

‘Reconciling the irreconcilable’ from L’Europe en Formation (Autumn 2001)

Caption: In its autumn 2001 issue, the Federalist magazine L’Europe en Formation comments on the implications of the Laeken European Council due to be held on 14 and 15 December 2001 and determines the conditions which need to be met in order to be able to build a federal Europe.

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Reconciling the irreconcilable

Editorial

The high point of the Belgian Presidency, the Laeken European Council in Brussels will convene a 'Convention' responsible for making preparation for a new intergovernmental conference. The objective is to provide constitutional and political reinforcement to the European Union so that it is capable of overcoming the challenges of large-scale enlargement, despite the very low prospects of success. In other words, the Fifteen have finally recognised that it would be almost impossible to operate properly a heterogeneous grouping of 27 or 28 countries with the methods and procedures that bind them together only with difficulty at present. That is why reference has been made to the need for a 'refounding act'. But what is this exactly?

On 8 October 2001, in Genval, a pleasant little town in French-speaking Brabant, then in the capital of the Grand Duchy of Luxembourg one month later, the Council of Ministers of the European Union reached agreement on the following process: a Convention composed of representatives of governments, of national parliaments and of the European Parliament, as well as a Member of the European Commission, will be convened under the Spanish Presidency in March 2002.

The new intergovernmental conference will be held in 2003 and will have to complete its work before the 2004 European elections, following the actual accession of an initial group of applicant countries. The final decisions will be formally confirmed in Laeken, after the Ghent European Council, held on 19 October, has given its agreement of principle.

The applicant countries will attend the Convention as 'observers'. The Convention will have not only a Chairman but also a Praesidium composed of at least five members. Moreover, a 'structured network' of non-governmental organisations that are 'representative' of civil society will be consulted at various 'hearings'.

By twenty-four votes to three (an enormous majority), the European Parliament's Committee on Constitutional Affairs adopted a report by the German Social Democrat MEP Jo Leinen, the young President of the Union of European Federalists, and Mr Mendez de Vigo, an MEP from the Spanish *Partido popular*. This report affirms that 'the aim of the 2003 Intergovernmental Conference must be a constitution for the European Union.' It also considers that the preparatory Convention's Praesidium should continue in office after its work has been completed so that it may participate in the IGC and that the Chairman of the Convention should preferably be a 'distinguished European political figure'. In addition, the MEPs claim that the Convention should be given a mandate to draft a single proposal by consensus as the sole basis for negotiation at the IGC. In Genval, Luxembourg and Ghent, the national authorities have already taken another path, one based on the view that, amongst other things, consensus was impossible.

Lastly, this Convention should not confine itself strictly to the subjects listed in the declaration made by the States of the Union in Nice in December 2000 but should go far beyond these, for example by bringing European security policy into the Community ambit and by making codecision and qualified majority voting into general principles.

As is well known, under the current provisions, the purpose of the Convention would not be to produce a single consensual text, as was the case for the Charter of Fundamental Rights, but to propose as many options or texts as it wanted on each theme under consideration. It is also proposed that its secretariat would be provided by the Council of Ministers and that the Intergovernmental Conference representing the States would take sovereign decisions. Accordingly, the procedure is set in stone in advance. There is no question of confusing this learned academic assembly with a constituent assembly, even though the exercise to which it is to dedicate itself will have to be followed with close attention and interest. The Convention's task, all things considered, is to preserve the appearance of a true democratic debate on the future of Europe, at least in the minds of the governments.

This little game which we are being asked to accept for the sake of 'realism' has now been played for almost 50 years, ever since a Political Union was being discussed, and there is a good chance that it will go on for

some time yet.

