

## VARIABLE GEOMETRY EUROPE: AN INTERPRETATION OF THE EUROPEAN INTEGRATION DEVELOPEMENT

CARLA CATTANEO - DARIO VELO

The understanding of the European integration process has found an obstacle in the incorrect and at times equivocal used terminology.

In this sense, reference can be made to the various meanings of such terms as "variable geometry Europe", "Europe à la carte", "multiple speed Europe", etc.

A possible approach to accomplish a controlled use of the terminology consists in placing these expressions within the historical context in which they arose, thus recovering their original extent. Two-speed Europe or, according to other terms, variable geometry Europe is a solution adopted de facto to support the European integration process since its origins; we thus refer to the takeoff of the integration process during the 50's.

### The Beginning of the Integration Process in the 50's

The beginning of the integration process takes place within the context of international liberalisation and co-operation which develops world-wide immediately after the post war period. The International Monetary Fund and the General Agreement on Tariffs and Trade (GATT) are founded in order to support monetary stability and convertibility and to allow a balanced international trade development. On a European regional scale, the Marshall Plan provides financing to the reconstruction and it leads the European States toward an increasing cooperation on a continental basis.

At the beginning of 1948, 5 Western countries (Great Britain, France, Belgium, Holland and Luxembourg) and 2 American countries (United States and Canada) start a set of meetings about military safety which, in a relatively short time, will lead to the creation of NATO.

On May, 5th 1949, the Council of Europe is created in London with the aim to pacify relationships among the European countries in order to establish a more favourable climate to the integration on development.

The general purpose of the Council of Europe is defined as "a larger unity among its members in order to safeguard and achieve the ideals and principles of a common heritage and to facilitate economic and social progress. At the beginning, the Council of Europe is composed of 10 Western European countries (Great Britain, France, Holland, Belgium, Luxembourg, Italy, Ireland, Denmark, Sweden and Norway). In a few months time, the council is enlarged, accepting membership of Greece, Turkey, Iceland and Germany.

The beginning of the European integration process, which can be identified with the creation of the European Coal and Steel Community (ECSC) is the consequence of the co-operative climate established thanks also to the Council of Europe.

A totally original project is therefore initiated, which has from the very start a constitutional feature although lacking a State.

Gradually a State is being built, creating in itinere the institutions and the working rules which help the realisation of a state entity at the beginning having only a virtual character.

Already with ECSC the general principles which are to become those of the European Community are defined along with its institution powers, the rights and the obligations of the member States, the provisions for its activity financing, the legal status of the Community. With ECSC a constituting process ... which will be ... and continued by the European Community and then by the European Union, according to a non-linear development process to the extent that it will not always be identifiable. What is extremely relevant is the definition, which dates back to ECSC's times, of the leading and braking role respectively played by some countries, according to a logic which has motives deeply rooted in the history and geopolitics of Europe. The idea of ECSC is brought about by France and Germany; it is rapidly taken over by Central European countries; it is strongly opposed by Great Britain; at the end of a tormented decisional process it is taken over and boosted in a more federal sense by Italy. The role played by the various countries in the foundation of ECSC has repeated itself all along the integration process, every time a step forward in the process itself has been taken into account. With the Community enlargement, the new partners have set themselves within this scenery close to those historical members which a natural convergence pre-existed with. On this purpose we

can mention the deep affinity emerged between Danish and British positions and Spanish and Italian ones and SO on.

