and beneficial role in the world economy. It has to be stressed however that unless the European federation takes a global perspective in matters of policy, it would damage rather than improve the political and economic situation worldwide."

<sup>25</sup> Pierre Hovelague in *Common Cause* quotes as a possible source of research on Latin-American World federalism, the *Asociacion Pacifista Argentina* (APA), which was affiliated to WMWFG from 1947, and its publication *Pacifismo*. Similarly see *Reconciliación*, a journal of the Fellowship of Reconciliation, and from June 1953 to late 1960s, *Nuevo Mondo*, journal of the *Movimiento pro Federación Americana*, edited at Bogota and later on Buenos Aires.

<sup>26</sup> On contacts between the Congress of Peoples Against Imperialism (created with the backing of Gandhi, and which grouped together most of the organizations of colonial peoples in Africa and Asia) and the WMWFG, see the testimonies of Jean Rous, in particular chapter 3, "L'action anticolonialiste," in *Itinéraire d'un militant* (Paris, Jeune Afrique, 1968, pp. 193-214) and Jean-François Billion and Jean-Luc Prevel, "Jean-Rous and Federalism," in *The Federalist*, XXVIII (1986), pp. 119-130. For African federalism and its World federalist connotations, see Fall Cheikh Bamba, "African Federalism," in *The Federalist*, XXIX (1987), pp. 159-177 and the anthology of texts by Senghor, N'Krumah and Nyerere published by Guido Montani in *Il Terzo mondo e l'unità europea*, Naples, Guida, 1979.

<sup>27</sup> On Soviet or communist criticisms of World federalism, see "The Soviet Union and World Government," in *Journal of Politics*, Vol. 15, 1953, pp. 231-253, as well as the World federalist press and that linked to the Partisans of Peace. For criticisms coming from the American right wing, see Finn Laursen "Youth and World federalism — Part Six — The Consolidation of the UN Approach — WSF 1952-1953," in *Contact*, April 1972, pp.



17-24.

<sup>28</sup> This position on the EDC was taken up again for example by C. Gaude, president of the Belgian *Union fédérale*, however personally hostile he was to that institution, in *L'Arc en Ciel* (2nd year, no. 11, p. 2): "The EDC would be admissible, perhaps, only on condition that the consequences which it could bring were preventively subjected to the control and appraisal of a common civil *parliamentary* authority." On the way European integration was seen by American federalists of the time, see, among other things, in *The Federalist* (UWF News Magazine), January 1953, vol. 2, no. 8, "European Union — A New Continent in the Making" and "A European Draft Constitution by March 10."

<sup>29</sup> Finn Laursen, "World federalists facing the Issue of Regional Federalism," in *Contact*, July-August 1972.

<sup>30</sup> Mario Albertini, "War Culture and Peace Culture," in *The Federalist*, XXVI (1984), pp. 9-31.

<sup>31</sup> In order not to weigh down the text further, some sources have not been listed here. It is worth mentioning first of all the well-documented studies of Finn Laursen, *Federalism and World Order*, Volume I and particularly Volume II, pub. World Federalist Youth, Copenhagen, 1972, and his series of studies on world federalist youth, "How it started," published between 1968 and 1972 in the organization's journal, *Contact*. Other useful references are: Walter Lippens, *Documents on the History of European Integration, 1939-1950*, Florence, European University Institute, (the first three volumes were published from 1985-1988); Joseph P. Baratta, *Strengthening the United Nations: a Bibliography on UN Reform and World Federalism*, Greenwood (Mass.), Westport, 1987; Garry Davis, *My Country is the World*, London, McDonald, 1962; Guy Marchand, *Somme mondialiste* (3 volumes), Paris, Club Humaniste, 1975 and *L'Epopée Garry Davis*, Paris, at the Author's expense, 1989; Max Habicht, *The Abolition of War*, Paris, Club Humaniste, 1987; Wesley T. Wooley, *Alternatives to Anarchy (American Supranationalism Since World War II)*, Bloomington, Indianapolis, Indiana University Press, 1988; Robert Sarrazac, *L'Expérience de mondialisation de 480 communes françaises (techniques d'approche de la Mondialité)*, Nîmes, 1957, and *La mondialisation des communes et l'approche de la mondialité*, Paris, 1958; *The London Resolution on World Government*, London, Association universelle des parlementaires pour un gouvernement mondial, 1953, and also, from the same publisher, the reports of the first, second and third parliamentary world federalist conferences in London. Apart from the documentation on microfiche that goes with the work of the above-mentioned W. Lippens, mention must also be made of the following republications, also on microfiche, for the use of researchers: *Britain in Europe since 1945* (Reading, Research Publication Ltd), which deals again with the principal publications of the British Federal Union from 1940 to 1962; more recently, Joseph P. Baratta's *The World Federalist Movement* (New York, Norman Ross Publishing Cy, 1989) draws on some proceedings of the Committee of Chicago, almost the entire American federalist, Atlantist or World federalist press, from the beginning of the Second World War, and some international English language publications linked to WMWFG. In addition to the publications quoted, mention should be made of the following titles, which were consulted for this study, though all too often in incomplete collections: *Freedom or Union*, *World Federation Now*, *The Bulletin of Atomic Scientists*, *The Federalist*, *One World*, published in the United States, and various others published in Europe: *Humanity*, *Notizie Federalisti Mondiali*, *Der Europeen*, *L'Unità Europea*, *Federal Union News*, *Federal News*, *L'Action fédéraliste européenne*, *Europa*, *Crusade Contact* (in *Humanity*), *Alert for World government*, *Crusade for World government Newsletter*, *Pour des Institutions mondiales*, *Citoyens du Monde*, *Peuple du Monde*, *Le Bulletin fédéraliste*, *Bulletin d'information du MUCM*, *Crusade Newsletter* (international steering committee), *World Movement for World*

*Federal Government Newsletter*, *Bulletin de l'Agence mondialiste de Presse*, *News-Digest WMWFG*, *L'Arc en Ciel*, *Bulletin d'information du Conseil mondial pour l'Assemblée Constituante des Peuples*, *Informations fédéralistes* (UEF), *Voice of the World Citizens*, *Current Topics* and *World Federalist*.



## Notes

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### EUROPE AND THE UNITED STATES: THE LESSONS OF THE GULF

An enormous and continuous effort is required to make transparent what is hidden amidst the complexity of history. Transparency is difficult to achieve because what is complex is difficult to understand, but in war everything is more difficult and more complex because, more than ever, political and social thought is trapped by the ancient demon of nationalism.

Any interpretation of history and events that starts from a national viewpoint is deceiving and consequently the solutions proposed are inadequate: a world seen as a mosaic of various national components is an image that will never have a direct relationship with reality. Nothing distorts the real framework of events more than considering one's country as the centre of the universe and seeing everything from this standpoint alone: history continues to be interpreted according to the old "ptolemaic" theory of natiocentrism. Thus wars that are supposed to be won, and the successive peaces that are certainly lost, are explained.

These distorting evaluations have prevailed in the analysis of a fundamental point in the vicissitudes concerning the Gulf (and therefore have surely not contributed to making them comprehensible, nor have they represented a good premise for the future): the connection between the role played by the United States and the role played by Europe, to be more precise that of the European Community. Besides the various nationalist positions, those of the Americans, the Arabs, and the West have also emerged, but that of the "European party" did not have adequate coverage from the press simply because the old, supposedly centrifugal national interests have in actual fact lacerated the extremely fragile and incomplete institutional web of the Community, which is practically inexistent as far as strategic aspects are concerned.

As the role played by the USA and the Community is fundamental to establish peace and the new world order, to re-establish the UN and ensure the transition to democracy and economic development of almost three fourths of humanity, it is worthwhile, now the clash of arms has stopped, to examine a few problems which have emerged after and in relation to the Gulf War: the reasons for the weakness of the response of the European Community to the Gulf emergency; the relationship between American peace, world balance and the institutional and social structure of the US; the need for a European government and for its effective presence in the new world structure; the means by which a European government can become effective.

The fragmentary political initiative on the part of the European Community in the tragic Gulf crisis and the substantial political weakness which underlies the solutions put forward when facing problems — those already existing, plus the new ones started by the war, such as the tragedy of the Kurds — are the most evident proof of the fact that the present institutional context is wholly inadequate: facing an emergency, the predominance of the European Council over every other Community institution merely leads to the renewal of attitudes exclusively inspired by short term national interests and prevents the appearance of a unitary European policy; this exposes the Europeans to accusations, threats and blackmail and drives the single countries to a mutual conspiracy of silence and to differing positions, resulting in collective action which is wholly irrational and ruinous for all: individual countries, Europe, the allies, and the whole world.

