



## **EUROPEAN UNION AT A CROSSROAD: BECOMING OR ASSUMING A MODEL LEADERSHIP ON THE INTERNATIONAL SCENE**

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### **RESUMO**

Atualmente, a União Europeia é uma união política e económica de 27 Estados-Membros, concebida com base em regras legais que asseguram e garantem a proteção dos direitos fundamentais do ser humano. O projeto de união entre os Estados europeus revelou-se uma construção dinâmica e contínua, moldada ao longo dos séculos, inicialmente como uma ideia abstrata, criada pelo pensamento dos filósofos como uma Europa unida ideal que impediria a guerra e contribuirá para a constituição da paz.

O foco principal do presente trabalho incidirá sobre as fases que conduziram à criação da União Europeia, a sua evolução e funcionamento subsequentes, aspetos considerados relevantes para a identificação do futuro papel e configurações da União Europeia na cena internacional.

Dada a base jurídica única da União Europeia e a diversidade dos seus membros constituintes, pode-se presumir que qualquer papel que a União Europeia possa desempenhar na cena internacional só pode ser um reflexo dos interesses principais dos seus Estados-Membros mais poderosos.

## **PALAVRAS-CHAVE**

União Europeia; Europa a Várias Velocidades; Mecanismos/Formas de Cooperação; Liderança Política Europeia; Mudança Institucional; Direitos Humanos

## **ABSTRACT**

At present the European Union stands as a political and economic union of 27 Member States designed upon the rules of law that ensures and guarantees the protection of the fundamental rights of human beings. The project for a union among the European states proved to be a dynamic and continuous construction, shaped over centuries, at first as an abstract idea, created by the thoughts of philosophers as an ideal united Europe that would prevent war and will contribute to the establishment of peace.

The focus of the present work will be on the phases that lead to the creation of the European Union, its further evolution and functioning, aspects that are considered relevant in identifying the future role and settings of the European Union on the international scene. Given the unique legal foundation of the European Union and the diversity of its constituent members, one might presume that any foreseeable role and settings that the European Union might undertake on the international scene could only be a reflection of the major interests of the powerful Member States.

## **KEYWORDS**

European Union; Multi-Speed Europe; Mechanisms/Formas of Cooperation; European Political Leadership; Institutional Change; Human Rights

## Introduction

At present the European Union stands as a political and economic union of 27 Member States designed upon the rules of law that ensures and guarantees the protection of the fundamental rights of human beings. The project for a union among the European states proved to be a dynamic and continuous construction, shaped over centuries, at first as an abstract idea, created by the thoughts of philosophers as an ideal united Europe that would prevent war and will contribute to the establishment of peace.

The focus of the present article will be on the phases that lead to the creation of the European Union, its further evolution and functioning, aspects that are considered relevant in identifying the future role and settings of the European Union on the international scene. The topic is connected to my PhD research project, in which the European Union holds a central place, as the project aims to answer questions related to the changes in the European rules of law and the institutional arrangements of the European Union. Furthermore, within the PhD research project a special attention is attributed to the fundamental right of free movement, given the importance of the central responsibility of the European Union for the protection of fundamental rights and freedoms of its citizens.

The article will be structured in three sections, each one addressing an aspect linked to the development and the functioning of the European Union.

Bearing in mind the path-dependency character of the institutional change process and the role of history, the first section of the present article will focus on identifying the mechanism of causality that conducted to the establishment of the European Union. Build upon centuries-old visionary ideas of a structure that would unite Europe, the original establishment of the European Union was that of an economic community with the main goals to revive the economy and reconstruct Europe after the Second World War. Further development of the project, much beyond its original settings, was accomplished within the

Treaty on European Union (The Treaty of Maastricht) which created the legal foundation for the European Union and introduced aspects related to an advanced development of the union towards a political community. As will be emphasized, these were just two landmark moments in the construction of the European Union project. The first section will offer a complete and accurate overview of the mechanism of causality that conducted to the establishment of the European Union, aspect that is relevant for further understanding of how the union works and why different forms of cooperation were developed by the Member States.

Over the past years, the European Union enhanced its enlargement policy, approach that had as an outcome an increase in the diversity and complexity of state actors and interests within the European policy making. Alongside with the internal diversity of European policies and interests, the cohesion and solidarity of the European Union project has been continuously tested by transnational challenges/threats (disasters and crisis), e.g. the financial crisis in 2008, the increasing migration, the United Kingdom withdrawal from the European Union or the recent transnational natural disaster, namely the pandemic crisis in 2020.

The second section of the article presents the different mechanisms or forms of cooperation developed by the Member States, encouraged both by their diversity and complexity and by the transnational challenges/threats. Furthermore, the different mechanisms or forms of cooperation had as a result a different evolution of the Member States either in a certain area or in relation to a specific issue, thus generating the concept of “multi-speed Europe”. This section distinguish between various forms of cooperation within or outside the European Union legal framework, each one underlining initiatives that have the support of a limited number of Member States or initiatives that are not only European initiatives. Furthermore, it outlines the profile of a European Union as a political project that coexists with other forms of bi or multilateral cooperation.

The second section claims that the “multi-speed Europe” concept not only underlines the different evolution of European member states, but above all emphasizes the fragmentation of the European Union into various cooperation mechanisms foreseen as a solution to address common interests or to react to common threats. In this new perspective, the European Union goes below its purpose and it is more reduced to the role of a technical assistant that provides the administrative tools (structures and legislation) for cooperation.

Since its foundation, the project of the European Union had a significant impact on the evolution of each Member State and on the life of Europeans, but one can argue that the internal political diversity, the growing number of Member States and transnational challenges/threats might have encouraged or increased the divergence of interests between the Member States, make it difficult for the European Union to reach an agreement or a common sense and even more difficult to speak “as one voice”.

Are the mechanisms of cooperation the unique solution to preserve the European project and to maintain the union despite the different interests and in front of common threats? The third section of the present article discusses the notion of European political leadership and introduces three alternatives as regards the future role and settings of the European Union on the international scene.

To conclude, given the unique legal foundation of the European Union and the diversity of its constituent members, one might presume that any foreseeable role and settings that the European Union might undertake on the international scene could only be a reflection of the major interests of the powerful Member States.

## **I. The beginning of the European Union project: the mechanism of causality**

The chosen method<sup>1</sup> for constructing the most accurate mechanism of causality that conducted to the establishment of the European Union is to present the historical events on a chronological imaginary line and to identify the potential reasons embedded in history that lead to the creation of the European Union.

To make the task easier, the succeeding events were grouped into four categories (“dots”) each one representing a stage in the evolution towards the setting of the European Union and the understanding of the overall picture presupposes the connection between the different categories (“connecting the dots”) which, in the end, form the mechanism of causality.

The next step is to determine how far back in history one needs to go to ensure an accurate comprehension of the “European Union” idea? When and why sprang the idea of an association among the European states? The answers imply a personal, and to some extent subjective decision. In the absence of a specific criterion to determine the length of the timeframe considered to be long enough as to ensure an accurate analysis, the starting moment was convened to be the year 1713, which represented the year of an important political issue, the Spanish Succession.

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<sup>1</sup> Another method would have been to *a priori* identify some reasons that determined the establishment of the European Union and to construct the argument around them. The foreseen disadvantages posed by this method were the subjectivity in identifying the reasons and the limitation to a certain type of reasons while ignoring other that could have played a major role. Therefore, the decision was that the most suitable method to construct the mechanism of causality is to present the historical events on a chronological set of description identifying within potential reasons for the establishment of the European Union.

## **1.1. The category of the philosophers' ideas**

As underlined by scholars “*how to establish lasting peace and tranquility in Europe*” (Gervas, 2017:404) was one essential question posed in 1713, in the context of an important political issue, the Spanish Succession. “*Plenipotentiaries from the European powers assembled in Utrecht*” were trying to answer the question, because it was a matter “*which had threatened to destabilize the whole political order of Europe*” (Gervas, 2017:404).

It was in this historical context, that the catholic abbé de Saint-Pierre (1658 -1743), French writer and part of the negotiation team for the Treaty of Utrecht laid down his ideas, contrary to the paradigm of “*balance of power*”<sup>2</sup> which was the foundation of the Treaty of Utrecht. His ideas were published in 1713, after the signing of the Treaty of Utrecht, in the form of a *Plan of Perpetual Peace*.

As a solution for establishing European peace, he proposed the setup of “a free association” among the sovereign states, based on a treaty, in which cooperation was a key element in assuring the peace (Gervas, 2017:410-412). He used more than one title to refer to this association, identifying it as the *European society* or the *European Union*, the *European body* or the *Great Alliance*.

Moreover, in his proposal abbé de Saint-Pierre rejected war as a solution to settle conflicts between states. In his view, in the event of a conflict, the solution was to entrust an arbitration court with the task to settle the dispute. Only in case of a state refusing to apply the final ruling, a common army could intervene to establish peace. In conclusion, war was still part of Saint-Pierre’s proposed solution, but only as a last resort, “*a police instrument against offending states*” (Gervas, 2017:412).

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<sup>2</sup> The political doctrine of the “balance of powers” as it was referred to in the 18<sup>th</sup> century in the context of the Treaty of Utrecht.

The visionary idea of a European association among the sovereign states of Europe envisaged by abbé de Saint-Pierre met the criticism of those times. For the purpose of the present article, the focus will be on the ideas developed by J.J. Rousseau and Immanuel Kant, in their writings elaborated on the basis of the Plan of Perpetual Peace of abbé de Saint-Pierre.

In 1761 in the *Abstract of Monsieur the Abbé de Saint-Pierre's Plan for Perpetual Peace*, J.J. Rousseau offered a revised version of the idea proposed by abbé de Saint-Pierre. Moreover, the proposed solution was criticized by J.J. Rousseau, from the perspective of its viability, in the *Judgment of the Plan for Perpetual Peace*, which was published in 1782.

