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For a European Federation of Nation States¹

Jacques Delors' vision revisited

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Preface by Jacques Delors

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Synthesis by Yves Bertoncini, Secretary General of Notre Europe.



Gaëtane Ricard-Nihoul begins by discussing the French referendum held on 29 May 2005 and the victory of the "no" vote due in part to the fear of a "European federal state that would gradually take the place of the nation state to which the citizens quite rightly feel an attachment". While pointing out that, as a Belgian, she "does not see the nation state as being the state of a single nation", she stresses that her European ideal, while "federal", "does not mean the end of the nation state". Hence her support for the innovative vision of a "Federation of Nation States" formulated by Jacques Delors in the 1990s, which she sets out to analyse and to explore in greater depth.

This synthesis aims to summarise the main arguments and ideas expounded by the author².

1 -- The Story of a Formula and the Birth of a Concept

After recalling that federalism is a notion dating back to at least the 16th century, Gaëtane Ricard-Nihoul first discusses the way in which **the founding fathers of European construction steered clear of "orthodox federalist thinking"** even though "*their aspiration was indeed federalist in nature*". She goes on to examine the developments that led to "implicit federalism" (1950-1990), to "rhetorical federalism" (1990-2002), then to "taboo federalism" (2002-2008), and latterly to "slogan federalism" (since 2008) in the wake of the economic and financial crisis.

She points out that Jacques Delors only began to use the expression "a Federation of Nation States" in 1994, but that his earlier thought had gradually helped to forge the content of such a concept. In particular, she mentions a speech delivered in Bruges in 1989, in which Delors says: "*I often have occasion to resort to federalism as a method, including within it the principle of subsidiarity. I see it as providing the inspiration for reconciling what many consider to be incomptabile, namely the emergence of a united Europe and ongoing loyalty to our own nation, our own homeland; the need for a European power of a magnitude sufficient to address the issues of our time, and the vital need to preserve our nations and our regions as the source of our roots*".

Gaëtane Ricard-Nihoul quotes from another speech, which Jacques Delors made in 1992, that clarifies his intentions: "*Federalism has nothing to do with the way its adversaries describe it. As I see it, the federalist approach consists in classifying the levels of decisionmaking, in other words in making it quite clear who is responsible for doing what. It actually safeguards nation states and regions. And lastly, it encourages*

¹ Gaëtane Ricard-Nihoul, *Pour une Fédération européenne d'Etats-nations. La vision de Jacques Delors revisitée*, Essais, Collection « Europe », Editions Larcier, Avril 2012, 203 pages.

² The views expressed in this work are not necessarily those of Notre Europe.

subsidiarity (...) subsidiarity is a safeguard against Community turf-pinching, reassuring those who are concerned at the prospect of potentially invasive bureaucracy".

On this basis, Gaëtane Ricard-Nihoul argues that **"it was the proposal for a 'hard core' formulated by Karl Lamers and Wolfgang Schäuble in September 1994 that prompted Jacques Delors to adopt the concept of a 'Federation of Nation States' for the first time"** in an interview with daily *Der Spiegel* in which he says, in particular: *"A federal structure is the only kind of structure that could boost our clout with the rest of the world, yet without weakening either the nation state or member countries' domestic democracy. It clearly sets out who is responsible for doing what"*.

She discusses how the content of this concept was to be gradually expanded and popularised by its author, and how it was to "make its own way" over the next few years until German Foreign Minister Joschka Fischer eventually referred to in public in an address to Humboldt University in April 2000, after which the French authorities of the period rallied around it.

Gaëtane Ricard-Nihoul goes on to note that the concept of a Federation of Nation States was unable to serve as the basis for the Convention that drafted the blueprint for a "European Constitutional Treaty" because it was a relative innovation. She adds that while the recent *"crisis may have prompted a revival of the federal debate, it has done so in a rather vague way"*, so it actually appears to be all the more ***"urgent to revive the federal issue in earnest and to assume a context allowing the application of a federal model to the European Union – both to what it is today and to what it might become in the future."***

2 – The Federation of Nation States, an Incomplete Political Reality

Gaëtane Ricard-Nihoul is, in fact, astonished to note that ***"the political authorities continue to refer to a vision of federalism that has been broadly overtaken both by the reality of federations in the world today and by the parallel development in federalist thinking"***. Thus she endeavours to decipher both the content of a "Federation of Nation States" and the mobilising vision underlying the concept.

