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TOWARDS EUROPE 2007 IDENTITY, INSTITUTION-BUILDING AND THE CONSTITUTION OF EUROPE

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ÖZET

Bu makale, 7-11 Aralık 2000 tarihlerinde Nice'de yapılan Avrupa Zirvesi kararları ve ortaya çıkan kurucu antlaşma değişıklığı taslak metnının içerdikleri ve açıkta bıraktığı sorunların Avrupa Butunleşmesının geleceği uzerıne ortaya koyduğu ıpuçlarını değerlendırmektedır Bu çerçevede savunulduğu uzere, Avrupa Bırlığı'nde kurumsal yapı reformları nıhayete ermekten uzak gorunumdedır Bu bağlamda, federalıst yaklaşımların bır yandan yeni genişleme surecının hızlanarak surduğu, ote yandan da globalleşmenın hız kazandığı gunumuzde, Avrupa Butunleşmesıne ıvme ve meşruıyet kazandırmanın en geçerlı yontemı olacağı fikrı savunulmaktadır Ancak, bu yonde gerekli olan kurucu antlaşmaların anayasalaşması ile bu sureçte ABD'nın deneyımlerının model teşkil etmesı, Avrupalılık kımlığının belırlenmesı ve guçlendırılmesı yonundekı adımların atılması gıbı hususların Avrupa çapında guçlu bır polıtık lıderlığın gosterılmesıne bağlı olduğu vurgulanmaktadır Makalede savunulan goruş uyarınca, AB'nın sınırların kalkığı ya da zayıfladığı kureselleşen yeni dunya sahnesinde aktıf rol oynaması federalıst yaklaşımın benımsenmesınden geçecek, rasyonel kaynak kullanımı ancak bu şekılde mumkun olabılecek, Avrupa seviyesinde farklı kımlıklerın korunmasının guvencesını de daha fazla butunleşme teşkil edecektır

I. A new debate about "finalité politique" and the poor results of the Treaty of Nice

The European Council in Cologne (June 3-4, 1999) had defined the mandate for the Intergovernmental Conference 2000. Four issues were to be resolved:

- size and composition of the European Commission,
- weighting of votes in the Council;
- extension of qualified majority voting in the Council;

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- further changes in the EU Treaties as far as they are related to the EU institutions in the context of the three issues mentioned.

The European Council in Nice (December 7-11, 2000), the longest and may be most problematic one in the history of the European Union, took – inter alia - the following decisions:

1. As of January 2005, the Commission will be limited to 27 Commissioners, thus leaving one Commissioner for each Union State.

2. As of January 2005 a re-weighting of votes of current and future Union members will take place. Germany, France, Great Britain and Italy will have 29 votes each, thus leaving a formal equality between France and Germany. Qualified majority will be reached if 255 of 342 weighted votes have been casted. The population will also be weighted. It will be necessary to find support of 73,5 percent of the population for a qualified majority (at current 71%). The new blocking majority will consist of 89 votes and 38 percent of EU's population. This complex voting compromise might make it more difficult than ever to achieve results while in fact new veto mechanisms have been added.

3. In 40 out of 70 articles of the EU Treaty, qualified majority will be replacing the principle of unanimity. The most relevant policies - such as tax harmonisation, asylum and immigration policies and foreign trade decisions over services - remain dependent upon unanimous decisions by the EU Council and thus prevent the European Parliament from its right of co-decision.

4. The Charter of Basic Human Rights of the EU has been approved by the Council without including it into the Treaty system; this will prevent it to become judiciable.

5. Germany with the largest population among Union States will maintain 99 members of the European Parliament, while France, Italy and Great Britain will be reduced to 87; Spain and Poland, as will be the case in the weighting of votes in the European Council, will be treated equally.[1]

The ratification of these decisions will take place in 2001/2002. The results of the Nice summit were criticised on all possible accounts. But after all, a compromise was found, no matter how deplorable the lack of "esprit européen" has been during the negotiations. The results of Nice open the way for the beginning of EU Enlargement after the ratification of the Treaty of Nice, which means as early as 2003.

[1] Treaty of Nice. Brussels 14.02.2001, in: <http://ue.eu.int/cigdocs/en/cig2000-EN.pdf>

This result proves that "deepening" and "widening" of the European Union remain intrinsically related, as has always been the case since the founding of the European Economic Community in 1957. The process of institution-building in the European Union has certainly not come to a close. The left-overs of Nice are difficult enough. The Nice decisions have only shown the need for further and substantial institutional reforms in the European Union. In fact, the EU is forced to link a continuous commitment to its constitution-building with the rapidly approaching enlargement to Central and Eastern European countries

– better: the anchoring of post-communist reform countries in the West. Further institutional adaptations and a definite enlargement towards Central and Eastern Europe force the EU to find ways and means to efficiently work with 27 or even more Union States and to make the EU capable of playing its role in the world of the twenty-first century.

The European Council in Nice has initiated further constitutional debates which will lead to a new Intergovernmental Conference, taking place in 2004. Its agenda is obvious: the inclusion of the Charter of Basic Human Rights into the EU Treaties;

- the simplification of the EU Treaties in order to increase their legitimacy;

- the ordering of competencies between the vertical and horizontal layers of governance in the European Union;

- the future role of national parliaments in the European architecture.[2]

To achieve substantial results will first and foremost be a challenge to the political leadership in Europe. Academic reflection on all issues mentioned has already produced a huge amount of insights and options. Technical solutions will however depend upon political consensus regarding the principles at stake. The real issue facing the EU in the midst of its most ambitious project since the start of the integration process in 1957 is the question of leadership. The Council of Nice and the overall manner of the debates during the Intergovernmental Conference 2000 attested to the fact that Europe is going through a period of leadership vacuum. While crises have often been productive intervals in the history of European integration, the current situation is of the highest possible dimension.[3] Nothing less than the notorious "finalité politique" has been part of the EU debate since German Foreign Minister Joschka Fischer's speech on May 12, 2000 in Berlin. French President Jacques Chirac discussed the Fischer initiative in a speech

[2] "Treaty of Nice. Brussels.14.02.2001", <http://ue.eu.int/cigdocs/en/cig2000-EN.pdf>. Declaration on the future of the Union, SN 1247/1/01 REV, p. 167.
[3] See Roman Kirt, **Die Europäische Union und ihre Krisen**, Baden-Baden 2001.

to the German Parliament on June 27, 2000, while Poland's Foreign Minister Wladislaw Bartoszewski commented on the issues leading to a "new finalité" of the European Integration process in a speech in Brussels on July 25, 2000, thus voicing the opinions of the biggest candidate country to the Union.

Fischer set the tone, commemorating the fiftieth anniversary of the vision of Robert Schuman for a "European Federation" as a "response to centuries of a precarious balance of powers in this continent which again and again resulted in terrible hegemonic wars culminating in the two World Wars between 1914 and 1945".[4] To all the complex issues which are still defining the methods and limiting the capabilities of the EU, Fischer gave "a very simple answer: the transition from a Union of states to full parliamentarisation as a European Federation".[5] Fischer made clear that this "means nothing less than a European parliament and a European government which really do exercise legislative and executive power within the Federation. This Federation will have to be based on a constituent treaty".[6]

French President Jacques Chirac, in responding to Fischer a few weeks later, stated that the nations of Europe will remain the most important point of reference for the European people: "Our nations are the source of our identities and our roots".[7] But, he concluded, it would be absurd "to deny that they have already chosen to exercise part of their sovereignty jointly and that they will continue to do so, since that is in their interest".[8] Chirac seemed to react in a rather defensive way to Fischer's vision, but surprised his German audience with a clear commitment to a more democratic Union: "The task of building Europe has, to too large an extent, been solely that of leaders and elite. It is time our peoples once more become the sovereigns of Europe. Democracy in Europe must be more dynamic, particularly through the European Parliament and the national parliaments"[9] He requested a new order of competencies between the different levels of governance, without fixing these competencies forever. Chirac defended the principle of subsidiarity as a guide-line for further consolidation of the EU.

Poland's Foreign Minister Wladislaw Bartoszewski commented on both Fischer's and Chirac's speeches while speaking in Brussels, the emerging capital of the EU, and as such the target and hope for Polish aspirations to membership. He expressed scepticism about the noble task to define once and for all the finality

[4] Joschka Fischer, "From Confederacy to Federacy – Thoughts on the finality of European integration", <http://www.auswaertiges-amt.de/6-archiv/2/>, p.1.
[5] **Ibid.**, p. 6.
[6] **Ibid**; on the debate: Christian Joerges/Yves Meny/J.H.H. Weiler (eds.), What Kind of Constitution for What Kind of Polity? Responses to Joschka Fischer, European University Institute, Fiesole 2000".
[7] "Address to the Bundestag in Berlin by French President Jacques Chirac on 27 June 2000", <http://www.presidence-europe.fr/pfue/static/access6.htm?nav=6>, p.3.
[8] **Ibid.**
[9] **Ibid.**

of EU reforms: "Because in a constantly changing world shrunk to the size of a global village, it is difficult to imagine an institutional 'ultima ratio' being accepted which would allow the European Union to face all the challenges of the future"[10] He pleaded to include the candidate countries in the next steps towards institutional reforms. He explained that they are skeptical about any enforced harmonisation, since this method destroyed freedom under the totalitarian regimes. Bartoszewski argued that it might be possible to combine the nation states into a European Federation "providing that Europeans themselves want it".[11] To fulfil the vision of the founding fathers, "we must not only finish the process of uniting the continent but also try to strengthen the European identity of its citizens to create a new sense of belonging".[12]

While it seems that Joschka Fischer somehow tends to portray himself as the heir to Helmut Kohl's visions for Europe, he nevertheless put his personal mark on his discourse by questioning the "Monnet method" of gradual communitarization of the European institutions and policies. He was joined in doing so by Wladislaw Bartoszweski. But how different would the "reinforced cooperation" be – which Fischer favoured and Bartoszewski agreed upon as long as it would not provoke misunderstandings among states and peoples remaining outside of what Jacques Chirac in his speech has called the "avant-garde-group"[13] – from the "Monnet method"?

