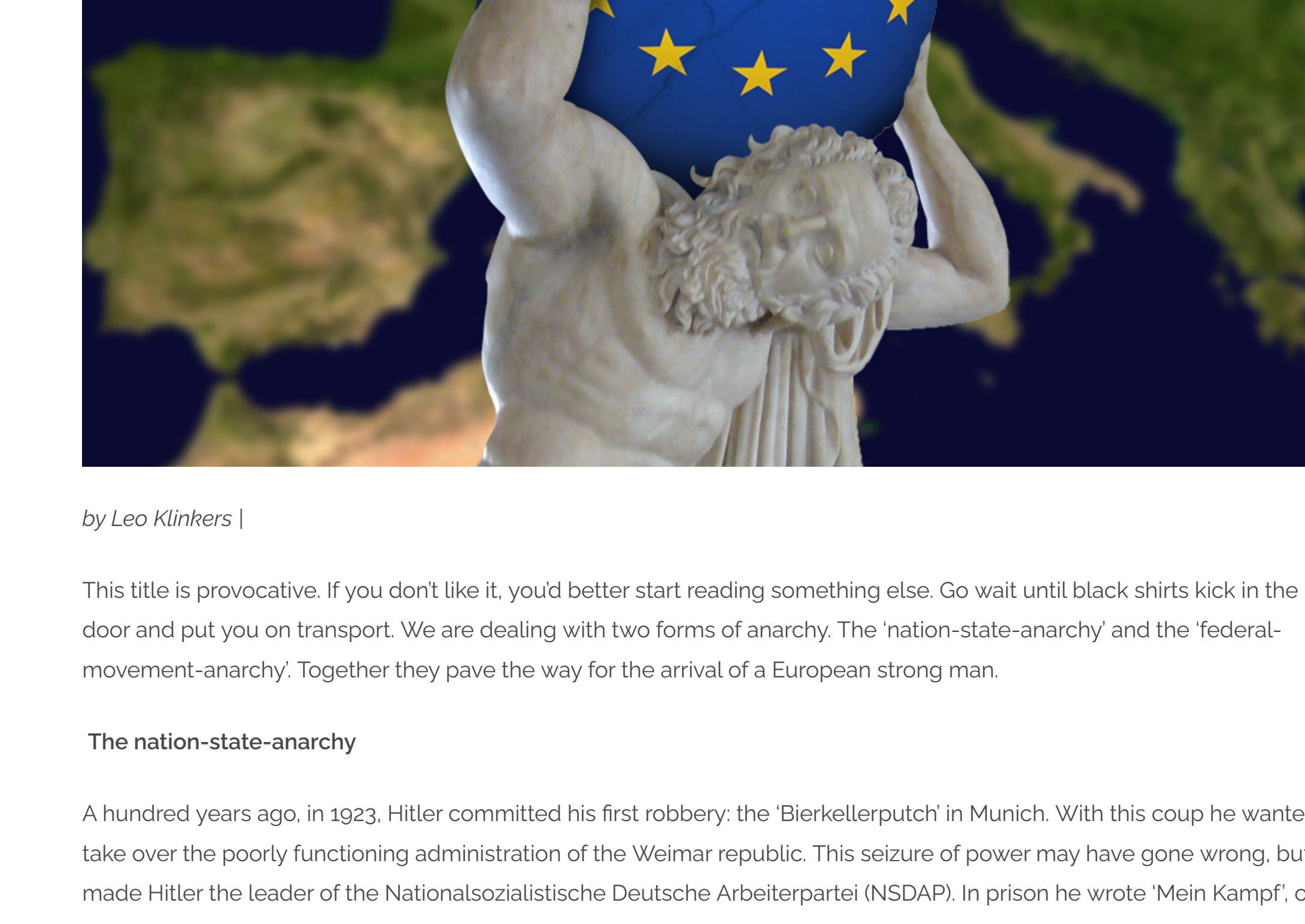


Anarchy + Anarchy = Strong Man

8 April 2020 · 1 Comment



by Leo Klinkers |

This title is provocative. If you don't like it, you'd better start reading something else. Go wait until black shirts kick in the door and put you on transport. We are dealing with two forms of anarchy. The 'nation-state-anarchy' and the 'federal-movement-anarchy'. Together they pave the way for the arrival of a European strong man.