First of all, she reminds that **Jacques Delors distinguishes three kinds of European federalism, confirming that Jacques Delors' thought and action is concerned with the third kind:**

- **"full federalism"**, conceived in the 'thirties, *"which identifies the nation and nationalism, hence its radical mistrust of the nation state"*;
- **"militant federalism for a United States of Europe"**, which *"posits the existence of a federal superstate and terrifies those who associate the word federalism with centralisation and the creation of a supranational state"*;
- and lastly, **"federalism as a method"**, defined as *"a general system of power which keeps power at the human level and tailors its scale to fit the times"*.

Gaëtane Ricard-Nihoul goes on to specify that the concept of "federalism as a method" needs to be supplemented by a consideration of the political aims of the association and aggregation thus entered into. Yet she stresses that **the entire edifice of federalist thought is permeated with a dichotomy between "two kinds of structure: a federation and a confederation"**. After detailing the theoretical content of those two categories, she advises consigning that dichotomy to the history books, referring in particular to the work of Jean-Louis Quermonne and Maurice Croizat and to Olivier Baud's "Theory of Federation".

She notes that Olivier Baud *"overcomes not only the distinction between a federal state and a confederation, but also the factor that 'looms over that distinction', namely the concept of sovereignty"*, by promoting the concept of "Federation" which needs to be envisaged as a ***"process involving the aggregation of political entities, yet without that association leading to the merging of those entities in the newly created single entity"***. She stresses that in that connection there are **two factors which are crucial for us to be able to call a Union "federal"**: the compatibility of diversity or plurality in unity, which is the political foundation stone of federalism; and the way a federation is formed, because it has to be the result of a "pact among equals based on mutual trust". On that basis, a **"Federation" (with which the adjective "federative" is linked) is an entity consisting of member states on the one hand and of the "federation" on the other, the latter comprising the "federal" institutions as a whole.**

According to Gaëtane Ricard-Nihoul, **the European Union as it is today already has the features of such a "Federation of Nation States", although it is incomplete, because:**

- on the one hand, the field of implementation of Community law, a qualified majority vote in the Council of Ministers, bicameralism and the emergence of a European citizenship are all elements of a federal nature;
- while on the other, the member states' exercise of constituent powers, a member state's right to withdraw from the Union, the practice of unanimity and the breakdown of the executive functions between the European Council, the Council and the Commission are elements of a confederate nature.

In her view, it is perfectly possible to view this hybrid nature as a transitional solution ahead of the birth of a federation proper; but also to argue that the European Union is already a special kind of "Federation", in fact a "Federation of Nation States" – an option to which she affords priority by echoing Jacques Delors' contention that **it is better to "use what we already have" than to place our hopes in the "miracle of institutional innovation"**.

3 – Three Key Issues: Sharing Competences; European Government; and Democracy

After having drawn main principles of her theoretical overview, Gaëtane Ricard-Nihoul identifies the **three principal legal and political issues on which the debate over the deepening of the European Federation of Nation States focuses:** the sharing of competences between federal and federated entities; the method involved in governing Europe, which relates to the Union's capacity for making decisions; and lastly, the issue of European citizenship and democracy, which concerns the legitimacy of the European project.

First of all, she endeavours to **clarify the shareout of areas of authority within the European Union by citing a number of examples:** trade (exclusive competence), energy policy (shared competence), education (supporting competence only), and economic policy which the treaties have not classified under one of the three preceding headings but which *de facto* falls under the heading of "shared competence". For each of these policies she describes the substance of European action today and speculates on future paths for deepening that action on the basis of specific proposals and trends, seeking to combine the goals of efficiency and of legitimacy. She highlights the fact that it is the exercise of shared competence that spawns the greatest uncertainty regarding the respective roles of the European Union and of the member states, and in connection with which there is the greatest amount of substantive room for manoeuvre.

Gaëtane Ricard-Nihoul addresses **the "European government" issue** by stressing that the European Union has gradually shifted towards *"a modus operandi with which the European man in the street can more readily identify in terms of its legislative function, namely co-decision-making by two houses, one of which – the Council – represents the member states while the other – the European Parliament – represents the citizens"*. Yet she adds that **the exercise of the "executive function" remains far more complex because it is in fact shared between the Council, the Commission and the member states.** She points out that **the issue of the "political leadership" capable of personifying the European government is still an open one,** and that the creation of the position of stable president of the European Council has, if anything, actually *"underscored the problem of the European executive's duplication"*, drawing the conclusion from this that a merger between that post and the post of Commission president seems feasible. She also calls for a strengthening of the effectiveness of "European government", which presupposes an extension of qualified majority voting and a larger Community budget funded by specific new resources.