Is the "Monnet method" really so different from concepts of "avant-garde" and "reinforced cooperation"? Functional and incremental gradualism, the core of the "Monnet method" has always been based on a vision but has likewise been realistic enough not to suggest a "big bang" to integrate Europe. In territorial size (beginning with 6, later joined by 3, by 1, by another 2 and finally another 3 countries during four waves of enlargement between 1973 and 1995) and in scope of policy (from a customs union to a common market, from a European currency snake to EMU and the EURO and from the "Schengen" regime in justice and home affairs to coalitions of the willing and the able in the field of Common Foreign and Security Policy) – what other than "avantgardist" was the implementation of the "Monnet method" at all times? Will "reinforced cooperation" produce different realities? How can one explain that the EU, in spite of specific provisions of the Amsterdam Treaty, has not applied the complicated mechanism of reinforced cooperation a single time since the Treaty's ratification in 1999 even though it has often had the chance of doing so? What could "finality" truly mean but a sense of direction, a political perspective and an orientating vision? The Apostle Paul,

[10] Wladislaw Bartoszewski, "Vision and Potential for a New Direction in European Integration. Speech at the Center for European Policy Studies", Brussels, on 25th July 2000, <http://www.ceps.be/Commentary/Webnotes/072500.htm>, p. 2.
[11] **Ibid.**, p. 5.
[12] **Ibid.**
[13] "Address to the Bundestag in Berlin by French President Jacques Chirac on 27 June 2000", <http://www.presidence-europe.fr/pfue/static/access6.htm?nav=6>, p. 5.

writing in his letter to the Corinthians (book 1, chapter 15), warned that ultimate salvation will not be achieved on this earth, a lesson to be learnt by all materialistic and technocratic engineers in the worldly exercise of politics

II. Parameters for the future agenda of institutional reforms of the EU

It seems to be unrealistic to assume that in its current state, the progression of doing business in the EU would remain anything other than gradual It might be facilitated, if necessary, by "reinforced cooperation", i e an avant-garde concept which enables further steps toward integration without waiting for the last skeptics in the chain All efforts which were put into the framing of the notion of "reinforced cooperation" during the decade after the Maastricht Treaty were meant to undermine the veto-capacity which individual Union States still hold In this regard, the key to make "reinforced cooperation" work effectively whenever needed, is the abolishment of any veto rights in the relevant decision-making processes In this regard, the European Council of Nice produced meagre results since the most crucial question of all – the principle of majority voting as norm of future decision-making in the EU Council – was not recognised in exactly those policy fields were it would truly be needed in order to enable reinforced cooperation in the EU

As far as the criticism of the "Monnet method" is concerned, the discussion seems to be somewhat artificial Monnet (and the other founding fathers of the unique project of European integration) had a vision – peace and prosperity for the continent – which began to materialize based on a limited number of states and a limited scope of content The number of states involved and the policies included have increased over the years But even the two most ambitious EU projects in the early years of the twenty-first century – enlargement and the development and implementation of a common foreign and security policy – can be seen as updated requirements for fulfilling the original visions of peace and stability for Europe

More important than artificial reflections on the need to change the method – politics just does not provide for any other means but incremental gradualism, whereas it requires clear visions and goals in order to properly guide the next steps– is the need to identify the most important priorities and hence the next appropriate steps in order to head in the direction of a European federation Even the debate about "federalism" can easily get stuck in a semantic tower of Babel [14]

[14] See Klaus Otto Nass, "Verpont und vergottert Der Foderalismus wird zu einem Strukturprinzip der Europaischen Union", **Frankfurter Allgemeine Zeitung**, No 302, 30 12 1997, p 9, Peter-Christian Muller-Graff, Europaische Foderation als Revolutionskonzept im europaischen Verfassungsraum?, **Integration**, Nr 3/2000, p 157, Heinrich Schneider, "Alternativen der Verfassungsfinalitat Foderation, Konfoderation – oder was sonst?, ***ibid***, p 171, Beate Kohler-Koch, Ziele und Zukunft der Europaischen Union Eine Frage der Perspektive", **ibid**, p 185, Frank Niess, Das „F-Wort"

Surprising, however, is the fact that while the process of European integration has clearly become more intense over the years and has an increasing effect on the Union citizens, the terms used and applied to understand and identify the process and its effects have increasingly become diffuse and unspecific, their mood even fearful and timid. Overburdening the "federalism"-debate with the search for an ultimate notion of "finality" might not work as a successful panacea neither for solving the conceptual differences between those favouring supranationality over intergovernmentalism nor for overcoming the more daunting tasks of progressing "from here to there".

The debate about "federalism" is nevertheless all too often overshadowed by the false notion that "federalism" equals "centralization" and the destruction of pluralistic identities through harmonized homogeneity. Based on the experience with federal states such as Switzerland, Germany, Belgium or Austria, the opposite is true. The experience of history in these European countries holds that federalism is inconceivable without an applied form of subsidiarity. The purpose of a federation is to support diversity, i. e. cultural and social differences, to acknowledge and preserve identity by simultaneously discriminating against the bigger partners of the federation and favouring the smaller ones.

In order to realise these goals, a federation must overcome the voluntary base of a treaty system, which can at any time be renounced by its most powerful parts. It must become an expression of shared destiny and common interests; this is feasible only on the basis of shared values and historical insights, common goals and mutual interests. Europe is heading towards such a federation, no matter how much resistance there is against truly acknowledging what has already developed and regardless how many more years (and crises) this might still require.

Any serious analysis of the European integration process has to recognize that its patterns in history have been as much linear as they have followed dialectical bumps; they have been full of visions and of mud-slinging, full of package deals and cherry-picking. Nobody can argue convincingly why this might be different in the twenty-first century. It is therefore necessary to identify key priorities for turning the EU into an efficient, transparent and capable actor in world politics instead of remaining trapped in fruitless debates of not more than academic relevance. As much of an artificial nature as the debate on the need to change the method of integration (which would mean nothing less than changing the method of politics as such) is the discussion about a presumed contradiction between the EU as an elite project and the EU as a citizens' project. The "network"-rhetoric of many of the current debates about governance in the EU focuses too much on participatory principles, abstract notions of legitimacy and hope in the self-

Europäische Begriffsverwirrungen, **Blätter für deutsche und internationale Politik,** No. 9/2000, p. 1105.

organisation of civil society. "Good governance" has, however, as much to do with accountability, transparency and clarity about the relationship between competencies and the mandate to act accordingly.[15] Elites tend to call for citizens' participation whenever they are uncertain about their goals, confused about the right instruments and their impact, and somewhat incapable of explaining their own decisions convincingly. The debate over network governance is therefore the opposite of what is needed in a well-governed EU and the opposite of what is required in terms of personal and institutional accountability for increasing the legitimacy of the EU. Connecting properly with the people and thus enhancing legitimacy requires leadership and accountability. The semantics of "network-governance" will only blur it.

To gain public support in this most challenging "period of transition" (Jacques Chirac) requires the will to political leadership among those who are responsible for defining, deciding and explaining policies in the EU. It is tragic that substantial reforms seem to be made in the EU only in a situation of crisis or under external pressure. Leadership qualities require a change of this mechanism, which is increasingly delegitimizing democratic procedures and decision-making processes – as is visible in decreasing voters' turnout and the inclination towards populist parties. The alternative must be based on clear principles capable of guiding the upcoming debate about competencies in the EU governance system. Some necessary principles are evident:

- clear accountability of responsible actors;
- transparency of decisions and their implementation, including fiscal consequences;
- predictability of political structures;
- improvement of participation;
- increase in the decision-making abilities of all levels and organs;
- *maintenance of Union solidarity.*

A rearrangement of any order of competencies has to follow these principles if it shall enhance political legitimacy through increased responsibility and effectiveness. With regard to the debate about competencies, the principle of subsidiarity as enshrined in the Maastricht Treaty clearly has to be made more specific. It is necessary to define the parameters of a basic or frame legislative order instead of defining all details, which can only – as seen in the context of the common market "acquis" – lead to fruitless debates about the right to execute

[15] See also Marcus Höreth, **The trilemma of legitimacy. Multilevel Governance in the EU and the Problems of Democracy,** ZEI Discussion Paper C11 Bonn, Center of European Integration Studies 1998.

regional competencies on competition policy. The core competencies of the EU will have to include:

- a Common Foreign and Security Policy, which includes generating a European Chief of Staff, a European army (at least for purposes of crisis prevention) and eventually a EU Commissioner for Defence, but, what would be more important, common strategies and visible actions;

- an immigration and asylum-policy, which defines common criteria for immigration and establishes a visible European Border Force;

- internal security and law enforcement, particularly in fighting organised crime with the help of Europol;

- tax policies and economic governance as far as the consequences of the EURO require common minimal standards, including standardised indirect taxations, but without harmonising income tax rates;

- the common market, without preventing competition, and therefore accepting regional diversity rather than trying to prohibit it by too mechanistic and rigid measures of competition policy.