Already with the creation of ECSC two political economic philosophies could be clearly identified: Continental Europe aiming at the edification of a Union-oriented community, Great Britain being interested in diluting the project in a much simpler free-exchange zone. Here it lies the origin of a variable geometry Europe, a 'two speed Europe, Europe à la carte, a concentric circle Europe. Great Britain does not join ECSC, as it will oppose to its evolution towards EEC. It tries to turn OEEC into a European free-exchange zone. It is opposed to EDC, choosing German rearmament within WEU, or more precisely within NATO. This fosters an alternative hypothesis in order to give a better order to the various groups which have embodied the integration process. In other words, a variable geometry which has always been directed by a group of countries which has been in charge of process orienting. This group has fundamentally always been much the same, whilst disturbances of the variable geometry have been increasing with the enlargement of the Community, assuming different forms and terminology. The above mentioned group has always been able up to now to control the variable geometry, thanks also to the enforcement of community institutions which have contributed to counterbalance the desegregating impact developed by the variable geometry countries. The creation of ECSC is due to the impulse of Jean Monnet. The project is taken over by Robert Schumann who, in the fundamental declaration of May, 9th 1959, outlines a precise idea of European Community: the delegation of the national sovereignty to a super-national organisation, the target of political union as economic unity outlet, the identification of Paris-Bonn axis as the Community core. ECSC's High Authority from the very beginning is not envisaged as a more or less independent organisation administration, but as an embryonic executive with government like powers. The federal and evolutionary character of the constitutional order planned is confirmed by the fact that the establishment of an European Court of Justice is envisaged, which allows the defence of community law supremacy upon national law. The democratic character of the community construction is translated into envisaging of a parliamentary assembly which European citizen representation is assigned to. It is also to be reminded that in December 1951 the member countries' Foreign Secretaries addressed to ECSC's Parliament in order to plan the creation of the European Political Community (EPC), a political complement to the European Defence Community (EDC). ECSC and the Council of Europe co-operate with different members and a different economic and political impact. In order to give a concrete form to the project of ECSC, the promoters must accept to renounce to the presence of all member countries of the Council of Europe. Six countries are in charge of the choice, being aware they constitute an outpost which, in the future will draw all the countries which at present exclude themselves.

The terms which were used to describe this scenery at that time is neither "variable geometry", nor "two-speed Europe". A gap between the two groups of countries has simply emerged. As a matter of fact, it is correct identifying a concentric circle Europe form' the beginning, where the core is formed of 6 countries based on a hard heart constituted by the German - French axis.

#### The birth of EEC

At the end of the 50's, EEC is born in order to organise common permanent interests among the member countries, which thus aim to political union. EFTA's character is, on the contrary, totally different, which organises the commercial interests of its members; the political economic community is flanked by a free-exchange area. It is immediately possible to identify EEC as the attraction pole, around which EFTA is bound to gravitate. According to our interpretation, therefore, from the very beginning it is possible to spot a concentric circle construction; EEC surrounded by EFTA, governed by EEC and bound to be overcome by EFTA dissolution and its members joining EEC. This happens in the 90's; it is, however to be reminded that Ireland, Great Britain and Denmark ask for EEC membership already a year after EFTA's creation.

Within EEC a constitutional debate about the organisation of the Community itself is being brought about; the degree of centralism and subsidiariness considered as optimum and therefore supported by the various European political parties is under discussion. This debate appears at once to be distorted by a procedure vice, determined by the Community starting constitutional order. This debate cannot

develop in fully democratic ways due to the lack of institutions capable of supporting European democracy (European Parliament, European parties).

The Community confederal starting character causes the decision making process to see an essential government role. This same confederal starting character makes it very difficult to overcome the principle of the majority vote.

These observations can be used as a preliminary reading key of the structural difficulties that the European constituent debate must deal with; they certainly account for the slowness and distortions of the adopted solutions. Nonetheless, it is possible to outline a leading thread in the European development which marks the progressive, although intermittent, path toward the Union consolidation. In such a situation, various proposals are made in order to allow the integration process development although in the presence of serious disagreements among the countries, regardless the fact they origin from opposed interests, different political choices or specific economic problems. These proposals share the worries to allow some countries to discontinue the enforcement of some Community rules, to delay in time the joining process and not to join specific solutions. Some contact points emerge between some EEC member countries standing and that of other countries which gravitate around EEC as external face. An internal front of variable geometry arises, i.e. some contact points between Great Britain's confederal positions and those of some political and social parties, also within the countries which constitute Europe's hard core.