J.J. Rousseau argued that in the Plan for a Perpetual Peace, abbé de Saint-Pierre “*reasoned well but on the basis of false principles*” and that he put forward “*projects that were useful but impracticable because of the idea from which the author [abbé de Saint-Pierre] was never able to depart that men were guided by their intelligence rather than by their passions*” (Spector, 2012:3).

Starting from abbé de Saint-Pierre’ Plan, Rousseau drawn his own vision for a “*European Republic*” or a “*European body*”, a confederative government composed of nineteen powers (Rousseau, 1761:39), on a treaty base, with the main purpose to end the state of war<sup>3</sup>. It was foreseen that the treaty will have five articles, as general rules<sup>4</sup>. Furthermore,

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<sup>3</sup> According to Rousseau the “*state of war*” is the natural status of the Powers of Europe, and the reasons are the impossibility to set treaties guarantees for peace or to settle in a definitive manner the rights and obligations of all parties. “*Let us agree, then, that the relative state of the Powers of Europe is properly speaking a state of war, and that all the partial Treaties among some of these Powers are rather momentary Truces than genuine Peace; either because these Treaties commonly have no guarantee other than the contracting Parties, or because the rights of each of them are never radically settled, and because these badly extinguished rights, or the claims that take their place among Powers who do not acknowledge any Superior will infallibly be sources of new wars, as soon as other circumstances give new forces to the Claimants.*” (Rousseau, 1761:32)

<sup>4</sup> According to the first article, “the contracting Sovereigns will establish among themselves a perpetual and irrevocable alliance” and will name representatives (Plenipotentiaries) to meet regularly so that all eventual disputes will be terminated “by means of arbitration or of judgment”. The second article will clarify the voting system, the status of invitation, the rules for the rotating presidency and the “relative quota of contributions



as institutions it is envisaged that the confederation will have a judicial common Tribunal *“which can establish laws and rule that must oblige all the members”* (Rousseau, 1761:36) and the representatives from all signatories’ parties will meet in a *“sorts of general Diets under the name of congress”* (Rousseau, 1761:37). In terms of the dependence of the states upon the common Tribunal, Rousseau underlines that *“it is very clear that it will decrease none of the rights of sovereignty, but on the contrary will strengthen them, and make them more certain by the third article, by guaranteeing to each, not only his States against all foreign invasions, but also his authority against all rebellion of his Subjects”* (Rousseau, 1761:44).

Unlike in the plan put forward by abbé de Saint-Pierre, this structure aims at uniting Peoples, and not sovereign states<sup>5</sup>. In addition, as acknowledged by some scholars, it is worth underlining that Rousseau formulates *“an original conception of European civil society”*, because *“for beyond the constitution of a political sphere, what Rousseau has in mind here is a public or civil sphere, a ‘closer society among the Nations of Europe’ than in any other part of the world, where various scattered peoples would be unable to unite into a real association”* (Spector, 2012:5).

As underlined by scholars, the viability of the proposed confederation is posing two problems. The first one regards the strength and the capacity of this structure to secure *“a solid and perpetual peace in Europe”* and the second addresses *“the interest of*

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for providing for the common expenses, and the manner of raising them”. In the frame of the third article “the confederation will guarantee to each of its Members the possession and the government of all the States it possesses at present, likewise elective or hereditary succession, as the whole is established by the fundamental laws of each country”. The fourth article will lay down the situations in which an Ally will be consider “in breach of the treaty” and also the principle of mutual defense, namely that “they will arm and act jointly and at common expense, against every State under the ban of Europe”. The fifth article lays down the conditions in which new rules might be created. As regards the change of the five articles, it can only be done “by the unanimous consent of the Confederates.” (Rousseau, 1761:37-38)

<sup>5</sup> *“If there is some way of resolving these dangerous contradictions, this can only be by a form of confederative government, which, uniting Peoples by bonds similar to those which unite individuals, equally subject both of them to the authority of Laws.”* (Rousseau, 1761:28)

*sovereigns to establish such a confederation and to achieve perpetual peace at the price of impairing their sovereignty?” (Spector, 2012:12).*

To the first aspect, the conclusion is that peace will “*be maintained through a kind of internal deterrence<sup>6</sup>, so that individual states do not dare to take up arms because they know that a defensive alliance would take immediate action against them*” (Spector, 2012:12). Moreover, although within the borders of the confederation the war conditions would disappear, this would not prevent conflicts outside the borders of the European Republic (Spector, 2012:12).

Regarding the second aspect, as argued by scholars, unlike the opinion expressed by abbé de Saint-Pierre<sup>7</sup>, Rousseau’ perspective is in line with the idea that “the theory of international relations should be based on the sovereigns’ perceived interest<sup>8</sup>, rather than on their hypothetical wish for enlightened glory” (Spector, 2012:13).

In 1795, again in a context dominated by conflicts and aspiration for peace with the signing of the Treaties of Basel<sup>9</sup>, Immanuel Kant proposed in the *Perpetual Peace: A Philosophical Sketch*, in the form of an imaginary treaty, a visionary solution for peace to

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<sup>6</sup> “...in order to form a solid and durable confederation, it is necessary to put all its Members into such a mutual dependence that none might be in a position to resist all the others by itself, and that particular association which could harm the great one, may encounter sufficient obstacles in it to impede their execution...” (Rousseau,1761:36)

<sup>7</sup> “I would not dare respond along with the Abbé de Saint-Pierre: That the genuine glory of Princes consists in procuring the public utility, and their Subjects’ happiness; that all their interests are subordinate to their reputation; and that the reputation that one acquires among the wise is measured by the good one does for men....” (Rousseau, 1761:42)

<sup>8</sup> “Everyone sees that every society is formed by common interests; that every division is born from opposed interests; that since a thousand fortuitous events can change and modify both of them, as soon as there is a society, a compulsory force is necessary, which orders and concerts its Members’ movements, in order to give the common interests and reciprocal engagements the solidity they cannot have by themselves.” (Rousseau,1761:33)

<sup>9</sup> The Treaties of Basel refer to the three peace treaties signed in 1795 by France during the French revolution.

be implemented by the European states. The envisaged solution was *the creation of a federation of free states* with the view to achieve lasting peace and to end all wars.

As highlighted by scholars “*Kant sees his peace concept as part of a system of rights. He provides basic juridical principles, leaves out utilitarian considerations and tries to present a coherent system*” (Cavallar, 2020:53). In this sense, his imaginary treaty for a perpetual peace is structured in two parts: the first one includes six preliminary articles<sup>10</sup> and is completed by three definitive articles<sup>11</sup> of the second part. These articles are relevant for guaranteeing peace and constitute the founding principles on which the federation of states must be based.

This federation of states was to be settled through an agreement, in the form of a general international treaty, not just a peace treaty to end a certain war, but an agreement to end all wars. The ideal to end all wars represents Kant’s major departure from the *Plan of Perpetual Peace of Abbé de Saint Pierre*.

*The legal status of the federation of states* was of an international organization focused on promoting cooperation between states, and not of “*an international state or a world state, where separate states were to be brought together under a system of international government possessing functions and powers analogous to those which he saw as belonging to government as it was constituted in the civil state. On the contrary, the federation of free states was a voluntary, progressively expanding association of free and*

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<sup>10</sup> The Preliminary Articles: 1) treaties shall be concluded in good faith, and will not be considered valid a treaty in which “*there is tacitly reserved matter for a future war*”; 2) the second article states the nowadays principle of self-determination, “*no independent states, large or small, shall come under the dominion of another state by inheritance, exchange, purchase, or donation*”; 3) “*standing armies shall in time be totally abolished*”; 4) “*National debts shall not be contracted with a view to the external friction of states*”; 5) the nowadays principle of non-interference “*no state shall by force interfere with the constitution or government of another state*”; 6) prohibition of certain practices during the war because these “*acts of hostility would make mutual confidence in the subsequent peace impossible.*” (Kant, 1795)

<sup>11</sup> The three Definitive Articles: 1) “*the civil constitution of every state should be republican*”; 2) “*the law of the nations shall be founded on a federation of free states*”; 3) “*the law of world citizenship shall be limited to conditions of universal hospitality.*” (Kant, 1795)

*independent states, whose defining purpose was merely to bring a permanent end to war” (Covell, 1998:125). Furthermore, as underlined by scholars, Kant was very specific in stating that “the federation was to have as its aim the securing and preservation of the freedom of member states” (Covell, 1998:135).*

*In Kant’ perspective “peace was to be established through states associating together in mutual observance of the law that was to apply to their mutual external relations, but without this involving their subordination to any international governmental authority” (Covell, 1998: 130).*

## **1.2. The category of the politicians and the political actions**

Years later the idea of an association among the European states became part of the political discourse as the concept of the “*United States of Europe*”. It was in the year 1849 that Victor Hugo referred to the “United States of Europe” in his speech at the Paris Peace Congress.<sup>12</sup>

*His idea of an united Europe was built upon the thoughts of philosophers looking for a solution for peace “you — France, Russia, Italy, England, Germany — all you nations of the continent will merge, without losing your distinct qualities and your glorious individuality, in a close and higher unity to form a European brotherhood, just as*

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<sup>12</sup> “The Paris Peace Congress was the third conference in a series of peace conferences organized in Europe in the mid-1800s. The first event had taken place in London in 1843 on the initiative of the London Peace Society, and the second one in Brussels in the revolutionary year 1848. The seventh and last one took place in Edinburgh in 1853. The 1840s was a time in European history when the memory of the Napoleonic wars was still fresh in people’s minds, and lasting peace was high up on the agenda.” - <https://www.thenewfederalist.eu/170-years-since-victor-hugo-s-speech-about-the-united-states-of-europe?lang=fr>

*Normandy, Brittany, Burgundy, Lorraine, Alsace, all our provinces are merged together in France” (Victor Hugo speech, 1849).*

In his view, a united Europe would have the role of a peace guarantee and conflicts would be managed through dialogue mediated by European institutions “...*bullets and bombs will be replaced by votes, by universal suffrage of the peoples, by the venerable arbitration of a great sovereign senate....*”. “*A day will come when we shall see those two immense groups, the United States of America and the United States of Europe, stretching out their hands across the sea, exchanging their products, their arts, their works of genius [...] And to bring about that day will not take another 400 years, for we are living in a fast-moving age*” (Victor Hugo speech, 1849).