Competing legislature between the EU and the Union States should be possible. It seems also visible to improve the scope of action of the EU through the creation of a EU tax – instead of combining indirect tax contributions of the Union States to an intransparent EU budget - the right of the European Parliament to legislative initiatives and to a proper budget (no representation without taxation).

The debate about competencies has the particular potential of becoming highly emotional, not the least in federative Union States. Such a debate has already started in Germany and could have an impact on the election campaign for the German parliament in 2002. Many issues which at first sight might provoke federal, i.e. decentralised opinions against the ominous and all too easily "scapegoated Brussels", are however part of an ongoing dispute between the German Länder and the German federal, i.e. central government over the redefinition of German federalism. The result of this inner-German debate might well give the country a shift from federation to confederation.

On the EU level, the 2004 "Conference of the Representatives of the Governments of the Member States" will also have to decide on the treaty simplification which is certainly as relevant as the competencies debate. The "three wise men", Richard von Weizsäcker, former German President, Luc Dehaene,

former Prime Minister of Belgium, and Lord David Simon, former British Minister, suggested in 1999 to divide the treaties into two parts:

- "The basic treaty would only include the aims, principles and general policy orientations, citizen's rights and the institutional framework. These clauses, as is the case now, would only be able to be modified unanimously, through an IGC, with ratification by each Member State. Presumably such modifications would be infrequent.

- A separate text (or texts) would include the other clauses of the present treaties, including those concerning specific policies. These could be modified by a decision by the Council (acting on the basis of a new super-qualified majority or on unanimity, depending on the subjects) and the assent of the European Parliament (eventually with a special majority)".[16]

Although this proposal was well received, it did not make its way into any of the decisions at the EU Council in Nice. Since its rationale remains more convincing than ever, it should, however, become a high priority for the next Intergovernmental Conference. The advantages of the proposal are evident, as outlined by the "wise men" themselves. It would

- "greatly reduce the present need for constant modifications of the European treaties;

- make the basic institutional structure more readable, more understandable and accessible to the public;

- introduce a procedure for changes based, at least partly, on a form of majority voting, with intervention by the European Parliament".[17]

One might question the wisdom of continuous Intergovernmental Conferences as a tool for reforming the EU. They remain an exercise of executive politics, notwithstanding the participation of two members of the European Parliament.

The Convention, which prepared the Charter on Basic Human Rights in the course of 1999/2000, has been highly acclaimed for its innovative character and structure. Such a Convention would be a much more democratic and transparent body for the future pursuit of a more democratising constitution-building process of the EU. The next Conference of the EU Governments should therefore indeed be

[16] See Richard von Weizsäcker/Jean-Luc Dehaene/David Simon, **The Institutional Implications of Enlargement. Report to the European Commission**, p. 13.
[17] **Ibid.**

prepared by another Convention – to be called upon to work between 2002 and 2003 and to include national parliamentarians, EU parliamentarians, members of the Union States governments, the EU Commission and the European Court of Justice. Such a Convention could become more political and visible in the European public than the last one of 1999/2000. The results of the Convention – and a broad public debate to which this very paper is a contribution – could prepare the decisions at the Intergovernmental Conference held in 2003/2004 and hopefully ready before the elections to the European Parliament in the summer of 2004. Such a timing would require a precise and far-sighted mandate for both the Convention and the Intergovernmental Conference, which would have to be defined by the EU summit in late 2001 under the Belgian Presidency. A new Convention should also include representatives of all EU candidate countries. This would help to integrate them as early as possible into debates which will have an impact on the common future of old and new Union States alike.

Some of the pending tasks will probably be much easier to deal with. One example is the distribution of responsibilities among various institutions operating in the same policy field. The portfolio "transportation", to give a random example, is connected in the EU Commission with the portfolio "energy", in the Council of Ministers with the portfolio "telecommunication", in the European Parliament with the portfolio "tourism and regional policies" and, last but not least, in the German government with the portfolio "housing". It is not surprising that those who have to deal with EU institutions on matters relevant to the EU portfolio "transportation" often get confused and frustrated. Management and organisational questions such as the one mentioned should be easily dealt with compared to the big disputes over power sharing. Or is this too much to ask from enlightened leadership? It requires political leadership and can neither be blamed on bureaucrats nor changed through them.

The legislative processes in the EU have to be more parliamentarised and politicised. This requires the right to initiative for the European Parliament and a change in the election mechanism. The political formations represented in the European Parliament might already vote more along party lines than on the basis of national loyalties. But the elections to the European Parliament, after all the unique embodiment of supranational democratic sovereignty in the world, remain based on diverging national election laws. The European Parliament should change this procedure and enable its parties to present combined national and EU lists for the election campaign of 2004. This would have to include candidates of the contesting "political families" for the position of the EU Commission President, who should be nominated by the European Parliament in 2004 and elected in cooperation with the Council – the Nice Treaty opens the way for such a change of procedures provided the "political families" in the European Parliament act courageously enough in due course of time!

The Commission can only remain a strong element in the balance of power system of EU governance if it is properly developed into the government of the European Parliament. Only a full parliamentarisation of the EU can prevent the Commission from being denigrated by the Union States step by step into a mere Union secretariat. A fully responsible Commission would, of course, also have to accept that its own decisions can be overruled by a qualified majority in parliament and council. But to reduce the consensual tradition of the Commission, which reflects its role as protector of the treaties, without linking it properly to the Parliament as its executive wing, would disproportionately increase the powers of the Council.

The Council obviously requires the highest degree of reforms. As the representation of the Union States, it will always play an important role in the constitutional frame of the EU. But the Council should not be perceived as counter-parliament to the European Parliament. Instead, it should serve properly as the second chamber, the European Senate. This would require that the multitude of councils be replaced by one single European Council. The governments of the Union States should be represented permanently in this European Council by a European Minister, to be installed in the office of the Head of Government of the Union States. This might help to win their support for such a reform of the Council without fear that they will increasingly lose influence over EU policies. The future role of the Foreign Ministers and their respective Ministries will have to be upgraded in the context of a European Foreign and Defence Policy. All other matters of EU policy shall however be considered "internal" and no longer "external". The existing policy related to Councils of Ministers shall be transformed into Committees of the one European Council. Future Committees of the Council, basically representing the governments of the Union States, should also give room to hear representatives of the Union States' parliaments – including regional parliaments or delegates of the Committee of the Regions – and representatives of the Economic and Social Council of the EU. Such a solution would overcome the current compartementalization of council operations and increase integrated policy-approaches, a key element in order to create a more accountable method of decision-making in the Council. The newly structured European Council would replace all other councils, including the Council of Foreign Ministers. Thus the European Council would become an expression of the fact that the policy-making within the EU is no longer a matter of foreign affairs but has become one of domestic affairs. The request of national parliaments to get more involved in EU decision-making is first and foremost a challenge to the Union States governments. They must be forced to inform their parliaments as early as possible about any upcoming EU legislature. This would be the safest way to enable the national parliaments to properly contribute to the debate and the decision-making process. It is unacceptable that the current EU Council remains the only European institution debating and deciding behind closed doors. Openness

and transparency of ist work and democratic participation of all national parliaments is truly needed to make the Council more legitimate.

At the beginning of the twenty-first century, the evolution of a parliamentary and democratic system of governance with clearly defined accountability of all its institutions and actors is at the core of the reform debates in the European Union. It also remains necessary to grant the EU the status of a legal personality. The institution-building process has been redefined as one of constitution-building which should become evident in granting the EU the status of a legal personality.

Most of the open questions are relevant for the weighting of power relations:

- between the Union States and the EU institutions,
- within the Union States, particularly in federal Union States, and
- between the EU Council, the EU Commission and the European Parliament.

The issue of small Union States versus large Union States has never been really relevant for the evolution of the inner balance of power within the EU. This might change with the upcoming EU enlargement since the majority of EU aspirants are both small and will be net-receivers of EU support. This does not automatically preclude certain coalitions, but has increased the sensibility among the bigger countries of today's EU and all the more so of net-contributors to the EU.

The future debate will not eliminate all tensions from the EU agenda which clearly exist between those favouring more qualified majority voting and those supporting an ever increased flexibility through reinforced cooperation. "Flexibility" and "reinforced cooperation" are instruments of problem resolution that derive from an intergovernmental view of the EU; "qualified majority voting" is the best instrument for achieving greater and democratically legitimized supranationalism. Both approaches are only similar in one regard: both will set an end to the culture of consensus which has defined most EU decision-making processes in the past.