The UN had to decide on war or peace and frequently the French plan was in conflict with the English one, so in the end the American plan was approved. The Soviet Union took the peace initiative and the Foreign Ministers of the Twelve gathered in Luxembourg received it favourably; a few hours later, as soon as the position of the White House became clear, France and Great Britain contradicted themselves, aligning with the United States. London was only too pleased to be the latter's European pillar and so, with the war as its accomplice, to re-establish its special relationship; but it was unable to obtain even the co-direction of military operations.

General De Gaulle must have turned in his grave: the French *force de frappe* under American command! What fact was more emblematic, concerning the national identity crisis, than Jean-Pierre Chevenement's resignation? French public opinion was aware of the Europeans' marginal role, due to their divisions, and considered the Israeli-Palestine

conflict to be far more important than the fate of Kuwait. It knows that the country will have little say in the postwar re-organization and Dumas asserted that France could talk only with whoever has soldiers in the Gulf! Then they were there, waiting for the prize, but France and Great Britain will almost certainly come out of this crisis worse off than in 1956, although they are no longer considered colonialists, in the sense that individually they will completely lose the ability to have any remaining influence on events in the area.

Germany's *Weltpolitische Abstinenz* and its monetary isolationism are not only signs of nationalist pride, of withdrawal into internal problems so that nothing upsets the unification process; how can one avoid seeing in this detachment from world politics also the difficulty of the country in overcoming the contradiction between economic giantism and political dwarfishness?

As for Italy, facts do not correspond to affirmations. It officially recognizes the "excessively timid European political integration," confirms its commitment to the summoning of the Conference for Security and Co-operation in the Mediterranean and the Middle East, affirms that from now on the United Nations will not be able to judge by two different standards, asks for the reform of the UN (in an ambiguous way: a single seat for the Community or a seat for Italy too?), but no concrete political initiative is taken at the European level. After the result of the referendum in favour of the constituent mandate to the European Parliament and after the vicissitudes in the Gulf, what are the Italian proposals for the two current intergovernmental Conferences on Economic and Monetary Union and on Political Union?

Europe has lost the battle but it is not defeated. Nor can it commit suicide, because without its return into the mainstream of history the problems of peace, war, democracy and development will have no solution. The European Union of Federalists has taken a stand confuting the point according to which the lack of a clear Community policy during the period preceding military intervention in the Gulf would prove that the objective of establishing a European Union with foreign policy and security competences is merely an illusion. On the contrary, it has proved once more that, where the Community has clearly defined institutions and powers, some action has been undertaken.

The lack of democratic institutions in the sectors of security, foreign policy and defence has lead Europe to confusion and made it impossible for it to define its position. It has bowed to a strategy imposed in another framework, it has let itself be swayed without being able to control and

now it runs the risk of having the role reserved for *intendance*. But if Europe is absent from important decisions, the near future will herald even worse emergencies: the governing of the world does not improve by going from a bipolar system to a unipolar one, but by establishing the multipolar system around the UN even faster. Therefore the political Union of Europe is necessary. How can it be achieved, along which road, and what is the starting point?

The United States of America is not made for hegemony. Moreover, left to itself it would transform every international problem into a kind of ordeal, gradually destroying its own system and leading the world to the precipice. In the current world situation, which is characterized by a dynamic charge of instability, we can borrow Ilya Prigogine's image according to which "the beating of a butterfly's wings in any part of the world can cause a slight breeze, which little by little will become a hurricane that will rage over the White House."

With the USSR needing disarmament to assert *perestroika*, and 80 per cent of humanity waiting for economic development, there will always be someone to keep at bay and the new world order just coming into sight would be jeopardized if the reaction of the USA were that of hegemony: following this path the European establishment has collapsed twice this century; following this path the American establishment would collapse dragging the whole world with it.

Contrary to what Francis Fukuyama thinks, history is not finished and the world, even less than the states, cannot be governed with prayers. And the Americans are well aware, when they separate reality from rhetoric, that power in the new world order must be shared, and force subjected to law: they understand Montesquieu, when he warns that "a great empire presupposes a despotic authority" and if there is anything that is truly incompatible with the American system, in structural terms, with its federalist fundamentals — institutional, social and cultural — it is sheer despotism.

In the eighth of *The Federalist* papers, Alexander Hamilton acknowledges the decisive influence of foreign policy over domestic policy and concludes that a federal constitution, in other words the overcoming of the absolute sovereignty of the American states, is indispensable to avoid the authoritarian and centralizing influences that would derive from a situation of international anarchy. The politics of power, in the wisdom of the founders, goes along with the progressive abolition of freedom within the state, and the more exposed the position of the state itself, the more accentuated this process becomes: "... [even] nations the most

attached to liberty [will] resort for repose and security to institutions which have a tendency to destroy their civil and political rights. To be more safe, they at length become willing to run the risk of being less free."

These are the roots of American isolationism and every delay on the part of Europe aggravates this American dilemma. The United States can live in world disorder even less than other countries and when they are left on their own to defend great noble principles, they encounter disasters such as Vietnam. They need the "Lusitania" or Pearl Harbor to come out of their isolation, and when the "red menace" becomes permanent they understand that the European pillar must be created: their leaders, like John F. Kennedy, when they have a wide vision of history, know that the real challenge with Europe is equal partnership.

Besides, the ultimate reference of the sentences of the Supreme Court is the Bill of Rights, which is supposed to defend the freedom of citizens with respect to the constitution, but which instead is mostly preoccupied with running the state. How can a democracy in which the leader must be elected every four years and retires after eight years at the most conceive a hegemonic project? Certainly Uncle Sam does not go to war for nothing, but the idealist component prevails, from Woodrow Wilson to George Bush. From opposite sides, William Fulbright and Henry Kissinger agree that security arises from broad understandings and from a solid strategic equilibrium, that domination is incompatible with American values, that particularly today the United States does not even possess the resources to attempt it, and that in any case the main point is that American hegemony could not last.

Just as the 1922 Empire Settlement Act did not stop the strategic and economic weakening of Britain, as neither did the 1926 imperial Conference with the creation of the Commonwealth, so a possible American imperialism would clash with the already decreasing yields of the military obligations the United States have in the world. On the other hand, if the answer to the fundamental contradiction between global interdependence and the realization of freedom and democracy in the world and the presence of one hundred and eighty national states were of the imperial-hegemonic type, American national egoism would open the way to the end of mankind.

To become aware of this, it is enough to consider, remaining in the modern era, *Gleichgewicht oder Hegemonie* (Balance or Hegemony) by Ludwig Dehio or *The Rise and Fall of the Great Powers* by Paul Kennedy: every hegemonic aspiration within the system of states, from Charles V to Hitler, has failed. It is therefore necessary to overcome

international anarchy to eliminate the fundamental root of the tendencies to authoritarianism and totalitarianism, otherwise the continuous tension between the hegemonic attempts of one pole and the reaction of the others to re-establish the balance could lead to a world nuclear disaster.

Over-extensions, both military and monetary, encounter the same limits: blood letting, which becomes negative in the first case, and the paradox of Triffin in the second. All of the current large world blocks — the USA, the USSR, China, Japan, Europe — and potential ones — India, the Arab countries, South American countries, Africa — have to face the old dilemmas of ascent and decline, the unstable rate of productive growth and technological innovation, changes on the international scene, the spiral of costs and the permanent alteration of every equilibrium, and none of them holds out or will hold out against the growing gap between systems which are over-exposed from a military point of view, whose economies are bound to tire (the United States and the Soviet Union), and economic dynamism which rewards whoever is not strategically hegemonic (Germany and Japan).

The UN is certainly an imperfect institution, but progress towards a World government is a necessity. It can be achieved "Popper-style," through trial and error, but only if the door to the future is left open and if Europe is able to play its role of pacesetter and model for the other areas.

Peace in the Middle East cannot be administered by Bush alone, because it has implications that go far beyond the American role in this specific case, and which concern the relations between the West and Islam, between North and South, détente, the future of Israel and the unity of the Arab world, and the transformation to democracy of the UN. The United States have to prove that it was truly a UN war, and therefore that the peace should also be the UN's. The Bush-Baker proposals for the Middle East have some sense if they are accompanied and joined to a "European peace Plan for the Middle East," to remove the suspicion that it is a matter of oil problems and American hegemony.

With this premise a stronger and more democratic UN can come out of the crisis, in other words the United States can win the war; otherwise they would lose the peace within a short time. There can be no new order with an emperor at the summit and a pyramid of vassals and vavasours right down to the serfs. The era of solitary giants is over. Political democracy and economic liberalism are universal points of reference, and will remain and will become a universal reality only if they are not considered empty words.

To this end it is necessary to prevent the United States from having to

assume the responsibility for preserving the existing precarious equilibrium. Europe must assume its historical responsibility of collaborating with them for the birth of a new, pacific, democratic and progressive equilibrium, and for the reform of the United Nations.

