

European supranationalism.

The battle of spirit of Jean Monnet and vision of General de Gaulle.

August 3 this year marked the 60th anniversary of the statute of the Council of Europe entering into force. During the first session, held on 8th-10th of September 1949, of the Consultative Assembly of the Council of Europe, federalist members of parliament requested the institution of a European political authority. As a result, a mere year later, in a speech inspired by Jean Monnet, the French Foreign Minister Robert Schuman proposed integrating the coal and steel industries of Western Europe. ‘Europe Day’ celebrated later annually came to symbolize European integration processes that brought peace and prosperity to, initially western part of the European continent after ages of devastating conflicts. The Shuman Declaration decisively envisaged that ‘the contribution which an organized and living Europe can bring to civilization is indispensable to the maintenance of peaceful relations’.¹The reason behind initial integration was to make ‘war not only unthinkable but materially impossible’.

From today’s perspective, initial goals of European integration seem obvious and not so much thought is usually given to the great founder of European federalism Jean Monnet and his seminal plans.

Functional Federalist – Monnet method

From the very beginning, when Jean Monnet started to formulate his visions on post-war Europe, it was clear for him that ‘There will not be Peace in Europe if the states reconstitute themselves on the basis of national sovereignty’.² Beginning with first proposals, put forward in his notes of 1943 through preliminary works leading to the ‘Shuman Plan’, up to the negotiations on the creation of the European Coal and Steel Community (ECSC), Monnet remained a deeply engaged promoter and defender of the idea of European supranationalism. Being the first president of the ‘High Authority’, its executive body (1952-1955), he planned for so much more than just managing the coal and steel production of the Community’s six members. Even though the initial reception of the Shuman Plan was mixed, especially on the British side, the main creator and visionary of an European integration was already thinking about broadening the supranational mechanisms of the six founders’ cooperation from narrow technical frames to military and political fields.

His method is sometimes referred to as functional federalism as opposed to Altiero Spinelli’s federalism.³ It involved a piecemeal approach to the construction of a federal Europe, contrasted with Spinelli’s vision, which envisaged an immediate shift of political power at the European Level.

As we know Germany played an important part in this puzzle, especially with regard to its inclination of rearmament, so eagerly promoted by the Americans in the wake of the Korean War. European Defence Community (EDC) was envisaged to be the solution, under difficult circumstances, aimed at advancing supranational ideas, and yet it failed. Messina conference in 1955 saw another Monnet’s efforts to put forward the European

integration along the same line. Paradoxically, it was precisely there, where the the foreign ministers of the ECSC decided to end his presidency. Instead, in an attempt to reinvigorate European integration, they decided to focus on common market and cooperation in the transport and atomic energy sectors.⁴

The success of ECSC is arguably one of the reasons behind the failure of further integration along the clear lines of supranationalism. Once the ECSC was established, European leaders realized the true nature of cooperation in the fields of steel and coal. The advent of charismatic General de Gaulle and his criticism towards dilution of national sovereignty made it practically impossible to sustain hitherto the spirit of integration. He strongly promoted a contrary vision of ‘...uniting the nations in a confederation’.⁵ Created before de Gaulle became the President of the V Republic, on the basis of the Treaty of Rome, EEC and Euratom were already edging away from supranationalism. Monnet accepted the course of events, shifting his support and attention to the development of the newly established European institutions. His ideas remained in opposition to General de Gaulle’s vision of an European confederation.⁶

European Union

When the treaty of Maastricht introduced European Union with its three-pillar structure, Article A under Title I stipulates clearly that ‘its task shall be to organize, in a manner demonstrating consistency and solidarity, relations between the member states and between their peoples’.⁷ Furthermore, Title V, introducing Common Foreign and Security Policy, Article J made explicit references to member states indirectly emphasizing their

role.⁸ Does it mean that the true spirit of Jean Monnet lost with the pragmatic vision of de Gaulle?

To some extent the battle between the two ideas is omnipresent in the history of European integration as much as it is reflected in the sophisticated structure of European Union. It is true that the bright plans associated with European Coal and Steel Community were shadowed or even eclipsed by the failure of European Defense Community. On the other hand, various prominent politicians still haven't forgotten about the idea of an European Federation.⁹ On top of that the existing institutional framework of European Union – Parliament, Court of Justice, Council of Ministers and Commission. All continue its predecessors created by Monnet: Assembly, Court, Ministerial Council and High Authority. As they say the devil lies in details and certainly it is true with regards to the EU supranationalism.

As a multilevel structure, encompassing many fields of cooperation, EU is a difficult matter to study. Many experts support the idea that the proper way of analyzing EU governance is to take into account a delicate balance between intergovernmentalism and supranationalism.¹⁰ Depending on the field of cooperation the pendulum swings closer to de Gaulle's vision or to Monnet's spirit. As Neil Nugent rightly observes, both of these characteristics are present in the works of EU. Intergovernmentalism is still hallmarked in most of the major areas of public policy – foreign affairs, defense, fiscal policy, education, health, and justice and home affairs.¹¹ Also almost all major decisions on the general direction and policy priorities of the EU are made in the European Council, which, usually votes unanimously. The Council of Ministers on the other hand needs to approve all important decisions. Some key Council decisions still require unanimity. Two supranational bodies of EU (the Commission and the European Parliament) stand in

obvious opposition to their intergovernmental counterparts, that are European Council and the Council of Ministers. They are restricted in their decision-making powers and generally cannot execute their policies without the approval of the representatives of the states.