- For example, as long ago as in 1952, a European parliamentary assembly, in this case called an '*ad hoc* assembly', was given a mandate by the six founding governments of the European Community to prepare a draft treaty for a 'supranational political community'. That draft was delivered to those governments on 10 March 1953, within the period prescribed for its completion, before simply being shelved in the following months.
- Thirty-one years later, by an overwhelming majority (237 to 31, with 43 abstentions), the European Parliament adopted a draft treaty on political union, the brainchild of Altiero Spinelli. François Mitterrand, then President of the European Council, visited the House to shower praise on the MEPs for their work. It was possible to envisage a bright future for Europe, when he said: 'France is receptive to the idea of such an enterprise [a political Europe]. Speaking for myself, I am ready to consider and support your draft which, in its inspiration, is agreeable to it.'

Unfortunately, the draft was not agreeable to Margaret Thatcher, among others, and once again the venture was shelved. This was done at the Fontainebleau European Council in June 1984, before the adoption, by way of consolation, in early 1986, of what was abstrusely called the 'Single European Act'. Jacques Delors was its high priest, and it must be acknowledged that, since then, with the Treaties of Maastricht, Amsterdam and even Nice, the Union's field of competences has somehow been extended, in particular in currency matters, with the birth of the euro.

However, all this has not been achieved without tortuous deals and endless recantations. That would not be too serious if world events could wait indefinitely for us finally to take decision to act. However, that is not always the case! We are no more masters of our destiny at the end of 2001 than we were in the 1950s or 1980s. The founding declaration made by Robert Schuman was very clear: 'a European federation indispensable to the preservation of peace.'

In the period ahead, with war having broken out in various parts of the world, the task falling to federalists will not be an easy one. At the very least, there is an obligation to be clear. We must stop having the wool pulled over our eyes.

From experience, we know, of course, that Europe moves forward only in small jolts. With the exception of a few distinguished figures, those who hold national sovereignty always have the greatest difficulty in admitting, beyond the declarations of good intentions, that they have to transfer key prerogatives to a joint governmental authority.

That is why we are blithely showered with contradictory expressions of terminology, for example when we are asked to rally around the white banner of a 'federation of nation-states' or to expect the adoption of a 'constitutional treaty', forgetting that we were taught that a treaty fell under public international law and the constitution under public domestic law. Being federal, it brings together not only states, but also peoples. Some rare foolhardy types are therefore condemning a 'con trick'.

In the present circumstances, our role — whether some of our detractors like it or not — is to point out that these contradictory expressions are not innocent. We are being invited, as it were, to reconcile the irreconcilable.

Similarly, the inclusion of large numbers of representatives from national parliaments in the Convention is hardly any more innocent; the national parliaments are not natural allies of a European Parliament that wishes to extend its powers as Europe is transformed. As a Luxembourg MEP, Robert Goebbels, pointed out in the '*Cahiers*' series published by the Socialist Group, 'strengthening the European Parliament's democratic control and decision-making power will necessarily come at the expense of national parliaments,' and they cannot fail to be sensitive to this.

Lastly, representatives of the acceding countries will sit on the Convention as 'observers', which is logical, but

the representation of the European Economic and Social Committee and the Committee of the Regions has not yet been settled.

However, among the applicants for accession to the European Union, a number of them, and by no means the least of them, believe that they have already made a considerable effort to adapt to the Community requirements, in particular countries like Poland and the Czech Republic, where serious resistance from advocates of national sovereignty are appearing even before negotiations have been concluded.

It is doubtful that they are any better disposed to the development of a federation than the United Kingdom or Switzerland when they have only just recovered their freedom of movement following the long years of Soviet dictatorship.

As noted by *Publius* in his 20th *European Letter*, ‘... if the idea of political unity is to recover credibility, the process must be restarted among a smaller group of countries that has sufficient solidity and strength of will to advance.’

Evidently, the founding countries in particular are confronted by this requirement.

In other words, the trials represented by the successive convening of the ‘Convention’ and the subsequent ‘intergovernmental conference’ have to be faced, keeping one certainty clear in mind: if a group of countries from within the Fifteen does not step forward, as was the case for the euro zone, to form a vanguard capable of laying the foundations, in specific areas, for a real federal core, the European Union will once again have missed its appointment with history. If that is the case, it will be possible to continue to play to the gallery for a long time to come.

L’Europe en formation