The nation-state-anarchy

A hundred years ago, in 1923, Hitler committed his first robbery: the 'Bierkellerputch' in Munich. With this coup he wanted to take over the poorly functioning administration of the Weimar republic. This seizure of power may have gone wrong, but it made Hitler the leader of the Nationalsozialistische Deutsche Arbeiterpartei (NSDAP). In prison he wrote 'Mein Kampf', only to acquire absolute power ten years later, in 1933. After that his voyage of annihilation began.

It is prevailing doctrine that the harsh conditions (to Germany) of the Treaty of Versailles 1919 were the cause of the Second World War. However, this is incorrect. That treaty was the inducement, not the cause. The root cause of the Second World War was hidden in another treaty: the Peace of Westphalia in 1648. That brought Europe two great things. It put an end to a number of long wars. And it formalized the concept of the nation-state. From that moment on, people were no longer inhabitants of a king, of a city, of a duke or of the Pope, but citizens of a state with borders. States did not have to accept orders from other states, nor was it any longer permissible to attack and take over states. However, the Treaty of Westphalia had one major flaw: it did not provide for transnational European governance with checks and balances to prevent and resolve conflicts between states.

That is system error number 1.

This absence of transnational European governance with checks and balances has a name: nation-state-anarchy. It is the root cause of all wars on the European continent after 1648. After the First World War this was understood by the foundation of the League of Nations (1919-1946). Purpose: to put an end to all wars. Result? World War II. Why? The League of Nations was an intergovernmental organization. It didn't provide transnational governance with checks and balances to prevent and defuse possible new conflicts on the continent.

That's system error number 2.

Because of its intergovernmental nature, the League of Nations could not sufficiently mitigate the negative effects of the Treaty of Versailles. This, added to the administratively weak Weimar republic, brought the strong man Hitler to absolute power.

Already during the Second World War it was understood that only a federal Europe could prevent new wars. Why? Because a federation provides transnational governance with checks and balances while the member states retain their own sovereignty. It was the merit of Altiero Spinelli to make the famous Ventotene Manifesto in exile on the island of Ventotene. A clearly motivated plea for a federal Europe, based on a federal constitution. But that went wrong. Better said: it ended up in two mistakes.

Based on the Atlantic Charter 1942 of Roosevelt and Churchill, the United Nations was founded in 1945. Purpose: to put an end to all wars. Result? No more world wars, but instead series of regional conflicts and wars. In Europe too. Why? The UN is an intergovernmental organisation. It does not provide transnational governance with checks and balances to prevent and resolve conflicts between states and peoples.

That's system error number 3.

Europe then made the same mistake. Stimulated by the Ventotene Manifesto, congresses and other meetings were held in Europe between 1945 and 1950 – often in the presence of leading figures from politics, science and the arts – to lay the foundations for a federal Europe. This culminated in the Schuman Declaration of May 1950. Schuman, then Minister of Foreign Affairs in France, stimulated by the enthusiasm for a federal Europe and supported by Jean Monnet who had acted as a liaison between Roosevelt and Churchill, argued twice in his Declaration the usefulness and necessity of establishing a federal Europe. But he placed that task in the hands of government leaders. Well, government leaders cannot establish a federation. They can only cooperate in policy areas. Which is intergovernmentalism. So, you guessed it, in 1951 the heads of government of six European countries set up the intergovernmental European Coal and Steel Community (ECSC). During his stay in the United States, Jean Monnet had apparently acquired insufficient knowledge of the standards of federal state formation. The Schuman Declaration should have unconditionally ordered, following the twice repeated call for the creation of a federal Europe – added to knowledge of the essence of federal state formation, plus knowledge of the failure of intergovernmental administrative organisations – not to step into the intergovernmental trap again. Quod non.

