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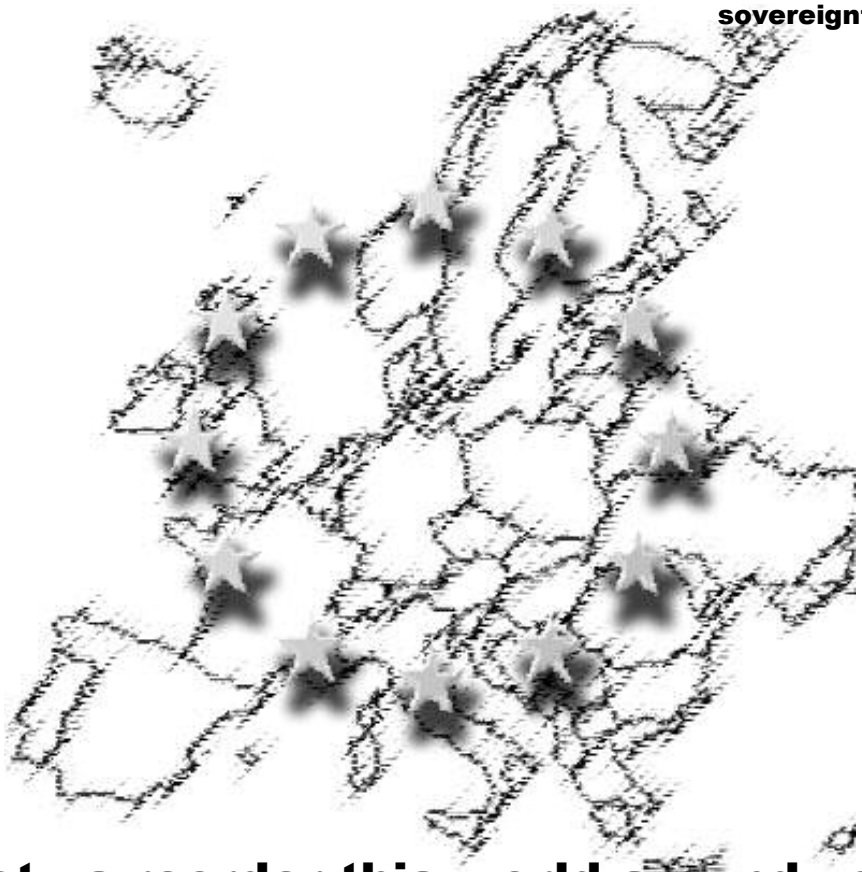
Global Responsibility
reaching beyond national
sovereignty



Let us reorder this world around us:

the European constitution and the wider world

By Richard Laming

Global Responsibility—reaching beyond national sovereignty

The concept of federalism has fallen out of favour within British the political debate. It is misrepresented as a political philosophy in favour of a large centralised superstate taking power from national governments and democracies. In recent years the debate over globalisation has begun to cover issues of how global decisions should be taken. But this debate is taking place without this one key philosophy underpinning or informing it. As a consequence the institutional solutions put forwards to solve global problems all too often lack the key elements which will help to ensure greater democratic involvement.

The One World Trust series of pamphlets *"Global Responsibility—reaching beyond national sovereignty"* will examine the relevance of federalist ideas to the globalisation debate.

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About the One World Trust

The One World Trust a UK based independent charity was formed in 1951 by the All-Party Group for World Government. The Trust promotes world citizenship and responsible international governance. To this end it supports the development of global structures, institutions and laws which are democratic and federal in order to achieve long term peace, universal human rights and sustainable development. In line with its federalist vision, OWT recognises the need for self-government at the local, national, regional and global level to ensure effective justice for the peoples of the world.

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Let us reorder this world around us: the European constitution and the wider world

By Richard Laming

"This is a moment to seize. The kaleidoscope has been shaken, the pieces are in flux, soon they will settle again. Before they do let us reorder this world around us."

