



THE EU: A SOVEREIGN POWER FOR THE 21ST CENTURY?

TOWARDS A DUAL COPERNICAN AND SOVEREIGN REVOLUTION?

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EXECUTIVE SUMMARY

It is a legal paradox to talk about sovereign power in relation to the European Union. Since Jean Bodin, sovereignty has been defined as a power bound only by itself, a power that has what German jurists instructively describe as “competence-competence”, something that the European Union is far from being able to claim.

In fact, in the language used by our leaders and commentators on public life, there is almost an equivalence between the concepts of European sovereignty and independence. It is not a question of confiscating the powers of Member States to the profit of the Union, but of putting the European Union and its member nations in a position to effectively resist the threats, constraints and competition that challenge, surround and besiege it from the outside.

This entails that the leaders and citizens of the Union must adopt the principle of a dual Copernican and sovereign revolution, that profoundly modifies the balances of the initial pact concluded between Member States.

Social Media summary

In the 1950s, Europe had both an external adversary and an external guardian. Its role was the exercise of soft power. In the 1990s, it thought it no longer had an adversary and that the time had come for the exclusive reign of soft power. Today, it finds itself in a threatening environment with an uncertain guardian: soft power is no longer enough.

Keywords

#sovereignty #authority #power

Short bio

President of the Committee on Foreign Affairs, Jean-Louis Bourlanges has been a Member of the French Parliament for the Hauts-de-Seine since 2017. A professor of literature, alumni of the French National School of Administration, and former associate professor at Sciences-Po, he is an honorary Master Counsellor to the French Court of Auditors.

He was a Member of the European Parliament (1989-2007) where he was President of the Committee on Budgetary control, General Rapporteur on the Budget, President of the Committee on Liberties, Member - and then President- of the EU-Poland Joint Parliamentary Committee. He regularly takes part in the podcast “Le nouvel esprit public” by Philippe Meyer, published on www.lenouvelespritpublic.fr



The theme of EU sovereignty was raised by Emmanuel Macron during his 2017 French Presidential campaign and has since become part of the public debate, with impressive energy and momentum. The quest for sovereignty has taken over from the celebration of the peace found in the defence and illustration of the real or potential conquests of the European venture.

It is, however, a legal paradox to talk about sovereign power in relation to the European Union. Since Jean Bodin, sovereignty has been defined as a power bound only by itself, a power that has what German jurists instructively describe as “competence-competence”, something that the European Union is far from being able to claim. In fact it only has limited and revocable powers of conferral, which are expressly delegated to it by the sovereign Member States. Therein lies the essential difference with Abraham Lincoln’s United States: when the Southern states were refused the right to secession it is precisely because the Union considered itself sovereign and, therefore, denied the sovereignty of its constituent States. In Europe, the Treaties proclaimed, in the name of the sovereignty of the partner States, the right of each of them to secession, and the United Kingdom decided to use that right in circumstances that we are well aware of.

The paradoxical nature of reliance on such a concept is reinforced by the gradualism of the European venture, which is reflected by a highly progressive and diversified procedural development of the process of devolution of powers, as well as by the very partial consecration of the principle of subsidiarity. This certainly doesn’t formally exclude the exclusive concentration of legitimate power in the hands of a single public body, but nevertheless depends upon a requirement of fragmentation between the different levels - global, European, national, regional and local - of the exercise of public authority. The principle of subsidiarity seriously erodes the idea of public authority which, whether national or European, is both single and indivisible. It is clear, moreover, that power sharing between the European Union and its Member States explicitly or procedurally excludes sovereign powers from the scope of the Union’s authority.

Equally, as with the example of President Macron, when one evokes European sovereignty one does so by giving the concept a meaning that has little to do with law and much to do with politics. In truth, in the language of our leaders and commentators on public life, there is almost an equivalence between the concepts of European sovereignty and independence. It is not a question of confiscating the powers of Member States to the profit of the Union, but of putting the European Union and its member nations in a position to effectively resist the threats, constraints and competition that challenge, surround and besiege it from the outside. This entails that the Union’s leaders and citizens must adopt the principle of a dual Copernican and sovereign revolution, that profoundly modifies the balances of the initial pact concluded between Member States.



A Copernican revolution: Europe at the centre of the world

This seemingly simple idea has considerable potential effects that have not yet been sufficiently quantified and considered. Up until the end of the Cold War, Europeans were able to live in NATO's geostrategic bubble, to which they devoted only limited resources compared to those of their great American ally. In this context, the main purpose of the European structure was to facilitate discussions and peacefully manage conflicts of interest between these actors. The European Community's main purpose was to establish relationships of trust, mutual respect and legally organised cooperation between its Member States. So the EEC was not concerned with managing political relationships, tensions and conflicts between Europeans and the rest of the world, because that was essentially the business of the United States and NATO. The Community's mission was mainly exercised within its borders, except for trade relations conducted in a multilateral framework on the basis of a general consensus of free trade. This is why it always preferred peace to power, but peace first and foremost among its Members, combined with a simple policy of openness toward an outside world which would lead, when not challenged by NATO, to a promising expansion of its own principles and values. In short, the Americans were our allies and protectors, including of the neutral States, and the Russians were our adversaries; so it was up to the Americans to protect us from them and allow the European bubble to exist peacefully and lawfully.

