



CENTRO STUDI SUL FEDERALISMO

PERSPECTIVES ON FEDERALISM



ISSN: 2036-5438

## How to re-launch the European unification process?

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Perspectives on Federalism, Vol. 1, single issue, 2009



## **Abstract**

The result of the Irish referendum against the ratification of the Lisbon Treaty has opened a vast debate about this new crisis of the European Union and how to overcome it. I would like to summarise and discuss a few authoritative interventions, among the many interesting views presented in the debate, which point out some unresolved key issues.

## **Key-words:**

Lisbon Treaty, Irish referendum, European Union, unification process



The result of the Irish referendum against the ratification of the Lisbon Treaty has opened a vast debate about this new crisis of the European Union and how to overcome it. I would like to summarise and discuss a few authoritative interventions, among the many interesting views presented in the debate, which point out some unresolved key issues.

The Italian President, Giorgio Napolitano, was invited to speak at the *Etats Généraux de l'Europe* convention organised in Lyon by the European Movement, the *Notre Europe* Foundation and several other organizations on the 21<sup>st</sup> of June, 2008. In his speech, Napolitano pointed out the need for leadership and vision to complete economic unification with a truly political union. Two virtues which in Italy have been personified by Alcide De Gasperi and Altiero Spinelli. They were defeated on the project of the European Defence Community in 1954, which is now back on the political agenda. The generation that was coming out of the war built Europe to ensure peace among the European states, and they were successful. The new mission is to build a Europe able to promote a peaceful world order and to contribute to the governance of globalization, i.e. to the production of global public goods such as security, economic development, and environmental protection, thus providing answers to the European citizens' sense of insecurity in the face of globalization. New great economic and political powers are emerging and the European nation-states are simply too small to play a role on the global level: only a united Europe can have a chance. The protectionist recipe, the illusion of a fortress Europe, or a European form of isolationism are self-defeating strategies in a fast-moving world.

For this reason, the useful reforms of the Constitutional Treaty adopted by the Convention, weakened by the IGC and then by the Lisbon Treaty, must be adopted. The unanimity dogma must be broken. If a EU with 27 members proves paralysed and unable to reform itself, a group of countries willing to pursue political unification must find appropriate ways to go ahead, like it happened with the Euro. The Irish referendum shows the distance between national governments and their people. The first want to manage European affairs in an intergovernmental and diplomatic way, and use the EU and especially the Commission as a scapegoat for policies they supported and approved in the Council themselves. This produces a consensus crisis which can only be overcome with a greater involvement of the citizens at the European level, more European democracy a stronger European Parliament, and a greater involvement of national parliaments and civil society. It is time for a clear debate about the new reasons for political union and the new



policies which the EU should be entitled to deal with, putting aside the myths of a blank check and of a complete loss of national sovereignty.

France has a great role to play for historical reasons and for its holding the presidency. Italy will support its efforts, as they are both founding countries and share a special responsibility in the European project. History may not leave Europe much time to unite, and play a role in determining its own destiny and contributing to the world order. In a short while, it may be too late.

A few days later, on June 26, Tommaso Padoa Schioppa - president of the *Notre Europe* Foundation and former Italian Minister of the Economy, former member of the ECB Board and of many other European and Italian bodies - published an important article on *Le Monde*. Analysing the priorities of the French presidency, he asked president Sarkozy to always call a vote in the Council about all issues. This would de facto undermine the unanimity principle that paralyses the EU. France always valued its veto power and many countries followed this vision, until this brought to the current paralysis. Unity means deciding and acting together in a democratic way, thus accepting the majority rule, which in the EU usually means a qualified majority. The role of France will depend on its capacity to rally majorities, rather than on the exercise of its veto power. The latter has become largely self-defeating, as the veto is mainly used by other states to block initiatives which France would favour. Institutions and decision-making procedures are the key for Europe to provide new and better policies. Overcoming unanimity is the single most important step in that direction.

These two articles point out several unresolved crucial issues of the current situation and the future projects: is the EU, even with the Lisbon reform in place, able to answer citizens' demands? What's Europe's mission? Is the current institutional setting viable? If not, what are the necessary institutional reforms? What are or should be the actors of the process? What is the task of the political elites? Accordingly, what are the useful strategies to overcome the current crisis? How these issues will be addressed will determine the future of Europe and its role in the world in the middle-term.