Tony Blair, speech to the Labour party conference, 2 October 2001

The views expressed in this pamphlet are the views of the author only and do not necessarily reflect those of the One World Trust

Introduction

Any attempt to improve the state of the world should start by looking at the European Union. It has a record of success that should be emulated around the world: simply compare the last fifty years in Europe with the previous fifty.

The unique institutional structure of the EU has delivered unprecedented peace, prosperity and liberty for the people of Europe. It has the potential to export these values to the rest of the world.

It is also in the direct European interest to do so. As globalisation proceeds, instability in other parts of the world could spread to Europe. A failure to promote the ideas that underpin European success around the world could therefore in turn undermine them back home.

The report by Javier Solana, Secretary General of the European Council, in June 2003 listed the potential threats to European interests. The list makes sobering reading: rogue states with weapons of mass destruction, international terrorism, failed states, climate change, epidemic diseases. A clear and effective response to these challenges is needed. Europe has a role to play.

The disproportionate power of America

At present, global efforts to address these issues are handicapped by the disproportionate power exercised by the United States. This is not necessarily to criticise the way in which the United States uses this power: the problem is more subtle than that.

For when a crisis of some sort requires a concerted response from around the world, the reaction of other countries is determined not only – and often not even mainly – by their relationship with the issue at stake but rather by their relationship with the United States. The behaviour of many of the members of the UN Security Council during the Iraqi crisis in the first few months of 2003 shows this very clearly. It is not healthy.

It is not healthy because it is not the best way of dealing with crises, and it is not healthy because the United States is not all-powerful. There are many problems that armed force alone cannot solve.

Robert Kagan, in his book “Paradise and Power”, characterises the different views of international relations by suggesting that Americans are from Mars and Europeans are from Venus. The Americans are powerful and therefore want a world based on power relations. The Europeans are weak and therefore seek a world based on rules. He contrasts the present situation with that of the late 18th century, when a newly-independent – and weak – United States sought rules for international relations whereas the strong European powers preferred a

world of power politics.

This simple picture captures well the post-cold war American view of the world, but it misunderstands Europe. The experience of the Second World War – and the reconstruction afterwards – has changed the European view of the world utterly.

The suggestion that Europeans want rules for international relations because they are weak has it the wrong way round. Europeans are weak because they want rules. Twentieth century Europe was one long test of strength – the Second World War and the holocaust were the ultimate expression of a world without rules – and an experience that must not be repeated. Europeans have learned that strength alone is no guarantee of protection: peace and security are not the same thing.

The same consideration arises in those areas of international policy that go beyond immediate military crises. They include the regulation of global corporations, the sharing of wealth and opportunity around the world, and minimising the threat of climate change. If the world is to deal with these issues effectively, it will need to deploy other kinds of power: political, economic and cultural.

It is becoming urgent to find ways of exerting these other kinds of power. If this cannot be done, then the threat posed by these problems will grow, as will the temptation on the part of the United States to seek its own responses to them. Europeans have no grounds for denouncing the Americans as unilateralist if they themselves are making no effort to offer solutions of their own.

What is the European Union?

The European Union is a unique and pioneering international institution, incorporating both intergovernmental and supranational elements. Its decision-making involves both the governments of its member states and a set of political institutions at the European level. The European institutions are independent of national governments but increasingly dependent on an electoral mandate from the citizens.

It is therefore not possible to understand the EU simply by reference to the traditional models of international organisations. Indeed in many ways it is much more like a state in its own right and has an untapped potential on the world stage.

Furthermore, it is currently rewriting its own rules. A constitutional convention has, after meeting for more than a year, proposed a draft constitution for Europe. This draft still has to be approved by the 25 national governments of the member states but the direction it is taking the EU is clear. The supranational and democratic elements in the European institutions are being strengthened so that citizens will have more influence over the future Union than they do now.