In short, the Union of Europeans saw itself as the precursor to a universal community that was patiently but inexorably building itself through an open-ended process of contagion and absorption, that would end with the achievement of the eternally-betrayed promise of the League of Nations and the UN. Yet it found itself suddenly confronted by the need to imagine its future differently and to identify itself as a distinct community in a seemingly irreducibly pluralist world.

Why has the Union's mission statement been so profoundly modified in just a few years? There are many explanatory factors. Here we highlight what we feel are the three main elements:

- **the failure of the West to impose its model** in the wake of its knock-out victory over the Soviet Union. The void created by the fall of the Soviet Union was not filled with the righteous UN-style liberalism that Europeans had prophesised, but instead unharnessed forces resolutely hostile to what we had thought was humanity's common treasure, particularly in the Middle East and China. We did not seek out a war of civilisations, but it is more evident each day that one is being forced upon us. Our system of values is being threatened by all the world's "-crats": dictatorships now don various guises - *democrats, theocrats and technocrats*, in particular - but share the same hostility towards the liberal, democratic and social model that is the basis of the European Union's common identity. The aversion to the European model seems also to be the sole unifying element between States as diverse as China, Russia, Iran, Turkey and, alas, to a certain extent, Hungary.



The Afghan failure is tragically illustrative: it is, of course, a geopolitical failure by the United States and the coalition, but it is also a complete and violent rejection, by a significant segment of humanity, of our system of values.

- **the overwhelming effects of the climate crisis.** This is indisputably the greatest challenge facing the international system. The violence of its impact and the major geographic inequality of the damage suffered by populations, together promise a terrifying authoritarian drift by States and a relentless destabilisation of international relations. The sacred selfishness of Nations seems likely to have a promising future! The ravages of this escalating conflict will inevitably upset our relationship with the world, particularly that of Europeans. We must manage immense tragedies and allay conflicts in which the very survival of certain peoples, who are inescapably more critically affected than others, is at stake. The climate crisis will have no winners, however there will be inequality among the losers, and this inequality poses a serious threat.

- **global geopolitical upheaval.** What Barack Obama called the “pivot” of American strategic interests from the Atlantic towards the Pacific, in combination with China’s vertiginous increase in power, has been the trigger for a partial, gradual, hesitant but undoubtedly structural and already very significant disengagement by the United States from the “near abroad” that was the European Union (the Middle East, the Mediterranean region, Africa) and from Europe itself, which has become more competitive than fraternal in the eyes of many Americans. Thus, from the Polar circle to southern Africa, what we might call a vertical void has been drawn, that nobody intends to fill if the Europeans do not. Afghanistan perfectly illustrates the problem; the Americans withdrew and it was the Europeans, close and passive observers, who first felt the consequences of uncontrolled migratory movements, massive drug production and the reconstruction of a sanctuary for terrorists.

In short, in the 1950s Europe had an external adversary and an external guardian. Its role was the exercise of soft power. In the 1990s, it thought it no longer had an adversary and that the time had come for the exclusive reign of soft power. Today, it finds itself in a threatening environment with an uncertain guardian: soft power is no longer enough.



A sovereign revolution: strength and peace

Europeans are thus condemned to collectively experience the teaching of Saint-Exupéry: “love does not consist in gazing at each other but in looking outward together in the same direction”. To quote SNCF [the French national rail operator], it is perhaps dangerous “to lean out”, but doing so is now inevitable! The Copernican revolution requires building an outward-facing Europe. Facing outward bears a heavy cost: it prevents the Union from continuing to think of itself as a universalising construct, confident in the ultimate attractiveness of its model. Seeing the “end of history” boldly celebrated by Francis Fukuyama unveiled before its very eyes, the Union has lost the right to the restored innocence that it so ardently reclaimed from the ruins of the Second World War.

The new European Union is condemned to live with what it had hoped to reduce: the hostile alterity of the outside world. It must, therefore, consider its borders rather than celebrate an indefinite expansion.

The sovereign revolution involves three series of major systemic changes. Europeans must reconsider the **political principles** behind their actions, the **institutions** that make these actions possible and the **priorities** that they must assign to them.

- In terms of **principles**, old Europe preferred the universal to the specific, values to interests, reason to representation, exemplarity to reciprocity, consensus to compromise. Those times are past. Today, it must not destroy what it loved but acknowledge what it has ignored.

The Union need not put aside its former self and renounce the humanist values of peace, liberty and solidarity that have underpinned it since 9 May 1950, but it must adhere to them in an ebb and flow with a reality that rebels against them; this ebb and flow in which Max Weber saw both the essence of politics and its irreconcilable tragedy. The European Union will recover its sovereignty, i.e. its autonomy, its creativity and its radiance, only if it adds, dare I suggest, a little Dr Kissinger to its Dr Schweitzer, to recognise and accept the inherent tragedy in every great political undertaking.