That is system error number 4.

The intergovernmental ECSC grew into the European Union through the European Economic Community (EEC). The European leadership in Brussels increasingly governed the Union as a state. As a result, internal conflicts grew. State-based governance requires a constitution as a basis. A treaty is not suitable for this. If one sees an intergovernmental cooperation as a state, and thus wants to govern it as a state, but with a treaty as a basis, then one causes dissolution instead of bonding. Around 2000 that insight grew. Former French statesman Valéry Giscard d'Estaing was commissioned (2003) to design a European Constitution. It goes beyond the scope of this article to describe here the constitutional chaos of that approach. It led to the Treaty of Lisbon in 2007, which came into force in 2009. It is the culmination of everything that can be done wrong in a constitutional sense. The worst legal document ever written in the history of Europe. And with it, the fundamental divisiveness of the EU.

That's system error number 5.

Federalists with knowledge of standards of federalism have been warning for many years that the path of intergovernmental government will eventually destroy Europe. The EU as an accumulation of nationally-driven interests and not operating based on European-driven interests will sooner or later disintegrate due to its inherent systemic flaws. And thus, paving the way for a strong man. Not if, but when, that has been the question for years. Well, that moment seems to have arrived. Of course, because of a crisis, and because politicians have no reason to change anything if there is no crisis.

However, the serious problem is: the same kind of politicians who have not been able to establish a federal Europe since 1648 and have always nestled themselves in comfortable intergovernmental treaties now think they are the right people to rescue. Despite the differences, they are again arguing for even more intergovernmental governance. With one frightening extra element: granting more powers to the governing, not to the people's representative, part of the Union. A few months ago, Macron and Rutte advocated replacing the principle of unanimity in the European Council with decisions based on majority voting. In itself, deciding by unanimity is a backward way of making decisions, but Macron's and Rutte's aim is: more power in the hands of a small group of members of the European Council. A form of oligarchy to which Jean-Jacques Rousseau already warned. And this is taking place at a time when the only stabilizing factor, Merkel, is about to leave the European Council. The Orban virus, as a symptom of the ever-present urge of administrators to grasp more power, has already affected the European Commission. Timmermans wants an unconditional mandate to oblige top down member states to comply with the climate agreement. Of course, this agreement must be respected to the fullest, but this requires a federal constitutional basis. Not a treaty that sanctions decision-making by administrative decree without political accountability.

Meanwhile, various government leaders cannot resist the temptation to come up with their own proposals to tackle the negative effects of the Corona crisis. Of course, all EU member states must support each other to the fullest in solidarity, but that will never have a positive effect if it again stems from nationally-driven interests. All that is proposed is simply to strengthen the intergovernmental nature of the EU as an inductive accumulation of nationally-driven interests. And not from a deductive European view of common interests.

That is systemic error number 6.

What do we have now at the height of the Corona crisis? The same situation as during the confederal rule in America between 1776 and 1787. After eleven years of independence, linked only by a weak intergovernmental treaty, the thirteen states were about to fight each other. At that time, there were three groups: North, Central and South. They resolved their imminent collapsing by creating a federation.

Compare this with the situation in the European Union:

- North against South and East against West.
- All against Brussels.
- The United Kingdom has already left.
- A member state with an absolute ruler, three member states that seem to want to follow that example.
- A group of member states is crying out for help but is not being heard by other member states.
- A multitude of different nationally driven plans to combat the effects of the crisis.
- With as a low point the proposal of a government to start a constitutional consultation within an intergovernmental system.

Why is this a low point: enabling politicians to start constitutional consultations is a recipe for another disaster. Since 1800, i.e. after the creation of the USA, European politicians have been striving for a federal Europe without any result. They have always opted for intergovernmental governance. If we leave the establishment of a federal Europe to politicians, the nation-state-anarchy, based on an intergovernmental treaty that functions solely as an accumulation of national interests, will continue.