This then is the right moment to consider the future world role of the European Union. Why should Europe seek to have a world role? What role should that be? And what changes might be needed for this role to be a success?

Why should Europe have a foreign policy?

It is fair to start by asking why the European Union should be so concerned about international issues at all. Some observers argue that it has been a success merely as an economic and trading block and should stay that way. There are four reasons why this minimalist approach will not do.

First, because international issues matter. The growing interdependence of the different parts of the world means that problems somewhere else can quickly become problems here. Public awareness of this fact is also growing: the biggest demonstrations in recent times were over a foreign affairs issue, the war in Iraq.

Secondly, Europe is a rich and powerful player on the world stage and so can make a real difference if it were to try. It may be unfashionable to talk about morality in the same breath as self-interest but, looking at the kind of issues that need to be dealt with, it is surely not out of place.

Thirdly, a number of the problems to be dealt with were caused - or at least made worse - by Europe in the first place. The legacy of colonialism, for example, with the economic and social imbalances that it implies, is not yet overcome.

And lastly, there is the idea that Europe has got something distinctive to suggest. What Europe has to offer is not merely its wealth and its power but also its experience. Europe used to be a continent of continual turmoil, the

source of world wars which proceeded to engulf the globe. Now, thanks to the process of European integration, Europe has become a zone of stability, prosperity, and freedom. There are lessons from this experience to be applied around the world.

The mixed experience of European foreign policy

If there is such a strong need for a European foreign policy, it is worth taking a moment to look at why it has been, relatively speaking, so ineffective in the past. It cannot be said often enough that the EU is a unique and pioneering international organisation: while its strengths are unique, so are its weaknesses. This was shown clearly in the unfolding crisis over Iraq.

It was widely agreed that the brutal Iraqi regime of Saddam Hussein should not be permitted to possess chemical, nuclear and biological weapons. Iraq had used such weapons both during its long war with its neighbour Iran in the 1980s and in suppressing domestic opposition, notably at Halabja in 1988. The renunciation of these weapons had been a condition of the ceasefire that ended the first Gulf War in 1991. However, it appeared that Saddam Hussein had violated the terms of that ceasefire and needed to be forced to comply.

Britain and France, while nominally pursuing the same objective – the disarmament of Saddam Hussein – followed very different policies. The British policy was to support American actions and to try to rally European countries behind them. Uppermost in Tony Blair's mind was the need to

prevent a breakdown in transatlantic relations, accepting American leadership rather then challenging it. However, this policy failed.

Many significant European countries were not convinced, along with the overwhelming majority of European public opinion. The Americans appeared too eager for war. Far from leading Europe, Blair became isolated in his support for George W Bush.

The alternative policy pursued by the French government also failed. Jacques Chirac accepted the principle that military force might be needed to disarm Saddam Hussein but refused to deploy French forces to support it. Furthermore, the French wanted the disarmament of Saddam Hussein to be carried out under the auspices of the United Nations. This did not happen either.

So, without needing to decide whether the French or the British policy was preferable, it is clear that they both failed. The Americans fought the war in Iraq without UN endorsement and without a significant European contribution (the British acted independently of their European partners). Neither Jacques Chirac nor Tony Blair achieved his objectives: the policy adopted was wholly American.

It must be a major consideration, therefore, to prevent such a failure when the next crisis comes.

Why has the European Union been weak on the world stage?

Having established the need for Europe to act effectively on the world stage and looked at evidence that it currently does not, it is necessary to look at the problems and how they can be overcome.

The problems may be divided into two. First, there are times when the member states of the European Union have lacked the will to act effectively together. And secondly, and perhaps as a result, the institutions of the European Union have been inadequate for the task.

The question of political will may be put like this. Do the different member states really have enough in common to make a common foreign policy work, and are they willing to make the changes necessary to do so?

A look back at Javier Solana's list of potential issues should settle the first part of this question. Every European country is threatened by the proliferation of weapons of mass destruction, by climate change, by the uncontrolled spread of epidemic diseases. These issues will not respect national borders. Common action is surely necessary: a determination to act can only mean a determination to act together.

