Which new Europe?

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2019 is the year for the renewal of the main European institutions, starting with European Parliament elections in May. Will this mark a new era for Europe? The international context, the Union's and its Member States' internal political difficulties might lead to a new Europe, pointing to some surprising developments.

THE INTERNATIONAL CONTEXT

The international context and the domestic developments in several of Europe's major partner countries advocate for a strengthening of the European Union, its assertion on the international stage, as well as the defence and promotion of its own interests.

Despite their commitment to multilateralism, dialogue and international organisations, Europeans are discovering the brutality of the real world. Donald Trump has contributed a great deal to this in the wake of Vladimir Putin, Recep Tayyip Erdogan and Xi Jinping.

Rudely and with great vulgarity, Trump expressed America's deep propensity towards self-withdrawal and its weariness in its role of playing the world's "policeman". The experiences in Afghanistan and Iraq seem to have convinced American leaders, despite their exceptional military means, that no conflict can be won long-term by the use of armed force alone.

Putin's pathetic revisionism, rooted in the nostalgia of a Russia that no longer has the means to do so, leads it to aggressiveness on the outside and imperialist postures worthy of the 19th century. Attacking and arming separatists on the borders of Ukraine, whose history is particularly linked to that of Russia, was the best way to turn the latter in to a lasting enemy. It especially meant cutting all ties with Europe, which was firmly convinced, despite the Americans, of its interest in forming stable links with it.

Erdogan finally dropped his mask and has turned out to be the authoritarian leader he always was,

purging his army and his administration, undertaking destabilising diplomacy against his neighbours, with whom he has fallen out, and his allies, who find him increasingly unbearable, and also his partners, who now have caught the whiff of Human Rights abuses and a hidden Islamic agenda.

Finally, Jinping unveiled a hitherto unknown side to Chinese ambitions. They are military, economic and global. China's neighbours are being crushed and are worried; the Middle Empire is making a power grab on its maritime peripheries in defiance of international law, and is developing a strategy to conquer markets and trade routes with its "One Belt, One Road" initiative, in Africa, Central Asia and at the very heart of Europe with generous, opaque funding, to precise technological and strategic ends.

Moreover, the internal development of these "big" States reflects a deep crisis of representative democracy and a new attraction towards autocratic regimes.

The surprise election of Donald Trump, a sign of revolt by the American middle classes, was just a prelude to similar movements within other democracies. Globalisation that has been pushed to the extreme, has cost the average American very dear and the technological revolution has increased already blatant inequalities. It has spread among the citizens of all rich democracies the anguish of a vertigo in front of the world's course.

The Russian president for his part believed he had no other choice to govern his country durably than to strengthen his control over the population, limiting the freedom of expression and increasing his grip over a country that is unfamiliar with democracy.

Continuing his transformation of Turkish political life, Erdogan, now a president with greater powers, deems that he can overcome the economic problems and democratic aspirations of a mainly pro-Western population, by playing the card of the brotherhoods, then Islamic identity, symbolically walking in the steps of the Ottoman Empire, sometimes to the point of caricature of his external attributes.

The economic successes of the Chinese Communist Party have certainly strengthened those who believed in the need for the verticality of strong power to guarantee the unity of a continent-sized country; it has also legitimised those who needed it.

The European continent has not been spared this wave.

ALSO IN EUROPE - POPULISM AND CRISIS OF REPRESENTATION

The political map of Europe has been deeply altered in just a few years. The 2015 elections in Poland, developments in Hungary, the Czech Republic and Slovakia marked the first successes of populism in Europe, a glimpse of which was given to us by the rise of far-right parties in the Netherlands and France. The referendum over Brexit, a victory for a heteroclite coalition of rebels has brought the sum of populist, Eurosceptic behaviour to its zenith, since above all it is their aim to destroy a political system that does not suit them more than it does any alternative project of substance. Then there came the victory of a series of more or less extreme, "anti-establishment", especially Eurosceptic parties whilst they were campaigning, but who then became more pragmatic once they got down to business. This has been the case in Austria and Italy. Everywhere in the Union, and now in Germany, Sweden, Finland and Spain too, far-right parties are rising, which is specific in that it also witnessed the entry of the far-left in French National Assembly in 2017.