In the context of the beginning of 19<sup>th</sup> century, “United States of Europe” remained just a visionary idea, but later on become a source of inspiration for those involved in the establishment of the first European Communities.

For more than two centuries the ideas about a union among the European States were designed and redesigned. The two great wars of the beginning of 1900 reshaped the world and affected each and every one. After the Second World War the focus was on reconstruction, economic revival and in this context “*planning*” became the center of political discourse. As argued by scholars, although “planning” meant different things in different countries, “*what all planners had in common was the belief in an enhanced role for the state in social and economic affairs*” (Judt, 2005:69).

It was in this circumstances that, in December 1945, Jean Monnet presented to President De Gaulle his *Plan de Modernisation et d'Équipement*.<sup>13</sup> One reason that is

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<sup>13</sup> “On December 4th 1945, Jean Monnet presented President De Gaulle with his *Plan de Modernisation et d'Équipement*. A month later the *Commissariat Général du Plan* was established, with Monnet at its head. In the course of the following months Monnet set up Modernization Commissions for various industries (mining, electricity, transportation, building materials, steel and agricultural machinery; oil, chemicals, fertilizers,

worth referring to Monnet plan is that it “was unique” in the sense that it put forward for the first time the issue of the relation with Germany and the idea that Germany had to be considered as part of the solution for reconstructing Europe, although it was still a difficult issue to overcome.<sup>14</sup>

This idea passed to the political discourse and it was in the year 1946 that Winston Churchill gave a notable speech beginning with the visionary idea of building a *United States of Europe*. He called for the creation of a “kind of United States of Europe” and in his view “*the first step in the re-creation of the European family must be a partnership between France and Germany. There can be no revival of Europe without a spiritually great France and a spiritually great Germany. The structure of the United States of Europe will be such as to make the material strength of a single State less important. Small nations will count as much as large ones and gain their honour by a contribution to the common cause*” (Winston Churchill speech, 1946).

Furthermore, it was envisaged that the great project of an union among the European states will have the moral and financial support of all other great powers, or as Churchill express it “*Great Britain, the British Commonwealth of Nations, mighty America — and, I trust, Soviet Russia, for then indeed all would be well — must be the friends and sponsors of the new Europe and must champion its right to live. Therefore I say to you “Let Europe arise!”*” (Winston Churchill speech, 1946)

In the same period and in a Europe still roughly divided between West and East, was created in 1949 the Council of Europe, which, in Churchill perspective was “*the first*

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shipping and synthetic fibres would later be added) and these in turn delivered proposals and sectoral plans. Exactly one year after its creation, in January 1947, the *Commissariat* saw its first national Plan approved by the French Cabinet—without discussion.” (Judt, 2005:70)

<sup>14</sup> “The Plan depended heavily on assumptions about French access to German raw materials and markets, and thus the story of its success is part of the narrative of France’s relations with Germany and the rest of Europe in the post-war decade: a story of many false starts, constraints and frustrations.” (Judt, 2005:70)

*practical step*” (Winston Churchill speech, 1946) on the way to the creation of the United States of Europe.

Furthermore, with the increased international concern for the protection of the *human being and its values*, the states members of the Council of Europe adopted in 1950 the Convention for the protection of human rights and fundamental freedoms (hereinafter referred to as *the Convention*) which entered into force in 1953. As stated in the preamble of the Convention “*the aim of the Council of Europe is the achievement of greater unity between its Members and that one of the methods by which that aim is to be pursued is the maintenance and further realization of Human Rights and Fundamental Freedoms*” (the Convention’ Preamble). The Convention for the protection of human rights and fundamental freedoms is the first international instrument “*to give effect and binding force to certain of the rights stated in the Universal Declaration of Human Rights*”<sup>15</sup> and to assure and guarantee protection of the basic human rights and freedoms in Europe.

Just one year later after the creation of the Council of Europe, on 9 May 1950, Robert Schuman, the French foreign minister, reiterated the idea previously outlined by Churchill and proposed the creation of the first supranational organization, entitled European Coal and Steel Community, which would integrate the coal and steel industries of France and Germany and would “*be open to the participation of other countries of Europe*” (Schuman declaration, 1950).

In his vision, placing the coal and steel production under the same framework would contribute to “*the elimination of the age-old opposition of France and Germany*” and would make any future war between France and Germany “*not merely unthinkable, but materially impossible*” (Schuman declaration, 1950). Moreover, “*the pooling of coal and steel production*” would create the prerequisite “*for the setting up of common foundations for*

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<sup>15</sup> <https://www.coe.int/en/web/human-rights-convention/the-convention-in-1950>

*economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims” (Schuman declaration, 1950).*

The main aim of the new organization will be *“to provide all the member countries with the basic elements of industrial production on the same terms”* and was considered to *“lay a true foundation for their economic unification”* (Schuman declaration, 1950). Furthermore, Schuman stressed out that *“with increased resources Europe will be able to pursue the achievement of one of its essential tasks, namely, the development of the African continent”* (Schuman declaration, 1950).

In terms of organizational aspects, the new supranational structure will have its own institutions, namely a High Authority *“whose decisions will bind France, Germany and other member countries”* (Schuman declaration, 1950), and a judicial body where the High Authority’ decisions could be appealed.

The common High Authority will be composed of *“independent persons appointed by the governments”* ensuring an equal representation of the member states and will issue decisions which *“will be enforceable in France, Germany and other member countries”* (Schuman declaration, 1950). Moreover, the responsibilities of the common High Authority will be in line with the objectives of the organization *“that of securing in the shortest possible time the modernization of production and the improvement of its quality; the supply of coal and steel on identical terms to the French and German markets, as well as to the markets of other member countries; the development in common of exports to other countries; the equalization and improvement of the living conditions of workers in these industries”* (Schuman declaration, 1950).

Due to its unique architecture and the setup of new institutions it was believed that *“this proposal will lead to the realization of the first concrete foundation of a European federation indispensable to the preservation of peace”* (Schuman declaration, 1950).



Furthermore, as also sketched centuries ago by the philosophers, the new supranational organization, its design and essential principals were to be based on “*a treaty signed between the States and submitted for the ratification of their parliaments*” (Schuman declaration, 1950).

On the international scene, this new supranational organization was to maintain a linkage with the United Nations, by the presence of an accredited representative of the United Nations to the High Authority, whose task would be “*to make a public report to the United Nations twice yearly, giving an account of the working of the new organization, particularly as concerns the safeguarding of its objectives*” (Schuman declaration, 1950).

The Marshall Plan (1948-1951) for a European Recovery Program<sup>16</sup> was another important event that took place a few years after the disaster provoked by the Second War World and had a relevant role in the settings of the first European organization.

This unique plan<sup>17</sup> was presented by the American general George Marshall in a famous speech at Harvard University on June 5th 1947 (Judt, 2005:90). The main goal of the plan was to “*break the vicious circle and restore the confidence of the European people in the economic future of their own countries and of Europe as a whole*” (Judt, 2005:93). In other

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<sup>16</sup> Although was an economic plan targeted at Europe, it was not without any interest for the Americans. Firstly, as argued by scholars “*the Marshall Plan would benefit the USA by restoring her major trading partner*”. Secondly, “*the Marshall Plan was an economic program but the crisis it averted was political.*” In this sense it is noted that “*for American policymakers, Europe’s vulnerability was a problem, not an opportunity*”. Especially after the Second World War, “*the deeper question was whether Europe and Europeans had lost control of their destiny, whether thirty years of murderous intra-European conflict had not passed the fate of the continent over to the two great peripheral powers, the US and the Soviet Union. As a CIA report argued in April 1947, “(t)he greatest danger to the security of the United States is the possibility of economic collapse in western Europe and the consequent accession to power of Communist elements.”*” (Judt, 2005: 94-97)

<sup>17</sup> Its uniqueness arose from the fact that “*it was to be left to the Europeans to decide and to take responsibility for determining the level of aid and the manner of its distribution. Secondly, the assistance was to be spread across a period of years and was thus from the start a strategic programme of recovery and growth rather than a disaster fund. Thirdly, the sums in question were very substantial indeed.*” (Judt, 2005: 91-93)

words, as rightly underlined by scholars “*the Marshall Plan helped Europeans feel better about themselves*” (Judt, 2005:97).

The Marshall Plan encouraged the integration of European states into the European Coal and Steel Community, by emphasizing the effects of economic integration and the need for coordination (Judt, 2005:90-95). But, as highlighted by scholars “*there was one European problem that the European Recovery Plan could neither solve nor avoid, yet everything else depended upon its resolution. This was the German Question*” and it was beyond doubt that “*the logic of the Marshall Plan required the lifting of all restrictions upon (West) German production and output, so that the country might once again make its crucial contribution to the European economy*” (Judt, 2005:98).

