

Schuman Declaration 2.0

On this day 70 years ago, the Schuman Declaration initiated the process of European integration. It has led to the creation of the European Union, as we know it now. But the aspiration was higher: a European Federation. When we are torn by crises, now is the time to forge it.

This year, for the first time in its history, the European Union has lost a Member State. Instead of blaming the so-called ‘populists,’ we should address concerns of their voters. They stem from the feeling of powerlessness and lack of proper political representation of their views. In other words, from the ‘deficit of democracy’ in the European Union.

This deficit is not an invented issue. For decades, politicians replaced proper political decisions with judgements. Fearing reluctance of voters, they let the European Union be integrated through law and judicial activism. With conflicts between national and European judiciaries, this era is now coming to an end.

Constitutional courts in Germany and Poland claim their right to assess whether the European Court of Justice acts beyond its powers. This may undermine the crucial rule of the European Union: primacy of European law over national law. If following judgements of the European Court of Justice becomes a matter of internal assessment, national authorities may feel free not to fulfil their previous commitments. In consequence, the EU law will become an ‘EU gentlemen’s agreement.’

This can be prevented only by creation of a true European Federation.

Federation is a system, in which power of the central government is clearly limited by the autonomy of Member States in specific policy domains. We need to come back to the spirit of the Schuman Declaration. We should clearly define spheres of European action and tasks of European institutions. The European Union will not be sustainable unless all actors know their responsibilities.

Competences of public institutions need to be clearly defined. Governments and courts at the European and national level need to know the limits of their power.

The European Union should have a closed agenda. The fields of European action should be clarified in the Treaties in a full procedure of Treaty amendment. The European institutions should work only ‘on the basis of the law and within the law,’ as all public institutions in Member States do. However, whenever they lawfully act, their decisions should be binding. Currently, only the European Court of Justice can assess whether other institutions have not exceed their competences. But who judges the judges?

If the European Court of Justice can be overruled only by a change of the Treaties, Member States and nations lose their ability to block non-political federalization. They are no longer ‘masters of the Treaties.’ This makes citizens feel powerless. We need to come back to integration through politics.

The European Council –like an upper chamber of a federal parliament, the body representing national majorities– should be allowed to overrule judgements of the federal European Court of Justice by a qualified majority on the grounds of judicial activism.

This will tackle the challenges of the supposed ‘deficit of democracy’, blame shifting, distrust among the member states and distrust of citizens to the European institutions, and, most importantly, the nationalist backlash. It will prevent people from feeling that ‘Brussels’ imposes some ideology, disrespects national traditions or that ‘the EU failed to react.’

While moving European integration forward, these solutions would clarify the political system. The European Union has to be as easily understandable for European citizens, as France or Slovakia are for French and Slovak citizens. It should be integrated as deeply and widely as possible. But this means: as far as citizens want it. Citizens of all nations must feel that they are hosts in the common home: in the European Federation.

The administrative or judicial integration is no longer an option. Creative interpretation of law can no longer be considered a normal response to crises. We need to revive the Spirit, rebuild the trust in the European Union and face the challenges together. Let us build a European Federation as imagined by Schuman and Monnet: by ‘fusion of interests’ determined in a political process!

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