Qualified majority voting and its application to more, and in the end all EU policies – with the prerogative of treaty changes and decisions on new members, which will continue to require unanimity – is by far the more ambitious project. It is orientated to a balance of power between two parliamentary types of legitimacy in the EU process: the European Parliament on the one hand and the European Council on the other. While the former is the expression of popular sovereignty in the EU, the latter is an indirect, executive expression of political majorities in the

Union States As long as the Council remains the key legislator of the EU, the Parliament will have to do everything possible to enhance its own basis of power through an extended "qualified majority voting"-mechanism

This mechanism is divided in a dilemma typical for the EU On the one hand it seems all too plausible to strengthen the role of qualified majority voting in all EU policy matters in order to generate more public support for the decision-making process as an expression of democratic legitimacy On the other hand, however, the mechanism of qualified majority voting is not merely technical Behind "qualified majority voting" lies an identity problem Does the majority of Union citizens and/or Union States accept the potential status of a minority? In order to recognise that any Union citizen and any Union State can easily become part of a minority, a common consciousness has to be reached that the EU is a community of destiny indeed [18]

Historically interested observers are reminded of the constitutional disputes of the nineteenth century between those favouring the sovereignty of kings and those favouring the sovereignty of the people The road to 1848 and beyond to solid democratic and constitutional states was long and daunting Fundamental achievements exist, including a common currency But as in the nineteenth century when every sovereign had his own currency, in the early twenty-first century it has become necessary to give the European currency a political sovereign, to create a Political Union Nobody can predict how long the EU debate about institutions and a constitution will last Experiences with Europe's past support realistic scenarios It might take at least one more generation to build a truly res publica Europae In the light of the historical dimension of the project, this might not be too much to strive for against the odds which will surely arise on the way At this point, the institution-building agenda overlaps with the search for and the definition of a European identity

III. Reflections on European identity

"Europe", Paul Valery wrote concisely, "is a peninsula of Asia" [19] Arnold Toynbee put it this way: "There is an unquestioned geographic reality which we call Eurasia" [20] Europe has been and still is more than a zone of security and stability, more than a common agricultural commodities market or EUROLAND But what Europe really is, vanishes from the observer the more he devotes himself to that question Viewed from a distance, Europe presents itself ever more as a unity, perceived through the medium of its institutional arrangements Looked at

[18] See Jean-Louis Quermonne, ' Die Europaische Union auf der Suche nach legitimen und effizienten Institutionen", **Integration**, No 2/2000, p 81

[19] Paul Valery, "La crise de l esprit " **Oeuvres**, Vol 1, Paris 1962, p 1004

[20] Arnold Toynbee, **The Course of World History** Vol 2, German version (paperback), Munich 1979, 2nd edition, p 308

closely, the certainty about what Europe is often fades away The idea of "unity in diversity", proclaimed with stereotypical banality, is an intellectual crutch at best, a substitute concept for thinking in more complex terms at worst It is a minimalistic idea as much as that Europe, if tried to be understood philosophically, is by definition an existence in the process of change

The multitude of languages and the demands on a European concept of education, the ruptures of history and the effects of images of the past, the social, philosophical and religious concepts and the disputes about right and wanting to be right, the democratisation of living and the didactisation of culture all contribute to the view of Europe - whoever thinks of Europe will have to think of ambivalences, as if this was indeed the characteristic basis, if not even the strength of this peninsula Sufficient evidence of these ambivalences can be found in nineteenth century political and social thinking Jacob Burckhardt, when trying to visualise Europe, deliberated on the powers of "state - culture - religion", Karl Marx thought to encompass the law of movements of his time with the static formula of "base and superstructure", Friedrich Nietzsche wanted to tell the story of the coming two centuries and stated that he was describing "what will happen, what cannot happen otherwise the emergence of nihilism" [21] The search for European identity continued, and precisely for the reason that this identity seems to vanish again and again, a new chapter of this search has consistently opened up upon the appearance of anything new Is Europe an end in itself in seeking itself?

Cynics of the research on European identity could use Picasso as an example, whose reply to the question "What is Art?" was "What is it not?" European identity what would it not be? Europe as a household word, optional, exchangeable, artificial Is that the sum of the modern age and the curse of post modern times? The talk of postmodernism has turned out to be a hopeless, if not a nebulous dead-end drivelling Does this give place to new hope for the search for a European identity?

Normative and farsighted thinkers have never been completely silent about the substance of what Europe should be, and the poorer activities were, the more their voice was needed As Romano Guardini, for example, one of the great theologians of the twentieth century defined it Europe, after all the bloodshed of two world wars, "was above all a turn of mind For Europe to become a reality, it is essential that each of its nations should change its way of thinking, that each understand its past as leading towards this great form of life But what a degree of will-power and what deepening of oneself does this signify!"[22] The task of overcoming oneself entails grappling with all those traditions of thought which remain limited in the

[21] Friedrich Nietzsche, **Umwertung aller Werte**, Munich 1977 (paperback), 2nd edition, p 445
[22] Romano Guardini, 'Europa Wirklichkeit und Aufgabe", Romano Guardini, **Sorge um den Menschen** Vol 1 (new edition), Mainz/Paderborn 1988, p 253

categories of national phobias. The urge for delimitation is a characteristic desire in Europe, as the mere identity of language will always remain a European experience of limitation; any parochial writing of a nation's own history has always found its counterpart in similar conduct by some neighbour. Despite ever-present integration and cooperation, the societies in Europe still remain organised primarily as nations. Is this proof against a united Europe or actually evidence in favour of common interests in Europe?

Romano Guardini has talked of the "deepening of oneself", and if the theologian's word is to keep its relevance in the secularised world for any definition of European identity, one must call to memory the idea of individuality in creation which is based on the Christian doctrine that man is created after God's image, Aristotle's aim of "eudaimonia", the blissfulness which points beyond a life of pleasure (bios apolaustikos) and an existence directed only towards earning money (bios chrematistes). One must also call to memory the ethic, that in the Christian form is called "faith, hope, love", and in secular pathos "freedom, equality, fraternity". The key moral concept of our time must also be remembered - the idea of human rights - and also the concept of commitment, which extends from the debates of the late years of the twentieth century into the future, but still originates from the depth of European history: the idea of solidarity, the worry about the "res publica". But Europe's history is also a history of wars, genocides, aggressions and ideologies.

Democracy, rule of law and human rights are cultural achievements of which, according to the proclamations of their statesmen, the Europeans of today are proud. Anyone looking back at our time several hundred years from now will however be well-informed about the historical dependence and the fragility of these ideals. Putting the settlement of human conflicts and interests under the law, at the same time respecting the dignity and rights of the individual, rightly remains a chapter of pride in and for today's Europe. But it is not a specifically European phenomenon. Europe is still struggling between what is European and what is universal. Besides this, grappling with the myth of perfect democratisation has not yet come to an end anywhere in the Western world. It should be remembered that the bonum of the delegation of power must always be held against the dream of an optimum of freedom of control. The relationship between "freedom and authority" has been a topic throughout Europe's history, no less relevant up to today than the concept of "unity in diversity". Today I would prefer to talk about "unity in the service of diversity" as the core definition of the European Union and its integration processes.

It has always been unhistorical to believe that Europe was or is based on "projects" as if they were to be submitted to a generous benefactor and then be eligible for approval in committee meetings. It was not "projects" that have accompanied Europe's path, but intersecting effects of diverse, often contradictory

and contrasting pasts. In the mensural music of the 13th to 16th centuries, the combination of several notes into note groups was defined as "ligature". In order to define Europe today, the sociologist Ralf Dahrendorf has spoken of continued ligatures of spiritual and political existence and did not, of course, mean the letters combined on a printing type, which are also called "ligatures". Instead he meant the cultural glue of Europe in a time which is often deplored as being rootless. From Hegel to Fukuyama, all swan songs of an "end of history", imaginable and definable by man, have failed. Neither could millenaristic-chiliastic ideas in the style of a Joachim of Fiore be found in the year 2000 of the Christian era. Europe today, beside all its cultural glue and all the prevailing binding forces, is rather part of contemporary Western hedonism. Are we living at the end of an epoch, comparable to the late ancient world, for fear of the return of religion and its ethics? What is at the roots of Europeanness?

Jacob Burckhardt had taught that no culture could be great and remain great without the "power of religion". Christian Europe with its universal ethics of charity and forgiving and its standard setting Jesuanic appeal belongs to Europe as much as Lessing's ring parable, which is worth being recalled in times of Christians, Jews, and Muslims living together in Europe, alongside one another, and sometimes without really knowing each other. Socrates belongs to Europe with the principle of questioning and reasoning. The clarity and sternness of Roman judicial thought belongs as much to Europe as Immanuel Kant's categorical imperative, ignored too often and ever worth bearing in mind, that peace must be brought about anew again and again. This sounds familiar in the light of the hopes which were linked with 1989, a true turning point in history. But also unpleasant questions have followed the miracle year of 1989.

Does Europe need an enemy in order not to become an enemy of itself? This question, for instance, is disagreeable, but must be posed in order to meet its abyss. "Europe", as the historian Hagen Schulze dissected matter-of-factly, "that becomes evident already in the middle ages, experiences its unity primarily in times when the defence against a common danger is at stake, and it loses this unity when the danger has passed".[23]

Does this mean that even the condition Europe has reached at the beginning of the twenty-first century is nothing more than a "unity limited in time, based on a temporary or even merely assumed mutuality and quickly falling to ruins as soon as the immediate purpose is less pressing?" - thus the British historian Geoffrey Barraclough.[24] Anyone meaning well with the "European Idea" is bound to deal with the unerring scepticism of his fellow countryman Timothy Garton Ash, who

[23] Hagen Schulze, **Europäische Identität aus historischer Sicht**, Wilhelm Henrichsmeyer et.al. (eds.), "Auf der Suche nach europäischer Identität". Bonn, p. 22.
[24] Geoffrey Barraclough, **European Union in Thought and Action**, Oxford 1963, p. 50.

pointed out, against all the passionate emotion about Europe's newly won unity and peacefulness after the breakdown of communism and the Berlin Wall, that the twentieth century started with shootings in Sarajevo and ended with shootings in Sarajevo.[25]

1989, the revolutionary year of an epoch, has thrown new light upon the old European question about progress in relation to regression, about "progrès" and decay. First of all, the structure of a holistic, totalitarian way of thinking, leaving behind countless victims on its way through the century, collapsed along with communism as its last expression. But new experiences with the fragility of all civilisation followed, new experiences of violence, but also new hope of freedom and, again, new fears of freedom. Think of the Balkans or Chechnya.