Following Schuman declaration in 1950, which proposed a framework to address the issue of France-Germany relation, and with the American economic support through the European Recovery Programme (1948-1951), on 18 April of 1951, in France, Paris, was agreed and signed the Treaty establishing the Coal and Steel Community between France, Germany, Belgium, Netherlands, Luxembourg and Italy. After ratification, the Treaty establishing the common market for coal and steel entered into force on 23 July 1952. Like already foreseen in Schumann’ speech, it envisaged the creation of the first European institutions: a High Authority, a Common Assembly, a special Council of Ministers and a Court of Justice.

The experience of the Second World War and the “pacifist consciousness” (Habermas, 2001:56) developed afterwards, made the world and its political leaders prepared to adopt and implement adequate measures and to establish a supranational organization to revive Europe and its economy and to secure peace. It was a historical moment in which the centuries-old philosophical ideas and thoughts finally acquired a concrete form.

### **1.3. The category of the pre-establishment of the European Union**

Merging the economic interests seemed to contribute to enhancing cooperation among the European states. In the years that followed the creation of the European Coal and Steel Community, the efforts of the founding countries were directed to promote more integration, at the military and political levels. The following part will be focused on presenting these attempts that preceded the establishment of the European Union and have a great contribute in understanding the genealogy of this unique project.

In line with the idea of encouraging integration and cooperation in other areas, on 27 of May, 1952 the six founding countries signed the treaty establishing a European Defence Community (EDC)<sup>18</sup>, which would have created a pan-European defence force, but this project would also imply the re-armament of West Germany which was still a very sensitive topic. This Treaty never came into force as it was not ratified by France, “*even though the Pleven Plan was the brainchild of a French prime minister, public debate had revealed the extent of French reluctance to countenance German rearmament under any conditions.*”<sup>19</sup>

Furthermore, in 1952 the six founding countries were willing to create a European Political Community (EPC), regarded as “*a combination of the existing European Coal and Steel*

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<sup>18</sup> The proposal for the establishment of a defence community came from René Pleven, the French Prime Minister, in 1950 “who suggested that a European Defense Community be established, analogous to the Schuman Plan. In addition to an Assembly, a Council of Ministers and a Court of Justice, this Community would have its own European Defense Force (EDF). The Americans, like the British, were not happy with the idea but agreed to go along with it as a second-best solution to the problem of defending Europe.” (Judt, 2005:244)

<sup>19</sup> Moreover, as argued by scholars “the proposals for German rearmament and a European army could not have come at a worse time: the French army was facing defeat and humiliation in Vietnam, and the new French Prime Minister, Pierre Mendès-France, rightly calculated that it would be imprudent to stake the future of his fragile coalition government on an unpopular proposal to rearm the national enemy. The plan for a European Defense Community, and with it a re-armed Germany in a European army, was finished.” (Judt, 2005:244-245)

*Community (ECSC) and the proposed European Defence Community (EDC).*<sup>20</sup> This new effort to foster more integration failed in 1954 as the signed treaty for the European Defence Community did not come into force, mostly due to French reluctance to the loss of national sovereignty posed by these projects.

After the failure of establishing a European Defence Community, with the topics of Germany and its rearmament and the defence of Europe still on the agenda, it followed in 1954 a series of conference of the Western Allied Powers which lead to the London Agreements and Paris Treaties in which important decisions for Europe were taken (Judt, 2005:245). It was decided in 1954 to extend the 1948 Brussels Treaty, to include Italy and Federal Republic of Germany (Judt, 2005:245), along with the initial members Belgium, Netherlands, Luxembourg, France and United Kingdom, and to create the Western European Union. This was the first European organization with responsibilities in the area of defence and security. Despite its role, it was considered that the creation of the Western European Union, following the failure of establishing a European Defence Community, highlighted two aspects: “*revealed Western Europe’s inability to develop a defence system without the United States*” and “*the failure of the European Defence Community marked the end of European political integration in the area of defence.*”<sup>21</sup>

For a better understanding of the context, is necessary to refer to another event associated to the topic of the defence of Europe, event that occurred a few years earlier, in April 1948, but still in the circumstances after the Second World War dominated by the concern to defend Europe and secure peace. It was the agreement for the establishment of the North Atlantic Treaty Organization (hereinafter referred to as *NATO*) which initially included America, Canada and ten European states. NATO was (and still is) a political and

<sup>20</sup> [https://en.wikipedia.org/wiki/Treaty\\_establishing\\_the\\_European\\_Political\\_Community](https://en.wikipedia.org/wiki/Treaty_establishing_the_European_Political_Community)

<sup>21</sup> <https://www.cvce.eu/en/education/unit-content/-/unit/803b2430-7d1c-4e7b-9101-47415702fc8e/6d9db05c-1e8c-487a-a6bc-ff25cf1681e0>

military alliance “committed to peaceful resolution of disputes”<sup>22</sup>, providing a collective defence system under the Article 5 of the North Atlantic Treaty by which the member states agreed that an attack against one of them will be considered an attack against all of them and they will provide mutual assistance.<sup>23</sup> As argued by scholars, NATO was “a remarkable development”, as it was not expected at that time that America “would commit itself to a European military alliance.”<sup>24</sup>

The creation of NATO in 1948 as an organization entrusted with the defence and security influenced further development of the European Union project and difficult the European efforts for integration in the area of defence.

Although these two structures were regarded as separated and distinct, and to some extent they are, at a profound analysis, as argued by Guedes, one can notice the deep connection they share in terms of objectives (from the beginnings both aimed at securing peace in Europe and in front of an emerging Soviet Union that could have been a threat for both, US and Europe), of members (even overlapping members) and of conditions for accession (Guedes, 2003:33-77).

All the efforts to stimulate integration and cooperation in other areas were followed by a number of conferences and meetings at the European level, focused on enhancing

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<sup>22</sup> NATO: <https://www.nato.int/nato-welcome/index.html>

<sup>23</sup> Article 5, first paragraph of the North Atlantic Treaty states: “The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.”

<sup>24</sup> “If the United States was committing itself to an entangling European alliance for the first time, it was because many people in Washington saw NATO much as they saw the Marshall Plan: as a device to help Europeans feel better about themselves and manage their own affairs—in this case, their own defense. In itself, NATO changed nothing in the European military balance: of the fourteen divisions stationed in Western Europe, only two were American” (Judt, 2005:149-150).

the European cooperation on economic aspects as it became clear that the circumstances were not favorable for more political and military European integration.

In this sense, in the year 1956 was organized in Brussels an Intergovernmental Conference, aimed at extending the European cooperation in other economic and energy areas. It was followed by the conclude of the Treaties of Rome between the six founding countries of the previous European Coal and Steel Community, treaties that established the foundation of the European Economic Community (EEC) and the European Atomic Energy Community (EURATOM). These treaties were signed in 1957 and entered into force on 1 January 1958.

Furthermore, in the year 1965 the same six founding countries agreed upon the merger of the three existing independent European communities, agreement concluded with the signature of the Merger Treaty<sup>25</sup>, in Brussels, that came into force after ratification, on 1 July 1967. The significance of this treaty lies in the fact that it established the legal foundation for the European Communities and, at the same time, created the legal conditions for the merger of the existing European institutions within the three communities on a single set of institutions.

The year 1973 witnessed the first enlargement of the European Communities' members with the accession of more three European Countries, namely Denmark, Ireland and United Kingdom, followed in the year 1981 by a second enlargement with the accession of Greece.<sup>26</sup> As officially presented, the enlargement stands as a European policy aiming *“to unite European countries in a common political and economic project”* and it *“proved to be one of the most successful tools in promoting political, economic and*

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<sup>25</sup> This Treaty was repealed by the later Treaty of Amsterdam which was signed in the year 1997 and entered into force in the year 1999.

<sup>26</sup> The European enlargement policy is an ongoing policy and the first two waves of enlargement were followed by five more enlargement waves in 1986, 1995, 2004, 2007, 2013 leading to a present total number of 27 Member States, after the withdrawal of the United Kingdom in 2020.

*societal reforms, and in consolidating peace, stability and democracy across the continent.*<sup>27</sup>

In a now larger European Community, it was in the year 1986 that the European member states agreed, in the spirit of augmenting the economic cooperation, to create a single internal market among them, aspiration that led to the signature of the Single European Act, in a form of a treaty that entered into force on 1 July 1987. This Treaty settled the legal basis for the establishment of the single internal market, improved the European institutions and the process of decision-making, as preparatory measures for the implementation of the internal market. In accordance with the provisions of article 13 of the Single European Act, the novelty of the concept of *single internal market* originates in the reference to the European area as one area, with no internal frontiers, and represents a new level in the development of the European project.<sup>28</sup>

As previously presented, the period that followed the establishment of the European Coal and Steel Community was opportune for enhancing the economic cooperation among the European states, but not favourable to military or political integration. Nevertheless, it is worth noting that another type of integration, equally significant to the development of the European project, had its roots in this timeframe. This type of integration can be referred to as *the European legal integration*. In attaining this objective a special merit had the European Court of Justice because of its role in harmonizing and ensuring a uniform application of the European rules of law throughout the Member States. The rulings of the European Court of Justice contributed to the overarching character of the European law. In this sense, it is valuable to mention the general European law principles established through the rulings of the European Court of Justice

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<sup>27</sup> <https://www.europarl.europa.eu/factsheets/en/sheet/167/the-enlargement-of-the-union>

<sup>28</sup> Article 13 of the Single European Act: “*The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of this Treaty.*”

in: the case-law Van Gend en Loos, from 1963, which set the principle of direct effect of the European law<sup>29</sup>; the case-law Costa v ENEL, from 1964, which established the supremacy of the European law over national law; the case-law Cassis de Dijon, from 1979, which settled the principle of mutual recognition.

### **1.4. The category of the establishment of the European Union**

In the year 1992 was signed the Treaty of Maastricht (known as the Treaty on European Union) which entered into force on 1 of November 1993 and by this treaty was reached a new stage in the design of the European project.

