

## **Discussion paper: Rethinking European Supranationalism in a Historical Perspective**

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Supranationalism is the main achievement of the European integration process from 1950. Theoretically, it is based on the personal principle as well as the principle of autonomy and decentralization. States are built bottom up based on the approach of transferring competences when needed (principle of subsidiarity). Supranationalism represents an organised cooperation among states under independent supranational institutions, losing their sovereignty in the areas they choose to transfer.

By establishing supranationalism “the New Europe” successfully realized the ideas of Tocqueville, as described in his “Democracy in America”, on the transfer of all those competences, “from below toward above levels”, which needed larger and “more centralised” organization forms. So, supranational European Community can be regarded as a “Tocquillian community”. It also has important “Kantian” elements through European law and legal harmonization. Europe could successfully surpass classical centralization policy, represented by “Hobbesianism”.

In reality the EU is a new type of an intergovernmental-supranational union of states, characterised by the dichotomy of supranational versus intergovernmental. How to safeguard supranationalism represents a challenge for the supporters of the European Union.

The emergence of supranationalism in Europe has a long history motivated by the idea of a peaceful World federation. This idea has developed gradually during history in opposition to authoritarian sovereign states, and colonial empires characterised by authoritarian centralisation policy, territory incorporation, military, economic and cultural imperialism, and wars for hegemony and power. Following the classical idea and model of a peaceful World federation, social organization starts with the persons and their communities. Different communities (family, local community, province, state, federation of states, federation of federations of states, etc.) could be seen as concentric circles around the persons in the centre. Constitutional state law, international law, and human rights create the harmony between the persons and these circles of associations. The idea of a peaceful world federation based on the personal and the autonomy principles is present in the works of all the European representatives of federalism/confederalism, among whom we find Aristotle, Althusius, Grotius, Suarez, Vattel, Saint-Pierre, Penn, Locke, Montesquieu, Rousseau, Voltaire, Bentham, Kant, Tocqueville, Proudhon, Eötvös, Renner, Naumann, Coudenhove-Kalergi, Hantos, Madariaga, Rougemont, Brugmans, Monnet, Spinelli, Hallstein, Tindemans, or Delors. The idea and the principles of peaceful world federation were also present in the legal documents of federalist states and international development. Some of the most important of those are the Treaty of Utrecht, 1579 (on the Dutch union); the Virginia Bill of Rights, 1775; the American Declaration of Independence, 1776; the Constitution of the United States of America, 1787; the French Declaration of the Rights of Man and Citizen, 1789; the Swiss Constitution, 1848; The Covenant of the League of Nations, 1918; the Charter of the United Nations Organization, 1945; and the Universal Declaration of Human Rights, 1948. The basic treaties of the European integration also belong to these.

The federalist founding fathers of the European Community (Richard Coudenhove-Kalergi, Jean Monnet, Robert Schuman, Konrad Adenauer, Alcide de Gasperi, or Altiero Spinelli) believed in the classical idea of a peaceful world federation. They also represented the ideas and principles stemming from the American and the Swiss constitutions, the ideas of the United Nations, or the Universal Declaration of Human Rights. After the Second World War they also stood before the challenge to transcend nationalism, the military, economic and cultural expansionist bellicose policy of the European sovereign nation states, and national empires on the continent and world wide. With the aim to establish peace in Europe and to avoid future conflicts they proposed different federalist approaches, mutually influencing each other.

The founder of the Pan-European Movement, Coudenhove-Kalergi, for example, put the emphasis on the classical constitutional parliamentary federation composed of two chambers (representing the persons as Europeans and as citizens of their own states) following the Swiss example. Because historical circumstances did not make it possible to establish a “United States of Europe” after the war, this constitutional federalist alternative failed.