But this will have consequences for the institutions of the European Union. They are sorely inadequate at the moment: reform is undoubtedly needed.

After all, the success of the European Union as a trading block is based on its coherent and organised system of decision-making. The European Commission was established as an executive independent of the member states in order to represent the common European interest. The European Parliament, with members directly elected from across the EU, has assumed a growing role both in approving European legislation and in holding the European executive to account. The Council of Ministers represents the national governments where, on an increasing number of issues, decisions are now taken by majority vote in place of the former system of national vetoes. Nowhere in the world have institutions like these been established before. They have been extraordinarily successful in the work they have done.

However, this institutional model has not been followed so carefully in foreign policy. The roles of the European Commission and the European Parliament have been relatively minor and the use of majority voting in the Council of Minister has been relatively modest. It is no accident that European foreign policy has been relatively weak as a result.

And if there is no change in the system, the forthcoming enlargement of the EU might make things worse. The increase from 15 to 25 member states could make it harder to reach decisions among the national governments if the means of taking decisions does not change.

These are the problems that the European constitution is intended to solve. The draft proposed by the Convention and submitted to the governments of the member states in the Intergovernmental Conference

(IGC) is an opportunity to improve these institutions. If the right decisions are taken, it can make them both stronger and more accountable.

A constitution for Europe

The draft European constitution outlines a means to enhance Europe's role on the world stage. The changes it proposes are welcome and overdue.

First of all, it improves the mechanisms for making and implementing foreign policy so that Europe can become a more influential actor on the world stage. For example, the draft text brings the external representation functions of the European Commission and the Council of Ministers to one place. Hitherto, the functions of the European Commission in dealing with trade and aid questions around the world have been separate from the militarily-related competences of the member states. The former are led at present by a European Commissioner, the latter by the High Representative on foreign policy. The constitution proposes to merge these two posts, leading to a more coherent and effective expression of European policies around the world.

Secondly, there is also the way in which the constitution itself has been drafted. The Convention on the future of Europe brought representatives of the national governments together with representatives from the European and national parliaments. It met in public to debate the future of the European Union. Different competing visions of the future of Europe were presented and debated: the resulting draft represents a broad consensus of opinion among Convention members. The legitimacy of

policies pursued by the European Union will therefore be greater now that much of the debate about the way in which Europeans wish to govern themselves has been settled.

And, in the particular case of Britain, this is now the moment for historical worries to be left behind. A continual complaint from Euro-sceptics is that the Brussels system has not been designed with Britain in mind, except perhaps to discriminate against it. This argument must now be laid to rest. The United Kingdom has been represented in every stage of the process to draft the constitution, participating on an equal basis. The British, for reasons of geography and history, expect to be influential around the world but have become less so in recent years. If they can overcome their ambivalence about Europe, they can become influential once again.

The conclusion of the IGC and the ratification of the new European constitution represent an opportunity to strengthen both the Union's foreign policy mechanisms and Britain's role within Europe as a whole.

But the draft constitution is not the last word in European foreign policy-making. This is because the governments of the member states have to agree to it by unanimity during the current IGC. They also have the opportunity therefore to propose and agree amendments.

In addition, there is the question of how the final constitution will be implemented. Some of the more important and most interesting parts of the text are permissive rather than instructive, that is they allow things to happen rather than require them. So it is worth examining some aspects of the draft constitution in more detail because they offer the potential for a

considerable improvement in the effectiveness of Europe's foreign policy.

Who leads on foreign policy?

One of the most important questions is that of who should lead on making and implementing European foreign policy. There are two institutions involved: the European Commission and the Council of Ministers. Until now, these two institutions have had separate staffs and procedures for carrying out foreign policy. The draft constitution brings together these functions under the control of a new foreign minister who will be both a member of the European Commission and accountable individually to the Council of Ministers (so-called "double-hatting"). This represents progress.