This treaty established the European Union and its legal personality and introduced aspects related to an advanced development of the union towards a political community<sup>30</sup> (e.g. the citizenship, the common foreign and internal affairs policy).

As emphasized by the provisions of article A of the Treaty on European Union “*this Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen*” (Article A, paragraph 2, Treaty on European Union). Moreover, this new entity shall be built on the existing foundation on the European Communities, with the view to ensure a better

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<sup>29</sup> In answering the question “how should the priority of European law be understood”, Habermas draws significant conclusion as regards the European Union project. “The decisions of the European Court of Justice since the 1963 Van Gend en Loos decision were groundbreaking. Since then, the Court has repeatedly stressed that the concrete willingness of the member states to comply is essential for the equal legal treatment of the citizens of the Union. These decisions merely draw the logical conclusion from the fact that the European treaties have established a direct legal relation between the institutions and the citizens of the Union, and have thereby created an autonomous level of law independent from the law of the member states.” (Habermas, 2012:25-26)

<sup>30</sup> “The international organization has been transformed into a political Union of indefinite duration. With the introduction of citizenship of the Union, with the explicit reference to a common European weal and with the recognition of the Union as an autonomous legal personality, the treaties have become the foundation of a political community with a constitution of its own.” (Habermas, 2012:30)



management of the relations between the Member States and between their peoples.<sup>31</sup> The Union is designed as an entity open to any European state wishing to become members.<sup>32</sup>

The provisions of Article F of the Treaty on European Union set three fundamental elements on which the legal foundation and status of the union should be based, namely that “this new entity *shall respect the national identities of its constituent Member States, whose systems of government are founded on the principles of democracy*”; “*shall respect fundamental rights*” and it “*shall provide itself with the necessary means*” to fulfill its objectives and to promote its policies.<sup>33</sup>

As regards the institutions, in accordance with the provisions of Article C of the Treaty on European Union, the new entity “*shall be served by a single institutional framework which shall ensure the consistency and the continuity of the activities carried out in order to attain its objectives while respecting and building upon the *acquis communautaire*. The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies.*” (Article C, Treaty on European Union)

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<sup>31</sup> First and second paragraphs of the Article A of the Treaty on European Union states: “By this Treaty, the High Contracting Parties establish among themselves a European Union, hereinafter called ‘the Union’. The Union shall be founded on the European Communities, supplemented by the policies and forms of cooperation established by this Treaty. Its task shall be to organize, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples.”

<sup>32</sup> Article O of the Treaty on European Union states: “Any European State may apply to become a Member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.”

<sup>33</sup> Article F of the Treaty on European Union states: “1. The Union shall respect the national identities of its Member States, whose systems of government are founded on the principles of democracy. 2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law. 3. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.”

Comparing the structure and the foundation of the new entity with the philosophical ideas and thoughts from three centuries ago, the following conclusions can be drawn: the European Union represents an association of European states, based on a treaty, in which the national identity of each Member State is preserved. This entity has its own institutions that create and implement legislation, similar to the ones to be found at the national level, but it does not have a fundamental law, in the sense of a constitution, like its constituent Member States. Furthermore, at present, the European Union has developed a common security and defence policy, but does not have an army, although in the philosophers' ideas the existence of an army was connected to the potential of the structure to secure peace, mostly within the structure itself.

After the 1993 moment, when the Treaty on European Union (Treaty of Maastricht) entered into force, and until the present days, the treaties creating the legal framework of the European Union passed through several modifications<sup>34</sup>, with the purpose to improve the European institutions and to develop new means and forms of cooperation to cope with a society in an ongoing transformation and with the consequences of its enlargement policy and to accommodate the different interests of its constituent Member States while maintaining the union.

To conclude, the passage through the four categories presented in this first section highlights the complexity of the mechanism of causality that led to the creation and development of the European Union. Focusing on just one perspective, be it the philosophical ideas, the political actions, the war, the need for peace, the economic revival of Europe or the pursuit of the task of developing the African continent, without considering

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<sup>34</sup> Treaty of Amsterdam (signed in 1997 and entered into force in 1999), Treaty of Nice (signed in 2001 and entered into force in 2003) and the Treaty of Lisbon (signed in 2007 and entered into force in 2009).

the overall circumstances, narrows down the deeper understanding of the European Union.

Each of the aspects addressed in this section had a great contribution to what it is nowadays the European Union. A holistic approach guarantees a complete view over the European project and helps further understandings of the different mechanisms or forms of cooperation developed by the Member States, within or outside the treaty provisions, aspects that will be addressed in the next section of the present article.

## **II. A “multi-speed Europe”: different ways to address common interests and common challenges/threats**

The philosophers’ idea for a union among the states of Europe, founded on a treaty, became a concrete project with a unique architecture, more than an international organization, but less than a federation or a world state.

Given its complex character, one may wonder about the mechanisms or forms of cooperation that enable the European Union and its diverse constituents to better address common interests, to cope with the consequences of the enlargement policy, as well as to react to common challenges/threats (disasters and crisis).

Since the creation of the European Union’ legal status in 1993 through the Treaty on European Union (Treaty of Maastricht) this project underwent several modifications directed at sharpening the European Union, its institutions and the mechanisms or forms of cooperation. In addition, this development was also required by the necessity to cope with the accelerate transformation of the world, as well as to accommodate the sometimes divergent interests of the Member States, while preserving the constitution of a Union.

The present section proposes to present the treaty-based mechanisms or forms of cooperation, as well as some others forms of cooperation developed outside the treaty

provisions. It argues that the different forms of cooperation were encouraged by the differences in the interests of the Member States and had as a result a different evolution of the European states in specific areas or in relation to specific issues, thus generating the concept of “multi-speed Europe”. Furthermore it claims that the “multi-speed Europe” concept not only underlines the different evolution of European states, but above all emphasizes the fragmentation<sup>35</sup> of the European Union into various cooperation mechanisms foreseen as a solution to address common interests or to react to common challenges/threats.

## 2.1. Addressing diversity

In the rationale of the present article, the concept of “*diversity*” refers to the different interests of the Member States or the interests that are common only to some Member States, as a consequence of the growing number of members of the European Union due to the ongoing enlargement policy. Different mechanisms were developed within the European legal framework to address these aspects. In the following will be presented two forms of cooperation based on treaty provisions, namely the enhanced cooperation and EU opt-out, mechanisms that were used by the Member States either to advance in a certain direction or to abstain from participating in a certain policy.

The first one to consider is *the mechanism of enhanced cooperation*. This mechanism created the legal conditions for the European member states to advance at a different speed, in a specific area, but within the framework provided by the European institutions and legislation and respecting the fundamental principles and objectives of the

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<sup>35</sup> As claimed by scholars the concepts of “*fragmentation*” and “*disintegration*” are different. “While “*fragmentation*” can be defined as the division of member states into different groups for the purpose of further and strengthened integration in certain policy areas, “*disintegration*” consists in the retrogression and weakening of that same integration process.” (Gomes de Andrade, 2005:206)

European Union. As argued by scholars, this mechanism *was designed to manage the growing diversity of the union due to the ongoing enlargement policy* (Gomes de Andrade, 2005: 202) and for *“the establishment of a multispeed Union in which some states are willing to pool their action in specific fields while others are not”* (Fabbrini, 2012:14).

Initially named “closer cooperation”, this mechanism was firstly introduced by the Treaty of Amsterdam<sup>36</sup> which amended the Treaty on European Union. The new inserted Title VIa, “Provisions on closer cooperation” set up the legal framework for “closer cooperation” among those Member States which intend to pursue further develop in a specific area, using the institutions, procedures and mechanisms laid down in the Treaties (Point 12 of Part One of the Treaty of Amsterdam ).

As detailed by the provisions of the Treaty of Amsterdam, in the initial legal framing of the mechanism, was required that the closer cooperation would involve *“at least a majority of Member States”* (Article K.15, first paragraph, letter d) from Point 12 of Part One of the Treaty of Amsterdam) and to be in line with the objectives of the Union, respect it’s principles and institutional framework (Article K.15, first paragraph, letters a) and b) from Point 12 of Part One of the Treaty of Amsterdam). It was expected that the member states would use this mechanism only as a last resort, when the objectives of the Treaties could not be attained otherwise (Article K.15, first paragraph, letter c) from Point 12 of the Part One of the Treaty of Amsterdam). Moreover, from the beginning it was designed as an open mechanism of cooperation, which shall not affect the existing European legislation and the competences, rights, obligations and interests of the Member States which choose not to be involved (Article K.15, first paragraph, letters e), f), g) from Point 12 of the Part One of Treaty of Amsterdam).

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<sup>36</sup> The Treaty of Amsterdam was signed in the year 1997 and entered into force in the year 1999.

The mechanism of enhanced cooperation acknowledged further development through the amendments introduced by the Treaty of Nice.<sup>37</sup> In the light of these modifications, the mechanism shall be understood as “*implementation of a joint action or a common position. It shall not relate to matters having military or defence implications*” (Article 27b from point 6 of the Part One of the Treaty of Nice).

One novelty was the extension of this mechanism to cover also the area of common foreign and security policy. Based on treaty provisions, the overall aim of using this mechanism shall be “*safeguarding the values and serving the interests of the Union as a whole by asserting its identity as a coherent force on the international scene*” (First paragraph of Article 27a from point 6 of the Part One of the Treaty of Nice).

Furthermore, the enhanced cooperation shall be subject to the approval of the European institutions and must be designed as a mechanism of cooperation opened to any other member state (Articles 27c, 27d and 27e from point 6 of the Part One of the Treaty of Nice).