Schuman, when suggesting the creation of the European Coal and Steel Community on May 9th 1950, understood that "pooling together" the two strategic goods of France and Germany would immediately guarantee the first step towards a European Federation. Monnet, its inspirer, also understood that one cannot act along general lines starting from vague concepts and claims in which nationalistic flavour prevails; one must concentrate on a strategic point which determines all the rest.

Today what is the strategic point that would re-launch the European unification process and at the same time strengthen the UN?

It is becoming more and more evident that the link between Economic and Monetary Union and Political Union is solid and tight, as the progress of the work of the two intergovernmental Conferences shows. The European Parliament in December passed the Colombo Resolution for European Union, which lays the foundations for the project of a Constitution. The French-German proposals for a European security policy bring further valid contributions. Jacques Delors has made proposals in London concerning the commitment of the Twelve to defence and common foreign policy. The constituent mandate to the European Parliament and Parliament-Council co-decision are on the table. The idea of building Europe starting only from business, or waiting for the functionalist process to bear fruit is also slowly being re-considered because it seems to be a lengthy process.

Yet everything seems to have stopped. What is missing? The vision of the final organization is missing. The Bonn-Paris arm wrestle on the Europe of currencies implies much more. The French think that in its immense majority the present German population lacks the ambitions of previous generations (the choice of committing itself only at the financial level is characteristic). But this "lack of courage," as Günter Grass says, cannot last forever: economic power creates appetites. After all, Germany's request to become a permanent member of the UN security Council is legitimate: "No taxation without representation."

But when Mitterrand speaks, it is to reaffirm that the new world will continue to be forged by the winners of the Second World War! Thus French short-sightedness ignores Europe and produces castling around the *force de frappe*: consequently Germany is biding its time with the Deutsch Mark.

In fact, the new historical European entente lies in the monetary suicide of the Mark against the suicide of the permanent French seat at the UN, both in favour of the European Union. If France and Germany today renounce hurting each other using the Mark and the UN seat, as they did forty years ago by renouncing to use coal and steel in strategic terms, political vision becomes clear and the economic power of one and the military arsenal of the other, deprived of their harmful prestige, become a guarantee for peace.

And one can be sure now that Great Britain, behind the mists of the Channel, will also realize sooner or later that the climate has changed. Everything would start going in the right direction, with European Union as the first step towards a new organization of the world.

This entente changes the way the whole world political system works, concretely starts the re-founding of the UN, creates an equilibrium in which others are forced to take part — Japan, the Arab world, ACP countries, India — and which is more open, more democratic, and able to make new peoples participate in the governing of the world. It is therefore more suited to solving the new problems that the crisis of the world political and economic system poses, and reinforces on the Americans the importance of Europe.

*Emanuele Itta.*

## Federalist Action

### NOTES ON THE INSTITUTIONAL REFORM OF THE EEC AND ON POLITICAL UNION

#### *1. The point of arrival.*

At a time when the European Community is formally aiming at completing both economic and monetary union simultaneously, at reforming its institutions and achieving political union, the goal of a historical process started off about forty years ago must be very clear. Not only is a common market, a space for free trade exchanges, being realized in Europe; what is being built is a new economic and political reality within its own institutions, which by now has had many successes and is able to develop enormous further potentials both within our continent and in the world; a reality lucidly perceived by the founders, from Jean Monnet to Paul Henri Spaak, from Konrad Adenauer to Altiero Spinelli.

The point of arrival — it does not matter how close or far away in time: there are only nine years to the beginning of the third millennium — can be summed up in the formula “European Federation” or in “United States of Europe,” which summarize the two basic elements already characterizing the establishment of a community: the common management of some of the fundamental sectors of collective life and the retention of different political, cultural and civil traditions, which are the result of centuries of history.

We must be well aware of the exceptional historical period in Europe. An internal and international situation which is so favourable to the achievement of the union might never occur again.

#### *2. The constitutional principles.*

The constitutional structure of a united Europe must be founded on the subsidiarity principle, so as to entrust the Community institutions only

with those competences and decisions which cannot effectively be assumed by the single states of the Community.

Therefore the constitution will be of a federal nature (with some limited but real Community competences, others entrusted to the states and inferior territorial organs, still others to the autonomy of social groups), but it will not identify with any of the existing historical models. The European model will have to be constructed afresh, starting from a Community reality which is constantly evolving and has many original aspects.

In any case some fundamental principles that the Europe of the past has created must remain valid, as they represent important victories of civilization: in particular, the principle of the people's sovereignty and that of the separation (or rather, the balancing) of powers. This involves adopting incisive reforms of the present Community regulations.

#### *3. The completion of Economic and Monetary Union.*

The directions of monetary union have been laid out in the Delors Report, the stages have been planned, the institutions by now defined. The intergovernmental conference announced at the Dublin summit will have the task of putting the finishing touches to the Treaty establishing a Monetary Union regarding its monetary, institutional and procedural aspects, according to the precise mandate received from the European Council held in Rome on 27th and 28th October 1990: a central European Bank to be established in 1994, the beginning of the third phase in 1997, with a single currency (ECU) as the final target. A complete statute of the future central Bank has been drawn up by the Committee of 12 governors.

Economic Union requires in turn a series of integrations to fulfil it. The single market objective imposes the problematic setting up of fiscal harmonization modules acceptable to all 12 countries. Once this has been achieved, the single market will urgently require an adequate development of the social and regional policies of the Community, if social tension is to be avoided and equity achieved. To this must be added the need to allocate further resources to the environment policy and to up-to-date technologies: energy, information technology, telematics, space research and other sectors in which the isolated efforts and investments of the single states are unable to achieve optimum results. It is therefore evident that the Community budget will have to grow along analogous lines to those indicated at the time in the MacDougall Report. It will be necessary to define measures and procedures for the increase of the

Community's own resources and of an autonomous power of taxation.

All this requires the definition and start of a vast series of measures including modifications to treaties, Community legislative directives, and operative decisions. Moreover they require an important series of reforms of the Community's institutions.

#### *4. The reform of Community institutions: democracy and efficiency.*

The Dublin summit has emphasized two requirements which must be met by the reform of Community institutions: the need for greater democracy and that for greater efficiency.

The first requirement can be met only by establishing a direct link between the sovereignty of the people and the government of the Community. Just as a national election determines the formation of the executive and legislative body of the single states, and regional and municipal elections determine the formation of regional and municipal organs, thus European elections must constitute the primary source of government and legislation of the Community.

There are two possible models: a double election (for the Parliament and for the Head of the Executive, as in France and the United States) or only one election (for the European Parliament). The first hypothesis seems difficult to put into practice at a European level. Therefore the principles of democracy require that the European Parliament not only should be fully entrusted with the exercise of the legislative and budget function, but also that it should significantly contribute to the appointment of the Community executive and to the approval of its government programme. Only in this way will it be possible to achieve within the European Parliament, the formation of majority governments and opposition minorities acting according to the normal dialectics of political democracy, in which the forces and tendencies present in society find a positive outlet. After every election, the results of people's votes will determine the future majorities, and therefore the basic choices of the elected Parliament, as democracy requires. The possibilities for institutional reform are many, all acceptable so long as they are coherent with this fundamental principle: at the European level democratic legitimacy to its full extent is represented solely by European elections, in which the voters of the various countries take part as a whole, as one "people of peoples."

It is no less essential to realize a second postulate of modern democracies, which consists in the separation of powers, or rather in the

balancing of powers: the same function (legislative or executive) can certainly be allotted to different constitutional organs, but no organ can exclusively or prevalently monopolize to itself various functions. This is a fundamental principle which safeguards citizens' freedom. The Europe of the Community, according to its present institutional structure, is characterized by the prevalence of one organ (the Council of Ministers, provided with legislative and government competences) with respect to the other organs (the Commission and the European Parliament). In the economic and monetary sphere — prospects in the sphere of security and foreign affairs are different at present — is becoming necessary to restore balance. This objective can only be achieved within the ambit of a global growth process of the Community: the greater powers to be conferred to the European Parliament and the Commission would thus be transferred from the Council (both the European and the Ministers) which in turn would be strengthened thanks to the attribution of new competences concerning foreign policy and security.

The second requirement can be met by adopting more effective decision-making procedures than the present ones. It is of fundamental importance that decisions within Community organs should always be made by a majority, either simple or qualified, according to the case. This principle must hold also as far as the evolutionary dynamism of the Community is concerned: both concerning the implicit powers (with the consequent adoption of the majority principle in the procedure of article 235 of the Treaty), and the future modifications of Community Treaties (with a consequent pro-majority reform of article 236 of the Treaty). All this satisfies the need for democracy, because the right of veto makes many become the prisoners of the opposing will of few, and even of one alone; and because in those sectors which, by a previous unanimous decision of the states, have been assigned by the Treaty to the competence of the Community, the common interest must prevail over the particular interests of the individual, just as within a single state in relations with its regions.