These developments are clearly the result of a combination of causes. Amongst these, the effects of globalisation on the economy come in addition to the widest dissemination of almost instant technologies, the result of incredibly rapid scientific progress. The disquiet of the people is expressed via new communication channels, whose use has democratised; it is pushing people towards individual withdrawal and is deeply transforming citizens' relations with democratic institutions which, to date, had been well accepted.

In this new maelstrom, a constantly integrating Europe struggles to unify, due to its incompletion, its complexity and its overly diplomatic nature. European policies now affect sovereign elements of the Member States' domestic policy. The passage over to a true political Union of Europe seems too difficult for the political classes, which are being undermined by a crisis of representation. Euroscepticism, the criticism of the common institutions, even dissatisfaction with an often technical, even technocratic Europe that is too slow in responding, is leading to ever louder rallying cries against Europe. Whilst national public opinions deem European integration an acquis ([68% of Europeans and 64% of the French, believe their country benefits from its membership of the Union](#)) [1] with them even imposing limits on their political elites' criticism of it, as in Italy, Poland, Hungary and Greece, frustration with Europe is increasing everywhere, and the demagogues are having a field day, confirming the theory that the European idea has had its day, that it has failed or has to be re-invented. This poor analysis does not take into account the extraordinary successes of European unification in view of its goals and the continent's history. The movement launched by [Robert Schuman](#) in 1950 has succeeded beyond the wildest hopes of its Founding Fathers.

However, a consensus is forming around the idea that it cannot move forward as it has done in the past and that the Union's governance is in need of deep reformed.

However, there is a real difference in starting a new project based on success, from wanting to revive it after failure.

1. Eurobarometer survey for the European Parliament, September 2018, published on 17th October 2018.

UNION GOVERNANCE UNDER CHALLENGE

The European Union is run according to a diplomatic model. Its Member States believe that their membership of the Europe is a fundamental diplomatic commitment. In this they are correct. However, what the signatory States to the treaties have built together goes beyond usual relations between nations. Whatever the quality of the diplomats in Europe, it is up to the political leaders to assume this membership as they go about their daily work. Admittedly this is not always the case and that often European decisions are addressed according to the diplomatic method, whilst they concern domestic policy.

The common institutions, for their part, sometimes give the impression that they are freewheeling. Indeed, that they function according to their own logic. Responsible for implementing the treaties they are held to their strict respect, privileging the law over every other consideration. Sometimes they behave like rivals, and even pursue power strategies, which deserve to be contained. The Commission, the Parliament and the Council, representing the Member States, are constantly seeking new prerogatives, which damages considerably their efficacy and necessarily, the understanding of the work amongst the citizens. These perceptions of technocracy and distance are heightened by the fact that national administrations are, most of the time, responsible for implementing the decisions taken at European level. The dissociation between the administrations that designs certain rules and those which implement them is the cause of many misunderstandings, especially since they have to be transposed, as is the case with the directives. Together these factors lead to an accusatory cocktail made against Europe. It is possibly time to look beyond the usual certainties, at how the common institutions are being run!

Which part of European regulation should be implemented directly? How can the democratic control over decisions made together be guaranteed? What should be reserved in terms of decision-making for the heads of State and government? How should debate between the Member States in plenary be organised more transparently? Do we still need ambassadors, or do we require "ministers" or leading civil servants dispatched more systematically and in greater number to our closest partners?

The Union's governance needs modernising, it requires greater transparency and especially it has to reason in terms of goals and not means. For example, the goal of achieving the Union's "strategic self-sufficiency", now officially shared by all Member States, must clearly become a priority. This will not occur by firstly modifying the external policy decision-making method in terms (from unanimity to majority), but rather by defining the objectives, and in all likelihood, for example with just a few members, acting more resolutely, in a European spirit, with an opening to those who want to join in.