However, there is plenty of scope for improving the coherence of the system still further.

Central to this is the recognition that the European Commission has the role of expressing the common European interest. Member states have distinctive experiences and interests within European Union and must not be shy about voicing them, but the European interest requires its own distinctive voice. As foreign policy develops, therefore, Europe would be better served if it is the European Commission that takes the lead in developing policies and their implementation. For example, the new foreign minister should aim to enhance the role of the Commission staff rather than the Council secretariat.

How are foreign policy decisions taken in the Council of Ministers?

A further question of interest is the way in which the Council of Ministers takes decisions on foreign policy.

The draft constitution currently proposes a rather awkward mix of unanimous voting on some issues and qualified majority voting on others. The rationale for each can readily be explained: unanimity will protect the vital interests of individual member states; qualified majority voting will enable more effective decision-making on occasions when vital national interests are not at stake.

It was argued by some members of the Convention that qualified majority voting should be generalised to all foreign policy issues in the Council. However that proposal was not taken up. What is now proposed is basically still the arrangement first set up by the Maastricht treaty more than ten years ago. Major positions on foreign policy will be decided by unanimity; their detailed implementation by qualified majority.

It has already been pointed out that the vital national interests of different European countries are increasingly similar, so one might therefore expect vetoes to be cast less frequently in future, but nevertheless it is important that as many decisions as possible are taking using qualified majority voting. QMV improves the efficiency of decision-making by bringing a new dynamic all of its own.

When a decision is to be taken by unanimity, the principle consideration

for each member state is how it can prevent a decision being taken with which it does not agree. When the decision-making method is QMV, the consideration for each member state is different. Rather than preventing an unacceptable decision from being taken, the task is to ensure that the agreement that is reached is broadly speaking acceptable. This means influencing and shaping a decision rather than simply blocking it.

The success of the single market shows how this approach works. QMV was first introduced in the Single European Act in 1986 as a means of ensuring that it was possible to adopt the legislation needed to create the single market. Member states with reservations about certain aspects of individual proposals realised very quickly that the way to maximise influence was to negotiate amendments to them rather than simply to vote against. A strategy of negotiation would give influence on the shape of the final outcome; a negative vote might lead to none.

This new dynamic has led to more effective decision-making and more representative decisions over the single market. Foreign policy should benefit in the same way.

The role of the European Parliament

A third consideration is the role of the European Parliament in the foreign policy-making process. The draft constitution requires that the European Parliament should be "closely associated" with the foreign policy positions. Such a phrase could cover many different degrees of involvement. However, the role of the EU as a foreign policy actor will be much

strengthened if the role of the European Parliament is strengthened too. There are several reasons for this.

First of all, it should be noted that the European Parliament brings together different interests from different parts of Europe and forces them to debate and reach agreement in public. One of the principal tasks in making a foreign policy for Europe is to accommodate the different viewpoints within the Union. Bringing the European Parliament more centrally into the decision-making process would be an effective means of doing this.

Secondly, the involvement of the European Parliament will also serve to increase the engagement of the citizens with the European Union and its foreign policy. As the demonstrations over the war in Iraq proved, foreign policy issues are of increasing concern to voters in Europe, and common European viewpoints are emerging. The involvement of the European Parliament in foreign policy making will allow this to be expressed more clearly.

Lastly, if foreign policy is primarily to be made and implemented by the European Commission, the European Parliament has the important task of holding the Commission to account. It would be wrong for the European Commission to become more powerful without a corresponding increase in its accountability.

The development of European defence

An intriguing provision in the draft constitution is one that allows for the development of a European defence force under the auspices of the European Union institutions. Up until now, practical cooperation among EU

member states has been handled through NATO. What difference might this new defence arrangement make in Europe?