- Unwilling as Member States have been to enter the **arena of institutional reform**, it appears inevitable that they must do so. In the institutional system designed by Jean Monnet, authority was given to knowledge, knowledge that was formed of three categories of rational actors: the supranational experts of the Commission, the national technocrats of the Council of Ministers and the specialised jurists of the Court of Justice. The people, their representatives and their passions were carefully held at bay, outside the decision-making system.

Contrary to oft-voiced opinion, this technocratic Europe, this circle of Reason, was very much called into question by the democratic revolution arising from the Maastricht Treaty. The Commission ceased to be a closed circle of experts and became a community of European policy-makers. The election of the European Parliament with universal suffrage and its ever-closer association with legislative action and the control of the Commission introduced a principle of representation into the system that, until then, had been unduly excluded. However, it must go further.



The denunciation of the democratic deficit misses its target in denouncing the imagined disregard of the “demos” for the common institution, when it is the failures of the “crats” that point to the powerlessness of the European people and their inability to exercise the powers devolved to them with the necessary force and authority.

The demands of confrontation-cooperation with the rest of the world imply strengthening the Union’s public authority. Institutional immobility guarantees the political shipwreck of tomorrow’s outward-facing Europe. In institutional terms, the most immediate priorities concern devolution and management of the Union’s fiscal resources and budget allocations. It is no longer a question of pitting prodigal and penny-pinching States against each other, but about building genuine European budgetary power, democratically organised, and equipped and operated with appropriately increased rigour. This is the condition for an increase in European capacity for influence and action.

- **The European Union must finally modify its agenda**, ceasing to focus on the development of what Montesquieu termed “gentle commerce”, i.e. the indefinite extension of peaceful, legally binding discussions in a world permanently purged of conceited passions and the “libido dominandi”. Without abandoning its historical priorities, an outward-facing Europe must now place everything that contributes to strengthening its **power** at the core of its ambitions. It is not just about adding an article “on defence and military security” to its handbook, like an extra bauble on a Christmas tree. All of its civil policies must be reoriented around **four main priorities**:

- **Demographics.** Europe is physically disappearing. It can no longer be resigned to, nor dependant for survival upon, the sole contribution of an immigration that is difficult to integrate, that galvanises it in many respects but that, without a strong integration policy, divides and destroys it. Demographic policy must be able to stand on its two natalist and migratory feet.
- **Technology.** The ambitions of the Lisbon European Council, laid out at the beginning of the century, have not been achieved. Europe has lost the battle on data and semi-conductors. It must not allow itself to fall behind in biotechnology, artificial intelligence, cyber strategy and the development of tomorrow’s carbon-free energies.
- **Compliance with the economic and commercial rules of the game.** Rejection of protectionism, a cardinal value and major developmental issue for Europeans, must not lead us to ignore the fact that competition between the world’s regions will be increasingly less gentle and peaceful as natural resources - starting with water - become rare or even exhausted. European leaders are now required to implement a generalised, permanent revision of their value chains that compels them to pursue a balanced twofold approach: re-localising the most threatened strategic activities and establishing reliable, lasting and balanced partnerships with trusted States. European access to “rare earths” is an especially acute question, given the highly concentrated nature of the resource.
- **Management of climate change.** We have mentioned the potential effects of global warming. Clearly, the European Union and its States must prepare to face them with strength, generosity and from a position of unity. Opulent, coveted Europe must, in particular, be capable of managing migratory pressure of unknown proportions and must do so with all the more energy given that the Mediterranean area that borders it to the south will, according to IPPC predictions, be one of the areas of the world most disrupted by global warming.



Logic suggests that the sovereign revolution must rapidly translate into the edification of a defensive Europe, even a European army. However, the Union must be the least suitable institution imaginable to achieve such a feat. There are two reasons for this: the area pertinent to European defence remains, despite American uncertainty, the Atlantic region and not the European area. Defence, that greatest possible commitment of a collectivity, must in the eyes of all Member States remain the exclusive prerogative of sovereign States. This constraint will long oblige us to consider and manage the Old Continent's military security within NATO's multilateral, Atlantic framework, but it does not exempt the European Union from the need to actively seek means of independence through technological acquisition. Neither does it exclude the implementation, within NATO, of structured cooperation that allows Europeans alone to manage conflicts that mainly concern them and to escape the obligation to work with a Turkish partner that is showing itself to be progressively more threatening than supportive.

One must understand that the twofold Copernican and sovereign revolution imposed upon us by the emergence of the new world, entails for the European Union's partners a forceful effort of moral and political adaptation to needs not initially their own. The battle is therefore far from being won. Realism and ambition both require that together we secure what we might call **a sovereign power of a civil nature**. Between an outdated "fantasy" Europe and a brutal, neo-Bismarkian utopia, there is room for the development of a Europe able to meet the technological, economic, demographic and ecological challenges of power, without giving in to the dizzying attractions of egoism, violence and war.