This curious Brussels method, which always concentrates on the means, and sometimes loses sight of its objectives, has to be abandoned. Things have to be put back in order. Collectively the Union must focus on its priorities. From this point of view, tribute should be paid to Jean-Claude Juncker for having understood this on his appointment in 2014 and for his presentation of a programme that anticipated the challenges we now face together. Hence it is in the defence and security sector that the Union has made more progress than ever before. Now the European budget will be called upon to support the effort required for rearmament that the European States have to deliver. In terms of investment, major innovations can be attributed to the President of the European Commission. His "investment plan" has helped the European economy and has revealed itself to be quite useful[2]. We could mention many other areas – the trade policy, the protection of individual data, posted workers, copyright, etc. for which the European Commission has succeeded in changing its approach, and in showing greater attention for the citizens and finally abandoning the dogma which for a long time dominated its approach to governance.

2. *According to a temporary review published in December 2018 by the European Commission, 47 billion € in guarantees provided by the various institutions of the EU have led to 371.2 billion € in additional investments in the Union since 2015.*

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But this will not be enough for the much-awaited European revival, which would make citizens proud to belong to this unique political entity. The European Union must now change its programme. It has to assert its achievements and its projects, present them to the citizens more systematically and more directly. The citizen, the taxpayer, the European electorate must realise what Europe gives them, and the governments of the Member States ought to take inspiration and focus on this ultimately extremely democratic aspect of European policy. For example, since 2019 will herald the anniversary of the first steps by man on the Moon, is it not time for Europe to send its own missions there, to show its citizens, more concretely than by any other means, the excellence of our capabilities in space, the quality of our common achievements and the successes of the European Space Agency? Incidentally, the latter has just signed a contract with ArianeGroup asking it to study the possibility before 2025. Because the proof of the European project must lie in tangible illustrations, endorsing the quest for goals of common interest. After successfully pacifying the "continent of war", by rebuilding European States that had descended into war twice in the same century, allowing Europe to take its place in tomorrow's world is a vital requirement. Between the USA and China, there is room for a third, different power, but one which claims its autonomy of decision, and in the long-term, true independence. This is Europe's main challenge. Is it achievable and under what conditions?

CHANGES AND SURPRISES?

At this stage in its development the Union can no longer continue to function as it did in the past, otherwise it will gradually lose ground to the emerging powers. This opinion now forms a consensus across the continent. It evidently does not mean that we have to "change everything" as some maintain, but it requires a real effort in terms of imagination and creativity to draw up a new Europe. This must both guarantee the acquis of integration. so dearly achieved over the last 70 years, project itself resolutely into the future, and possibly in order to do this, some taboos have to be broken.

The achievements built by the Europeans have to be protected. Peace and stability on the continent are part of this and we should never consider them as a definitive given. The corpus of the treaties is a particularly precious form of protection because it frames the States' behaviour within a law that they have accepted, and which obliges them to behave in a certain, cooperative, benevolent manner that aims to be constructive. This is not so easy given the tension and pressure placed on the Europeans from within and without. Over the last few years solidarity between Member States has been put as much to the test, as has the collective confidence in the common project. It is therefore urgent to re-establish a high degree of confidence between Europeans. This must be an absolute priority, whatever the differences between us and this will not necessarily be easy.

The euro, free movement, the single market and efforts towards security cooperation are all constitutive elements of Europe as it stands which we should not challenge, but which must be permanently improved for them to become factors of pride for our citizens. Undoubtedly, there is work to be done in this direction. The dramatic saga of Brexit is there to remind each of us of this.

To prevent any further division between the Member States we must resolutely reject all provocation, frustration and even humiliation that may trigger political battles. This should help take proposals for the future forward.