Myths have been forming anew or were merely formed from the fragments of their own past: nation, territory, language, denomination. Passionate emotions about "Europe whole and free" were followed by new state breakdowns, the dangers of falling back into enemy images, at least here and there, and of course not everywhere. But what has always and at every time been present everywhere in Europe simultaneously? During the wars of the 1990s Europe has had to make the bitter experience once again that some of its greatest ideas may have an unsolvable, strained relationship with each other. This is true, for example, for the relationship between the nations' right of self-determination and the necessity of peace among nations. With the Stability Pact for the Balkans, a new perspective is given to this European region of traditional chaos. A convincing and consistent answer to the conceptual problems of self-determination has however not been found yet for any of the regions' conflicts. And Russia's situation is even more uncertain, if not depressing.

In this respect, at least the European Union has developed a good formula of adjustment between large and small nations and diverging cultural identities among and within its people. However, the pressures of complexity which are lying upon the EU have meanwhile shed some shadow on the proven integration and co-operation structures of Europe. This has even given rise to the question whether the European integration process could be overstretched. But can Europe really have an optimal size and integration density which could be defined as in a laboratory test? If one thinks about the cost-benefits of the EU, one has to consider that the price of peace and adjustment of interests must never be set too low. Complexity and institutional inefficiency might not be too high a price in the light of Europe's history. Even though the images of Europe, the conceptions of Europe may have become more colourful and also more diffused since the year of an epoch 1989, their diversity is at the same time an expression of the new intensity of the

[25] Timothy Garton Ash, "Europe's Endangered Liberal Order", **Foreign Affairs**, Vol. 77, No. 2, March/April 1998, p. 58.

discussion about the "idea of Europe", and in so far an asset. One fact is definite: there can be no alternative to the proven forms of European integration if a relapse into the nineteenth century of coalitions and alliances, rancour of powers and secret politics is to be avoided. This is why the outcome of the current negotiations with more than a dozen candidate countries, mainly of a post-communist nature, are a crucial test case for the EU's ability to continue its proven path of supranationality in cohesion.

At the beginning of the twenty-first century, change and continuity of Europe's nation states have often been discussed and evoked, change and continuity of the nation states as centre of the aggregation of power and as embodiments of preserving traditions, as frame for institutionalized protection of human rights and of a living democracy through the rule of law. The European Union has only started on a path which would finally allow it to be adorned with all such attributes, traditionally only bestowed upon individual nation states. It remains a phenomenon "sui generis", as the historian Karl Dietrich Bracher has taught committedly, not "Europe" as such, but in any case more than a mere confederation of states. The European Union of the year 2000 finds itself in the midst of forming a democratic parliamentary system of multi-level governance.

It will remain decisive on this path of development that the EU will get a legal substance as intensive as possible, a constitution in the end, "because", according to Dieter Chenaux-Repond, a former Swiss diplomat and a great European from a Euro-skeptical country, "the federation of states, merely secured by agreement, i.e. terminable, can never do justice to the seriousness of the matter. It is opportunity that it has in mind, not a community of fate".[26] But it is a "community of fate" that the EU is about to develop, and nothing will legitimate the EURO better than the conviction that an unquestionable contribution has been made exactly to this end. Exactly at this point, the question of a European Constitution arises.[27]

IV. A plea for a European constitution

In a constitutional sense, the European Union is based on a chain of basic treaties, which have become effective through ratification in the member states of the Union: The Treaties of Rome of 1957, the Single European Act of 1986, the Treaty on European Union (Maastricht Treaty) of 1991, the Treaty of Amsterdam of 1997, the Treaty of Nice of 2000 and the Basic Charter of Human Rights of the EU are constituting the path from the EEC to the EU. They form the "pre-constitution" of the European Union. These have been steps towards a European

[26] Dieter Chenaux-Repond, **Vom Kalten Krieg bis zum Fall der Mauer. Notizen eines Schweizer Diplomaten**, Munich 1994, p. 77

[27] See. Christoph Dorau/Philipp Jacobi, "The debate over a European constitution: Is it solely a German concern?", **European Public Law**, Vol 6, Issue 3/September 2000, p. 413, and Frank Ronge (ed), **In welcher Verfassung ist Europa – welche Verfassung für Europa?**, Baden-Baden, 2001.

constitution, the needed political frame for a Union getting ever more diverse with the upcoming enlargements towards the East. One might start quarrelling about whether the glass is now half full or half empty: Does Europe need a proper constitution or do the existing basic treaties suffice, are they probably even going too far already?

It was typical for the past developments from the EEC to the present EU that the relevant treaties were inspired by and filled with the changing expectation of how deeply integrated Europe should finally be: Initially, the concern was about creating a common market, eventually about the way towards a common currency. It was about instruments, not about goals. As a rule, however, a peculiar feature of any stable constitutional system is the way how responsibilities and concepts of order are arranged between the actors and institutional layers that participate in the constitutional system. The better the related questions are being resolved in individual countries, the more stable its constitution will be. In so far, the EU really needs a definition of competencies in its multi-level system of governance and finally a proper constitution to ultimately constitute itself and to give an answer to the eternal question of its identity, at least in the politically possible sense.

Controversies are programmed immediately: What will the British say, who until now have been living well without a written constitution and in a political system composed of a wide range of entitlements, starting with the Magna Charta of 1215? How could the constitutional concepts of countries as different as Greece and Denmark, Ireland and Austria be harmonised? Who would benefit from European politicians and bureaucrats walking through life carrying a European constitution under their arms?

Pleading for a European constitution must start with such polemic questions indeed. A European constitution will primarily be about a precise determination of responsibilities between the vertical and horizontal actors and levels in today's EU: between the organs of the EU on the one hand, between the various levels, - the EU, the nation states, regional units and cities - on the other hand. To point to the possibly diverging understanding of a constitution within individual EU member nations as a proof to the impossibility of achieving institutional unity in the EU would show an underdeveloped sense of historic perspective. After all, neither Bavaria nor Mecklenburg-Vorpommern, to mention just two random examples, have ever dreamt two hundred years ago that one day they would both be part of a larger Federal Republic of Germany. Why should the nations and peoples of the EU not move step by step towards a common understanding of a constitution? Whether in the end there will be a "constitution", a "constitutional compact", a "charter" or whatever: essential is the substance of a binding basic text of the European Union, which would surely have to be more than a mere addition of legal texts ever more difficult to read.

By way of getting a constitution, the EU would not only clarify the question of responsibilities within the EU governance structures, both horizontal and vertical. A European constitution would also be of help to coming generations in their search of the significance and substance of a "European identity". With good reason the German Basic Law has been studied for decades in German schools, or even been given as a present on the occasion of high school graduation; other nations do alike. Why not should the Constitution of Europe be handed over one day to young Europeans?

The emerging discussion in the EU about a European constitution is more than a path leading to the core of that goal. The discussion is already part of the constitution itself, an unavoidable discussion about the condition Europe is in: politically, spiritually, constitutionally. The yield of a European constitution would remain poor if it were to exhaust itself in flowery words, only drawing an image of the European ideal with passionate emotion. The Constitution for the EU, whatever the text may be called in the end, would have to give concrete and crystal-clear answers to the definition of competencies and responsibilities within the EU and among its actors. This would certainly lead to a better division of labour, strengthening the principle of accountability and defining responsibilities clearly and unambiguously: sometimes in favour of the European level, sometimes in favour of the communities or the provinces, the regions or the nation states. The European Constitution would at the same time have to define precisely the limitation of responsibilities among the European bodies and institutions.

But even a European Constitution would not turn the European Union into an everlasting state of paradise. Even then Europe would continue to live in the experience of all religions that life means finiteness, imperfection and suffering, injustice and wrong.

One of the controversies a European Constitution will have to answer refers to the future borders of Europe. This question has been asked more often since the end of the Cold War than during many decades before.[28] Does Turkey belong to it, the only secularised Islamic country in the world and part of the European system of states since 1856? Russia, this vast country, stretching out over two continents, whose cultural divide between the Europe of the European Union cannot be identified simply at the continental border stone in the Ural Mountains? The Ukraine, Moldova and Belarus? And finally America, the two North American democracies, Europe's half-siblings, who as European powers contributed more to the pacification of Europe than any other nation during the twentieth century? The discussion can be endless and multifaceted. Trying to think from the view of

[28] See Bergedorfer Gesprächskreis (ed.), **Europa - aber wo liegen seine Grenzen?**, Protokoll Nr. 104, Hamburg, 1995.

Europe itself, the answer cannot be a geographical one: Europe ends where its political will and its ability to act politically have their end.

Europe has no choice but to give an answer to itself about its future role in the world, its understanding of the world and its claims. Historically, particularly in the nineteenth century, the process of internationalisation, the invention and development of Europe's international role have been defined by Europe itself. Colonialism and imperialism, which were connected with this, were ugly abuses of this history. But without Europe's will to expand world-wide, the world would not have reached the unity which now presents itself in the diversity of its sovereign nations. In the twentieth century, Europe overstretched its arch of world politics beyond all measure. The self-destruction of Europeans finally led to a more or less complete deprivation of their power on the international stage. But Europe has come back and, at the beginning of the twenty-first century, is increasingly perceived as a key actor in world politics.

This is primarily a result of the successful and profound policy of internal European reconciliation, which has nurtured the institutionalisation of European political structures from the ashes of two world wars. The success story of the European policy of reconciliation is well-known: The upsurge of democracy after overcoming totalitarianism and autocracy, the friendship between Germany and France, the establishment of institutional rules for the relationships between nations so far unknown in the history of Europe which will however only be complete when the current process of EU enlargement is finished. Skeptics have not failed to argue that they feel Europe to be over-institutionalised; at the same time there is, in their point of view, a lack of direction and strength to complete, intellectually and politically, the transition from a policy of reconciliation to a policy of taking over global responsibility. In reality, the EU is doing pretty well, given the enormous challenges of the post-communist search for new order and widened integration in Europe and the challenges of globalisation, whatever this term really means.