The evolution of terms in the historical process

The most extreme formulation of the theory of Europe à la carte, dates back to Louis Armand in 1965; this solution envisages that every country is free whether to join or not any initiative beyond the original treaty. In a hypothetical menu of sector agreements, each state would be able to choose, according to this interpretation, the ones it considers in the range of its interests like in a restaurant each customer is free to choose whatever course he likes.

It is to be stressed that this theory has been adopted to implement relationship between the Community and 13 non member countries, in the scientific research field. The Europe à la carte criterion, which has more than once been supported by those oriented to delaying the integration process in a free-exchange zone, actually has first taken place in order to strengthen the community initiative in a concentric circle de facto Europe perspective.

In 1974, it was Willy Brandt who launched the idea of a two speed Europe, which was later taken over by Tindemans in 1975 in his Report to the Council of Europe. Two speed Europe is designed to allow the takeoff and development of the "snake in the tunnel", toward monetary union. It becomes a very relevant perspective, when French and Germany will keep to on developing a promoting role of integration comes out, also before the general tensions created by the enlargement of the Community to Great Britain, Ireland and Denmark. This position is concretely achieved by the creation of the E.M.S.: the monetary unification agreement to be reached step by step consolidates the gap between those countries which could have wanted to take part from the beginning (France, Germany, Belgium, Holland, Luxembourg, Denmark), other countries which temporarily had problems in respecting the exchange mechanisms (Italy, Ireland) and countries which did not intend to participate (Great Britain). Two speed Europe, in fact, designs a three concentric circle Europe, following new ways with regard to the past, but still according a logic which does not draw any breaking point in the strategic plan. In 1980, in Rome, the then Chairman of the Economic and Monetary Commission of the European Parliament, Jacques Delors, uses the idea of a variable geometry Europe, as an instrument to keep Great Britain tied to the integration process.

Raymond Barre picks up this approach, some weeks later, wondering if the adopted solution for the launch of E.M.S. could not be generalised, in the form of a variable geometry Europe accepting derogation for one or more members in order to allow the remaining countries to move toward a deeper and deeper integration. This is the idea which will be translated in the Treaty of Maastricht, in the opting out clause recognised to Great Britain and Denmark.

Spinelli's project of a European constitution (project of treaty instituting the European Union) tries to make in this sense a step forward, in that it aims to give a constitutional rationalisation of variable geometry Europe.

Article 82 of the treaty draft, in fact says: where the treaty is ratified "by a majority of members of the Community, the population of which constitutes two thirds of the total population of the community,

the member countries' governments which have ratified, will immediately meet in order to decide on ... agreement upon the procedures and the date of enforcement of the present treaty as well as on the relationships with the member countries which haven't yet ratified."

The European Parliament Institutional Commission lawyers still analyse the possible scenarios which could have occurred after the treaty ratification, such as:

- 1) a substitution scenery: all member states join the Union which therefore substitutes the Community.
- 2) a co-existence scenery: some members join the Union, whilst the other keep faithful to the Community
- 3) a complementary scenery: the Union takes over responsibility for new sector with regard to the Community.
- 4) a competition scenery: the Union takes over responsibility in those sectors pertaining to the Community
- 5) an association scenery: some members join the Union and the others accordingly decide the Community dissolution.

If our basic interpretation is true, it must be noticed that these scenarios in fact envisage some forms of concentric circle Europe, with lower or higher levels of concentrated force in the heart of the system. Spinelli's project tends to institutionalise two speed Europe in another form too. Article 35 in fact says that "law can make dependent on some time terms or provide for some differential transition clauses according to the receiver, the implementation of its provisions when the application uniformity faces some particular difficulties due to the specific situation of some of the receivers. These time terms and these provisions must however aim at the easing of the further of the whole law provisions to all receivers." Spinelli's project, in the specific defence field, envisages the possibility of derogation, by one or more member countries, without time limits.

The idea of a differentiation in the enforcement of the community laws is taken over by Dooge Committee, on condition that this differentiation is limited to a transitory period.