The European Union's priority is now to ensure its profile at the highest level of responsibility in the world so that it will count amongst the two or three main powers on the planet. To do this it has to promote its economic, social and legal results, providing them with world diplomacy, supported by a credible defence tool. To protect its model and to promote its values, it has to focus all of its efforts on this goal. It is a revolution for Europe since it was built according to the law and against the imperialist spirit, but this is a categorical imperative given the return to the international arena of the reign of force by new hegemonic powers.

Out of necessity already the Union has had to design a more responsive, stronger trade policy. It is also more aggressive, as shown by the trade agreements with Canada, Singapore, Japan and Vietnam. It is quick to rise to the aggressions and violations of China, the USA[3] or other States[4]. It is learning to protect itself from "predatory" investments, notably those by the emerging countries who want to grab its technologies at rebate price. It has to revise its competition policy, as illustrated by the Siemens-Alstom merger in February 2019.

It is also imperative for it to have the legal instruments that will enable it to strike back at the extraterritoriality of American law, which is truly racketeering Europe's most important businesses and is restricting the independence of its diplomacy and its trade policy. Some work has been undertaken. It has to go further in terms of autonomy and independence.

Gradually Europeans are learning to use their soft power. The general regulation on the protection of data (GDPR), which entered into force in 2018 in the Union, has earned recognition, is expanding, including in the USA, because it is a legitimate, democratic regulation and because it protects private life that is increasingly threatened by the dissemination of communication technologies and that citizens from all democratic countries are calling for the adoption of more respectful behaviour. Whilst they rejected it, several representatives in the American Congress and also leaders of the main communication companies, like Tim Cook[5], the CEO of Apple, are now demanding legislation based on the EU model, because their clients are in turn demanding it.

In several areas Europeans are shaping practices of other States and even of other continents by their influence and their regulations. It is time to make this a strategic tool so that Europe can assert itself. It has to be worked and it has to learn to use these assets to accepted political ends. This should notably be the case for development aid, of which the Union and its Member States is the biggest distributor in the world

(65% of aid in total). Work has been undertaken to condition this according to results, for example the Sahelian Strip where migrant trafficking affects the continent directly. The general review of the Union's development policy, which devotes more than 12 billion € per year to generous actions, is necessary, since these are increasingly criticised and less and less adapted to Africa's requirements. Although they are often conditioned to results in terms of Human Rights, they are not yet sufficiently conditioned to the respect of European interests. In the world arena Europe, which is so proud of its values, must also learn to defend and promote its interests.

A NEED FOR "PROJECTION" RATHER THAN "PROTECTION"

Behind the mantra "for a Europe that protects", that is now adopted by most governments, in reality there lies the request "for a Europe that exists" more at international level, provided with a firmer policy towards those who claim to be its "enemies"[6]. More than just protection, the Europeans need "projection". Projecting oneself in the future by developing innovation policies in the most advanced scientific areas; projecting oneself in the world, conditioning most of European policies to one priority alone: influencing the world arena. This entails moving forward in terms of the common defence policy. Over the last mandate (2014-2019), many obstacles seem to have been lifted. Appropriations to the European budget have been used for cooperation projects in the arms industry[7] and a European Defence Fund has been created, which might be granted more than 13 billion €. Several defence research and development projects are the focus of joint programmes as part of a permanent structured cooperation[8] and thanks to the pro-active nature of the Member States, duly relayed by the Commission and the Parliament, Europeans can hope to develop new capabilities (drones, fighter aircrafts, ground equipment) of their own. Here the Union will certainly have to accept – for this specific industry – clearly and definitively the principle of European preference and to include this in a treaty.