On the other hand, the logics of supranationalism are reflected in the role of the Commission. It is the Commission that frames the EU policy agenda. The Commission is also a very important decision-maker in secondary and regulatory decision-making, which finds its proof in the fact that, most of the EU legislation is issued in the name of the Commission. It also has exclusive right to propose legislation. Qualified Majority Voting (QMV) is common in the Council of Ministers. In this regard it is the Treaty of Maastricht and even more so the Treaty of Amsterdam that made this particular procedure of decision-making mechanism predominant (that excludes enlargement and vital issues like security). Another argument, strongly adopted by the adherents to EU supranationalism is that the European Parliament's influence over decision-making process is substantial. Over the years the role of EP have gradually increased in that matter, starting with Single European Act and progressing with the proposed Treaty of Lisbon, which increases the number of areas where it will share the job of lawmaking with the Council of Ministers, and strengthens its budgetary powers.¹²

Finally, it is about the character of EU law. Based on the *Simmental v. Commission* case, national courts accepted the primacy of EU law. Its binding force is also out of the question. In any case, the interpretation of the Court of Justice, is viewed as the final

authority, which then member states are supposed to follow, otherwise financial penalties would be imposed.¹³

The politics of member states

As difficult as it is to define European Union in terms of its governing structure, the picture gets even more obscure if we take the ‘politics’ of particular member states into consideration. It is important to observe that apart from real workings of EU, the supranationalism as a mode of cooperation within the entity such as EU is differently perceived by particular members and then differently used for the sake of their aims in domestic as well as foreign policies. Just as the Shuman Plan was received with mixed reactions, so is every major intergovernmental treaty. That obviously does not exclude European Constitution and its subsequent makeup – The Lisbon Treaty. When introduced, the Treaty establishing a Constitution for Europe (signed in Rome on 29 October 2004) made quite an impact. Even the works of the European Convention were swarmed by controversies and often remarks made by Mr Valéry Giscard d'Estaing, its chairman, by many perceived as ‘another Monnet’, made the situation even tenser. Finally, when the French and the Dutch voters rejected the Constitution in May and June 2005, the process of achieving ‘ever closer union’ seemed to have stumbled upon serious obstacles.¹⁴

The Lisbon Treaty has a similarly difficult history. Signed by the Heads of State or Government of the 27 Member States in Lisbon on 13 December 2007, it was long not ratified by four: Ireland, which once rejected it in a referendum of 12 June 2008

already¹⁵, Germany, Poland and Czech Republic.¹⁶ Irish and more recently Iceland cases prove that firstly, supranationalism is only partly to be blamed for resistance against EU. Secondly, that the scale and extent of supranationalism does not necessarily define the state's official attitude towards EU. It is true that in many cases politicians would ultimately raise the question of national sovereignty being threatened by the progressing cooperation inside EU. But as the case of Ireland shows they very often do it for reasons not necessarily connected with losing national sovereignty. In other words the character of reasons behind skepticism or even downright rejection of 'EU's encroachments' varies. They could be ordered according to many criteria, but for the purpose of this essay I would like to propose a basic typology: external and internal.

External reasons behind possible approval or contestation of EU supranationalism include: international or so called global issues and how particular member states perceive the need for further cooperation to tackle them; overall level of security of member states, which in turn determines the extent of cooperation they are ready to peruse, communication between the Commission and states, and even to some extent personal relations between national politicians and EU executives. On the other hand, internal reasons span: contemporary economical condition of the states; contemporary political climate in the country, which concerns ruling parties and their ideologies as well as influence of media and interest groups, political culture of the country, historical experiences and developments, and last but not least predominant religion.¹⁷ Indeed the catalogue of factors seems to be very broad depending on which field of cooperation EU is trying to harmonize and then subsequently, possibly even to unify in the future. The latest case of EU refugee scheme serves a good example here. As we know immigration

policies are part of public policy, which is traditionally reserved for the state's discretion. The latest Commission proposition is indeed only a collective EU program for resettling refugees, but it provoked immediate strong reaction from the British conservative MP, who denounced it a possibility of British asylum policy being decided by Brussels.¹⁸

What future holds for Europe?

The Lisbon Treaty will most probably enter into force on December 1st this year.¹⁹ It brings a number of amendments. On the one hand it provides EU with single legal personality in international relations and creates a new post of the President of European Council, on the other, it strengthens the role of national parliaments in decision making process in EU. It widens the area of co-decision procedure shared by EP and Council of Ministers but also extends QMV and introduces its double characteristics.²⁰ An institution of High Representative for Foreign and Security Policy/VicePresident of the Commission is to be created, but the basic intergovernmental character of cooperation in the field of defense is to be maintained.