In those sectors where concurrent competence between the Community and the states can in some cases make it impossible for the representative of a member state to submit to the will of the majority of the other states (the case of fiscal regulations is a typical example), it will be necessary to define better, through a treaty, the respective spheres of competence and also the procedures for co-ordinating the two levels, so as to allow the necessary decisions at the European level to be made according to the normal physiology of collegiate organs, in other words

by the majority.

#### 5. *The reform of Community institutions: functions and organs.*

The two principles of popular sovereignty and the balancing of powers involve a partial re-distribution of the competences among the organs of the Community. Two models can be conceived of:

i) The *legislative function* in the proper sense (in other words, public discussion and the approval of innovative general norms with respect to previously existing law) must be exercised jointly by an organ representing the people (therefore the European Parliament) and by an organ representing the states. If the Council should keep its competences as the high government authority of the Community — and indeed it will grow in new directions: foreign policy, security — in return it will have to shed its strictly legislative competences. The second legislative Chamber could then be made up of a Senate composed (wholly or largely) by national Members of Parliament: this would allow an organic connection between the national Parliaments and the European Parliament, particularly important in those cases where there is concurrent competence between the Community and the states. The power of initiating laws could be left to the Commission, but the European Parliament should be allowed, whenever it considers it necessary, to exert the power of proposal over it, and also over the European Council concerning any initiative to modify treaties or to draw up new Community Treaties. To avoid long delays and pointlessly complex procedures, the second Chamber could always be obliged to pronounce on statutes concerning matters of concurrent competence with the member states and on those of constitutional relevance (organic statutes), and on others only where part of its members (for example a third) expressly demand it. For cases of conflict between the two legislative bodies, mechanisms of co-operation must be foreseen, but in any case it will be impossible to make a positive decision against the will of the European Parliament. As regards the categorisation of norms, exhaustive Community legislation, Community outline-statutes, and competition between national norms will make up an integrated whole. It might be advisable to foresee different procedures and requisites for the fundamental Community statutes which are of constitutional relevance (organic statutes) and for ordinary statutes.

The *regulatory function*, which establishes the means to carry into effect the general norms, can profitably be entrusted to different organs

from those which are actually legislative: it could be the concern of the Council, according to drafts pre-disposed by the Commission.

Government decisions and *executive acts* would be divided between the Council and the Commission, which is what happens now. The European Council would assume the role of collegiate presidency of the Community. The Council (both the European Council and that of the Ministers) should act as the clearing house for contentious political matters among member states as well as being the organ delegated to set up new Community treaties, a sort of permanent intergovernmental conference. The European Council and the Council of Ministers would retain some power of political initiative, would have a role in the appointment procedure of the Commission together with the European Parliament, and probably for a significant time would perform the functions of foreign policy and defence gradually taken on by Europe. The Commission would perform the normal government functions in the field of Community economy. Its president should be proposed by the European Council; the other members should be proposed by the president after taking the advice of the Council, and should be elected — together with the president — by the European Parliament, which should also give a vote of confidence in the Commission and its programme and approve the Community budget. In the field of Community competences, the Commission should be provided with some instruments for direct action and coercion. For additional functions of foreign policy and security the Commission would act merely as the technical organ of the Council: this is important because the creation of collateral auxiliary structures to the Council could be destructive and in every sense expensive for the Community. In certain sectors the formula of the specialized authorities might turn out to be functional, on condition that it is connected with the Community organs as far as hierarchic dependence and political responsibility are concerned.

ii) A different distribution of functions is also possible. The Council of Ministers could retain its legislative competences, exercising them (with resolutions made by majority) in co-decision and co-operation with the European Parliament, which by then would be a wholly legislative organ as mentioned above. In this case the government competences (and probably the regulatory functions) should be the concern of the Commission and not of the Council. The Council of Ministers would in fact represent the second legislative House (and might in perspective become a real House of States). Meanwhile it would retain the joint functions of legislative organ and government organ for the new sectors, that is, for

foreign policy and security. The European Council would perform the role of collegiate presidency of the Community, with the power to designate the President of the Commission. The European Parliament would give a vote of confidence in the Commission and its government programme.

The involvement of national Parliaments in the construction of Europe, and the attribution to the Council of a series of high government functions which are suitable to the composition and nature of this organ, favour the first solution. However, it must also be noted that the second model is characterized by a clearer logic in the division of functions between the Commission and the Council of Ministers, which on principle makes it preferable.

The *judicial functions* must be carried out, in two stages, by first degree Courts and by the Court of Justice. The Court of Justice should also perform the important function of controlling constitutionality at the European level. Therefore the fundamental principles of the Community constitution (subsidiarity, supremacy of Community law, relations between member states, European Community and Union, implicit powers and so on) would also be subject to the jurisdiction of the Court.

#### 6. *Towards political Union.*

When thinking of political union as an objective it must be considered that the Community, with its present competences and policies, already forms an economic unity with respect to the outside world: economics is an essential part of politics. In this perspective, the completion of economic and monetary Union will in itself bring a very high degree of political Union. A Europe with over 300 million consumers within a single market, the Europe of industry, services, scientific and technological research, provided with a currency able to compete successfully with the dollar, this Europe — once the above-mentioned institutional reforms have been carried out — will act in the field of economics vis-à-vis the outside world as a unitary structure, with its own decision-making organs and general policy.

As for any extension of Community competences and fields such as health, education, the criminal system, civil procedure and so on, it will be necessary to carry out a series of specific analyses based on the principle of subsidiarity to establish if and where a normative intervention at the European level is appropriate. This is also true for the basic characteristics of a future European citizenship.

The future Treaty on the Union will have to contain an indication of the sectors to be included in the construction of Europe. The countries underwriting it will commit themselves from the start to follow the process through to its completion. The division of competences between the national and the European level, can be set up by resorting to a series of complementary instruments: a) a general treaty, wherein the fields and some of the principles are set; b) specific treaties, to be realized perhaps with simpler mechanisms with respect to the procedure of parliamentary ratifications; c) Community legislation and regulations; d) Community government acts; e) national statutes for the realization of Community regulations; f) judgements of the Court of Justice.

In the field of security and defence — where Europe has so far shown only partial and fragmentary attempts at co-ordination — it can be imagined that a European defence force would be established along evolutionary lines which are not unlike those characterizing the origin of the Community and its evolution towards union. It is possible to imagine that common defence will be entrusted, for a defined interval, to the confederal co-ordination of the European Council and the Council of Ministers (deliberating by majority), before being transferred to the federal level. Likewise for Community foreign policy. The Commission could act as technical and executive organ. The extraordinary developments which have taken place in Eastern Europe impose a global reconsideration of the theme of security, so as to guarantee jointly the European countries, the Soviet Union and the United States.

It should not to be taken for granted, however, that Europe should provide itself with its own force of nuclear deterrent. On the contrary, there are good reasons to affirm that the position of united Europe would indeed be stronger politically — also with respect to the Third World — if it decided to renounce the nuclear deterrent in the perspective of a freely accepted international control over the use of force. The role of the UN could be enormously strengthened if federal Europe were to follow this policy. At this point, thanks to the impulse given by Europe, the road which might lead one day to the elimination of war from the history of mankind might open up, analogously to what has happened historically within the single states.

Europe certainly cannot refuse to open the door to the other states of the Continent that will wish to become part of the Community, and which accept the constraints and obligations necessary to achieve this end. In the end, a unified Europe on a federal basis could gather more than 20 states and over half a billion people.



### 7. The procedures.

No less important than the constitutional principles and the new sectors of common action and management are the procedural principles to be adopted for the future developments of the Community. In this respect, a few points can be mentioned:

a) *Graduality*. The building up of Europe is being achieved (and will have to continue) by successive stages, according to an insight of the founders which has proved to be fruitful: from coal and steel, to the completion of economic union with its implications of social and regional policy, to common defence, up to full political union. The evolution of the institutions and the progress of Community law proceed at the same rate as the extension of competences and the geographical extension of the Community.

b) *Evolutionary dynamism*. The system of Community institutions is structured so as to generate continuously new impulses, towards completing the building of Europe. Up to now the Commission has played (and will have to continue to play) an essential role concerning this.

c) *Institutional coherence*. The principal of graduality and that of evolutionary dynamism involve as a consequence that the Community, in gradually tackling new tasks, should not establish structures that are contradictory or superfluous. It will therefore be necessary to use, whenever possible, the Commission and its offices to implement new Community policies, or eventually to use specialised authorities which are responsible to the Commission, the Council and the European Parliament.

d) *Variable geometry*. The example of the European Monetary System has shown how it is possible to open new integration fronts without having to include all the members of the Community from the start, if some of them do not wish to participate. Variable geometry constitutes a good instrument to progress, on condition that entry always remains open without any discrimination. This principle should be valid also in the procedures of decisions which extend Community competences and policies, at least in the field of economy: therefore the requisite of unanimity required by article 236 for modifications of the treaty would have to be abolished, and it would simply be necessary to ask for the ratification of a group of states, the population of which amounts to 2/3 or 3/4 of the total population of the Community. Wherever possible, of course, it is advisable to proceed through unanimous consensus, however allowing the single member states to dissociate themselves from actually

taking part in the new policies at least initially, although they have contributed to defining their normative and institutional framework (agreement to disagree).