In the area of security and defence European solidarity is stronger than the slow building of

3. For example, in retaliation for the unilateral tax on 23rd March 2018 of US customs duties on steel, the European Commission imposed 25% customs duties on 19th July on 23 types of steels whose import volumes were said to be higher than average over the last three years.
4. Decision taken on 16th January 2019 establishing duties of 175€/t on rice from Cambodia and Myanmar whose imports rose by 89% over five harvests.
5. Time Magazine 27th January 2019
6. Declarations in this regard by the US President dismayed many Europeans: "Russia is an enemy in some ways. China is an economic enemy, obviously an enemy. But this does not mean that they are bad, it means nothing. It means they are competitive," said D. Trump, whose comments were collated by CBS on 14th July 2018 … "The EU is very difficult," he continued speaking to the interviewer, who asked him to detail who the "main enemy and competitor of the USA was in the world at the moment" …. "I think that we have many enemies. I think that the European Union is an enemy, with what they are doing to trade. Of course, you might not think of the European Union, but it is an enemy," deemed the American president.
7. In 2017 and 2018 90 million € were devoted to preparatory work, a pilot project to finance defence research.
8. Established on 11th December 2017 by all Member States except for Denmark, Malta and the UK.

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joint capabilities leads us to believe. When France invoked article 42.7 of the Treaty on European Union, i.e. the solidarity clause on 17th November 2015, following the terrorist attacks on Paris, every single Member State responded immediately, in one way or another. Some wanted to relieve France of its burden in Lebanon, others in Mali and gave real support by replacing our troops, deploying soldiers, providing equipment, etc. We simply have to imagine a hostile act against the territory or on the borders of a Member State to understand that European solidarity would in all likelihood become clearer and more spectacular than we might ever have thought. The problem is rather in times of peace, and the interests of our American allies to uphold NATO, the control of which they ensure. For a long time, they supported the development of a European pillar of the Alliance, but always saw to it that this never became a reality, and now they are hostile, as they face the wish for independence on the part of several of the continent's governments. It would appear that a European Defence security and governance treaty is certainly necessary to ensure the legal base of new types of cooperation in Europe, defence financing and their governance within the EU, thereby endorsing the goal of strategic self-sufficiency, notably regarding the USA. To guarantee their independence Europeans must accept to change dependency and choose to depend on each other, rather than rely on their grand, increasingly distant ally.

Finally, new issues have arisen in the European arena which are now difficult to avoid. The discussion over the copyright directive, in the wake of the adoption of the GDPR and e-Privacy projects raises the issue of the European model. In their majority Europeans do not share the ideas that result from the use of the new media as they are defined by the giants of Internet. Nor do they share much of the behaviour or many of the rules that the Anglo-Saxons have spread across the world. The monetisation of every human activity, the commodification of culture based on market rules are not part of European culture. Hence there is a clash between radically different conceptions regarding the respect of private life,

creators' rights and their fair payment, and the place of public cultural policies. For Europe, this is a fundamental battle, the continent where culture occupies a place in the organisation of life in society and personal fulfilment.

WHICH METHODS?

There remains the question of the method to employ to strengthen the European Union. There can be no doubt however that we shall have to accept breaking some taboos.

Since the adoption of the Lisbon Treaty, which replaced the European Constitution rejected by France and the Netherlands, the treaties and agreements between certain Member States have not been concluded in the same way or with all EU members. The Budgetary Compact (Treaty on Stability, Coordination and the Governance of the Economic and Monetary Union), for example is a non-community intergovernmental treaty whose vocation it is to integrate community law. The European Council has not ruled out interpreting the treaties, extending them, and even completing or changing them, according to its right provided by several clauses[9] or by a simple decision[10].

Hence, for the citizens, the treaties, decisions, protocols and annexes seem extremely complicated. Moreover, the multiplication of decisions and agreements "outside of the Union's framework" increases legal insecurity. For example, the Lisbon Treaty reserves the financial questions regarding defence spending to the Member States, ruling out the competence of the European Parliament, the Court of Justice and therefore the Commission and the Court of Auditors. But the decisions already taken by the Council and the European Parliament to create a Defence Fund, allocating appropriations to pilot-programmes in terms of defence research, come under the Union's joint law, and therefore "fall" under the control of the Parliament, the Court of Justice and that of the Court of Auditors. What would a State or business do if it deemed itself unfairly treated by the Commission? Evidently the treaties

9. So-called "bridging clauses" notably provided by article 48 TEU, which allows the European Council to decided unanimously that a specific issue will be subject to a majority vote. **10.** For example, the decision of the European Council 18th and 19th June 2009 providing Ireland with specific guarantees (one commissioner per Member State, upkeep of its neutrality etc …) thereby suspending the measure to reduce the number of European Commissioners provided by article 17 § 5 of the Lisbon Treaty.

will have to be modified so that these actions can be given clear, secure legal bases.