What should federalists learn from the saying 'Never waste a good crisis'? They must learn that federalists are faced with the task of unconditionally preventing politicians from pulling the intergovernmental card again after more than two hundred years of blundering. And what should politicians learn from the Corona crisis? Keep your hands off bungling with a constitutional approach, step back and leave professional work on a federal constitution to experts and citizens.

The federal-movement anarchy

Although this claim can, may and must be formulated in this way without reservation – politicians step back and let the experts do their work together with citizens – I come across the second form of anarchy: federal-movement-anarchy.

There are many federal and quasi-federal movements in Europe. What is their influence on the pursuit of a federal Europe since 1800? Nothing, nada, zero. Why don't they have any influence? For a very simple reason. They operate in the same way as the governments of the EU member states: every movement for itself, no insight that influence can only be acquired by joining forces within a federation of federal movements. A federal movement that does not understand that it must organise union with other federal movements within a federation of federal movements is worth nothing in the pursuit of a federal Europe.

The EU has no meaning internally (i.e. to the member states) and externally (i.e. geopolitically) due to the reluctance of EU member states to understand that nationally-driven interests can only be represented from a federal perspective. The same can be seen in the unwillingness of federal movements to become members of a federation of federal movements. They have no meaning because they only think about their own interests. Even though they shout the loudest for a federal Europe, they fail to set an example and join – as an independent and sovereign movement – a federation of federal movements. No trans-federal organisation for the composition of a federal Europe, therefore no jointly built mass and therefore no influence.

We founded such a federation in 2018: the Federal Alliance of European Federalists (FAEF). Goal: federating the federalists. Some movements and associations have expressed interest and willingness to join FAEF. However, how many federal movements have actually joined this FAEF after two years? None. Of course, it is possible that we have tackled it the wrong way. But the cruel reality is that insight into, and knowledge of, federalisation is not only at a very low level within the political EU-arena, but also within federal movements. And without insight and knowledge, federal movements wandering in self-chosen isolation are making the same mistakes as the EU member states. Thinking only of themselves and not understanding that within a federation of federal movements they keep their own sovereignty and independence and getting something extra: the chance to influence the creation of a federal Europe.

That is system error number 7.

Let's take a closer look at the malfunctioning of one federal movement. Normally, I should not do this. It's painful. But evading responsibility with diplomatic language isn't the best cure right now.

On April 3, 2020, the largest federal movement, the Union of European Federalists (UEF), founded in 1948, published a call on the internet entitled: 'A Federal Europe to Overcome The Corona Crisis'. Perfect title. Now it's about how that's gonna be fleshed out. Firstly, let me ask a question: "UEF, how much federalism have you made since 1948? Do not bother to answer, I know the answer: nothing."

Let's have a look at the substance of UEF's call on internet.

After arguing with regret that the EU is failing to provide an effective and coordinated response to the Corona crisis, the UEF formulates ten recommendations. For the sake of brevity, we only formulate the title of each recommendation. In themselves, they are clear enough:

1. It's essential to ensure the unity of the European Union and its internal market.
2. The European Commission should also be given the power to issue rules applicable across the EU.
3. A European Consortium should be set to work together as a team to find a vaccine as quickly as possible.
4. The European Commission should immediately adopt a series of extraordinary and coordinated fiscal measures to mitigate the effects of the current crisis and its consequences on the European economy.
5. The Eurozone must now quickly advance to introduce real European bonds.
6. The scope of the European Stability Mechanism should be enlarged.
7. The Council should immediately approve a sufficient Multi-annual Financial Framework increasing the budget to at least 1.3% of the EU GDP.
8. The EU should be provided with fiscal autonomy at European level based on the right to directly raise and spend its own revenue.
9. The EU should be entrusted with real competences in the field of public health which should be a shared competence between the EU and its Member States.
10. The planned Conference on the Future of Europe should be turned into a fully-fledged European Convention to draft a new Constitutional Pact to answer current and future European challenges.