Among the many European cooperation theories (realism, classical confederalism, unionism, functionalism, constitutional federalism, or incremental federalism) only the “Monnet-method”, based on supranationalism, was able to successfully start the peaceful European integration process. He proposed to surpass national sovereignty by starting the struggle against the dogma of the “indivisibility of sovereignty”. The essence of his idea was to gradually dismember the sovereignty of nation states by the federalist-functional method. The “Monnet-method” meant to cut parts of sovereignty from nation states and to transfer them to independent, supranational institutions organized following a federalist institutional model. For example, with the establishment of the ECSC, Monnet separated the coal and steel production sector from the sovereignty of the six nation states and organized it independently, under the direction of the supranational High Authority. Thus emerged the core of an economic integration outside the national governmental sphere of the six states. Monnet believed that integration in one area would generate a chain reaction, and more and more areas would be transferred gradually to a supranational level. His method worked in economy: the Rome Treaties established the EEC and the EURATOM. However, this ‘chain-reaction’ was only partially successful in the area of political cooperation. The supranational federalist political plans of the European Defence and Political Community which were proposed in cooperation with the Monnet-method were voted down. The “golden age” of federalism ended in 1954. The supranational European Community remained without governance: the dilemma of political union was not solved.

After De Gaulle’s attack on supranationalism in the name of intergovernmentalism, though the supranational economic community remained alive, political cooperation continued outside the framework of the Rome Treaties following a more confederalist model. “Intergovernmental supranationalism” emerged gradually: the European Council was established, the role of the governments strengthened, but the governments accepted the supranational European Community and the European law.

It was the federalist Altiero Spinelli who solved the problem of political cooperation between the supranational European Community and the governments. He proposed to involve the subsidiarity principle in European law to regulate and define precisely the division of competences between the federation (supranational EC) and the member states. In Spinelli's interpretation subsidiarity regulated the transfer of competences from the national level to the European Community level. This transfer was based on negotiations and agreements among the governments. The national governments could safeguard the "sovereignty" of their nation states in all those areas of national interest, but they were subordinated to European law. I.e., subsidiarity represented a compromise between the federalists and the intergovernmentalists.

The federalist-intergovernmentalist compromise made it possible to establish, through the Maastricht Treaty, an intergovernmental supranational union of nation states based on two-level governance: the supranational Economic Community and the intergovernmental political community, i.e., the European Union. In practice, this intergovernmental supranationalism meant that the national governments accepted European law and legal harmonization, but also safeguarded their national autonomy. They supported supranationalism on the level of the "lowest common denominator". The Treaty on the European Union, for example, strengthened the nation states, but the supranational European Community remained alive, and could gradually develop because supranationalism became the interest of the governments.

Federalists continued to struggle for the strengthening of the supranational institutions (like the European Commission, the European Parliament, or the European Court), and for the enlargement of the areas of supranational cooperation. Spinelli, for example, emphasised the necessity to strengthen the European Parliament as the legislative organ of the European Community. He proposed to democratize the codecision procedure between the Parliament and the Council. His goal was to gradually establish a two-chambers Parliament and a European government. Another federalist, Delors proposed to continue the supranational economic policy of the federalist founding fathers. He emphasised the necessity to establish a single market, an economic and monetary union, and to gradually transfer the necessary powers from the nation states' level to the supranational level. He also proposed to enlarge the areas of supranational cooperation, to diminish the role of veto, and to realise the union of nation states and of peoples based on the principle of unity in diversity. He was successful in establishing the Single Market, and in signing the Single European Act, and the Maastricht Treaty. Thanks to the federalist initiatives, and the compromises between the federalists and the intergovernmentalists, the integration process could continue: governments gradually transferred, as shown by the Amsterdam Treaty, more and more competences to the supranational level. The Treaty of Nice made the enlargement of the EU possible. In 2002 the Euro was introduced.

As a next step there were two alternatives for the EU: either to establish the "parliamentary Europe" with two chambers, representing the interest of the citizens as Europeans and as citizens of the member states (proposed by, for example, Joschka Fischer), or the approach put forward by the Treaty establishing a Constitution for Europe, 2004. The latter meant a new type of intergovernmental-supranational union of states based on multilevel governance and subsidiarity. It represented a "council Europe" or "a council-type Europe" instead of a "parliamentary Europe". Both alternatives were rejec-

ted. However the thinking and discussion about the future of the European Union was continued.