#### From Community to European Union

The approaching of irreversible constitutional choices, necessary to turn from Community to the European Union, was bound to dig out and to worsen the contraposition among the countries which promoted integration and those of European suburbs. The script, which has already been experienced, timely appears, once again with different terms. It is the Chairman in charge of the European Council, Mr. Mitterand who puts forward the idea of a Union "entre ceux qui le voudront", thus focusing on the opposition between countries favourable to the European Union (France, Germany, Italy and Benelux) and those who are against it (first of all Great Britain).

It is within this frame that the nature of the question is clearly described by Mr. J. Delors, who, for the first time, explicitly uses the term "Concentric circle Europe". This view, which actually constitutes a although never declared constant of the integration process, clearly comes out in the light, establishing itself as the interpretation key of the main contrapositions among the European countries. In January, 1990, before the European Parliament, Mr. Delors makes the hypothesis of a concentric circle Europe with a undoubtedly federal heart, a second circle constituted of the economic European space, a third one of a cooperation agreement network and a fourth one of agreements with a more typical confederal variable geometry nature. The speedup of the historical process brought about by the fall of Berlin wall allows the countries which had been put in the second circle by Mr. Delors. to ask for immediate joining the community; the economic European space is thus emptied by the enlargement of the Community. This success confirms the historical perspective opened by Delors' chairmanship

#### Maastricht and after

It here ends the synthetic historical reconstruction we have proposed of the development of the terms hereby taken into account, which can be referred to the concept of variable geometry Europe. Of some interest it could be evaluating if such an interpretation could help us to orient ourselves on the questions of deadline, therefore preparing to understand the future linguistic innovations - the political institutional formulas that will be proposed in future. As to the treaty of Maastricht, within the synthetic view hereby advanced, may we draw attention upon only one vital point. The approval and the ratification of the treaty of Maastricht advance again the

contraposition among the countries at the heart of the system and the trailed countries; the new deadline confirms the capability of the process to draw the most reluctant countries, although this could mean delays and partial redefinition of the pursued goals. The European train, drawn by a French and German locomotive, follows its rails, although slackened by an ultimate disrupting wagon (Great Britain) and by an increasing number of wagons who joined on the way, each one with its specific problems.

The implementation of the treaty of Maastricht, therefore, awaits the deadlines of 1996-1999. The intergovernmental conference of 1996 will have to deal with a new knot of the unification process. Before the end of the century, it is highly probable that the members of the Union will be 24. The unification process development, today under discussion, cannot be but an institutional strengthening capable to grant stability and governability of the developing new European asset.

If the historical reconstruction hereby advanced will be right, it is easy to foresee the scenery which will accompany the intergovernmental conference and determine the decision making process that will take place on that occasion.

On the one side we will have again Great Britain and its allies. The first signs make us foresee that once again Great Britain will oppose the Union strengthening, opting for a dissolution of the unification process in a free-exchange agreement. In this it will be supported, in many European countries, by the political and social forces which recognise themselves in a confederal option.

On the other side, there is no doubt the progressive French - German alternative is on the table. In particular, French and German will contribute to strengthen the hard heart of the European Union which would comprise 5 or 6 countries has been reaffirmed, but this hard heart is not to close, but open to any other member country (document CDU). The hard heart would be entrusted with the duty to "oppose a consolidated centre to the centrifugal forces caused by the enlargement, in order to avoid a different development between a south-western group more inclined to protectionism and somehow led by France and a northeastern group more favourable to world-wide free-exchange and somehow led by Germany (...). The hard heart group must convince all members of the European Union, in particular Italy, a founding member, but also Spain and obviously Great Britain, of their will to integrate as soon as they solve some of their current problems and inasmuch they have the will to accept the engagements undertaken by the hard heart countries".

The script which has allowed Europe to progress for 4 scores can therefore repeat itself.

With a new variable which could however completely change the scenery: in the past it did not exist a national German alternative to the process of integration. Today it does. It is up to the other actors to avoid this alternative to implement, with all dangers it entails.