

enlightening the debate on good governance

What the European Union did next

A technocracy for unromantic times

After a semester of muddling through, the second half of 2010 will be one of tone- and agenda-setting for the EU. In the blue corner, Herman Van Rompuy is limbering up to tackle the Union's financial and geopolitical situation. Eyeing him from the other blue corner, Jose Manuel Barroso will try to regain the initiative on issues such as the internal market. Given the current political climate, the pair face a tall order: no matter how many presidents the EU produces, none has been keen to admit to the depth of tension between member states. And currently these tensions are very much to the fore. If handled imaginatively, however, the clear limits of solidarity between the member states could actually reveal the Union's strengths.

The politics of commonality

Member governments have famously viewed Brussels as a resort for mere 'comma politics' – an arena for phrasing regulations, not a place with its own political inner-life. Political thinkers in Brussels have returned the favour, not always giving the member governments the attention they deserve. The European Commission has, for example, seldom appreciated the real depth of the differences between the members let alone their competing interests. It talks instead of commonalities.

This emphasis on commonalities has allowed an important aspect of the EU's specificity as a mode of international cooperation to go largely undefined – its capacity to overcome state difference. One result of this blind-spot has been EU-overstretch: when discussing the scope of EU activity, it is simply asked where the 27 states might, in an ideal world, usefully cooperate. It is seldom asked whether the EU will actually be able to deliver.

The gap between aspiration and reality has increasingly been bridged by the 'institutional statement': in successive treaty reforms, changes to decision-making procedures have purported to create 'common' (foreign policy), 'European' (security policy) and 'effective' (home affairs) policies. But this effort to induce – or

bypass – the necessary political commitment from the member governments has met with only limited success. There is growing discontent with the EU's capacity to deliver.

If political thinking in Brussels sounds dire, however, the alternative has not proved much better. In 2009, the member states made something of an 'institutional counter-statement'. The Lisbon Treaty brought the governments back in. With the Treaty's reform of the European Council many capitals were aiming at a kind of strategic intergovernmentalism—a setup in which the heads of state and government set the political parameters for a whole range of EU activities.

This reaffirmation of government power has so far proved less a confirmation of the EU's powerbase than a source of stagnation. Too much weight is now being given to the differences and tensions between the capitals. We are still far from an apocalyptic 'politics of the full stop', but commentators have noted the return to national interest and pragmatism amongst even staunch Europeanist countries like Germany.

The politics of difference

Although the situation is certainly acute, the pessimism amongst pro-Europeans is overdone. Member state pragmatism and national interest are nothing new in EU politics. It is simply that committing to the

EU on a sustained, long-term basis, in the way that countries like Germany once did, no longer offers a pragmatic means to realise the national interest. Member states complain that the underhand process of European integration has once too often transformed minor policy commitments into policy behemoths. And if states no longer feel in control of the long-term development of the EU, they can no longer commit to it unequivocally.

The reform of the European Council marks a bid to do just that. The task is to ensure that the governments' attempts to regain control are constructive. The prize is clear. In policy areas like home affairs, where the European Council has gained important new formal powers, the addition of a more robust governmental level might be a source of political impulses which the Commission alone simply would not have the clout to deliver.

If Barroso and Van Rompuy wish to see this intergovernmentalist level develop as a useful addition to the classic community method, they will have to offer governments more clarity about the EU's strengths and limitations. The EU of 2010 can no longer be an EU that can be applied to any area and can achieve anything. It must be a Union that recognises the differences and tensions between the member states. This would be no bad thing: the overemphasis on the commonalities between the members has led the EU to neglect its most remarkable facet.

On paper, it is not difficult to identify the specific strength of the EU. In the classic scenario, the EU Commission - backed variously by Courts and agencies - acts as think tank, peacemaker and enforcer with a thoroughness that no other international body can rival. This gives the EU an institutional robustness sufficient to alter national cost-benefit calculations about cooperation: within the EU framework, competing member states gain the confidence to make meaningful commitments to one another without fear of exploitation. Overcoming entrenched member state difference is the EU's most significant selling point.

In practice, this institutional robustness has not always been used to full effect. The EU as a specific mode of cooperation has been both too widely applied, and too narrowly. Too widely, because it has been activated in

ways where it cannot use these strengths. And too narrowly because the innovative range of possible solutions that the EU might provide has not nearly been fathomed. This misapplication of the EU modus operandi has in turn created path-dependencies, with the Union trapped on the wrong track simply because of some muddled precedent.

An unromantic union

Whatever their vision for the future of the European Union, the duo of Van Rompuy and Barroso must explain how we can get to it from the current reality. That reality is a conglomeration of 27 often competing states involved in deep but discrete pockets of activity, and joined by an impressive but limited modus operandi for cooperation. The pair's agenda for 2010 will have to be one in which the diversity of the members are recognised, and the very specific strength of the EU as a modus operandi is put to more targeted use. The romance of state-building has no place there.