Recently the heads of states or governments of the European Union could find an agreement in the form of the Treaty of Lisbon. The Treaty of Lisbon reinforces the values and objectives of the European Union. It takes over most of the constitutional innovations. The most important of those are:

- a permanent president
- a foreign minister
- greater powers to the EP
- a legally binding citizens rights charter
- reduction of the size of the Commission
- easier voting by changing voting rules
- diminishing the usage of veto rights for the member states

The Treaty of Lisbon continues the “council-type” organization of the EU as an intergovernmental-supranational union of states based on multilevel-governance and subsidiarity. Its goal is to make the EU more effective in the World economy and on the international diplomatic stage by giving it more coherent foreign policy and allowing to take decision more quickly. Only the future will show what the Lisbon Treaty can bring for supranationalism in the practice of the EU.

History has showed that the original, federalist interpretation of supranationalism contributed to the emergence of intergovernmental-supranationalism in the European Community. Intergovernmental-supranationalism of nation states was very successful in promoting peaceful economic, financial, and commercial relations among the European states: the EU became a big and strong democratic market community of the member states gradually enlarging its territory and transcending internal state borders. It represents a “new type federation-confederation of states” based on multilevel governance, subsidiarity, the European law, human rights and fundamental rights of the citizens. It is organized in harmony with the Charter of the United Nations. The EU is the first supranational economic union in the World based on the European law: it works successfully against nationalism, neo-colonialism, and wars. It is an important tool to preserve peace in the continent. From this point of view the EU can be regarded as a successful peace project that is appreciated world-wide. However, despite its undeniable success, the EU has serious problems and uncertainties. Its supranational structure is under major pressure along several lines. Some of these are as follows.

### 1. *The phenomenon of “democratic deficit”*

There is a lack of strong and efficient European supranational governance, responsible to the European citizens. Citizens cannot *think* in terms of a larger EU, and therefore they cannot express their European interests. This makes it difficult to realize the goal of a new type of economic and political union of states that would be effective, democratic, and based on the fundamental rights of the citizens.

## 2. *Different interpretations of subsidiarity*

Different, mutually opposing directions of European policies look at the same notion differently: for some it is part of classical confederalism, for others it is part of intergovernmental functionalism or federalist functionalism. These directions represent three different ways of organizations within the EU.

The first approach, i.e., classical confederalism, could result in the collapse of supranationalism. That would mean for the EU to become a trading union of sovereign nation states pursuing classical confederalist methods, including the fight for power among states.

The second approach, i.e., intergovernmental functionalism, could result in the emergence of an economic and trading union of states on a continental level with supranational and intergovernmental functionalist elements, and based on the European commercial and economic law: “the EU as a new type free trade zone”.

Finally, the third way, i.e., federalist functionalism, could result in the emergence of a new democratic, federalist and functionalist union of states: a kind of “civilian union/community” based on the EU’s supranational achievements.

The first way would cause the collapse of the EU, and its disappearance as global player in the world economy and politics.

The second way would mean a politically divided, weak, but economically strong EU facing permanent insecurity as for its institutional state.

The third way—where supranationalism and subsidiarity continues to play a very important role in a renewed form—could represent a completely new democratic and peaceful answer to the new economic and political challenges of globalization.

## 3. *Internal and external challenges*

European policy has to face a number of internal and external challenges in order to keep supranationalism alive. To mention only some of them:

- elaborate reforms to keep the enlarged EU in functioning
- solve the problems caused by the differences in living standards among member states
- safeguard the democratic trade relations based on European law and the fundamental rights of the citizens
- elaborate on the emergence of a double EU identity (civil European and cultural national)
- increase the efficiency of the EU decision making process in all fields that belong to the competences of the Community
- establish a common foreign and security policy
- establish a peaceful cooperation and partnership with the emerging Asian economic powers

- strengthen the World economic cooperation process (represented, for example, by the WTO)
- take initiatives in the area of environmental protection, possibly based on new types of intergovernmental-supranational world organization
- transcend Eurocentric thinking

In conclusion, the EU as a new type intergovernmental-supranational union of states has important achievements in the way to establish democracy among states in Europe. Supranationalism has played an important role. However, if the EU wants to provide answers to all the problems listed above it will be forced to rethink and renew the terms of European supranationalism. It is a challenge for all of us. The phenomenon of European supranationalism is open to discussion.