

'The European Daisy' from Crocodile (October 1992)

Caption: In October 1992, after the completion of the internal market and the ratification of the Treaty of Maastricht, the monthly journal Crocodile assesses the situation in the European Union and emphasises the major problems with which it is faced.

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The European Daisy

Once the international market completed and the Maastricht Treaty ratified, the Union will be called upon to accomplish three strategic tasks:

- It must strengthen its economic and social cohesion, which alone will allow the people in the Community to associate themselves with the future construction of Europe and take an active part in that process thus making the Union a success.
- It must be willing and able to enlarge its membership beyond the twelve Member States, which can be a positive and healthy development in the interests of both the Union and of those countries seeking to join it.
- It must be the heart and prime mover of a Europe-wide order, in which peace and security, democracy and the rule of law, individual freedom and social justice, free markets and environmental protection are fostered and supported in the whole of Europe.

There are no clear objective criteria for determining the optimum or maximum size of the Union. No one can say how many Member States it can 'cope with' without risking paralysis or regressing into a mere free trade area. It is therefore impossible to lay down the number of Member States admitting of no further enlargement of the Union. No one can gauge the maximum absorption capacity which the Union could not exceed without bringing about its destruction, but it is indisputable that a limit exists.

The Community as presently constituted or, for that matter, as it will be constituted after the Maastricht reforms, cannot encompass enlargement neither contribute to a new European order. Without further reform, enlargement to include 15 or more Member States would sooner or later spell its destruction. The choice for the Union is consequently not between 'deepening or widening', but rather between 'deepening or dissolution'.

The danger for the Union's ability to act and cohesion does not lie in the fact that new Member States would on principle be less willing than the old ones to integrate, take decisions, or become part of a Community. It lies in the rising number of states involved in decisions, since this will inevitably complicate and prolong the procedures. It lies, too, in the structure of the Union's decision-making machinery, which basically draws more heavily on intergovernmental cooperation than on democratically ordered supranationalism.

If it is true that intergovernmental cooperation on European level is watering down parliamentarism in the Community as well as in the Member States, it is also true that institutional reforms cannot and must not be taken so far that, to preserve the viability of the enlarged Union, they destroy the basic on which democratically ordered European states can form a voluntary association. The only way to reconcile the desirable objective of deepening with the necessary process of democratisation will be therefore to strengthen parliamentary codecision and make for rigorous observance of the subsidiarity principle.

The point at issue is not MP's hunger for power or presage or the retrogressive claims of national and regional sovereignty: instead, the aim has to be to lay the essential foundations for a wider Union encompassing more than twelve Member States.

Far-reaching principles of this importance should normally be laid down in a constitution for the Union to assist in the drafting process. However, the guidelines and principles to help answer the institutional questions directly related to enlargement of the Union have to be set out. This has to be done before decisions are taken on any enlargement.

It will not be sufficient to exploit to the full potentialities of closer relations with the Community offered by Art. 238 of the EC Treaty via association agreements. There should be also the possibility of association with the Union in order to allow close cooperation in such areas as e.g. the common foreign and security policy and internal policies. However, neither enlargement of nor close association with the Union can be the exclusive perspectives for all European states.

The new political and economic situation in Europe, as well as general economic, scientific, technological, environmental and social developments, confront not only the Union but all European nations with new problems and dangers which they will no longer be able to tackle effectively with the traditional national instruments and claims to sovereignty.

These problems force the nations of Europe to engage in cooperation which cannot be confined within the framework of the European Union, even if it is enlarged to include 15 or more Member States. The solutions require Europe-wide cooperation. Indeed it may even be necessary to go beyond the continent's boundaries.

There is therefore a need for well-organized cooperation, for example, with Russia and the other countries of the former Soviet Union, the United States and Canada as well as the countries along the southern and eastern shores of the Mediterranean. These Europe-wide structures must be less integrationist, less supranational and more flexible than the Community's, and, if necessary, must also extend beyond the frontiers of the continent.

The Union must beware of entering a cul-de-sac at the end of which the European countries will be faced with the stark choice between accession, association or exclusion. European countries (and countries which feel European) that cannot become members of the European Union, or do not wish to join, must not be excluded from European cooperation. The Union must offer these countries new forms of cooperation outside membership.

Various proposals have been made for a 'European Confederation' or a 'European-Atlantic Community from Vancouver to Vladivostok'. A large-scale organization, based on international law, embracing all the European states and those that are associated with Europe's vital interests, would severely tax the will to cooperate, the solidarity and the ability to build democratic and efficient organizational structures of the countries involved.

Cooperation and the integration of interests in Europe must be swiftly, efficiently, pragmatically and flexibly organized. The Union should therefore develop a 'system of confederal cooperation in Europe' rather than a comprehensive pan-European confederation.

A system of this type would not be a classical confederation of states. Rather, it should be a Union of organizationally independent functional 'task-oriented confederations', that is, a number of multilateral ad hoc associations for close, formalized cooperation in tackling tasks recognized as common tasks, within specific Pan-European problem areas

The resulting cooperation would be termed 'confederal', because it would be long-term in nature and institutionalized and because, as far as necessary, it would go hand in hand with the joint exercise of sovereignty by its members. They would create closer links between participants than is the case with cooperation in other international organizations, and, at the same time, permit a European 'géométrie variable' that was not detrimental to the cohesion of the Union.

Both existing and newly formed organizations can be turned into those 'task oriented confederations'. Apart from the Council of Europe and the CSCE, which have specific political missions, they can be tailored to sectorial areas, such as large-scale, cross-border environmental protection and/or cooperation in specific areas of research and development.

They could also make use of existing instruments such as EUREKA, COST, ESA or the IAEO and the future Environment Agency to this end. The European Conference of Transport Ministers could be expanded and the European Energy Charter could be further developed. But task-oriented confederations may also be of a regional character, similar to the Baltic Council or the Alpine Convention. The system must remain flexible and it must be possible jointly to tackle new tasks at any time.

In any event, all participants in the 'system of confederal cooperation in Europe' must be prepared to

subscribe to basic values and aims, drawn up and guaranteed by the CSCE. On the one hand, the Union should be involved in every task-oriented confederation. On the other hand, it is not necessary for all European countries to participate in a particular task-oriented confederation; this would not damage European identity or have any adverse effects on Europe-wide cohesion. Even non-European countries could also participate in these task-oriented confederations.

This would make it possible to find the appropriate framework, compatible with the ‘geography of the problem’, where cross-border problems are concerned. The ‘system of confederal cooperation in Europe’ can and must also promote regional cooperation between different states to provide a counterweight to the actual fragmentation into increasingly small national and autonomous units we witness today.

The Europe-wide order would not be based on ‘concentric circles’ or ‘different speeds’. It would resemble a daisy with the Union forming the central disc and the Council of Europe, the CSCE, the Atlantic Alliance, the various task-oriented confederations and the Union’s associate states forming the petals.

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