At the beginning of the twenty-first century, Europe might be reminded of the beginnings of the twentieth century. At that time, Paul Valéry described the condition of Europe since the Renaissance as best be personified by Blaise Pascal and Leonardo da Vinci: the melancholic, who flinched from the dark emptiness of the sky, and the inventor, who imagined the bridge in front of any abyss that would carry him over. In the combination of these two characteristics, Europe has its opportunities and its doubts, once more. In the beginning and at the end of the twentieth century there was the bloodshed in Sarajevo. In Kosovo, hopefully, the last act of a European drama takes place which had begun in the beginning of the twentieth century with the Balkan Wars at the onset of the ruin of the Ottoman Empire and the Austro-Hungarian Empire. From an all-European point of view, at the beginning of the twenty-first century the "German question" has been replaced

by the "Russian question". Russia is in the midst of a deep crisis of identity, and heavily burdened with overcoming the heritage which has been accumulated since the decline of the Tsarist Empire.[29] There is still much history remaining for Europe on its way into the future.

V. Looking into the mirror: America

Europe has to define the instruments and articulate its will to develop a political profile and to support its common interests. Its economic competitiveness is tested in the triad of the highly industrialised regions of the world - Japan, Europe and North America. All three of them will be questioned more and more about their contributions to overcoming the sharp contrasts between poverty and affluence in the world. Beyond this, Europe must give an answer to its own cultural, its civilizatory profile: Still a Christian continent with almost fifty percent of agnostics among its citizens? Or a multireligious, multiethnic and multilingual community not capable to define a common view of man, common values and goals? A Europe evermore divided from the United States of America, the persistently pacifying European power, without being clear about its permanent relations with Eurasian Russia?

Concerning America's European role, at least the view towards the past seems unmistakable: Since the days of the pilgrim fathers, the New World has been detaching itself from Old Europe, spatially as well as regarding the conception and the idea of itself. During the Cold War, America and Europe got as close to each other as never before, connected by the North Atlantic Treaty Organization and by the goal of jointly preserving the free world. A clearly defined common threat is no longer existing. This has given cause to talks about cracks in the tectonic shelves of the European-Atlantic partnership. People, academics in particular, like to exaggerate, generalise and stylize. But one thing is certain: Americans and Europeans are searching for a new and solid organizing idea of their future partnership.[30] The European-American discussion will go round in circles if it is continued merely as a dialogue about one another. It will be decisive in the years ahead to find common views towards the new challenges we are all confronted with and to ask jointly for ideas in order to meet the common challenges and opportunities which are approaching the European-Atlantic civilisation from our common future. Many challenges for the Atlantic community of civilisation are evident:

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[29] Cf. Commission européenne (ed.), **Futur de la Russie. Acteurs et facteurs déterminants (Les Cahiers de la cellule de prospective)**, Luxembourg, 1998.

[30] **Europa oder Amerika? Zur Zukunft des Westens**, Special edition, Merkur. Deutsche Zeitschrift für europäisches Denken, No. 617/618, Sept./Okt. 2000.

- Jointly, Europeans and Americans are challenged by the misery, the disturbances and the potential of pressure coming from the Southern Hemisphere and is increasingly affecting a saturated and often self-satisfied North.

- Jointly, America and Europe are responsible to contribute to stabilising and integrating the post-communist transformation countries into the Euro-Atlantic Community, intellectually as well as institutionally.

- Jointly, Americans and Europeans are faced with an urgently needed intensification of the dialogue among cultures and civilisations, particularly between the "Western" world and the Islamic civilisation and between the West and China.

- Jointly, America and Europe are confronted with fundamental problems regarding the cohesion of our societies and the development of perspectives of order to overcome the lack of moral orientation within our societies, on this side as well as on the other side of the Atlantic Ocean.

- Jointly, Americans and Europeans are challenged to cope and deal with the phenomena of change, which arise for the industrial societies from technological developments, ethnic questions, political and social issues.

This agenda, which could well be extended, is a test for the Euro-Atlantic civilisation in the new century. To stand this test successfully will always be of higher importance than all controversies which will surely come up on its way over modalities and policies to meet the challenges ahead of Europe and the U.S.

If America did not exist, it would be about time to invent America - not only for its own sake, but for the sake of Europe as well. This is particularly true because the two shores of the Atlantic Ocean present themselves so differently, and yet are attached to each other. They enrich each other in their contrariness and even stimulate each other by their frictions. One thing, by the way, is undisputed in Europe: Without America's role in the twentieth century, there would have been no chance at the end of this century for Europe to be, for Europe to become Europe once again. America therefore has been and I believe will always be the mirror to look into what is, as it were, an elementary prerequisite for being and remaining a European.

"1989" was undoubtedly a European "annus mirabilis". The breakdown of the totalitarian regimes in most of Central and Eastern Europe was a victory of the longing for freedom and sovereignty of the people, a victory for the limitation of power and for human rights. The path towards full EU-integration of the candidate countries from Central and Eastern Europe will surely take another decade before

full completion. Paradoxically, a good turn of history has brought about the many problems Europe is forced to deal with while preparing for Eastern enlargement. In 1989, the twentieth century ended. Since then, Europe has been working its way into a new world order which still is unclear in many of its institutional features, but has remained even more indistinct in its intellectual orientation. Accordingly, Europe attracts attention more often because of its reaction to events, to the tendencies and changes of our time than because of having the vision and will-power to draw up its own panorama of the twenty-first century. Communiqués of EU Summits are not enough to do so. The question still remains unanswered whether in the future Europe wants to be and will be able to be a mover of world politics, or whether it will just remain, to whatever extent, an economic giant but a political wharf.

The European Union has become a unique reality of supranational integration and may be even a model for other developing regional integration efforts in the world, such as Mercosur or ASEAN. Yet, the relationship between the supranational elements of the EU governance system and the continuous dimensions of intergovernmental co-operation is not free of tensions. A lot of serious institutional problems remain unresolved within the EU and its institutions. The tensions between the possible aim of a fully developed democratic European parliamentary system and the forces of inertia, favouring a consensual and executive system and simply recognising the all too many prevailing national self-interests, are still there to this day within the EU and its member states, soon totalling more than 500 million citizens.

In the eyes of many Union citizens, more essential than considerations of a consistent "theory of integration" is the continuous deficit in acting power of the EU, particularly where life and death, war and peace are at stake. So far, only rudimentary outlines of a Common Foreign and Security Policy of the EU are recognisable. There is hope, however, that this might change for the better as the consequences of the Kosovo war are now being reflected and gradually implemented by the EU.[31]

In the twenty-first century, the European Union will have to prove its credibility as a "Union of Tasks", as a union taking on responsibilities. For doing so, the European Union has to develop from a market union into a constitutional union and into a foreign policy and security union. It can achieve both goals only if the integration of the post-communist reform countries with whom the EU has started membership negotiations will come about successfully and if the institutional reforms which the EU is debating and deciding this year will be

[31] See Lothar Rühl, **The necessary structures, force levels, logistics, sustainability, and reserves of forces for a European Crisis Reaction Corps,** Discussion Paper C 83/2001, Center for European Integration Studies.

substantial enough. But even then sceptics may ask: Can the EU give itself at the end really a constitution? Can the EU at the end really give itself an army, or at least an EU Chief of Staff? In the final analysis, as it was the case with the strife for a common currency: what truly matters is political leadership and will-power to guide the European public.

VI. Inspirations from the American constitution building process

It is worth comparing the efforts of European integration with the circumstances and conditions that have led to the making of the United States of America. It has become fashionable to state that Europe could never become another United States. Whatever the statement really means or is intended to imply, two conclusions seem possible by way of connecting the political experiences of Europe with those of the Unites States:

First, it runs counter to all notions of freedom, cherished so much in the West, that history could be deterministic, foreclosing any possibility which is in the reach of human behaviour based on the enormous experiences of human history.

Second, to exclude any European remake of the American experience certainly implies that Europe's integration is and remains a process, which by definition is ongoing and open. It should go without saying that Europe will always be Europe. Europe is not static, but has always been developing. In the light of this historic insight, it is worth looking into some features of the American experience in order to foster Europe's search for its own identity and destiny.

1. America was an experiment, as much as the process of European integration is one. America was founded as a new reality, without local precedent. This will remain a fundamental difference indeed to the concept of European integration. The history of dozens of European peoples and states prior to the start of the European integration process in the mid twentieth century can not be undone and should never be forgotten. And yet, ever since also Europe has been an experiment in history, time and again open for further development.

2. An obvious difference between the United States and Europe is the use of language. More than by many other single phenomena, the United States is held together by the universal use of the English language. It is not surprising that the debate whether or not Spanish should be recognised as a second official language has been one of the most emotionally contested questions in the United States. Europe will certainly not develop one official language to the detriment of the many proudly spoken local languages, all of which are embodiments of Europe's cultural diversity. A compromise might be possible between English as the unofficial lingua franca for most of the EU's elite – as much as it was Latin or

French in former periods of history –, while all national languages will truly remain respected. This is already demonstrated in the European Parliament, where all members can freely speak in their own mother tongue while on the corridors, most of the time English can be heard. Latin America shows that the common use of one language does not necessarily facilitate political integration. It may well be that concern with the separating effects of multilinguality will become less relevant the more the European Union will grow into a solid federation of shared political destiny. The example of Switzerland – since 1848 the first heterogeneous federation in Europe – proves that a multilingual federation is possible among Europeans.