At present the legal framework for the mechanism of enhanced cooperation is outlined by the provisions of article 20 of the Treaty on European Union, as consolidated by the Treaty of Lisbon and detailed by the provisions of articles 326-334 of the Treaty on the Functioning of the European Union, as consolidated by the Treaty of Lisbon.

As described by treaty’ provisions, Member States that wish “*to establish enhanced cooperation between themselves within the framework of the Union’s non-exclusive competences may make use of its institutions and exercise those competences by applying the relevant provisions of the Treaties*” (Article 20, paragraph 1, consolidated Treaty on European Union). Contrary to the previous treaty’ dispositions, for the first time it is now introduced a requirement of a *minimum number of nine Member States* (Article 20,

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<sup>37</sup> The Treaty of Nice was signed in the year 2001 and entered into force in the year 2003.

paragraph 2, consolidated Treaty on European Union) for initiating this form of cooperation.

The aim of this mechanism should not be to weaken the European Union project<sup>38</sup>, but on the contrary “*to further the objectives of the Union, protect its interests and reinforce its integration process*” (Article 20, 2<sup>nd</sup> part of paragraph 1, consolidated Treaty on European Union), as well as to allow states to evolve at a different speed. Moreover, as also designed by previous treaties, “such cooperation shall be open at any time to all Member States” (Article 20, 2<sup>nd</sup> part of paragraph 1, consolidated Treaty on European Union) and shall be used *only as a last resort* when it has been “*established that the objectives of such cooperation cannot be attained within a reasonable period by the Union as a whole*” (Article 20, paragraph 2, consolidated Treaty on European Union).

The EU opt-out is the second mechanism to consider for coping with diversity within the union’s realm. From the perspective of its rationale, the EU opt-out is a mechanism with an opposite effect than the enhanced cooperation. The EU opt-out comprises those situations in which a Member State would like to withdraw from participating in a certain policy area. To the present days, there are five policy areas in which European states used the mechanism of opting-out: Schengen area (Ireland opt-out), Economic and Monetary Union (Denmark opt-out), defence (Denmark opt-out), EU Charter of Fundamental Rights (Poland opt-out) and the area of freedom, security and justice (Denmark and Ireland opt-out).<sup>39</sup>

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<sup>38</sup> As argued by scholar “one of the main dangers of deviating from the classic model of integration provoked by the use of the enhanced cooperation mechanism is the risk of permanent and definite fragmentation, meaning the creation of an unbridgeable gap between the “breakaway riders” and the “peloton”.” (Gomes de Andrade, 2005:214)

<sup>39</sup> In accordance with the information provided on the following website: [https://eur-lex.europa.eu/summary/glossary/opting\\_out.html#BREXIT](https://eur-lex.europa.eu/summary/glossary/opting_out.html#BREXIT)

## **2.2. Addressing *transnational challenges/threats***

Alongside with the internal diversity of European policies and Member States' interests, the cohesion and solidarity of the European Union project has been continuously tested by transnational challenges/threats (disasters and crisis), e.g. the financial crisis in 2008, the increasing migration, the United Kingdom withdrawal from the European Union or the recent transnational natural disaster- the pandemic crisis in 2020. This part will present two mechanisms, based on treaty' provisions, developed for addressing common challenges/threats. The first one refers to a financial mechanism, already used for addressing the consequences of the 2008 financial crisis and of the recent pandemic crisis, while the second one embodies a relative recent mechanism, the solidarity clause, which has not yet been invoked.

The financial crisis that started in 2008 *“could present a serious threat to the financial stability of the European Union as a whole”* therefore it was considered imperative to establish a *“Union stabilisation mechanism to preserve financial stability in the European Union”* (Preamble of the Council Regulation (EU) No 407/2010). Furthermore, it was believed that *“such a mechanism should allow the Union to respond in a coordinated, rapid and effective manner to acute difficulties in a particular Member State. Its activation will be in the context of a joint EU/International Monetary Fund (IMF) support”* (Preamble of the Council Regulation (EU) No 407/2010).

The European Financial Stabilisation Mechanism (EFSM) was established in 2010 by the Council Regulation (EU) No 407/2010 and was designed to provide financial assistance to any Member State experiencing or threatened by severe financial difficulties.

The establishment of this mechanism was based on the provisions of the second paragraph of the article 122 of the consolidated Treaty on the Functioning of the European



Union which sketched the general legal framework for granting Union financial assistance to a Member State “*in difficulties or seriously threatened with severe difficulties caused by natural disasters or exceptional occurrences beyond its control*” (Article 122, paragraph 2, consolidated Treaty on the Functioning of the European Union).

In relation to the European instruments designed to address common financial difficulties, it is worth noting an interesting initiative of the Member States part of the euro area, which created in 2012 a European Stability Mechanism (ESM), as a permanent financial institution, based on a treaty with the objective to provide financial support to the Member States that are part of the euro area.<sup>40</sup>

This mechanism was created as an intergovernmental structure, in line with the European legislation, but outside the European Union framework, as at that time there were no treaty provisions to allow the Member States belonging to the euro area to establish a permanent mechanism to safeguard the common currency. Meanwhile, the article 136 of the consolidated Treaty on the Functioning of the European Union has been amended and at present provides the legal base for the Member States part of the euro area to “*establish a stability mechanism to be activated if indispensable*” to protect the financial stability of the euro area Member States.<sup>41</sup>

After their creation, the financial mechanisms were used to provide financial support to some European countries (Greece, Portugal, and Ireland) during the European debt crisis<sup>42</sup>, as well as during the recent pandemic crisis.

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<sup>40</sup> <https://www.esm.europa.eu/about-us/history>

<sup>41</sup> Third paragraph of the article 136 of the consolidated Treaty on the Functioning of the European Union reads: “The Member States whose currency is the euro may establish a stability mechanism to be activated if indispensable to safeguard the stability of the euro area as a whole. The granting of any required financial assistance under the mechanism will be made subject to strict conditionality.”

<sup>42</sup> It was in this context and related to the European debt crisis that were created the acronyms PIIGS or GIPSI to refer to the economies of the European states (Portugal, Ireland, Italy, Greece and Spain) that lacked the financial means to refinance their government debts.

The Solidarity Clause<sup>43</sup> is a mechanism recently developed that creates the framework for the Union and the Member States to commonly address transnational threats. The legal framework of the Solidary Clause is composed by the provisions of article 222 of the consolidated Treaty on the Functioning of the European Union and the Council Decision no 415 of 24 June 2014 on the arrangements for the implementation by the Union of the solidarity clause (hereinafter referred to as *the Council Decision*).

The treaty provisions identify three major groups of threats that may fall within the scope of the solidarity clause, namely the terrorist attack, natural or man-made disasters, each one being then defined by the Council Decision.<sup>44</sup>

The article 222 of the consolidated Treaty on the Functioning of the European Union sets the general legal base for actions to be taken if “*a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster*” (Article 222, paragraph 1, consolidated Treaty on the Functioning of the European Union). Furthermore, the treaty article provides for “*two levels of assistance*” (Cîrlig, 2015:6): *of the Union acting jointly with the Member States*, in accordance with the first paragraph, and *of the Member States*, in accordance with the second paragraph.

As regards the response at the Union level, the first paragraph of article 222 states that “*the Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster*”

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<sup>43</sup> This mechanism is different from the mechanism of mutual defence clause provided by article 42, paragraph 7 of the consolidated Treaty on European Union.

The provisions of the Article 42, paragraph 7 represent the legal base for the mutual defence/assistance clause and *have defence and military implications*, whereas the legislation regulating the solidarity clause expressly provides that the solidarity clause does not have defence implications. The provisions of mutual defence clause apply in the case of an “armed aggression” on the territory of a Member State, this clause does not involve the European institutions and it is an intergovernmental based mechanism that Member States might use.

<sup>44</sup> In accordance with the provisions of article 3 of the Council Decision no 415 of 24 June 2014 on the arrangements for the implementation by the Union of the solidarity clause “(a) ‘disaster’ means any situation which has or may have a severe impact on people, the environment or property, including cultural heritage; (b) ‘terrorist attack’ means a terrorist offence as defined in Council Framework Decision 2002/475/JHA (1).”

(Article 222, paragraph 1, consolidated Treaty on the Functioning of the European Union). The Union' response is further detailed by the Council Decision. The provisions of article 4 of the Council Decision indicate the procedure for invoking the Solidarity Clause. Accordingly, *“the affected Member State may invoke the solidarity clause if, after having exploited the possibilities offered by existing means and tools at national and Union level, it considers that the crisis clearly overwhelms the response capabilities available to it”* (Article 4, paragraph 1 of the Council Decision).

In accordance with the second paragraph of the same article *“the political authorities of the affected Member State”* are entrusted with the task to pursue the formalities (Article 4, paragraph 2 of the Council Decision). The invocation shall be addressed to the Presidency of the Council and the President of the European Commission.

Two conclusions can be withdrawn from the wording of the article 4 of the Council Decision: first, the trigger factor for invoking the clause is the “affected Member State” and second, the invocation of the clause is conditioned by first *“the exploit of all available national and European instruments and if these instruments appear to be insufficient to cope with the crisis, may invoke the Solidarity Clause”* (Martino, 2016:45).

Once the solidarity clause is invoked, the task of coordinating the response is assigned to the European institutions. As underlined by the article 5 of the Council Decision, a central role in the implementation is given to the Council, which “shall ensure the political and strategic direction of the Union response”, the European Commission and the High Representative (Article 5 of the Council Decision).