I refrain from commenting on the content of these ten recommendations and suffice with just one observation only: recommendations 1 to 9 are significant additions to the intergovernmental system of the European Union. This is in sharp contrast to the title of this publication plus recommendation 10, advocating a federal constitution, to be drafted under the direction of the EU itself. This contrast goes beyond concepts such as oxymoron and contradictio in terminis. Even metaphors fail short here. It is offending. How stupid do you think we are?

UEF, stop this, stop promoting the value of a federal Europe while doing nothing but feeding the intergovernmental EU system, break the unhealthy ties with the European Union, behave like a federalist, learn what federalism is and prove with federal actions that you understand what you are learning. You're not supposed to be one of the paladins of the EU apparatus. You cannot express the urgency of creating a federal Europe along with recommendations to strengthen the EU. Cooperate in unifying federal movements within the federation created for this purpose, the FAEF; put your action where your mouth is.

Of course, I can be blamed for the fact that with this attack on the UEF, I am driving the conflict between federal movements ourselves. But what will be different if the oldest post-war federal movement is to be plienothly engaged in making federalism but is basking in the sympathy of the EU apparatus that is about to implode due to a plethora of systemic errors?

Finally

The Treaty of Westphalia caused nation-state-anarchy because of the lack of transnational governance with checks and balances. The far too harsh demands of the Treaty of Versailles, the weak intergovernmental League of Nations, plus the poorly governed Weimar Republic acted as inducements for the second World War. The post-war United Nations and the European Union, because of their intergovernmental nature, have not been able to abolish nation-state-anarchy, and in practice they appear to be dissolving rather than binding because they try to repair every flaw in their systems with two new system errors. Structural nation-state-anarchy prevents the construction of transnational governments with checks and balances based on a federal constitution.

The federal movements have never done what they should have done, i.e. create a federation of federal movements. After this finally took place in 2018, no federal movement has reached the front door of that federation. The federal-movements-anarchy prevents the construction of a federation of federal movements that can and must influence the prevention of the structural errors that politicians have made since 1800 when it came to the federalization of Europe.

The sum of both anarchies forms the title of this publication:

ANARCHY + ANARCHY = STRONG MAN

Do you deny it? Then let me repeat: just wait until black shirts kick in the door and put you on transport.

But do you endorse

1. the historiography of two centuries proclaims that we need a federal Europe and
2. do you share the analysis that only a different approach offers a chance of success, and
3. do you want to make a historical contribution to this,

then register your federal movement with the federation that strives to federate the federalists: FAEF. (www.faeu.eu).

Leo Klinkers – Editor

Leo Klinkers graduated in 1968 from the Faculty of Law at the University of Utrecht in the Netherlands. After a few years working in local government, he became responsible for research and education in public administration at the Law Faculty of Utrecht from 1971 until 1983. He wrote his Ph.D. thesis in 1974 on open access to government documents. Between 1971 and 1983 Leo Klinkers developed a method for interactive bottom-up policymaking. This methodology has been published in a number of books and articles and applied in many projects in the Netherlands and abroad. Since 1983 he has worked as an independent consultant in public administration in several countries, as well as for the EU and the UN. In 2013 he was co-author of the 'European Federalist Papers' with Herbert Tomber.

He recently finished his last book 'Sovereignty, Security and Solidarity, arguing why and how the present intergovernmental administrating system of the EU should be replaced by a federal system and thus creating The United States of Europe, making America Europe's little brother. He is actually a co-founder and member of the Promoting Committee of FAEF (Federal Alliance of European Federalists)

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Lorenzo Sparviero

Finally an article that explains in detail and clearly why this EU, founded on the intergovernmental system, does not work and will never work. Thank you Leo for this important contribution that I hope will inaugurate a new season in the political debate on the future governance of Europe that we, European citizens, wish!

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