3. The concept of space seems to have been - and somewhat still is - fundamentally different in America compared with Europe's daunting struggles for integration. "Go West", "Manifest destiny", "Frontier" – the driving ideals behind the American westward expansion were matched by the unique ability of the American people to overcome territorial quarrels for the sake of one big American market. But is the current European effort that different? Americans were Europeans who fled Europe's obsessions with territoriality, ethnicity and religious persecution. Europeans in today's European Union are increasingly "Americanizing" by continuing to enlarge the zone of integration not to the West but towards the East ("Go East") while at the same time deepening the potentials and structures of a common market. As has always been the case in North-America, at the beginning of the twenty-first century the Europeans are discovering that both processes are not goals in themselves, but will be functions of further political integration.

4. The consequences of a grown territory enforced upon the elites of the American States to finally create a federation. It was only between 1810 and 1850 that the widely used notion "these United States" was replaced by the singular use of "the one United States". This took place after all more than 200 years after the beginning of the American experiment. Less than five decades have passed since the beginning of the European integration. Within the "European Union", the terminology of "Union Citizen" or "Union States" (instead of "Member States") might slowly begin to be accepted. In America, it was in particular Daniel Webster, a Dartmouth College educated orator, author and politician, who contributed to the recognition of the singular use of "the one United States". Europe needs its own intellectuals with a capacity to define notions of European identity, which will go beyond the rather usual intellectual scepticism or even cynicism pertinent among all too many of them on the issue of European integration.

5. More than 150 years after the beginning of the American experiment, it was the US constitution of 1788 which finally made the American Republic. While the European Union, in the fifth decade of its experiment, is still going through various stages of its pre-constitution – from the Treaty of Rome 1957 and the

single European Act of 1986 to the Treaty of Maastricht 1991, the Treaty of Amsterdam 1997 and the Treaty of Nice 2000 – its constitution-building process is gaining strength and focus. The US began with a "core concept", including the Articles of Confederation of 1781, which produced a loose confederation, still without a clearly defined government, no competencies, and no powers of the state to raise taxes. In the fifth decade of its ongoing experiment, the European Union and many of its actors and citizens have become aware of exactly these deficiencies of their own project. This is one of the reasons why the constitution-building debate is gaining ground in Europe – in spite of all the well-known difficulties.

6. The goals of the American constitution-making were achieved through the commitment of the Convention of Nobles in 1787 to create "a firm national government". In 2000, the European Union has added a Convention to its instruments of constitution-building, which was mandated to write a European Bill of Rights. The Convention worked astonishingly efficient. It is not too far fetched to assume that such a Convention, with its unique composition of representatives from the European Parliament, the Union States government, the EU Commission and the European Court of Justice, could become a singular new instrument for further steps into the constitution-forming process in Europe. The EU has to overhaul the wisdom of incessant "Intergovernmental Conferences" in order to continue its institution-building process. The idea of further Conventions – finally leading to some sort of a Constitutional Assembly – should be taken serious. It would make sense to politicize the work on the next Convention by way of making its work more transparent and public. It would also serve the development of the European identity to include representatives from all EU candidate countries into the next Convention which should complete its work with a precisely defined mandate before the Intergovernmental Conference planned for 2004.

7. The US constitution, as it was finally promulgated, was a "great compromise" with a specific system of checks and balances, a two chamber parliament, a unique role of the President, a mode of elections which has become problematic only in the year 2000, a currency standardisation, the harmonisation of the justice system and the definition of tax rights. Any European constitution or constitutional treaty would eventually have to deal with the same issues and would also have to find "great compromises". The fact that the European integration has already created a lot of complex arrangements in the course of its incremental and gradual advancement might make these compromises even more difficult. But they will nevertheless become inevitable.

8. The American constitution-making was accompanied by a debate which produced the "Federalist Papers."[32] Leading intellectuals and politicians were debating the basic issues involved in the creation of a federal government while maintaining the integrity and order of competencies enabling the Union States to pursue their own rights. Europe might finally agree on its equivalent of the "enumerative powers", of a specific "supremacy clause" and its limits rather through political debates and government driven compromises than on the basis of a firing intellectual and public debate. But the European Union exactly needs this debate. Until today, the "Federalist Papers" constitute the single most important document of American political theory. Europe, always having been proud of its contribution to the history of political ideas, still has to deliver such a basic intellectual document which can frame its own political future.

9. The evolution of US federalism in the last 150 years has been extremely lively. In spite of the limits of Union competencies under the tenth amendment, the originally loose links between the States and the Union developed in reality towards a "national federalism". Following fiscal developments led to a "co-operative federalism", whatever its specific expressions were – be it Nixon's "new federalism" with proposals for a general revenue sharing, which in fact strengthened the powers of Congress through its increased block-grants to the States; or be it Reagan's "new federalism", being intended to reform the American welfare-state as it had developed since the "New Deal" in the 1930s by returning responsibilities – and bills – into the competencies of the States. While the American constitution was lacking a "fiscal constitution" as one of its formative parts, it is likely that a European constitution might rather begin with a classification of its fiscally relevant parts, along with a more or less precise definition of competencies for the various hierarchical and vertical actors in the EU's governance system.

10.It is worth noting that the American federation is based on the notion of a compact. The debate on "European identity" might be able to define the core substance of such a compact for Europe. But it remains elusive and vague as long as it remains philosophical and prepolitical. The promulgation of a Charter of Human Rights of the European Union – in spite of some deplorable shortcomings of its content[33] – has been a first and hopeful step towards a politization of the eternal debate on a "European identity". In order to keep a balance between freedom and authority under the conditions of a mass society, the Americans have linked a federal form of government with a federal separation of power. This has resulted in the political definition of an "American identity". While the EU has always recognized the role of institutions, it is still far away from understanding

[32] Alexander Hamilton/James Madison/John Jay, **The Federalist Papers**, With an introduction by Clinton Rossiter, New York.
[33] See Ludger Kühnhardt, "Die Vereinigten Staaten von Europa als Zukunftsvision zwischen Staatenbund und Bundesstaat?", **Das Parlament**, No. 1-2/2001, January 12, 2001, p. 2.

the concept of a federation both as a means to give the pluralistic European identity a frame and as the order of a political constitution within the EU. Further detours and quarrels seem to be likely, but the process towards a European constitution requires as much patience as it is already well under way. The concept of a "European identity" finally needs a political, a constitutional expression to become relevant and sustainable.

To paraphrase Ernest Renan's classical definition of the identity of the nation state: The European Union is striving to become a community of destiny which recognises and understands its rich heritage in order to make the best out of it for the future. The European Union is based on the memories of many victims and on the honour of all those Union citizens of today who wish to continue the positive experiences of the second half of the twentieth century. The European Union will therefore increasingly be based on a "European consciousness" whose defining and uniting force is nourished by an ever growing common history.

VII. European Union: timing and instruments for the years ahead

The next years will see the European Union struggling with the conditions for a new equilibrium of power relations between its institutions. As the consequences of enlargement on the one hand and further institutional reforms and constitutional developments on the other hand unfold, the EU will finally have to overcome the outdated concept of a balance of power between the horizontal and vertical Union institutions. The EU has to reconcile the unification of Europe with the making of a European constitution. Never since the foundation of the European Economic Community in 1957 has there been a taller agenda for the EU. While the EU is developing towards its 50th anniversary in 2007, a road map for the next political steps becomes visible.

- The European Council in Nice in December 2000 has called for a "Conference of the Representatives of the Governments of the Member States" in 2004. After ratifying the results of Nice - which is: after 2002 - the EU will be ready for the beginning of the enlargement process. The French and German elections in 2002 might briefly prolong the conclusion of negotiations with the most advanced candidates for fear among the incumbent governments in both countries of populist backlashes over sensitive issues such as freedom of labour movement and common agricultural policy. But in 2003, it seems likely that the first reform countries of Central Europe will become members of the European Union. This will increase the need for further reforms of the EU. Whether the next Conference of Government will live up to this challenge remains, however, to be seen.

- The Agenda 2000, defining the fiscal frame of the EU until 2006, provides sufficient financial resources to include five new Union members before 2006. It seems as if this will begin already in early 2003, in any case early enough for the first new Union States to participate in the next elections to the European Parliament in June 2004. Even if the formal accession to the EU might take place after June 2004 – this seems to be likely because of the ratification processes which will take up to 18 months –, the first new EU members from Central and Eastern Europe should have the right to already fully participate in the elections to the European Parliament in 2004. This would definitively contribute to a better understanding of all peoples in Europe and to a higher legitimacy of the EU as a citizen's Union on both sides of the enlargement line. In fact it would be a highly important political decision.

- Negotiations over the financial frame for the EU in the period 2007-2012 will take place in 2005/2006. In line with the vision of a United Europe, sufficient resources should be included to make membership of all countries, which have not been incorporated before 2006, possible before the end of 2012. It is certain that the financial frame for the years after 2006 will definitely impact already on the negotiations at the next Intergovernmental Conference in 2004. The nights could become even longer and more difficult as it was the case in Nice. It is deplorable enough that the Spanish veto in Nice to accept changes in the basic parameters of the EU structural funds before 2013 has already predefined crucial elements of these upcoming negotiations in a way not very favourable for encouraging solidarity with the poor new members from Central and South Eastern Europe. The triangle of majority voting, order of competencies and fiscal future will definitely be a more difficult challenge than the one which made the European Council almost fail in Nice.