It might appear that on the surface the pendulum is swinging to supranationalism. However, it is only practical fulfillment of the provisions of the Lisbon Treaty to render any statements with regard to intergovernmentalism versus supranationalism conclusive. As they say the devil lies in details and the coming years will show how the new institutional arrangements work in practice. Most probably, these two contradicting forces or in other words, the spirit of Jean Monnet and the vision of General de Gaulle are

bound to coexist with each other and shape the merits of European integration for many years to come.

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Endnote

1. Declaration of 9 of May 1950. Retrieved August 25, 2009 from http://europa.eu/abc/symbols/9-may/decl_en.htm
2. Franssen, J. F. (2001). *The Supranational Politics of Jean Monnet. Ideas and origins of the European Community*. Westport: Greenwood Press, pp. 89.
3. David Mitrany described Monnet's method as 'federal-functionalist'. See more at: Mitrany, D. (1966). The Prospect of Integration: Federal or Functional. In: *Journal of Common Market Studies*, 4, 119-49.
4. The Messina Conference. See more at: <http://www.ena.lu/>
5. de Gaulle, Ch. (1970). *Discours et Messages*, vol. 2, *Dans L'Attente, Février 1946 - Avril 1958*. Paris: Plon, pp. 547. See also: Mahoney, D. J. (1996). *De Gaulle. Statesmanship, Grandeur, and Modern*

Democracy. Westport: Praeger, and Pedley, A. (1996). *As Mighty as the Sword. A study of the writings of Charles de Gaulle*.

6. In fact de Gualle was so much opposed to supranational developments that in 1965 he withdrew France from most of the Community's key decision-making forums, which led to Luxembourg Compromise. That in turned implied a considerable shift towards integovernmentalism.
7. Treaty on European Union. Retrieved from <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html>
8. The Union and its Member States shall define and implement a common foreign and security policy, governed by the provisions of this Title and covering all areas of foreign and security policy. 2. The objectives of the common foreign and security policy shall be: (...), to strengthen the security of the Union and its Member States in all ways. *Ibidem*.
9. On 12th of May 2000 Vice Chancellor and the Minister of Foreign Affairs of Germany Joschka Fisher delivered an already famous and much debated speech titled 'From Confederacy to Federation' in which he urged EU members to 'put into place the last brick in the building of European integration, namely political integration'. See more at: http://www.dwfed.org/pp_confed_to_fed.html
10. See often cited work of Neill Nugent: Nugent, N. (2003). *The Government and Politics of the European Union*. 5th (ed.). Houndmills: Palgrave Macmillan. Or more recent: Menon, A. (2008). *Europe. The state of the Union*. London: Atlantic Books.
11. There's been considerable development in cooperation between EU member states in the field of Justice and Home Affairs. In this respect the European arrest warrant has replaced lengthy extradition procedures.
12. The Treaty of Lisbon at: http://ec.europa.eu/publications/booklets/others/84/index_en.htm
13. The vast literature on European governance confirms that European Court of Justice role should be described as highly pro-integrationist. See: Cram, L. (1997). *Policy-Making in the EU: Conceptual lenses and the integration Process*. London: Routledge. Tallberg, J. (2003). *European Governance and Supranational Institutions*. London: Routledge. Dinnan, D. (2005). *Ever Closer Union. An Introduction to European Integration*. (3rd ed.). Houndmills: Palgrave Macmillan.

14. Among reasons behind the failure of Constitutional Treaty some stand out. In the case of France and Netherlands, where national referenda on the issue were organized, it was mainly the disappointment of ordinary people, who did not understand the document and felt that it didn't fulfill their social and democratic aspirations. See more at: Robert, A-C. Why France said non. In: *Le Monde Diplomatique*. Retrieved September 18, 2009 at: <http://mondediplo.com/2005/06/02frenchno>
15. For an extensive account and analysis of the reasons behind Irish reject of Lisbon Treaty on June 12th, 2008 see: O'Brennan, J. (2009). Ireland says No (again): the 12 June 2008 Referendum on the Lisbon Treaty(1). In: *Parliamentary Affairs*, 62:2, pp. 258-277.
16. On September 5th Germany's lower house passed legislation allowing the final ratification of the Lisbon Treaty. The eyes of Europe then turned to Ireland again. The Irish approved of the Lisbon Treaty on October 2nd this year. Polish President signed the document 8 days later on October 10th. As of October 30th The Czech Republic President Václav Havel still conditions his signature on the ruling of the Czech Constitutional Court scheduled for November 3rd after he had made sure that Czech Republic would be able to opt out from the Charter of Fundamental Rights as UK and Poland did.
17. Catholic circles in Ireland and Poland voiced strong dissatisfaction with a number of Constitutional and Lisbon Treaty provisions.
18. See more at: EU refugee scheme receives mixed welcome. Retrieved September 18, 2009 <http://www.euractiv.com/en/socialeurope/eu-refugee-scheme-receives-mixed-welcome/article-185101>
19. As of November 5 2009
20. Taxation and defense will still demand unanimity in voting.