Very quickly it appears that the treaty method outside the purely community framework or decisions "outside of the treaties" would be difficult to maintain long-term. The risks of litigation, and divisions between States come in addition to the increased complexity of such practices, which leads us to believe that one day again, we shall have to discuss changing the treaty, even if this just means clarifying and consolidating the emergency decisions taken under pressure during the public debt crisis.

The very idea of changing the treaty, which for some has become a nightmare, since they are concerned about the response of public opinion, might quickly return to the political debating table due to the need for clarity. It will have to be prepared very carefully and include evident democratic virtues, but also significant diplomatic consequences.

Given the political divisions that have emerged between the Member States' governments and without any return of true confidence between them in view, the perspective of drafting new treaties will certainly revive discussions about a "two-tiered Europe". Which States would be prepared to start writing new treaties that include drastic amendments or new common policies? It is possible that solidarity will be put to the test by this kind of exercise. However, nothing can guarantee that this will not help form a minimal consensus, ultimately matching public opinion in Europe: European integration is a convenient scapegoat, especially in times of contestation against the established powers, but none can really leave or relinquish the protection it provides whether this is the "shield of the euro" or the generous structural funds which redistribute wealth.

If this is not the case, the only means left to overcome divisions will be the technique of "integrating via the example": some Member States which want to integrate further, to be more efficient in terms of satisfying public opinion, decide to do so on a

bilateral basis, remaining open to the others. This is how progress in the defence sector have been made possible, thanks to Franco-German cooperation initiatives from which the others did not want to be excluded. By signing a new cooperation treaty on 22nd January in Aachen, these two States also showed that they want to continue along this path.

Integration via the example[11] is a method that helps avoid lukewarm, unmeaningful compromises, in all events, ones that are difficult to explain to the citizens, which have become one of the Union's specialities. It makes progress possible in areas that are reputed to be blocked. On the Council's table for example lies the project to tax the digital giants, which is currently being blocked by some Member States, obliging the European Commission to suggest that taxation should be an area in which the majority vote should now prevail. France decided to tax the large American digital companies in 2018 and we might hope that other Member States will follow.

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In the prevailing political mood of spring 2019 the European Union must offer, now more than ever before, real results to its citizens, reasons to be proud of belonging to a unique political body in the world. This is why the number of courageous proposals for taxation, security and defence cooperation, amendments to common policies, like competition and the industrial policy will increase.

The Union and its institutions cannot respond using the usual methods. Demand on the part of public opinion is too strong. It is challenging national governments regarding the way they conduct their internal affairs. We might imagine that the period now beginning that will coincide with the renewal of the common institutions, will be a time of destabilisation and political division. Let us hope that i twill be one of creativity too.

Hence, we can rule out nothing as far as the consequences of this wave is concerned regarding the shape and content of an excessively diplomatic

11. *« Europe : l'intégration par l'exemple », Jean-Dominique Giuliani, in Ouest-France, 18th Novembre 2017*

Union, which may appear tired and outmoded, despite the results that it has produced. Aren't some observers speaking of a "refoundation"? Transiting over to a more political phase will require great deftness on the Member States' part, whose responsibility it is to take the initiative for reform. They will have to protect the Union's acquis, develop its assets and potential, but also, they probably will have to decides on some issues that have been taboo until now. These involve the shape of the Union, its borders, the content of its policies which must evolve, and in all likelihood, the treaties which govern it. A new European Union might be born. Does it have any choice?

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