President Napolitano observes that the provisions of the Constitutional Treaty have been weakened by the IGC and then in the Lisbon Treaty, and stresses the goal of political union and of greater European democracy. This suggests that the EU has not yet reached a democratic and effective, and thus stable, institutional balance. Furthermore, it lacks several crucial competences, like security, necessary to answer the European citizens' anxieties. Its new mission regards its role in the world, the empowerment of the European citizens in the face of the globalization process, and the creation of a cooperative and effective global system of governance. Having achieved internal peace and the regulated creation of a European single market and single currency by the creation of common institutions, the EU has got now a method and a model for the governance of globalization. Unfortunately, it lacks the institutional means to push it forwards, as it still is an imperfect union: it has reached a full monetary unification, a partial economic one, and a limited political cooperation. The success of the Euro in shielding Europe from the worst effects of the sub-prime crisis and from the 9-fold increase of the oil price in the last few years tells a lot about the strength which unity provides. The failure of the Lisbon economic strategy, left to the national governments' good will and peers' pressure through the open method of cooperation, not to mention Europe's very limited political role on the global scene, as shown in the Iraq crisis and ever since, are equally instructive about the weakness of division.

The current institutional setting is thus inadequate, and a significant reform is needed. As Padoa Schioppa points out, the overcoming of unanimity is the single most important aspect to tackle. If the majority rule will be applied also to the drafting, ratification and future amendments of the Treaties themselves, the EU will come out of the current paralysis with an effective mechanism for taking decisions and for reforming itself. The way would be open towards a more political union. And a two-speed Europe would be a credible option, possibly with the result of convincing all countries to stay on-board in order for them not to be left out, rather than to use their (current) veto to prevent others from pursuing political union.

This brings us back to the current paralysis linked to a double-unanimity requirement: the unanimity of the governments to sign a Treaty, and the unanimity of its



ratification subject to different national procedures. The fact that the Treaty of Lisbon was abandoned because of the Irish referendum, in contrast to 21 countries which had already ratified it, means that about 0,5 % of European citizens can prevent a very vast majority from implementing a decision they all support. This is the absurdity of this antidemocratic system based on a double unanimity.

Furthermore, those who say no do not have to pay any political price for preventing all others from implementing a majority decision or action. Still, the European treaties proclaim the goal of an ever-closer union. The right question for any national referendum should thus be: are you in favor of the new Treaty and wish to remain in the Union, or are you against it and you wish to recede from the Union, possibly agreeing in the future to new and less binding forms of cooperation to be negotiated? Such a question would put a price for voting both Yes and No, and would thus offer a much more reliable picture of the true priority of the European citizens.

All recent referenda, coupled with the fact that a vast majority of citizens is still in favor of a European single defense or a European single voice in foreign policy, suggest that people are tired of their governments deciding behind closed doors and want to be actors in the unification process. A new democratic procedure is thus needed to amend and ratify European treaties. A democratic constituent procedure can take several forms. It can be a constituent co-decision procedure between the European Parliament and the Council; an ad hoc, directly-elected constituent assembly; a constituent mandate given to the European Parliament; a new form of Convention composed of representatives of the European and national Parliaments, but deciding by qualified majority rather than by consensus. But any procedure should foresee in the end a consultative European-wide referendum, rather than many national ones. This would not be against national legislations on referenda. Still, it would make it politically impossible for the political leaders of the countries where a majority of the citizens expressed their support for the new Treaty not to go ahead, leaving onto the others the decision to quit the Union and renegotiate different forms of cooperation.

Obviously, no bold initiative can be taken without a strong political leadership in some European countries, especially France and Germany, and in European institutions, especially the European Parliament. The Irish referendum has precipitated the EU into a



new crisis. This requires leadership and vision. Especially from the two countries which more than any other had an influence on the unification process and also the coming about of the Lisbon Treaty: a result of the French No to the Constitutional Treaty, and of the German ability to struck a deal to save as much as possible of the Constitutional Treaty but in a new form. And even more so from the European Parliament, which directly represents the European citizens, and is going to ask them to renew their trust at the European election of 2009: it must show to be an effective actor in devising a solution and taking the initiative to bring the EU out of the current paralysis.

This issue should rank high on the political programs of the European political parties, which could give the European election a new significance if they will propose their candidate for President of the Commission together with a political program that includes their preferred institutional reforms to better govern the EU.

Links:

President Giorgio Napolitano's speech is available at [www.quirinale.it](http://www.quirinale.it)

Tommaso Padoa Schioppa's article is available at [www.lemonde.fr](http://www.lemonde.fr)