As previously mentioned, the second paragraph of article 222 of the consolidated Treaty on the Functioning of the European Union addresses the aspect of the Member States' assistance-response in case a Member State would be *“object of a terrorist attack or the victim of a natural or man-made disaster”* (Article 222, paragraph 2, consolidated

Treaty on the Functioning of the European Union). In accordance with the treaty provisions, the request of assistance must be formulated by the political authorities of the affected Member State and the other Member States must coordinate their response within the Council (Article 222, paragraph 2, consolidated Treaty on the Functioning of the European Union). Furthermore, this paragraph must be read together with the Declaration no. 37 on Article 222 of the consolidated Treaty on the Functioning of the European Union, which safeguards the sovereignty of the Member States by allowing the “*Member State to choose the most appropriate means to comply with its own solidarity obligation towards that Member State*” (Declaration no. 37 on Article 222).

The mechanism of Solidarity Clause was designed to foster a European mechanism for a common response to challenges/threats. As presented, before invoking this clause, the Member State affected has to use all the national and European instruments available and only when these instruments prove to be insufficient, the solidarity clause can be invoked.

In the event of a transnational natural disaster, like the current pandemic situation that affected all the Member States and there is expectation for the European Union to have a common response, how this mechanism could work?

In a situation that affects all the Member States, the opinion is that the invocation of the clause should not be conditioned by the exploit of all national and European resources, because by invoking the mechanism all the European instruments will be made available. Moreover, this type of transnational natural disaster emphasize the necessity to adapt the legal provisions so to cover and to address a situation in which all of the Member States are affected, and to place “solidarity”, in its true meaning, at the center of this common response-mechanism.

### **2.3. Other types of cooperation: bi or multilateral cooperation**

Along with the forms or mechanisms of cooperation to cope with the internal diversity or to react to transnational challenges/threats, based on treaty provisions or in line with European legislation, along the years the European member states established a variety of other forms of bi or multilateral cooperation, either to advance in a certain area or to address a specific interest.

In the following, some examples of these forms of cooperation will be briefly presented with the purpose to underline that clustering cooperation in smaller groups had always been an approach for finding common solutions or pursuing common interests, but in long terms this approach poses the risk of permanent fragmentation of the union into various cooperation mechanisms.

Given the variety of forms of cooperation, the choice was to start chronologically from one established after the Second World War and to continue with others constituted between countries that initially were not members of the European Union or between EU and non-EU countries, and will conclude with a recent bilateral cooperation highlighting the century-old relation between France and Germany.

The first form of cooperation to address is *the Benelux Union* that dates from 1944 when started the economic cooperation between Belgium, the Netherlands and Luxembourg. Its initial objective was to end the custom barriers between the three countries and to implement the free movement of persons, goods and services. It was formalized in 1958 by the signature of the Treaty establishing the Benelux Union in the form of an intergovernmental cooperation.

The cooperation between these three countries evolved beyond the initial scope and acted as a group that incentivate for promoting and encouraging other forms of cooperation at the European Union level, for example the Schengen Agreement which become operational in 1985.

*The Visegrad Group* is a political and cultural alliance that comprises four countries, Czech Republic, Hungary, Poland and Slovakia. One of the many interesting aspects of this group is that at the date of its establishment, in 1991, its members were not yet part of the European Union. The main objective of their association was to strengthen cooperation among them and to prepare their integration to the European Union. At present, all these four countries are members of European Union, from 2004, and part of the Schengen area from 2007.

The third form of cooperation to be presented is one established in 2015, entitled *Craiova group*, including Romania, Bulgaria, Greece and Serbia. The interesting aspects of this cooperation is that it groups countries already members of the European Union and countries willing to accede to the European Union. The main purpose of this cooperation was to consolidate their European integration and to strengthen their economic, transport and energy cooperation.

The last model of cooperation highlights a century-old complicated relation between France and Germany, namely *the Treaty on Franco-German Cooperation and Integration (Aachen Treaty)* which was signed in 2019 and entered into force in January 2020.

This treaty is considered a renewal of the Elysée Treaty signed in January 1963 between the Federal Republic of Germany and the French Republic, which contributed to the *historical reconciliation of the German and French peoples* and created “*the foundation for an unprecedented network of bilateral relations between their civil societies and public bodies at all levels*” (Preamble of the Treaty on Franco-German Cooperation and Integration).

The aim of new treaty is to consolidate the foundation for closer cooperation and further integration, keeping in mind that “*the close friendship between Germany and France has been decisive for a united, efficient, sovereign and strong European Union and continues to be an indispensable element*” (Preamble of the Treaty on Franco-German Cooperation and Integration).

To conclude, the “multi-speed Europe” concept mentioned in the beginning of this section underlines the different evolution of European states, but at the same time emphasizes the fragmentation of the European Union into various cooperation mechanisms foreseen as a solution to address common interests or to react to common challenges/threats. In this new perspective, the European Union goes below its purpose and the function it plays it is more reduced to that of a technical assistant that provides the administrative tools (structures and legislation) for cooperation.

Furthermore, the multiple interests, nationally based, may result in a major crisis for the European Union itself. As claimed by scholars “*the inability of European political leaders to tackle problems in a collective and decisive manner has led several observers to conclude that the EU is suffering from a leadership crisis*” (Müller & Van Esch, 2020:1051). Given this, one might wonder about the future role and settings of the European Union on the international scene, aspects that will be addressed in the next section of the present article.

### **III. The European Union: becoming or assuming a model leadership**

#### ***3.1. The concept of European political leadership***

The scientific literature provides many definitions of the concept of leadership. However, as summarized by scholars there are three central characteristics valued as essential for defining leadership: “*leadership is a reciprocal process, involving both the leader(s) and a set of followers; leadership is about attaining goals that are mutually desired by both the leader(s) and the followers; and third, such goals are attained through influence and persuasion rather than coercion*” (Müller & Van Esch, 2020:1053-1054).

The attempt to define leadership become more difficult when refers to the political leadership within the European Union because of the unique architecture and nature of this project. The standard approach to leadership “*as centralized power wielding by a stand-alone leader*” (Müller & Van Esch, 2020:1052) it is inapplicable to the design of the European Union and the better perspective is the one that proposes to understand leadership “*as a collective and reciprocal interaction among (multiple) leaders and their followers*” (Müller & Van Esch, 2020:1052).

Furthermore, as underlined by scholars the central focus of the research studies on political leadership in the European Union is “*on individual institutions and their leaders: the European Commission and its presidents, the presidencies of the Council and the European Council, individual heads of state or government as well as groups of national leaders, such as the Franco-German tandem*” (Tömmel & Verdun, 2017:105).

The institutional setup of the European Union underwent a continuous process of transformation as to prepare the union to cope with its internal diversity or transnational challenges/threats. In 2001 started the process to design a constitutional treaty, which



failed, and continued in 2007 by incorporating most of the substantial amendments of the failed constitutional treaty into the Treaty of Lisbon.<sup>45</sup>

This treaty consolidated the status of the European Union by giving legal personality to the union<sup>46</sup>, reformed the European institutions and marked “*a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen*” (Article 1, paragraph 2, consolidated Treaty on European Union).

At the level of the institutions, the first to acknowledge is the changes related to the European Parliament which “*shall be composed of the representatives of the Union’s citizens*” (Article 14, paragraph 2, consolidated Treaty on European Union), granting it more legitimacy by placing at the center the “*citizens of the Union*” and not just the representatives of the *peoples of the Member States*.

The new treaty integrated and recognised the European Council as one of the institutions of the European Union entrusted with providing “*the Union with the necessary impetus for its development*” and with defining “*the general political directions and priorities thereof*”, but exercising no “*legislative functions*” (Article 15, paragraph 1, consolidated Treaty on European Union). Moreover, from the leadership perspective another novelty is the establishment of the permanent President of the European Council which “*shall not hold a national office*” and “*shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy*” (Article 15, paragraph 6, consolidated Treaty on European Union).

Furthermore, it created the new institution of the High Representative of the Union for Foreign Affairs and Security Policy with the task to “*conduct the Union’s common*

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<sup>45</sup> The Treaty of Lisbon was signed in the year 2007 and entered into force in the year 2009. This Treaty consolidated the Treaty on European Union and the Treaty on the Functioning of the European Union.

<sup>46</sup> Article 47 of the consolidated Treaty on European Union states: “*The Union shall have legal personality.*”

*foreign and security policy” and “the common security and defence policy” and to contribute by his proposals to the development of these policies (Article 18, paragraph 2, consolidated Treaty on European Union). Moreover, the High Representative “shall ensure the consistency of the Union’s external action” and “shall be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union’s external action” (Article 18, paragraph 4, consolidated Treaty on European Union).*

As related to the European Commission, the novelty regards its president which “shall be elected by the European Parliament by a majority of its component members” based on a proposal made by the European Council “taking into account the elections to the European Parliament and after having held the appropriate consultations” (Article 17, paragraph 7, consolidated Treaty on European Union). This mechanism for the election of the President of the European Commission, which takes into consideration the elections to the European Parliament, increases the political legitimacy of the European Commission and its role in the European leadership structure.

The ability of this European institutional setup to cope with the union internal diversity, to envisage solution for addressing common interests of the Member States and to react to transnational challenges/threats have revealed its importance for the European citizens and its members states, but on the other hand as claimed by scholars European Union “still does not constitute a cohesive political community with common norms, values and policy priorities” (Müller & Van Esch, 2020:1052).

The next part of this section proposes to introduce three alternatives as regards the future role and settings of the European Union on the international scene.

### ***3.2. The European Union reality beyond the semantics: becoming or assuming a model leadership?***

Transnational threats and the growing internal diversity have been a continuous challenge for the Europe Union and its institutional setup and at the same time have created the circumstances for raising questions about the European leadership and the future role and settings of the European Union. European Union is not a supranational or world state<sup>47</sup> and the lack of strong legitimacy<sup>48</sup> of its institutional setup are features that, in turns, affect the functioning and the effectiveness of the European Union and its actions. This part will introduce, and briefly present, three alternatives as regards the future role and settings of the European Union on the international scene, as following: one European country will assume the role of the leader of the European Union or the European project will undergo a major transformation setting the foundation for the European Union Nation or, the third alternative will be an increase in the multilateral cooperation.

