A Union of States But Not of Intent. What If the Common European Vision Comes Apart?

by Virginia Volpi

What does Europe mean to me?

Europe is the topic of my dissertation, the means and inspiration for my Erasmus in Strasbourg and the complex and demanding exam of European law.

Europe is my visit to the EU institutions in Brussels, and the meeting with High Representative Federica Mogherini and European Parliamentary member Elly Schlein.

It is referendum day on 23 June 2016, when the UK was called to decide between leave and remain.

It is my final essay on "Charlie Hebdo and freedom of speech", and the ensuing interrail in Hungary, Austria, the Czech Republic and Germany while Viktor Orbán was building walls.

It is my excursion to a migrant detention centre on Italy's island of Lampedusa, a day after 368 people drowned in the Mediterranean as Malta and Italy exchanged garbs on the responsibility to rescue.

Most recently, Europe is also the Aquarius vessel and the constant chain of shipwrecks that, five years on, still take place in those Mediterranean waters as Italy and Europe grapple with a further hardening of political views. Marine biologists will look back and wonder, asking themselves what dreadful calamity, what conflict or warfare took place in the Mediterranean during our present times?

The European project was itself born out of an ambition to make war "not just unthinkable, but materially

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impossible". The founding objective has been achieved. War on the European continent has been no more. Deaths on Europe's shores are still very much with us today: 34,361 is the tragic (still partial) tally of those identified since 1993.[1]

All of us, then, must be guided by the moral obligation to ask what went wrong? How did we get here? And have Europe's founding values been betrayed?

Such questions are hard to answer for a 20-year-old woman born into an already well-established European Union. What is Europe, therefore? What is the EU?

Europe is neither an international organization, or a traditional state. Jacques Delors used to describe it as an "unidentified political object".[2] Not being a state, the EU does not enjoy political autonomy. Instead, and in accordance with the principle of conferral, its actions and powers derive from the courtesy of its member states.

The pooling of resources, power transfers and communal decisions reflect another foundational principle of the European Union, one based on

the notion of "sincere cooperation", as defined by the Treaties. Beyond sincere cooperation, however, a unity of purpose and a shared vision among member states and EU institutions seems to be taken for granted.

Yet, it is here, in the search for a common purpose and vision, that something has gone wrong.

Let us start from the beginning, from the accession process and the responsibilities of those who wish to join the EU. To be accepted, a state is required to be generically "European", to conform to Article 2 of the Treaty of the European Union (TEU) and recognize the Copenhagen criteria.

Article 2 lays down the EU's foundational values of human dignity, freedom, democracy, equality, the rule of law and human rights. The Copenhagen criteria instead comprise the rules needed to accede to the European Union, covering the political (democratic institutions and the rule of law), economic (a functioning market economy) and legislative (alignment with European laws and obligations) domains.

Yet, once part of the EU, how can we make sure that a convergence of goals and principles will be upheld?

The procedure outlined in Article 7 of the TEU is one example of these control tools. It allows EU institutions and member states to determine whether a state is violating EU principles and, more specifically, if its policies represent a "risk" or a "serious and persistent breach" of these values.

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[1] A list of 34,361 documented deaths in Mediterranean has been compiled by UNITED for Intercultural Action. For more details see: *The Fatal Policies of Fortress Europe*, http://www.unitedagainstracism.org/?p=70.

[2] See the speech delivered by Jacques Delors, President of the European Commission, at the inaugural session of the Intergovernmental Conference held in Luxembourg on 9 September 1985. Full text available in: *Bulletin of the European Communities*, No. 9/1985, p. 7-14, http://aei.pitt.edu/65674.

Such mechanisms are not only complex and cumbersome, requiring large majorities in the European Council to be approved, they also represent reactive measures, entering into force once the threat of democratic backsliding has already materialized.

The cases of Poland and Hungary are emblematic. In the former case, the Commission warned the Polish government four times, before moving to ask the Council to open proceedings under Article 7 of the TEU. Specifically, thirteen Polish laws were identified as undermining the rule of law, including the legitimacy and independence of the judiciary and the separation of powers.

While the review proceedings have since stalled, the risk of contagion and an ensuring domino effect has not.

In Hungary, the parliament recently approved constitutional reforms promoted by Prime Minister Orbán that seriously undermine many of the same principles outlined above in the context of Poland. Most recently, on 12 September 2018, the European Parliament voted with a large majority to trigger Article 7 proceedings against Hungary. While the procedure is underway, Orbán knows that the Commission now needs the support of 4/5 of EU member states in order for it to open a formal investigation.

Orbán can count on the support of the remaining Visegrad countries (the Czech Republic, Poland, Slovakia), whose sympathetic vote would be enough to block the procedure. Indeed, should even one of these countries decide to follow Hungary's line, Orbán would avoid the charge of a "serious and persistent *breach*" of EU values, a ruling that necessitates full unanimity among member states, thus limiting such action to a warning of a "serious *risk*" of such a breach.

In doing so, Hungary, together with the remaining members of the Visegrad group, is not only opposed to George Soros and the principles of hospitality, but to the European Union as a whole.

What unites the Czech Republic, Hungary, Poland, Slovakia and others is an argument based on an alleged identity crisis in Europe and a shared conviction that European national identities and values – often grounded in references to Christianity – need to be defended against the threat of immigration.

Against this backdrop, one can observe how a two-tier Europe already exists in practice. On the one hand, EU institutions and procedures are time-consuming, slow to react and at times dysfunctional. On the other, the rise of populism and nationalism knows no such constraints, spreading at an impressive speed while posing serious challenges to the EU project as a whole.

The resulting paradox, which sees nationalist and populist states striking intra-state alliances with other member states in order to reaffirm their individual national identity and push back against EU institutions, is clear for many to see.

Returning to our central theme, therefore, what went wrong with Europe? And where can one start to (re)build a common European vision?

Perhaps we have underestimated the problem of "perception" and, connected to this, the power of misinformation. Perceptions are important, but so are facts. In this regard, it is important to stress that the most Eurosceptic countries are all net beneficiaries of the EU budget: that is, they receive from Brussels far more than they contribute. By the same token, those countries most opposed to migration are in fact those which have received less migratory flows.

In this respect, what Europe lacks is a political class truly willing and able to articulate a common European future based on shared principles and cooperation. With some exceptions, politicians in Brussels have maintained much of their national inclinations and character. With the exception of old initiatives, such as the Erasmus project, European policies and actions still tend to prioritize the interests of single member states or groups of states over the collective, failing therefore to foster a shared feeling of belonging and vision.

Such trends only strengthen the above-mentioned problems of perception and misinformation, as they prevent the emergence of a common and informed European citizenship.

Looking to the future, some initial recommendations may include:

1) Consolidate the *Spitzenkandidat* process for the election of the President of the European Commission.

2) Relaunch transnational lists in the EU Parliament. An important opportunity was lost in this regard following the decision not to redistribute the UK's 73 vacant seats in parliament on a transnational basis.

3) Establish a newspaper, online or in print, charged with transmitting concise and correct information on the EU and its policies.

4) Strengthen the educational curriculum with courses on the European project, its institutions and foundational values, providing tools to a new generation of teachers and students beginning from their high school years.

Jean Monnet had noted how "There [can be] no real peace in Europe, if the states are reconstituted on a basis of national sovereignty. […] Their prosperity is impossible, unless the States of Europe form themselves in a European Federation."

Jean Monnet had understood this as far back as 1943.

It is now high time that European citizens and leaders return to the EU's foundational principles and push back against the forces of misinformation, populism and identity politics that are today returning to the European continent.

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