

Editorial

A GLIMPSE OF EU GOVERNMENT

When president Sarkozy said, before the European Parliament on 16 December 2008, that the French presidency had allowed the European institutions to function at full capacity and successfully, he corrected a widely held image. The image, proffered in the media and in even better informed circles, was that he, Nicolas Sarkozy, happening into a repetition of crises which plunged him into his element, had personally gone around to solve one crisis after the other. According to Sarkozy himself, that was not the case. It was the European states, the Brussels institutions and the Parliament that had for once taken their responsibility and had acted.

Now this may again be read as a form of functional modesty by the man, underplaying his personal successes to make himself look better. Whatever reading one may apply to it, in any case Sarkozy's statement was more correct in terms of understanding the current European structure and its capacities than is a perspective that only stresses his role or that of the French presidency. It was more intelligent in several respects, and certainly from a constitutional point of view.

This is all the more unmistakable from reading not his words but his actions. Never in the history of the European Union has such a disciplining and coordinating spell been cast on the whole Union institutional system, including the member states, even sometimes including the public, as was done by Sarkozy in his attempt to make Europe act united the way he would have it and the way he managed to do it. This institutional unity provided a glimpse of what is possible when the European institutions *and the member states* are harnessed to a single determination.

It is true that the crisis has unmistakably reaffirmed the role of the states and their system in the operation of the 'global system', certainly in bad weather. Sarkozy, who probably cannot conceive of Europe apart from its member states anyway, was ready to pick up some of their action in the name of the Union.

Sarkozy's first opportunity was the Lisbon Treaty. At the time, he had no way of knowing there would be others. On 10 July 2008 he made it clear that he was not going to let the Irish 'No' lead to some sort of institutional soap opera. There was not to be a new treaty. It was obvious for him that the Irish would have to vote

again, as he was reported to have said to deputies but denied out in the open. At the end of the day, in December, this is precisely what he obtained, not by his own bullying the Irish but by mobilising pressure in the European Council.

In hindsight, the Irish imbroglio would turn out to be small beer in comparison to what was to follow. In the Georgia crisis, at the beginning of August, Sarkozy jumped at the occasion and took the initiative, involving the other member states, the Commission and even the European Parliament only as soon as possible. 'If our effort finally paid off, it is because Europe – despite a few differences in tone – did not limit itself to condemnation. By choosing action and negotiation over rhetoric and mere denunciation, Europe was able to re-establish a positive balance of strength with Russia and to be heard by that Country. When the house is burning, the priority is to put out the fire. Europe can be proud of this success, which proves that it can do a lot when it is motivated by a strong political will', he wrote in an opinion piece in *Le Figaro* and the *Washington Post* of August 18, threatening to convene an extraordinary European Council over the matter if Russia did not comply with the terms agreed.

Indeed a meeting would be held on September 1. In it, the European Council strongly condemned Russian support for the unilateral independence of Abkhazia and South Ossetia. Europe spoke with a single voice in the conflict, adopting an approach of gradually stepping up pressure on Russia. It is interesting to see how this extremely divisive issue was gradually turned into a subject of agreement among European states. At the behest of the French presidency, Europe rose to the occasion several times.

From mid-September Sarkozy took on the financial crisis. Again, there was the co-ordination, this time involving Ecofin, the Bank president Trichet, the individual member states that were involved (such as Hungary, which had to be bailed out) and of course the European Parliament. The hinge moment here was a special and new meeting of the Eurogroup at the level of heads of state and government on October 12, deciding on a financial rescue plan, followed by the president's appearance in the European Parliament on October 21 to draw dissent and prove it insignificant, and to bask in the general approval.

Sarkozy used the liquidity of the situation to not only create the new institution of the Eurogroup at the level of the leaders, but also to upgrade another institution, the G-20. Everything Sarkozy did was deeply embedded institutionally. The power of his action was to demonstrate what existing institutions are capable of if well led. To the public, the French presidency provided an idea of what Europe can mean for the world if it gets its act together. For those interested in institutional structure and dynamics, the French presidency was a show of how to arrange the existing European institutional machinery so as to make the cogs mesh.

Sarkozy's action was original in a number of ways, especially for a French president. One cannot remember any of his predecessors showing a sign of genuine interest in the European Commission.

It is not necessary to recall the sarcasm to which general De Gaulle treated the Brussels institution. Sarkozy reversed this tradition by appearing regularly in public and in action with its president, Mr Barroso, and paying tribute to the Commission president's work. After the French presidency, not unsurprisingly Mr Barroso received criticism of having been too much under the spell of the French president. Certainly Commission presidents will have to learn to operate in such a situation without losing their autonomy.

Ireland, Russia, finance, climate. If the first three actions exemplified the element of initiative as the one essential side of executive action, the last one, climate was a show of that other side, the qualities of tenacity, drive and consequence (*la suite*, as they say in France). For the full six months of his presidency Sarkozy, using his Paris-drilled governmental elite, pushed the Brussels executive machinery into producing a complete legislative program of climate measures. The Paris drill, which extended its pressure to negotiations including European Parliamentary delegates, sent many a Brussels civil servant into sick leave but was so successful that the program could be voted into law by the European Parliament before the end of December.

On December 16, Sarkozy made an appearance in the European Parliament, the 'Temple of European Democracy' as he called the room, with a deference becoming of any executive office but seldom heard in Europe. In an inspired speech, which is recommended reading, he called on the members of Parliament not to unravel the package of agreements by making amendments. And the Parliament, appreciating what it had seen, complied, voting the whole program into law almost immediately afterward. The result was a legislative tempo not only unheard of in the Union but in many a contemporary democracy.

Sarkozy's paying respect to the European Parliament, and winning it over, is significant. It is also symbolic of a possible future of the Union's executive structure, of which this period has provided us a glimpse.

In the prevailing scholarly debate of the Union's executive practice the dominant concept is that of 'governance'. Governance is the mix of diplomacy and administration meshing at the different levels of government, both international and domestic. In a governance perspective, the public is represented not primarily by the parliament but in the form of civil society.

Being so overtly deferent to the European Parliament, the French president has allowed us a glimpse of the Union in which its circles of governance become part of the action and of a system of government. The change is significant. It involves a shift in our view on the Union. For scholarship it involves a call to shift

some of the weight from research into Union governance to that of Union government in the wider sense.

JWS/WTE