As regards the first alternative in which one European country will assume the role of the leader of the European Union, as argued by scholars there has been much interest from the research perspective “on Germany’s new role as a, or even ‘the’, leading power in Europe, after the fall of the Berlin Wall in 1989 and the resulting reshuffle of the balance of

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<sup>47</sup> As underlined by Habermas “from a constitutional perspective, one can discern a contradiction in the European Union’s present situation. On the one hand, the EU is a supranational organization established by international treaties and without a constitution of its own. In this respect it is not a state (in the modern sense of a constitutional state characterized by a monopoly on violence and a domestically and internationally recognized sovereignty). On the other hand, Community institutions create European law that binds the member states—thus the EU exercises a supreme authority previously claimed only by individual states.” (Habermas, 1998:155)

<sup>48</sup> Although with the amendments introduced by the Treaty of Lisbon progress has been made in increasing the legitimacy of the European institutions, the legitimacy problem still exists, mainly if we consider that, as Habermas underlined “The executive institutions of the community derive their legitimacy from that of the member governments. They are not institutions of a state that is itself constituted by the act of will on the part of the united citizens of Europe.” (Habermas, 1998:156)

power in the EU” (Müller & Van Esch, 2020:1056). At the same time, there is awareness among the researchers of the problems that the leadership of Germany might pose “*from a historical perspective*” (Van Esch, 2017:37).

On the other hand, the necessity to solve the issues resulting from the same long-standing historical problem has been viewed as the imperative interest that Germany might have in assuming a leadership role. In addressing the topic of the European Monetary Union, its transformation and the necessity to revise the treaties accordingly, Habermas claimed that “*the German government holds the key to the fate of the European Union in its hand*” and “*if there is one government among the member states capable of taking the initiative to revise the Treaties then it is the German government*” (Habermas, 2013:8). In his perspective, the Germany interest in assuming this role would go beyond the normal interest of stabilizing the Monetary Union, and lies within the interest of solving a long-standing historical problem that Germany has since the Second World War.

Apart from these issues, the first alternative might not be achievable if considering what was emphasized by some scholars that although “*the fragmented institutional design of the EU is often listed as an impediment to European leadership*” it “*was specifically designed to prevent decision making to be dominated by a single strong leader*” (Van Esch, 2017:37).

The second alternative, *the establishment of a kind of European Union Nation* is more imaginative and would imply, on the contrary, a semnificative transformation in the nature of the European Union, one that might resemble the initiative that failed in 2004 with the Constitutional Treaty of the European Union.

The starting point is the definition provided by Habermas regarding the origins of the interpretation of the “citizen body as a nation” (Habermas, 1998:109). Therefore, in accordance with his opinion “*nations were originally communities of shared descent which*

*were integrated geographically through settlements and neighborhoods and culturally through their common language, customs, and traditions; but they were not yet integrated politically through the organizational form of a state” (Habermas, 1998:109-110). Secondly, extending this interpretation, one might think of Europe as the territorial area in which, to a certain extent and within limits, peoples share common historical events that impacted on all and there is a common language and culture, based on *understanding and consensus*. Thirdly, based on the previous aspects and considering the expressed aspirations “to deepen the solidarity between their peoples while respecting their history, their culture and their traditions” (Preamble of the consolidated Treaty on European Union) and to create “an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen” (Article 1, paragraph 2, consolidated Treaty on European Union) what if, centered on the common value offered by “the citizens”, there will be achieved a common political ground to settle the basis for an European Union Nation, a project designed by the people, for the people?*

The third alternative, *an increase in the multilateral cooperation*, is more feasible and is related to the actual mode of functioning of the European Union which involves different forms or mechanisms of cooperation.

As previously presented, one characteristic of leadership is being *a reciprocal process*, which means *that it involves at the same time leaders and a set of followers*. In this context, as claimed by scholars, a strong leadership presupposes *a strong bond* between the leaders and its followers (Müller & Van Esch, 2020:1054).

In this sense, the increased responsibility of the European Union towards its citizens might contribute to create the strong bond between the European leadership and its citizens. This statement is based firstly on the fact that the development of the European Union into a political community and the creation of the “European citizenship” added more

substance to the obligation of the European Union to protect the fundamental rights of its citizens and, secondly, on the fact that the protection of the fundamental human rights and freedoms is at the core of the European Union.

As mentioned, the third alternative is more feasible, but in order to avoid transforming the European Union into merely a technical assistant that provides the administrative tools (structures and legislation) for cooperation, the solution would be to place solidarity, in its true meaning, at the center of any further forms or mechanisms of cooperation.

In line with these thoughts, in the event of a transnational natural disaster, like the current pandemic situation that challenged the European Union institutional structure and leadership, the requirement for solidarity will be based on the need and obligation to protect, among other aspects, the fundamental rights of European citizens, value that is commonly shared by all member states.

In terms of the future role and settings of the European Union, the three envisaged alternatives assume, beyond the semantics, either the transformation of the European Union in an unique leader, as is the case of the second alternative, or the evolvement of the European leadership role either by the one country assuming this role or by enhancing the bond between the European Union and its citizens and placing the *solidary* at the center of the European cooperation. At present, it is only reasonable to presume that any foreseeable role that the European Union might undertake on the international scene could only be a reflection of the major interests promoted by the powerful Member States.

## Conclusion

This article proposed to address some aspects regarding the future role and settings of the European Union, aim that first required a profound analysis and understanding of this project from its beginnings to the present days.

In this sense, the first section highlighted the complexity of the mechanism of causality that led to the creation and development of the European Union. It concluded that focusing on just one perspective, be it the philosophical ideas, the political actions, the war, the need for peace, the economic revival of Europe or the pursuit of the task of developing the African continent, without considering the overall circumstances, narrows down the deeper understanding of the European Union. In addition, it is required to further emphasize that a holistic approach over the European project guarantees a better understandings of its functioning.

The second section presented different mechanisms or forms of cooperation developed based on or outside the treaty provisions as to cope with the differences in the interests of the Member States or to react to common challenges/threats (disasters and crisis). These diverse methods of functioning had as an outcome a different evolution of the European states either in specific areas or in relation to specific issues, thus generating the concept of “multi-speed Europe”. Furthermore, this section claimed that the “multi-speed Europe” concept not only underlines the different evolution of European states, but above all emphasizes the fragmentation of the European Union into various cooperation mechanisms foreseen as a solution to address common interests or to react to common threats. A direct consequence of this fragmentation would be a reduced role of the European Union, more to the role of a technical assistant that provides the administrative tools (structures and legislation) for cooperation.

This context raised the question related to the future role and settings of the European Union on the international scene.

With the view to answer this question, the third section discussed the issues posed by the European political leadership and, furthermore, introduced three alternatives as regards the future role and settings of the European Union on the international scene. These alternatives assume either the transformation of the European Union in a unique leader or the evolvement of the European leadership role either by one country assuming this role or by enhancing the bond between the European Union and its citizens and placing the *solidary* at the center of the European cooperation. As concluded, given the European Union unique architecture and the diversity of the Member States, at present there is no straightforward conclusion, but only a reasonable presumption that any foreseeable role that the European Union might undertake on the international scene could only be a reflection of the major interests promoted by the powerful Member States.

Future steps to consolidate and to further develop the research ideas put forward in the present article will include an extended literature review on topics related to the concept of European political leadership and the implications from the establishment of the European political community and the creation of the concept of “European citizenship”, as well as on the role of the European Union to protect fundamental human rights and freedoms.

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### **Legislative documents**

Convention for the protection of human rights and fundamental freedoms (1950)

Council Decision no 415 of 24 June 2014 on the arrangements for the implementation by the Union of the solidarity clause

Council Regulation (EU) No 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism

The North Atlantic Treaty

The Single European Act

Treaty on European Union - Treaty of Maastricht

Treaty of Amsterdam

Treaty of Nice

Treaty on European Union as consolidated by the Treaty of Lisbon (consolidated Treaty on European Union)

Treaty on the Functioning of the European Union as consolidated by the Treaty of Lisbon (consolidated Treaty on the Functioning of the European Union)

### Online resources

**Convention for the protection of human rights and fundamental freedoms:**

<https://www.coe.int/en/web/human-rights-convention/the-convention-in-1950>

**EU opt-out:** [https://eur-lex.europa.eu/summary/glossary/opting\\_out.html#BREXIT](https://eur-lex.europa.eu/summary/glossary/opting_out.html#BREXIT)

**NATO:** <https://www.nato.int/nato-welcome/index.html>

**The establishment of Western European Union (WEU):**

<https://www.cvce.eu/en/education/unit-content/-/unit/803b2430-7d1c-4e7b-9101-47415702fc8e/6d9db05c-1e8c-487a-a6bc-ff25cf1681e0>

**The European Political Community:**

[https://en.wikipedia.org/wiki/Treaty\\_establishing\\_the\\_European\\_Political\\_Community](https://en.wikipedia.org/wiki/Treaty_establishing_the_European_Political_Community)

**The enlargement policy of the European Union:**

<https://www.europarl.europa.eu/factsheets/en/sheet/167/the-enlargement-of-the-union>

**The European Stability Mechanism:** <https://www.esm.europa.eu/about-us/history>

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<https://www.diplomatie.gouv.fr/en/country-files/germany/france-and-germany/franco-german-treaty-of-aachen/>

**Victor Hugo speech:** <https://www.thenewfederalist.eu/170-years-since-victor-hugo-s-speech-about-the-united-states-of-europe?lang=fr>

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