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A bilateral reconstruction of Europe

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The Brexit vote has at least the merit of putting possible options for the future course of the European project under the spotlight and constrain political leaders to act. France, Germany and Italy declared to undertake joint efforts for reinforcing the European construct. One element stands out in the comments and discussions by politicians and experts. It is the emphasis on the necessity of changing the European institutional architecture and on the need to organise the ultimate acid test in the form of a referendum.

Whether the proposition concerns the introduction of an European minister of finance,^[1] the definition of a number of core subjects that would require European supremacy over national jurisdiction,^[2] or the *de facto* creation of an *à la carte* model allowing retroactive withdrawal from common European policy domains by member states^[3] – they all entail a modification of the European Treaty at some point in time.

The call for change expressed in the Brexit vote in the United Kingdom and more in general by the electorate in various other countries in manifesting their *Entfremdung* from Europe and its ruling class, is thus interpreted as a need to change the European institutions and have the citizens ultimately endorse the new construct through a referendum vote. A number of arguments plead against this interpretation.

Treaty renegotiation takes a long time. Past experience is not very encouraging

It is unlikely that citizens can be kept in the dark much longer by their elected governments on what the concrete proposal for Europe is. The prospect of negotiating a new Treaty to bring clarity in the European project is not a very attractive offer especially in countries whose citizens have still a sour taste in their mouth from past European treaty negotiations and ratification. At best a new Treaty will delineate more clearly the competence domains reserved for the European executive. As a result the effectiveness of such an agreement in terms of impact on the daily life of the European citizen can only be measured years later.

A referendum is not a substitute for a lack of political leadership

In the Western European democracies a government executes a programme on which it is elected under parliamentary control. The parliament, to whom citizens have delegated their sovereign right to decide on the future of the nation, votes the proposals of the executive.



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In the absence of an unambiguous position in favour of Europe, the tendency of some governments is to reverse the order of the democratic toolbox by proposing the content of the project once the answer to the question whether people want it or not is clear. As seen in the Brexit referendum this can lead to a dangerous disconnect between politicians and their electorate and to an inappropriate consideration of the referendum as a policy tool. The risk is real that governments under electoral pressure organise similar referenda as the one in the UK before the contours of the new European treaty are clearly drawn.

Forty-eight years after the creation of the EU its construct resembles still more De Gaulle's 'l'Europe des Nations' than an ever closer union

The evocation of the necessary changes in the European architecture by European leaders maintains the fallacy of the ever closer union principle by reinvigorating Europe at a federal European level. This orientation is at odds with a perception shared by many of a Europe that is alienated from the concerns of its citizens. Recent events show that the prevailing sentiment is very remote from the ever closer union intention. The initiative by the Merkel government to open the borders for a mass influx of refugees and subsequently to restrain the possibilities for entrance has met with *Schadenfreude* in the surrounding nations that refused to follow the German example. These countries were also the first to criticise Germany for its diabolical pact with Turkey to retain refugees on its territory, something which could have been avoided in the first place would Europe have taken concerted action in conformity with its founding principle of solidarity between member states.

A bilateral Europe is an alternative path for reconciling citizens with supranational governance

Instead of trying at all cost to obtain a better copy of the current model through a painful process of multilateral negotiation for a new Treaty, European leaders could take a different perspective at the European question. They should abandon the idea of Europe as a group or various groups of countries that jointly agree on proposals to create more Europe, but in turn conceive Europe as a collection of national states that share a common interest to strike deals between them in domains of their choice. A bilateral Europe.

The EU treaty does not exclude bilateral deals to the extent they do not conflict with European law

On a more abstract level, the bilateral model starts with agreement between two states in certain key domains instead of first going through a process of establishing a common denominator of requirements in key domains for the purpose of multilateral agreement on a revised treaty between 27 states.

To illustrate the difference in approach take economic policy. For instance France and Germany may be of the opinion that they have a common interest in sharing investments for the development of alternative energy sources and nothing should stand in the way to achieving this. In fact the European treaty does not exclude bilateral deals to the extent they do not conflict with European law. So a positive alternative for treaty reform could be realised on the basis of bilateral agreement between European states. This can be achieved without putting the European rules in force between the 27 member states at risk.



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Mark Rutte en Angela Merkel tijdens een Europese Raadsvergadering in 2014

A whole suite of initiatives could be undertaken faster and more efficiently on the back of bilateral agreement than on the basis of multilateral agreement in the current European geopolitical landscape. One may think of concrete initiatives to reduce unemployment in frontier zones, for instance render jobless French industry workers apt for the German labour market, start centres of excellence in certain fields between two European countries by merging public research and private resources in a collective semi-public undertaking.

On the subject of education the idea has been raised to extend the Erasmus project to apprentices. To shorten the delay to put this in practice, it could be envisaged that two or three countries produce the blueprint, enforce it in the respective countries before roll-out in all 27 member states.

The same approach may also work in the field of tax harmonisation. The tax convergence process could be kicked-off in a restricted number of eurozone countries first and be finalised in bi-lateral tax treaties. A positive resolution of the fiscal gap issue between a number of European countries could stimulate others to follow suit.

The political context today pleads in favour of a bilateral model that contrasts with the concept of a Treaty reform departing from a baseline of 27 member states

Towards bilateral engagement

Is this idea of bilateral engagement antonymic with the European idea and principles? Not necessarily so. Rather than introducing a pause and hold its breath, as a former French minister of foreign affairs suggested recently, or focus on an abstract notion of treaty reform, Europe should continue its journey through initiatives much closer to the population, between regions, cities and semi-public institutions. The bilateral approach is one of timing and tactics. Europe cannot move into high gear now since the Brexit consequences, national elections in France and Germany and sovereignty questions stand in the way. Bilateral deals can create a platform for regained confidence in the superior performance of cross-border agreement on global issues compared with national solutions. Gradually but slowly the path towards a more integrated Europe may be picked-up again conditional on the delivery of tangible results through a bilateral approach.

Anti-Europeanism and nationalism will only retreat if the action of two or more states or regions is perceived as more conclusive than the achievement of each on its own. This is where countries and regions can help the European idea progress by demonstrating to their citizens that better results can be delivered if they combine forces. The political context today pleads in favour of a bilateral model that contrasts with the concept of a Treaty reform departing from a baseline of 27 member states.



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European politicians that claim to have captured the prevailing sentiment among their constituents but continue on a traditional course of multilateral reform instead of taking concrete measures are not helping the pro-European cause move forward. Nationalist movements will be reinforced in their opinion that Europe is a waste of time and money. Pro-Europeans will share this view for the same reason, i.e. the lack of substantial results.

An attempt to create a Europe of the lowest common denominator by Treaty reform in order to keep all members under the same umbrella cannot be a vision that bears hope for its future. It is a fragile compromise that gives credit to nationalist forces and makes pro-Europeans increasingly wonder why Europe exists. Temporary constraints may push us to become pragmatic, make slow progress along a different path towards supranational governance and towards a more recognisable level of European integration to avoid a lingering *drôle de guerre*.

Noten

[1] Daniela Schwarzer, Director Europe, Marshall Fund, in *Financial Times*, 24 June 2016.

[2] French President F. Hollande, press declaration, 24 June 2016, French ex-president N. Sarkozy, interview *France 2*, 26 June 2016.

[3] 'The UK wants Brexit; and what kind of Europe does the E.U. want?', Jacques Delors Institute Berlin, *Policy Paper*, 24 June 2016.

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