e) *Compatibility of the Community with the Union*. The progress towards a European Union (with the above-mentioned institutional implications) is legally compatible — according to article 41 of the Vienna Convention on international treaties — with the preservation of the Community system and law for those countries that should not consider themselves ready or at least interested in the Union: the same organs could in fact perform the two functions with separate and distinct procedures.

f) *Concentric circles*. By observing the above-mentioned principles, the Community will be able to function effectively adopting a system of concentric circles: at the centre the group going towards federal union, then the Community of the Twelve (in case some of them should wish, albeit temporarily, to avoid the Union), then the states of Northern and Eastern Europe which are preparing for entry (which should entail from the start a commitment to achieve the final phase of the Union), and finally states which are tied by a simple permanent link of association.

g) *Constituent role of the European Parliament*. A specific role should be assigned to the Parliament in the elaboration of projects for European Union and the reform of Community institutions. It must not be forgotten that the Single Act and the start of the single market were determined precisely by the European Parliament, following its Draft Treaty establishing the European Union of 14th February 1984; and that a country of the Community has already pronounced itself by large majority with a universal suffrage vote in favour of the attribution of a constituent mandate to the European Parliament. Already for the Single Act, a member state of the Community decided to subordinate its ratification to the favourable vote of the European Parliament. The intergovernmental Conference should establish that the new treaty be discussed and voted on by the European Parliament before being ratified by the national Parliaments.

h) *Permanent intergovernmental conference*. In this phase of Community evolution it might be useful to find a simplified procedure for setting up the modifications of details made necessary by the development both in depth and breadth of the Community, without having to resort every time to the complex mechanism of ratifications. Joint meetings of European MPs and national MPs are a possibility.

### 8. Conclusions.

The new Treaty on political union should therefore:

- 1) state the constitutional principles of subsidiarity, popular sovereignty and the balancing of powers in its preface;
- 2) make majority (simple or qualified according to circumstances) decisions a general rule within the Council of Ministers, including the hypotheses of articles 235 and 236 of the Treaty of Rome (which concern ratifications);
- 3) make the procedure of co-operation general by fully associating the European Parliament in legislative functions and moreover attributing to it the ability to act as impulse to the Commission regarding the power to initiate laws;
- 4) assign to the Commission (besides the legislative initiative) full executive and regulatory powers in the field of Community economics, after a vote of confidence by the European Parliament in the Commission and its government programme;
- 5) foresee, together with the attribution of an autonomous power of taxation, a substantial increase in Community resources for the development of regional, social, technological and environmental policies;
- 6) extend Council competences to the sectors of security and foreign policy, fixing the stages which allow the transition from co-operation to Union;
- 7) subordinate the approval of the new Treaty and the start of ratification procedures to the favourable vote of the European Parliament.

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## Federalism in the History of Thought

### KENNETH C. WHEARE

On the eve of the Second World War, in the time that intervened between the Munich Pact and the fall of France, amidst British pacifism and on the basis of the forceful ideas proposed by Clarence K. Streit in his volume *Union Now*,<sup>1</sup> Federal Union understood clearly how to impute war to international anarchy and gave life to a large movement of opinion. Besides this, Federal Union proposed the formula of federal government as the only one able to resolve the European problem and looked forward to achieving, with the World federation, perpetual peace. Founded in the Summer of 1938 on the initiative of three young men, Charles Kimber, Derek Rawnsley and Patrick Ransome, who could not resign themselves to the inevitability of the war, this movement was the outcome of a long tradition of thought that had its roots in the culture of 19th century constitutionalism, of liberal derivation, and the teaching of Philip Kerr and Lionel Curtis.<sup>2</sup> By June 1940, 239 sections existed with more than 10,000 members. Among these, were included the well-known figures: Lord Astor, William Beveridge, Ernest Bevin, Noel Brailsford, William B. Curry, Julian Huxley, Ivor Jennings, C. E. Joad, Harold Laski, Walter Layton, Ronald Mackay, Salvador de Madariaga, Lionel Robbins, Wickham Steed, Arnold Toynbee, C. V. Usborne, Barbara Wootton, the Archbishops of York and Durham, and naturally Philip Kerr and Lionel Curtis. However, besides all this support, the debate that this movement provoked was extraordinary and involved some of the most prominent personalities in British politics: from Lord Halifax to A. Eden, Leo Amery to Sir Archibald Sinclair, N. Chamberlain to W. Churchill. It was in the course of this debate that the leader of the Labour Party, Clement R. Attlee, announced the now famous phrase: "Europe must federate or perish." It is well known that this display of forces pushed the Foreign Office, in March 1940, to study the project of an "Act of Perpetual Association between the United Kingdom and France," a project that was

vigorously supported by J. Monnet, and which induced Churchill, on 16th June, that is on the eve of the French surrender to the *III Reich*, to put forward the proposal of “an indissoluble” Franco-British union: “The two Governments declare that France and Great Britain shall no longer be two nations, but one Franco-British Union. The constitution of the Union will provide for joint organs of defence, foreign, financial and economic policies. Every citizen of France will immediately enjoy citizenship of Great Britain; every British subject will become a citizen of France ...”<sup>3</sup>

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Besides the propaganda and initiatives to influence the political classes, Federal Union understood that the outcome of its fight depended decidedly upon the involvement of culture. There was a lot of ignorance of the real cause of war: the independent sovereignty of states. This ignorance pervaded the world of pacifists, making them more inclined to appeasement and therefore, objectively, accomplices of Nazism. Greater still were the prejudices that made it impossible to think of the limitations of that sovereignty; there was widespread blindness about the insufficiency — in order to obtain this limitation — of every form of international collaboration founded upon good intentions or the deceptive hope, be they liberal, democratic or socialist, to make it lasting thanks to the identity of the régimes, that would have generated spontaneously, as a by-product, peace. The failure of the United Nations only opened the eyes of the federalists. They were the only ones to know that federal government limits the sovereignty of the states by subordinating them to an international law enforced by an international government.

It was necessary to make those who sincerely wanted peace, but did not know the suitable means to establish it, aware of this truth. This goal could be achieved by giving more authority to the federalists’ points of view. Thus, in October 1939, on Patrick Ransome’s initiative, the Federal Union Research Institute was founded “to undertake an objective study of the technical problems which would arise should Federation in fact be achieved between states with a long tradition of sovereign independence.”<sup>4</sup> The most serious academics of the time were called to undertake this task. Not all of them were federalists, but all were willing to serve a just cause by putting their competent knowledge to the problems they intended to confront: from William Beveridge to C. E. M. Joad, Lionel Robbins to Barbara Wootton, A. L. Goodhart to K. Zilliacus. Included,

was Kenneth C. Wheare, an illustrious Oxonian constitutionalist, who was given the task of describing the character of federal government. Their contributions, initially distributed as *Federal Tracts*, were collected together in a volume by Patrick Ransome entitled *Studies in Federal Planning*, published in 1943.

Introducing this volume, Ransome wrote with extraordinary perspicaciousness: “Federalism can only be applied over areas in which super-national government is both necessary and practicable, and is a supplement to rather than a substitute for a looser world-wide association of independent states. As Sir William Beveridge has said, ‘Federalism is a strong remedy for a virulent disease, not a healing lotion to be sprayed over the world.’ At the time when most of these papers were written, it was assumed that the area in which the strong remedy was most needed was that known roughly as Western Europe including Germany ... Much has happened since then, and the European civil war has become a world-wide struggle.” It was therefore difficult to identify where federal government could be established by the end of the war. But it was not difficult to establish that “wherever it is desired to create true international government and to abandon mere international collaboration, then it is to Federalism that the authors of the new system turn in their search for a method of government that secures the essentials of national freedom and the conditions of international peace.”<sup>5</sup>

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If one does not take into account its foundation which coincides with the first thoughts of A. Hamilton, Wheare’s essay, which we have printed in full, constitutes a real landmark among the scholars who have studied the works of constitutional federalism. The discourse is always clear and bright, the argument direct and convincing, the definitions neat and precise. But let us look further at these passages. The federal system is characterized by “a division of governmental functions between one authority, usually called the federal government, which has power to regulate certain matters for the whole territory, and a collection of authorities, usually called state governments, which have power to regulate certain other matters for the component parts of the territory ... Federal government means therefore a division of functions between co-ordinate authorities, authorities which are in no way subordinate one to another either in the extent or in the exercise of their allotted functions.” If this is federal government, these are its constituent figures: “a supreme

written constitution, an amending process which cannot be operated either by the federal government or by the state governments acting alone, a supreme court which determines the meaning of the constitution in case of dispute, and financial self-sufficiency for each of the co-ordinate authorities." With regard to the historical reasons that make this possible, they manifest themselves only "when a group of territorial communities are prepared to co-operate with each other for the regulation of certain matters but for those matters only, and when they are determined at the same time to remain separate and supreme, each in its own territory, for the regulation of other matters." Wheare grants that "federalism is a form of government which is not always appropriate or always easy to work," but correctly reminds us that "federal government is at least government; it is order, not anarchy, it is peace, not war." He seems to denounce in advance the dullness of those who will consider the choice between the federal and confederal model in order to achieve democratic and constitutional construction of the community as an abstract or doctrinaire decision.