- To realistically complete the picture, one might therefore take also into account the period 2013-2019 before the vision of a United Europe can be accomplished. Such a period of time might also be needed to finally incorporate Turkey and all remaining countries of South Eastern Europe into the EU. The biggest challenge for the EU during all those forthcoming years will be the case of Turkey and the particularly difficult Balkan countries such as Albania and Bosnia-Herzegovina. It will be a struggle with patience and against inclinations to undermine the membership criteria too easily. But if the idea of United Europe still holds true, the EU has to live up to its own vision and complete Europe's reconciliation through integration on the basis of the acquis communautaire.

- Given the experience of four EU enlargements between 1973 and 1995, the inclusion of 18 countries (plus possibly Norway, Switzerland and Iceland) can only be absorbed by the EU institutions in three to five waves with up to 5 countries at each occasion. And then there will still be the question of the future of Ukraine, Moldova and Belarus in Europe.

- How will the outlined enlargement marathon affect the further road-map towards a European constitution? Speculation is not very helpful. But it would make sense to shape a more politicised path in the years ahead. As far as the European Parliament is concerned, the itinerary is more or less known: Elections will take place in 2004, 2009, 2014, 2019. And the most significant result of the Treaty of Nice will be the fact that as of 2004, the President of the EU Commission shall be elected on the basis of a qualified majority (Article 214). This will open the door to a definitely politicised election campaign in 2004. The main party factions in the European Parliament should nominate candidates for the position of the EU Commission President during the campaign of 2004, demanding that the candidate of the parliamentary majority shall also find the support of the majority in the European Council.

- The two chains – fiscal parameters, still largely determined by the Union States, and a political itinerary increasingly defined by the election cycles for the European Parliament – will only meet in 2019. That year might indeed turn out to be the realistic date for the European Union to properly achieve both a "saturated" territory and a functioning federation with a democratically legitimized two-chamber parliamentary governance system. This could be a possible road map for reconciling the Unification of Europe with the ratification of a European Constitution. To gradually achieve it and to absorb all possible bumps on the road, a combination of a clear itinerary and clear criteria during each step of the ambitious and historically unique process is inevitable. At the end, the European Constitution might be recognized on the basis of a EU-wide referendum.

- But what will the EU be able to offer to its citizens in the year 2007, at the occasion of its 50th birthday? Will 2007 at least see the completion of a European constitutional treaty? Will 2007 see at least a European "family picture" with representatives of a maximum of 33 countries to be taken on the steps of the Capitol in Rome, even if some of the candidates might not have achieved full membership yet?

The concrete next steps will decide on the outcome of these questions which impact on the future legitimacy of the European Union. What should be done next?

Before the end of the Belgian EU Presidency in 2001, the European Parliament should force the European Council to agree on a new Convention which will prepare the decisions of the Conference of the Representatives of the EU Member States governments due in 2004. The European Parliament should condition its approval of the Treaty of Nice by requesting such a Convention from the Union States. It could comprise of parliamentarians from the European Parliament, the national parliaments and the candidate parliaments, representatives of the Committee of the Regions and the Economic and Social Committee of the

EU. Public hearings with representatives of civil society could help the Convention to gain public profile.

During the EU Presidency of Italy in the second half of 2003, the Conference of the Governments of the Member States of the EU should be convened to prepare a treaty revision based on the Convention proposals. The necessary decisions could be taken either at the end of the Italian Presidency thus producing a new "Treaty of Rome" or in the spring of 2004 during the Irish Presidency and before the elections to the European Parliament. A "Treaty of Dublin" would be a fine symbol of the fact that newer and smaller Union States can definitely contribute to the continuing constitution building process. Such a new "Treaty of Rome" or a "Treaty of Dublin" could be debated during the election campaign for the European Parliament in June 2004. After ratification, it could be promulgated as the "Constitutional Compact of the European Union – or simply as the Constitution of the European Union – on the very occasion of the 50th anniversary of the signing of the Treaty of Rome.

The debate about a European constitution is of the same significance as the discussion about the "Federalist Papers" has been for the emerging United States of America. The "Federalist Papers" remain until this day the most relevant document of American political theory. No European equivalents of Alexander Hamilton, John Jay and James Madison have emerged so far. All three men were not only prolific intellectuals but also men of action. Today's intellectuals in Europe are normally rather hesitant to engage in a constructive and concrete, let alone in a visionary debate about Europe. Too often they remain skeptical about the EU and its future role, thus leaving the task of visions to politicians, whom they mistrust anyway for being all too much involved in their little world of politics. One could nevertheless certainly imagine Joschka Fischer, Jacques Chirac and Wladislaw Bartoszewski continuing their indirect dialogue of 1999 until they will have produced the "Federalist Papers of Europe". This would definitely be a noble task for the representatives of the "Weimar Triangle", the link between France, Germany and Poland created in 1991 in order to serve as one more engine in the European integration process, bringing together the three archetypal countries of Romanic, Germanic and Slavic Europe.[34] Given the more than busy schedule of politicians, it remains however doubtful to even see the most enlightened of them engaging in a truly sustained intellectual discourse. The "Federal Papers of Europe" are still in search of their authors.

Consistent answers are needed in order to define the long-term justification of the constitution-building process. The immediate answer is evident: Europe must

[34] See Ludger Kühnhardt/Henri Ménudier/Janusz Reiter, **Das Weimarer Dreieck. Die französisch-deutsch-polnischen Beziehungen als ein Motor der europäischen Integration**., ZEI Discussion Paper C 72, Bonn, Center for European Integrations Studies, 2000.

complete the process of reconciliation after a century of national hatred and civil wars, destruction and reconstruction. Europe, reconciled and uniting, is entering the twenty-first century at the moment of the highest degree ever of the dismantling of boundaries, the permeation of notions of political sovereignty and the transgression of national and regional agendas. The dynamics of "globalisation" force Europe to develop a global view, a global agenda.

In order to actively cope with the potentials and the challenges of globalisation, Europe has to change the traditional approach to view the world through borders and barriers. Europe has to redefine its horizon. It can only do so by recognizing that Europe has always been more than space in time. Europe is not thinkable without an idea of Europe.[35] Europe has to emancipate itself from the "straight jacket of geography" (John C. Kornblum, former US-Ambassador to Germany) and to project its ideas in order to contribute to a global feeling of responsibility side by side with the United States.[36]

In order to manage the potential of cooperation, but also the potential of competition and conflict between the two most dynamic markets in the world, the transatlantic relations have to be put on a new basis. Territorial land defence, defined in NATO Treaty of 1949 as the ultimate reason for the Atlantic Alliance, has lost much of its meaning in today's Europe. But a new Atlanticism coping with the challenges and enabling the opportunities of "globalisation" is crucial. The European constitution-building process must be supported by a complementary Transatlantic Treaty between the EU and the US. Both regions are the main pillars of stability and progress in the world of the twenty-first century. It is necessary that they constitutionalize their relations for a new century of Atlanticism.

The lists of arguments against federalizing Europe is long. Each argument is met by a counterargument. Historical experience does not seem to convince skeptical minds: The skeptical arguments against a full evolution of a Common European Foreign and Security Policy, to take one important example, are of a similar structure as the set of arguments used some odd ten or twenty years ago against the idea of a common European currency. It would be worth to properly analyse structural analogies of Euro-scepticism, no matter what the subject be. Here is room for a very creative PhD. dissertation!

The most powerful argument against skeptics of a European federation is life itself: Globalisation forces Europe into a political form and identity which is compatible with the ability to influence its cause and to master its effects. It is not

[35] See Michael Rutz/Ludger Kühnhardt (eds.), **Die Wiederentdeckung Europas. Ein Gang durch Geschichte und Gegenwart**, Stuttgart, 1999.
[36] John C. Kornblum, "Europa muß die Stärke seiner Ideen nutzen. Globalisierung und der Imperativ der Verantwortung", **Frankfurter Allgemeine Zeitung**, No. 249/October 26, 2000, p. 20.

far-fetched to recall the origins of the great political revolutions of 1848, which among other effects have led to the "Swiss confederacy", in fact the first polycultural and multilingual federation in modern Europe. In the Swiss cantons of 1848, social and economic issues went hand in hand with political and national dreams. Democracy, nationalism, the social question – survival in a time of enormous upheaval was confronted with many illusions and visions. The most realistic proposal of all was the option to join forces and to generate synergies across borders of old and new ideological barriers. Thus the federal constitution of Switzerland came into being, almost against all odds of Realpolitik.[37] It might need an overhaul after more than 150 years. It might even be the cause for preventing Switzerland to favour EU membership. But it has worked in good and in bad times. Some see it as a role model for Europe.

In the early twenty-first century, "globalisation" – more than probably all historic insights and comparisons, more than all debates about identity and values, more than any struggle of power over political and institutional arrangements – will be the incentive to federalise Europe. If Europe wants to play a decisive role in a world without borders for capital, and ideas, markets and jobs, it will have to overcome all internal obstacles which are unnecessary binding human and material resources.

"Federal Europe" is a concept of saving resources and better allocate them. It just happens that this is in line with historical insights into the effects, disadvantages and advantages of public organisation in Europe. And it happens, against all odds, in line with the quest for identity, all-pervasive in today's Europe. Identity and diversity can only flourish if being protected. A European federation will protect all the different identities within Europe and will thus enable Europeans in all their diversity to commonly meet the opportunities of a new era.

[37] See Dieter Chenaux-Repond, **"Welche Schweiz für Europa?"**, Dieter Chenaux-Repond, **Abschied von der Vergangenheit? Ein Blick aus Deutschland vor der Jahrhundertwende**, Munich, 1998, p. 87.