The esoteric union: Such esoteric values as trust, solidarity, mutual responsibility and neighbourliness are supposed to underpin EU cooperation, and can be used rhetorically to justify cooperation in almost any area. If these cohesive values were really in place, it would certainly set the EU apart from international organisations and make it very much more than the sum of its parts. Unfortunately, these values do not exist independently of national interests. In home affairs, EU bodies such as Frontex, the agency for protecting the Union's common borders, have foundered precisely because of this kind of wishful thinking. Frontex's architects wrongly assumed that the member states felt unquestioning solidarity towards one another.

The key strength of the EU setup, and the one which sets it apart from all other forms of cooperation, is rather different: unlike international organisations, its unusually robust institutions can provide a structure with which to *mimic* such values as solidarity and mutual trust. By translating altruistic values into quid-pro-quo arrangements between the member states, the EU's strong institutions can give the members the faith to engage in virtual solidarity, virtual trust, virtual neighbourliness. Policy problems where such values are required are the EU's

speciality – a higher form of cooperation for a higher form of problem.

The EU's new 'asylum support office' is a case in point. This body has the task of promoting 'burden-sharing' between the member states when accepting and dealing with refugees to the EU. It would be a mistake to think that this office will be able to tap into some kind of pool of unlimited solidarity between the members. The office could, however, create a quid-pro-quo arrangement, by which all members gain from showing a kind of virtual solidarity to one another. This would simply require the office to identify the different kinds of burden-sharing of interest to the members. States in the south and east, for example, demand practical burden-sharing when dealing with influxes of migration over the EU's external border. As a quid pro quo for receiving help, they could be persuaded to better implement the EU's common minimum rules on asylum—a form of burden-sharing of interest to northern and western members which tend to have higher standards.

The diversity union: The emphasis on commonalities has also led the EU to mimic large states like the U.S., whose success lies in a mixture of not merely geographical size but also political cohesion. This rationale certainly underpins home affairs. The recent EU 'Blue Card', introduced in order to attract immigrant labour to the EU, sought to emulate large integrated labour markets elsewhere. Certain desirable forms of immigrant would be offered access to EU-wide labour markets. Now that the Blue Card is finally being translated into national legislation, it looks set to be a flop. Given the differences between them, the member states were simply not prepared, or able, to integrate themselves to the degree necessary.

A more imaginative approach would have asked not how the EU can ape larger states elsewhere but how it might do something different. Its quality as a consortium of different, often competing, countries gives the EU its most remarkable structural advantage. This is a fact ignored in the Blue Card. The EU, with its different languages, regulatory regimes, histories, cultural links could never compete on the same terms as the integrated labour market of the U.S. when it comes to attracting immigrants.

If the member states had instead made use of this diversity, however, they would have better exploited their advantages. Immigrants are attracted to a destination by a whole range of factors including language, regulatory regime and historical links. Each of the individual member states can compete with the U.S. on at least a handful of these factors. Instead of seeking to homogenise its members, the EU offers a means to put the variety to concerted use. The EU could have offered an umbrella for member states with a similar competitive advantage to work together, target specific third countries, and perhaps even offer access to each other's labour markets for well-qualified immigrants.

The more modest union: As a result of policy-planners' strong insistence on the commonalities between the member states, confused path-dependencies have emerged in the EU's work. Inaccurate thinking about what the EU could achieve has seldom been corrected and the resulting policy approaches continue to develop, year on year, unchecked. Foreign policy is a case in point. Policy-planners believe that the commonalities between the members will allow the EU to develop quickly into a serious geopolitical player: the Union will be able simply to replicate the member states' foreign policy structures on a grander scale and pool the 27's collective clout. This is an assumption which informs the Lisbon Treaty and its blueprint for a diplomatic service.

Yet, the current reality of the EU's foreign policy interests is rather more modest. Given the obvious differences between the member states, the EU's foreign policy will logically be confined to those pockets of activity where the 27's positions most closely converge. And this is usually in the external dimension of existing EU policies such as the internal market or the economic and monetary union or home affairs. The external dimension of home affairs cooperation, for example, is readily identifiable and lies principally in the export of security arrangements designed to make the Schengen zone sustainable. The EU has long put pressure on neighbouring states to introduce controls necessary to ensure the maintenance of freedom of movement within the Union.

This is not to deny that the EU already has resources at its disposal which could be used to exercise geopolitical influence. Offering third countries preferential access to the

Schengen zone, for example, would be a point of real leverage in the regional and global environment. It could also put the integrity of the Schengen zone at risk. The Union is simply not sufficiently advanced to use this leverage properly. Yet, the EU's loud aspiration to behave already as a geopolitical player seems to have confused the EU-27 as well as their neighbours. The EU member states have sought to move towards increasingly liberal visa arrangements in their dealings with certain countries like Russia. The EU of 2010 needs to develop a strategy of dignified retreat from such path-dependencies.

Readiness to adapt to changing circumstances would be a sign of political maturity from the European Union rather than a sign of flagging commitment to its goals, structures and values.

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