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The reader might be surprised by the fact that Wheare defines federal government as conservative government. The expression, however, must not be misinterpreted. The two following points are worth making. First, this definition immediately follows another one, according to which the changes (and the context suggests dealing foremostly with constitutional changes) "can come about at the pace of the slowest." Hence, it is clear that, by underlining the conservative character of the federal system, Wheare intended to stress the substantial guarantee of independence of the member states of a federation. Therefore, in contrary to a widely believed idea that has been skilfully diffused and meritorically taken up, in a real federation it would be impossible to suppress the independence of the member states, or impose to a national group unfamiliar customs, and so on. Second, the term "conservative" above all looks at constitutional stability and not the policy of the government. Federations, like the unitarian states, know as many right wing governments as left wing ones. It must not be forgotten, however, that in the case of federations, constitutional stability — that is characteristic of the state and not of the government — is equivalent to perpetual peace between member states that have no more need for weapons (as traditional states do), to defend their independence, but only judges. Since there is no other way to disarm

states, it necessarily follows that, in our world that has reached a point in which weapons are no longer a means of defence but of self-destruction and universal extermination, the federal choice, regardless of the politics of its government, is in every way the most progressive choice that a human community can make. It follows that we need to accelerate to the utmost the construction of a Federal Europe to direct the world towards the federal re-enforcement of the UN and universal disarmament.

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Wheare returned to his definition of federal government in a speech entitled *Some Theoretical Questions about Federalism*<sup>6</sup> at a congress organized by the International Political Science Association held at Oxford from 19th to 24th September, 1963. On this occasion, Wheare acknowledged federal government as the most complete form of constitutionalism and declared that he accepted Sir Robert Garran's definition, (the founding father of the Australian Constitution) according to whom federal government was "a form of government in which sovereignty or political power is divided between the central and the local governments, so that each of them within its own sphere is independent of the other." Replying to an objection of Carl Friedrich who asserted that "federalism is incompatible with the traditional concept of sovereignty," he continued: "So much the worse for the traditional concept. He who 'has the last word' needs not have the last word on everything; some may have the last word on some things, some on others. This indeed was one of the great constitutional advances which the American inventors of federal government made." The federal system is therefore a system of divided sovereignty exerted in the sphere of respective competences, in which the fact of independence is as of equal importance as that of co-ordination. This led Wheare to refute the opinion of A. H. Birch and M. J. C. Vile who believed, in the latter's words, that "federalism ... is a system of government in which central and regional authorities are linked in a mutually interdependent political relationship; in this system a balance is maintained such that neither level of government becomes dominant to the extent that it can dictate the decisions of the other, but each can influence, bargain with, and persuade the other." According to Wheare in fact "it is the independence or (to use Carl Friedrich's preferable term) autonomy of the regional and general political communities or governments or other authorities which is essential to a federal system. You cannot have a federal system without this regional and general autonomy, but you could

have a federal system with little or no significant inter-action and co-operation."

Still arguing with Carl Friedrich, who maintained that "federalism seems the most suitable term by which to designate the process of federalising a political community," Wheare made a distinction between "the institutional form resulting from the general process," which gave rise to the name of "federation," from the same process that could well be defined "federalising," provided that its outcome would be a "federation." David Hume, who was always disturbed when people cheated with words, will not, this time, be turning in his grave.

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For the federalists, Wheare's lesson has great cognitive importance. The federal state, by breaking the exclusive loyalism which is typical of the nation-state, is the most adequate political form for organizing a "federal society," that is that type of society which is in formation in those areas where the historical process is most advanced. This advancement is a consequence both of the crisis of the nation-state, which generated the national society, which is artificial, closed, and denies any local peculiarity, and of the development of productive forces which is provoking an increasing interdependence of human relationships tending towards a global dimension. In the historical federations, there are two levels of government that have organized a "divided" loyalism. But the formula is perfectly adapted to organize, in a growing series of concentric circles, all the potential centres to which individuals feel loyalty: from the cell of social solidarity, the neighbourhood, up to the institutions of the unity of all mankind, the World government. Federal government is, therefore, the constitutional model that allows the realization of the values of communitarianism and cosmopolitanism. This result becomes clearer if it is considered that:

a) The federation is the political formula that realizes peace because it disarms states and subordinates them to a law enforced by a power — a law in front of which all the member states have equal rights independent of their size. For this reason, federal government is also the highest expression of constitutionalism and of the rule of law. But federal government also affirms international democracy because it liberates the states from the logic of the power relationship and submits them to democratic control. This political formula is thus the only one that makes conceivable a constitutional and democratic World government, a gov-

ernment which is not only a theoretical requisite, but a real need in the age of potential nuclear holocaust and ecological disaster. Finally, federal government helps us to think more clearly about the possibility of an "Atlantic Community," on the one hand, and of a "Common Home," on the other, the outlines of which become more definite if they are thought of as federations of federations. This is important because, on this basis, a less vague picture is drawn up of "partial World government" which Einstein held as a necessary step towards the building up of a World government and an objective, that after Hiroshima became urgent.

b) The federation is the constitutional formula that allows one to think coherently of the overcoming of the nation-state that is happening in Europe. It is a process that, near the top, has taken the form of European unification and, near the bottom, that of regionalization and development of participatory democracy upon territorial bases. Evidently the decisive factor is Europe. But with the affirmation of federalism on a European level, it would be reasonable to apply the federal principle also inside the states that would become federations of regions (with a senate of the regions); inside the regions, that would become federations of provinces (with a senate of the provinces); and even inside the municipalities (with a senate of neighbourhoods). In this picture that attributes monetary sovereignty to the Union and solidarity policies to a governmental level that is next to the city dweller and can finance it only through taxation, it is possible to alter the degenerative tendencies of the welfare state. Still with this picture in mind it is possible to give a positive answer to the legitimate demands for emancipation that come from national minorities long oppressed by despotic or imperialistic régimes (yesterday the Eastern European countries, today large populations from the Soviet Union and Yugoslavia) without leading the world on the road to independence through armaments. A road at the end of which stands the prospect of returning to tribal anarchy.

c) The federation, unlike the nation-state which could expand only through imperialism, is politically open. Once the primary core has been established, every state can be part of it if it agrees and accepts the constitution and consequently the limitations on its sovereignty. The Union of the thirteen American colonies, which has extended up to its actual size is an example. The significance of this is that the idea of "variable geometry," reasonably contested with regard to European integration, becomes normal when it refers to the constitutional development of the Community. In order to form the European Federation then, it is not necessary that all the twelve states adhere from the beginning.

Also it is not necessary for all world states to adhere at the same time in order to form the World Federation.

## NOTES

<sup>1</sup> See "Clarence K. Streit", in *The Federalist*, XXIX (1987), pp. 72 ff.

<sup>2</sup> See Sir Charles Kimber, "Federal Union," in *The Federalist*, XXVI (1984), pp. 199 ff.

<sup>3</sup> See D. Thomson, *The Proposal for Anglo-French Union in 1940*, Oxford, Clarendon Press, 1966, pp. 4 and 28.

<sup>4</sup> P. Ransome (edited by), *Studies in Federal Planning*, London, MacMillan, 1943, p. VI. The quotations are taken from the reprinted edition by The Lothian Foundation Press, which appeared in 1990 with an introduction by Sir Charles Kimber.

<sup>5</sup> P. Ransome, *op. cit.*, pp. IX and X.

<sup>6</sup> Copies of the typescript are available for consultation at the *Istituto di Scienze Politiche* of the University of Turin.

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## WHAT FEDERAL GOVERNMENT IS

Federal government is a thing of which most people in the United Kingdom of Great Britain and Northern Ireland have had no direct, personal experience, and they find it hard, therefore, to understand what it is. Moreover when they do encounter it from time to time in the newspapers, they find it equally hard to understand what it is for and why such a thing as a federal system of government ever came to be invented. For when the federal system of the United States or of Canada or of Australia is in the news, it is usually because some important legislation duly passed either by the national legislature of the country or by the legislature of some part of it has been declared invalid by the supreme judicial authority for the federation. People in this country are not used to a system of this kind. They are accustomed to a form of government one of the leading characteristics of which is that one single legislature, the King-in-Parliament at Westminster, has authority to make laws for the whole of the United Kingdom on all matters whatsoever; and these laws

duly made prevail over rules made by any other body in the Kingdom and are accepted by the courts as valid law and supreme law. The result is that people in this country may doubt whether acts of parliament are good laws, but they cannot doubt that they are good law. In a federation it is otherwise. There, it is possible to doubt not only whether the acts of some legislature in the federation are good laws but also whether they are good law, and it is possible for a court to declare acts which are almost universally recognised as good laws to be bad law and no law at all. This intentional obstruction, in a federation, of the will of the elected representatives of the people as expressed in acts of the legislature, appears to us to be a strange device. Why do people adopt such a form of government, and why do they continue to put up with it?