The assumption in the draft constitution is that not every member state will take part in such a defence initiative. A reluctance to participate either by those member states that are not attached to NATO or by those that claim the strongest attachment to it should not deter the others from pressing ahead.

A European defence initiative will bring coordination with the other external policies of the European Union, elevating the role of the Council of Ministers and the European Parliament with all the democratic benefits that the previous sections have suggested. It must also remain coordinated with national policies and institutions, of course, so slow and steady progress is both more likely and preferable to something more dramatic.

Better coordination among the European member states will enable them to be stronger and more active participants in NATO than they are at present. Pooling their defence procurement efforts will deliver much better value for money. As a result, NATO will be stronger.

It must also be said that NATO is not what it was either. The need to defend Western Europe against the Soviet threat is now gone, so the pressure on NATO members to reach agreement on every matter is no longer absolute. The United States has shown repeatedly since the end of the Cold War that NATO has lost some of its importance. It is a tool that may or may not be used to implement any given policy rather than the forum in which that policy is decided. Given that the Americans think this, the Europeans should not be afraid of thinking it too.

What are the objectives of European foreign policy?

The final consideration is perhaps the most important of all: what is European foreign policy for? It would be a mistake to create a system without first being clear on how that system should be used. So it is necessary to spell out the objectives of European foreign and how they can be defined in the constitution.

When the United States adopted its own constitution in 1788, its foreign policy stance was clear. It had just escaped from entanglement in European power politics – its war of independence had involved Britain, France, Spain and the Netherlands – and did not wish to return. A policy of isolationism was desired: the constitution was intended to provide it. (That American foreign policy has changed since then has been made possible by subsequent changes to the US constitution, increasing the power and resources available to the federal government.)

In a similar manner, the European Union needs to identify the objectives of its foreign policy, and again in a similar manner it should look to its recent past for inspiration. This will point to a distinctive role for Europe in the world, based not on the current power of the European Union nor even on its colonial past, but on its very history of integration.

In the fifty years or so since it was founded, the European Union has pioneered a new form of international relations. Its gradual development towards a federation has given its member states shared democratic institutions with a voice for their citizens as well as their governments.

And the decisions of the European Union affect not only the governments of the member states but also the citizens of those countries too. For example, the European Coal and Steel Community set up in 1950 did not relate simply to the coal and steel industries of its six member states but rather to the individual companies and workers in those industries. They were treated equally as Europeans rather than differentially according to countries they came from. It is a method that worked.

The federal system of democratic supranational institutions with a direct relationship with the citizens has provided more than just the benefits of the single market and environmental protection. It has also strengthened the fellow-feeling of the citizens of the European Union in the different member states themselves. As citizens within the European Union, we are increasingly affected by our collective decisions as Europeans. We are both more willing to work together as a result and more able to work together when we try. So far, this has been a unique and distinctive European experience but it does not need to be limited to Europe. This should be the objective of European foreign policy around the world.

A number of regional international organisations, such as Mercosur in Latin America and the African Union, are already looking to the experience of the EU for inspiration. The EU should support moves in this direction in global institutions too.

Reform of the World Trade Organisation

For example, the World Trade Organisation is crying out for more democracy and accountability. The failure of the negotiations at the recent

summit in Cancun makes urgent the need for reform. In the WTO at present, there is no effective expression of the common interest independent of the individual member states, and there is no means for citizens and wider civil society to hold decision-makers to account. Closed-door negotiating sessions do not work and they do not inspire trust.

If the global trade agenda is to be advanced, some tough decisions are needed. The essential compromises between the interests of rich and poor countries will not be found easily. The WTO needs a means of reaching these decisions in a way that cannot be held hostage by narrow sectoral interests. However, those decisions will only be accepted if they are taken in a manner which is also seen to be open and accountable. Secrecy is a terrible enemy of progress.