Lastly, Gaëtane Ricard-Nihoul stresses that **referring to the concept of a Federation of Nation States "allows us to steer the debate on democratisation no longer simply towards a reform of the European institutions but also towards democratic practice both within those institutions and between them and the national level"**. She argues that *"the national and European democratic spheres are not in competition with each other but that, on the contrary, they need to mutually fuel one another"* through a variety of channels: transparency in the work of the Council of Ministers when it exercises its legislative functions; interviews and articles by the political authorities in the media; a stronger role for national parliaments in monitoring the correct application by the EU of the principle of subsidiarity, and also in monitoring their

own governments' European activities; and conferences and debates between national and European parliamentarians.

She assigns special importance to the **"politicisation of European issues" with the aim of structuring the European Union's decisions and its citizens' choices on the basis of clearer dividing lines, putting an end to the consensus rationale broadly used at the Community level today.** In the "European Federation of Nation States", those dividing lines naturally tend to be governed both by the "territorial dimension", which reflects national interests, and by the "ideological dimension", which is proper to the political parties whose job it is to cause it to emerge and which must be primarily expressed in the European Parliament and in the national parliaments. And lastly, she argues the case for a **"living European citizenship"**, thus a more concrete form of citizenship. She reminds that if the Federation cannot live without unity, it also needs plurality. She therefore thinks that the Union cannot function democratically without fostering cultural diversity and without creating bridges between various cultural identities and expressions. She insists on the one hand on the need to facilitate mobility and exchange in the European area of free movement and on the other hand she calls for a strengthening of "European participatory democracy" thanks to a combination of stronger social dialogue and development of new tools like the new "citizen's initiative" mechanism.

4 – Organising Differentiation Within the European Union

Gaëtane Ricard-Nihoul stresses that it is highly unlikely in a Union of 30 states for *"the political wills of all of the member states to converge at the same time and to the same degree"*. Thus she argues that it is *"crucial to peg this plea for a Federation of Nation States to a debate on ways which the European Union might move forward along differentiated lines"*, pointing out that "differentiation" is one of the issues closest to the heart of Jacques Delors. She **notes that the European Union already rests on "variable geometry" cooperations and that differentiation can take on different shapes within that context**, ranging from closer cooperation to *opt in/out* clauses, or to transition periods ahead of full EU membership.

But she considers that it is *"necessary for political Europe to be forged around a group of countries that is clearly identifiable both to the citizen and on the international scene"*. After discussing the various formulas debated in that connection to date (a "vanguard", a "hard core", a "European confederation" and so forth), she plumps for the *"solution of a European Union with different borders from that of the Federation"*.

This differentiated integration should be implemented in a variety of spheres in *"which there will be no option but to move forward or risk undermining the credibility of the European continent as a whole: a minimum level of fiscal convergence, genuine cooperation in the budgetary sphere, a common energy policy, substantial mechanisms for preserving and encouraging cultural diversity, a strengthening of the internal market (including its social side), united external representation in the monetary sphere..."*. She argues that *"if the 27 do not have the will to move forward together, it is going to be necessary for a group of pioneer states to launch into the adventure themselves"* and she adds that **it is at the euro-zone level, or even at the level of a gravity centre within the euro zone, that it would be most logical to take things further** because the countries involved *"have taken a major step forward in adopting a single currency, which is in jeopardy today unless the EMU deepens its economic and political aspects"*. In her view, it is necessary **"to dare enhanced cooperation"**, a formula insufficiently adopted to date yet which makes it possible to move forward effectively, "united in diversity", in the context of the current treaties.

Gaëtane Ricard-Nihoul concludes her work by appealing for a revival of the spirit of the European dream and stressing that *"unless the political leaders are clear about the shape that this European dream is going to take in political and institutional terms, they will lose along the way even those citizens who evince a certain sympathy for the stated goals"*. Because it is both a reality and a vision, **she argues that the "Federation of Nation States" offers member states the prospect of a "second life in a globalised world", and the European construction process the promise of a fresh boost.**