There is one community in the United Kingdom which will find it easier than others to understand what federal government is like and what it is for, and that is the people of Northern Ireland. For the inhabitants of Northern Ireland have this in common with the inhabitants of a federation, that their lives are regulated not by one parliament only, but by two parliaments. People in the rest of the United Kingdom — England, Scotland and Wales — are regulated by one parliament only, the Parliament at Westminster, which has authority to deal with all their affairs. Northern Ireland shares this Parliament at Westminster with the rest of the United Kingdom for the regulation of certain reserved subjects, for example defence, foreign relations, aerial navigation, external trade, aliens and naturalisation, coinage, copyright, the succession to the throne, and merchant shipping — all clearly subjects of common concern to the whole United Kingdom. For the regulation of all other matters the people of Northern Ireland have a parliament of their own at Stormont near Belfast, and they are free to make laws through it for the peace, order and good government of Northern Ireland. The object of this system is clearly that matters primarily affecting Northern Ireland should be regulated in Northern Ireland and by Northern Ireland, while matters affecting Northern Ireland and the rest of the United Kingdom in common should be regulated by a parliament at Westminster in which Northern Ireland is enabled to co-operate through her representatives with the representatives of the other parts of the United Kingdom.

*What federal government is not.*

But this is not federal government. It possesses some of the characteristics of federal government but not all of them. There is a division of

governmental functions in the United Kingdom between a legislature which has authority in certain matters for the whole Kingdom and a legislature which has authority in other matters for a part of the Kingdom. This division of functions between such legislatures is a characteristic of federal government. A mere division of functions, however, is not enough to constitute federalism. The division must be made in a particular way, and in the United Kingdom it is not made in that particular way. The Parliament at Stormont derives its powers from the Parliament at Westminster and its powers may be increased or diminished or abolished altogether by the Parliament at Westminster. Moreover, although the Parliament of Northern Ireland is forbidden to make laws on certain subjects which have been reserved for legislation by the Parliament of the United Kingdom, this latter parliament itself is in no way restricted to this reserved field alone. It may make laws upon any matter whatsoever affecting Northern Ireland, and if its acts conflict with acts which the Parliament of Northern Ireland has passed on any subject, the acts of the Parliament of the United Kingdom prevail. There has been no alteration in the principle that the Parliament of the United Kingdom may make laws on any matter whatsoever for the whole of the Kingdom. All that has happened in the case of Northern Ireland is that the Parliament of the United Kingdom has marked out a certain sphere in which it has authorised the Parliament of Northern Ireland also to legislate, and another sphere in which the Parliament of Northern Ireland is not authorised to legislate, and which comes under the exclusive control of the Parliament of the United Kingdom. It implies by this division that it does not intend as a general rule to invade the sphere it has conferred on the Parliament of Northern Ireland, though it has legal power to do so, and that it will confine itself to the reserved field. The essence of this system then is that the Parliament of Northern Ireland is subordinate to the Parliament of the United Kingdom, deriving its powers from this latter parliament, holding them at its pleasure and exercising them through its forbearance. Acts of the Parliament of Northern Ireland if they transgress the sphere allotted to it are invalid; acts of the Parliament of the United Kingdom on any matter whatsoever are valid and prevail. This is not federalism, it is devolution.

If the name 'federal' cannot be applied to a system where the governments of the component parts of a territory are, on the model of Northern Ireland, subordinate to the government of the whole territory, equally it cannot be applied to a system where the government of the whole territory is subordinate to the governments of the component parts. A system of

this latter kind — which is sometimes called a confederation or a league — was tried by the thirteen American colonies before they adopted their present system in the Constitution of 1787. Ten years earlier they had drawn up Articles of Confederation in virtue of which they established a Congress of the United States with sole and exclusive right of determining on peace and war, entering into treaties and alliances, regulating coinage, establishing and regulating post-offices from one state to another, and regulating the land and naval forces in the service of the United States. But this Congress was composed of delegates from each of the States; its decisions on most of the important matters committed to it required the assent of nine States if they were to be effective; and it had no power of taxing to raise revenue for the performance of its services. The government of the United States thus established was clearly not a separate government, supreme in its own allotted sphere, but a government subordinate to the State governments, a minority of whom could prevent the Congress of the United States from taking action of which they disapproved and each one of which retained in its own hands, through its exclusive power to tax, the power to nullify the decisions of the Congress by failing to raise the necessary revenue for their execution. This, again, is not federalism.

#### *What federal government is.*

What then is federalism? Its essence consists, I think, in this: that in a federal system, the functions of government are divided in such a way that the relationship between the legislature which has authority over the whole territory and those legislatures which have authority over parts of the territory is not the relationship of superior to subordinates as is the relation of the Parliament at Westminster to the Parliament at Stormont, but is the relationship of co-ordinate partners in the governmental process. In a federal government there is a division of governmental functions between one authority, usually called the federal government, which has power to regulate certain matters for the whole territory, and a collection of authorities, usually called state governments, which have power to regulate certain other matters for the component parts of the territory. This division, as has been said, is made in a particular way. First, the actual allocation of functions between federal and state governments cannot be altered either by the federal government acting alone or by the state governments acting alone and, secondly, the exercise by the federal government of its allotted functions cannot be controlled by the state

governments or vice versa. Federal government means therefore a division of functions between co-ordinate authorities, authorities which are in no way subordinate one to another either in the extent or in the exercise of their allotted functions.

*What federal government is for.*

If this is what federal government is, what is it for? Why is it adopted? Why are people not satisfied with devolution? A short answer to these questions may be given in this way. If all that people want is the power to regulate local affairs locally as a general rule, and if they are prepared at the same time to leave to a national parliament not only the power to regulate national affairs but also a power to regulate local affairs too if it thinks fit, that is, a potential supremacy over all matters whatsoever in the territory, then a system of devolution will do. This system was considered appropriate to the needs of Northern Ireland. It was adopted also in the Union of South Africa. Here each of the four provinces of the Union has a provincial council which has power to make ordinances on matters which have been allotted to it by the Constitution. Among the matters so allotted were elementary education, agriculture, hospitals, local authorities, roads and bridges, and direct taxation for provincial purposes. In this way there is a local control of local affairs. But all provincial ordinances require the assent of the Governor-General of the Union, that is of the Union Government. Moreover the Union Parliament retains power not only to legislate on matters of importance to the whole Union, but also to invade the spheres allotted to the provincial councils in the Constitution, and to override or nullify provincial ordinances. This system is appropriate so long as the provinces of the Union do not desire to have an absolute, guaranteed, exclusive control of certain matters. If they do desire this more rigid division of functions, then federalism, not devolution, is the appropriate system of government. Therefore it is only when a group of territorial communities are prepared to co-operate with each other for the regulation of certain matters but for those matters only, and when they are determined at the same time to remain separate and supreme, each in its own territory, for the regulation of other matters, that federal government is appropriate. Federalism provides for this desire for co-operation in some things coupled with a determination to be separate in others. It was because the American colonies had this attitude to each other that they formed the federation of the United States of America, enumerating in their constitution the matters which they handed over to the federal

congress for regulation — foreign commerce, inter-state commerce, coinage, naturalisation, post office, copyright, defence, and so on. The list of federal subjects is very like the list of subjects reserved for regulation by the Parliament of the United Kingdom in respect of Northern Ireland, but the relationship of the federal congress to a state legislature in the United States is very different from that of the Parliament of the United Kingdom to the Parliament of Northern Ireland. The United States Congress cannot legislate on any subjects outside those allotted to it in the Constitution, and cannot therefore invade the spheres of the States; whereas the Parliament of the United Kingdom, as has been mentioned already, is not confined to these reserved subjects but may legislate on any matter whatsoever for Northern Ireland. Similar arrangements were made in Australia and Canada in order to provide for the desire of the colonies there to co-operate in some matters and to retain a power of separate regulation over other matters.

*What federal government is like.*

I have attempted to explain what federal government is and what it is for. It may next be asked: What is it like? Is the governmental machinery in a federation arranged in any special way? Are there any essential, distinguishing marks in the institutions of a federal government? There are, and two or three of them may be mentioned.