Therefore, the WTO needs an executive that can express the common interest of all member states and a parliamentary assembly that can hold that executive to account. The European Commission and the European Parliament might be useful models here. The Commission started out with powers in only a limited number of areas and the Parliament originally was indirectly-elected and purely consultative, but a series of steps over a period of years has led to the present position. After all, the WTO already has its equivalents of the Council of Ministers (the regular ministerial meetings) and the European Court of Justice (the Dispute Settlement Body).

Democratic institutions at the global level will be created neither perfectly nor immediately but moves in this direction are essential if the WTO is to deliver the economic opportunities that the world needs.

Strengthening the Kyoto system to fight climate change

The same kind of tough decisions needed to free up world trade will be needed if the Kyoto agreement on climate change is to be made to work, with the difference that the decisions will be even tougher.

The terms of the Kyoto agreement are only the first step in the direction of reducing emissions of greenhouse gases. Further cuts will be needed, with their corresponding impact on economic life and business practices. The adoption of the model of contraction and convergence, whereby each member state moves towards equal per capita emissions of greenhouse gases, will make this process even more stark. Effective measures and powerful incentives will be needed. At present, they do not exist.

The current system imposes obligations only on those national governments that have joined it, with minimal penalties existing for those member states that do not comply. A tougher enforcement mechanism would encourage the necessary decisions to be taken. Energy-saving measures applied to individuals and companies as well as to national governments would accelerate the pace of change.

As long as the sole focus of debate is national advantage rather than the common interest, change will be too slow. Effective leadership and democratic accountability are indispensable. Environmental protection requires not only technical measures but also institutional change, bringing the concepts of federalism to the protection of the global environment.

Conclusion

The European Union is a unique institutional system and can play a unique role in the world. Its financial resources and its global reach mean that it can bring its influence to bear, as long as it has the will and the imagination to do so.

The alternative model to the exercise of such will and imagination is clear. Donald Rumsfeld, US secretary of defence, remarked of the Afghan crisis that “the mission decides the coalition, the coalition does not decide the mission”. This may be a succinct statement of the current American perception of foreign policy, based on power and not rules, but it leaves open a vital question. If the coalition does not determine the mission, who does? That is the central issue of international politics today.

The European Union, by drawing on the principles on which it was itself founded, can fight poverty and instability in the world’s poorest countries. It can act as a partner for the United States and reduce the temptations of what could otherwise be a dangerous policy of unilateralism. And it could bring democracy and accountability to the global institutions themselves.

The adoption of a constitution is supposed to mark the beginning of a new political era. The new European constitution can open a new chapter not only for the European Union itself but also for the world as a whole.

Richard Laming is Director of Federal Union, the British federalist campaigning organisation, and works in public affairs for commercial interests in London and Brussels. He writes here in a personal capacity.

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Let us reorder this world around us: the European constitution and the wider world

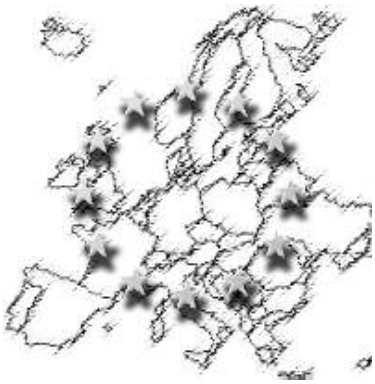
By Richard Laming

The European Union is a unique and pioneering international institution. It has taken the principles of democracy and accountability and applied them to the relations between its member states. The resulting development towards a federation has given Europe unprecedented peace, prosperity and liberty.

The new European constitution will take this a stage further. The EU's powers in the field of foreign policy will, if effectively applied, bring its experience to bear at the global level.

This essay argues that European foreign policy should be:

- Led by the European Commission as the expression of the common European interest
- Based on majority voting among the member states to ensure that narrow sectoral viewpoints do not always prevail
- Influenced by the European Parliament as the directly-elected representation of the citizens of Europe
- Explicitly aimed at promoting of the principles of democracy and accountability within the institutions of global governance.



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