First of all, since federal government involves a division of functions and since the states forming the federation are anxious that this division should be explicit and guaranteed and that they should not surrender more powers than they know, it is essential for a federal government that there be a written constitution embodying the division of powers, and binding all governmental authorities throughout the federation. From it all state and federal authorities derive their powers and any actions they perform contrary to it are invalid. It must be the supreme law of the land.

Thus it is that the United States, Australia, Canada and Switzerland all have their written constitutions in which can be found inscribed the limits of the powers allotted to federal and state or provincial or cantonal governments respectively. The Constitution of the United States, indeed, expressly declares itself to be 'the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.'

In the second place, if the division of powers is to be guaranteed and if the constitution embodying the division is to be binding upon federal



and state governments alike, it follows that the power of amending that part of the constitution which embodies the division of powers must not be conferred either upon the federal government acting alone or upon the state governments acting alone. It is preferable, though not essential to federalism, that the power should be exercised by the federal and state authorities acting in co-operation, as is done in the United States, for example, where amendments may be carried by a two-thirds majority, in both houses of Congress, together with a simple majority in the legislatures of three-quarters of the States. In Australia and in Switzerland the people are associated in the amending process through a referendum. Or the power of amendment may be vested in an outside authority, as in the case of Canada, whose constitution can be amended only by the Parliament of the United Kingdom. But whatever arrangement is made, the essential thing is that neither the federal government nor the state governments should be authorised to alter unilaterally the extent of the powers which they exercise, for if they can do this, federalism is modified.

Again, if there must be a division of powers and if this division must be inscribed in a constitution and if this inscribed division must be guaranteed, it follows that in any case of dispute between federal and state governments as to the extent of the powers allocated to them under the constitution, some body other than the federal and state governments must be authorised to adjudicate upon those disputes. It is not accidental, therefore, that there exists in the United States, Australia and Canada a body of this kind. The United States has its Supreme Court; Australia has a High Court together with, for some cases, the Judicial Committee of the Privy Council; and Canada has the Judicial Committee of the Privy Council. Switzerland has no institution performing this function completely and is to this extent imperfectly federal.

These disputes about the limits of state and federal power are common in a federation, and they keep lawyers busy. Indeed, it may be said that federalism could not well live without lawyers; nor perhaps would lawyers live so well without federalism.

Finally, if the governmental authorities in a federation are to be really co-ordinate with each other in actual practice as well as in law, it is essential that there should be available to each of them, under its own unfettered control, financial resources sufficient for the performance of the functions assigned to it under the constitution. It is no good allotting functions to the federal or to state authorities and devising legal safeguards so that each should be limited strictly to the performance of its

respective functions, unless at the same time adequate provision has been made so that each authority can afford to do its job without appealing to the other for financial assistance. For if state authorities, for example, find that the services allotted to them are too expensive for them to perform, and if they call upon the federal authority for grants and subsidies to assist them, they are no longer co-ordinate with the federal government but subordinate to it. Financial subordination makes an end of federalism in fact, no matter how carefully the legal forms may be preserved. It follows therefore that both state and federal authorities in a federation must be given the power in the constitution each to have access to, and to control, its own sufficient financial resources. Each must have a power to tax and to borrow for the financing of its own services by itself. It is not easy to devise a division of financial and taxing powers at the outset of a federation which will infallibly satisfy this criterion. It is likely that no reliable forecast can be made of the cost of the services allotted to the respective authorities or of the yield which the allotted taxing powers will give. Experience may show that some modification of the division of services and resources is necessary. This must be expected and provided for. If not, the system of federal government will soon break down in practice.

These four things — a supreme written constitution, an amending process which cannot be operated either by the federal government or by the state governments acting alone, a supreme court which determines the meaning of the constitution in case of dispute, and financial self-sufficiency for each of the co-ordinate authorities — seem to be some of the essential features of a federal system of government. There are other features which some or all federal states possess — for example, equal representation for each component state in the upper house of the federal legislature, as in Australia, Switzerland or the United States; or separation of the persons composing the legislature, executive and judiciary, as in the United States. These may be conducive to the good working of a particular federal government. But they are not essential consequences of its being federal. They can be omitted from a constitution and that constitution can still be federal.

#### *Federal government may be modified.*

The tone of this pamphlet is dogmatic. I have put forward uncompromisingly a criterion of federal government — the delimited and co-ordinate division of governmental functions — and I have implied that to

the extent to which any system of government does not conform to this criterion it has no claim to call itself federal. This is my view. But I should say at once that it is not a view which would be accepted in its entirety by all students of political institutions. Many of them would regard it as excessively rigid. In extenuation of my dogmatism in defining federalism, I think it important to say just this. I must not be understood to argue that because a state cannot claim to be an orthodox federal state, it is therefore damned politically. Federal government, pure and unadulterated, is not necessarily everywhere and always good government. Some modifications upon the completely delimited and co-ordinate division of functions characteristic of federalism may be essential if good government or efficient, decisive government shall be achieved in a given community. It may be wisest for a group of states in devising a system of government for themselves to adopt strict federalism in some matters and a modified federalism or no federalism at all in other matters. Federalism is not an end in itself. It is a means to providing a system of government in circumstances where people are prepared to give up only certain limited powers and wish to retain other limited powers, both sets of powers to be exercised by co-ordinate authorities. Wherever this condition does not exist, federalism is not necessary.

An examination of governments which are usually called federations reveals the fact that few of them are completely federal. In most of them modifications of strict federalism have been introduced, and, in the present writer's view, they are not necessarily the worse for that. Canada is the best example. The federal government in Canada is given certain powers in the constitution to control the exercise by the provincial governments of the powers allotted to them. The federal government appoints and may dismiss the lieutenant-governor of a province, the nominal head of the provincial government; it may instruct a lieutenant-governor to withhold his assent from a bill duly passed by the provincial legislature and reserve it for the signification of the pleasure of the Governor-General of Canada, the head of the federal government, who acts on the advice of federal ministers; and it may disallow any act of a provincial legislature even after it has been duly passed by the legislature and assented to by the lieutenant-governor. These powers are by no means a dead letter. They have been exercised in recent years to nullify some of the legislation passed by the Social Credit Government in the Province of Alberta, of whose policies the federal government of Canada did not approve. As a result of these provisions the provincial governments in Canada when carrying out the legislative process on those

subjects allocated to them under the Canadian Constitution are clearly subordinate to, not co-ordinate with, the federal government, and to this extent federalism is modified. The modifications might be justified on the ground that they bring uniformity and unity where both may be needed and that they counteract an excessive separatism, always inherent in federalism, which may imperil the integrity of the federation.

Another example of a modification in strict federalism is found in the provision in some federal states that power to legislate on many important subjects is not given exclusively to the federal authority or to the state authorities but is conferred on both alike, with a provision that in case of conflict the legislation of one authority — usually the federal legislature — should prevail over that of the other. This happens in Australia and the United States, for example, and to a less extent in Canada. In Australia and the United States most of the subjects which are given to the federal legislature are subjects upon which state legislatures also may legislate unless and until federal legislation is passed upon them, whereupon state legislation must give way to federal legislation in so far as it conflicts with it. This power of concurrent legislation is considered by many to be contrary to the strict doctrine of federalism, but it is obvious that it may none the less introduce into government a flexibility and a variety and a possibility of experiment which is valuable and in some cases indispensable. It cannot be emphasised too strongly that even if federalism must necessarily be defined dogmatically, it need not necessarily be followed religiously.

It has usually been hard to establish a federal government. The forces of separatism and individualism which make federalism necessary make any super-state government at all almost impossible. And when a federation has with difficulty come to exist, it is only with difficulty that it continues to exist. Its operation requires great skill and tact. Its success depends upon an enormous patience and an enormous capacity for compromise among the statesmen who work it. Swift and decisive government is impossible. Deep dividing issues must be avoided. Changes can come about only at the pace of the slowest. Federal government is conservative government. Federal government is above all legalistic. It is created and regulated by a legal document; it is safeguarded by a court of law.

Compromise, conservatism, and legalism — these are at once the virtues and the vices of federal government. It is wise to recall them when one proposes to set up a new federal government in the world. Those who

do propose such a federal government, however, may feel inclined to say to me at this point: The difficulties you have been talking about seem to us to be much less urgent and more remote. Our greatest difficulties come not from those who prefer a unitary government for Europe to a federal government for Europe, but from those who do not believe that any form of government, strictly so called, for Europe is possible or desirable. The real obstacle for us is the supporter of the sovereign, independent state and not the supporter of the unitary state.

That is true. It is also true that they must expect, when they overcome the objections of those who believe in the sovereign, independent state, to meet thereafter the objections of those who, used to the simple certainties of unitary government, declare that they do not believe in federalism. It has seemed wise therefore to recall that federalism is a form of government which is not always appropriate or always easy to work. It is fair to recall at the same time that federal government is at least government; it is order, not anarchy, it is peace, not war.

*(Prefaced and edited by Luigi V. Majocchi)*

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