

# Conference Report

## **“The future of the European Union. Comparative experiences from federal systems”**

Joint Conference of

Coelner Monnet Vereinigung für EU Studien e.V. (COMOS)

Centre Jean Monnet de Montréal (CJMM)

Centre d'études et de recherches internationales de l'Université de Montréal (CÉRIUM)

In the framework of the Jean Monnet project DAFEUS

Montréal, 1-2 November 2018

With contributions of:

Lisa-Marie Hammelrath

Christian Raphael

Darius Ribbe

Belkis Tuncer

1 November 2018 | 1 novembre 2018

11h30 – 13h00

Registration | enregistrement  
Lunch | dîner

13h00 – 13h45

**Welcome and introduction | Bienvenue et introduction**

Johannes Müller Gómez, COMOS, LMU München & Université de Montréal  
Alina Thieme, COMOS & Universität zu Köln

**The debate on the future of the EU | Le débat sur l'avenir de l'UE**

Laurie Beaudonnet, Centre Jean Monnet, Université de Montréal  
Magdalena Dembinska, CÉRIUM, Université de Montréal  
Hartmut Marhold, COMOS, Universität zu Köln & Centre international de formation européenne

**Still sui generis ? The comparative turn in EU politics | Encore sui generis ? Le tournant comparatif des études européennes**

Johannes Müller Gómez, COMOS, LMU München & Université de Montréal  
  
Rapporteur: Darius Ribbe, COMOS & Universität zu Köln

13h45 – 14h15

**Policy recommendations: How to make the EU more effective, more efficient and more democratic | Recommendations politiques : Comment rendre l'UE plus efficace et plus démocratique**

Presentation of the findings of the DAFEUS policy lab | Présentation des résultats du laboratoire de DAFEUS  
  
Helgard Fröhlich, COMOS & Centre international de formation européenne  
Tobias Kunstein, COMOS & Universität zu Köln

14h15 – 14h30

Coffee | café

14h30 – 16h15

**I: Democracy in multi-level and multi-national systems | La démocratie dans les systèmes multi-niveaux et multi-nationaux**

Chair | Président: Carsten Gerards, COMOS & College of Europe

- Les partis politiques dans le système multi-niveaux de l'Union européenne (Laurie Beaudonnet, Université de Montréal)
- La démocratie multi-niveaux et les populations autochtones au Canada (Simon Dabin, Université de Montréal)
- Democratic governance in the EU (John Erik Fossum, ARENA, Universitetet i Oslo)
- Multi-level and multi-national democracy in Canada (Jean-François Godbout, Université de Montréal)

Discussant | Discutant: Peter Drahm, COMOS & Universität zu Köln  
Rapporteur: Lisa Marie Hammelrath, Universität zu Köln

16h15 – 16h30

Coffee | café

16h30 – 18h15

**II: Differentiation and asymmetric federalism: Challenges and opportunities | Les défis et les opportunités de différenciation et d'un fédéralisme asymétrique**

Chair | Président: Niklas Helwig, COMOS & RAND Corporation

- La France, l'Allemagne et l'idée d'une Europe-noyau (Claire Demesmay, Deutsche Gesellschaft für Auswärtige Politik)
- Le fédéralisme asymétrique au Canada (Louis Massicotte, Université Laval)
- Intergovernmental relations in Canada (Éric Montpetit, Université de Montréal & Idée fédérale)
- Chances and risks of a more flexible Union (Johannes Wolters, COMOS & European Commission)

Discussant | Discutant: George Ross, Université de Montréal, Brandeis University & Harvard

Rapporteur: Christian Raphael, Universität zu Köln

18h30 – 21h00

Reception and snacks | réception & collations (room | salle B-2295 N)

**Round-table talk: Thinking about the EU in federal terms | Table ronde : La réflexion sur l'UE dans une perspective fédérale**

Chair | Présidente: Lori Thorlakson, University of Alberta

- John Erik Fossum, ARENA, Universitetet i Oslo
- Jane Jenson, Université de Montréal

Rapporteur: Belkis Tuncer, Universität zu Köln

2 November 2018 | 2 novembre 2018

9h30 – 11h30

**III: Crisis management in multi-level systems and the EU | La gestion des crises et les systèmes multi-niveaux****Practitioners' perspective: Multi-level systems and the climate crisis | Le point de vue des praticiens : les systèmes multi-niveaux et la crise climatique**

Chair | Président: Johannes Müller Gómez, COMOS, LMU München &amp; Université de Montréal

- Arne Lietz, Member of the European Parliament, Socialists & Democrats | Membre du Parlement européen, Socialistes & Démocrates
- Thomas Mulcair, former leader of the Official Opposition in the House of Commons & former Minister for the Environment of Québec | ancien chef de l'opposition officielle à la Chambre des communes et ancien ministre de l'environnement du Québec

Discussant | Discutant: Louis-Robert Beaulieu-Guay, Université de Montréal

Chair | Président: Andreas Raspotnik, COMOS, High North Center, Nord University &amp; The Arctic Institute

- La crise de l'euro et la crise grecque (Frédéric Merand, Université de Montréal)
- Le Canada et la crise des migrants (Mireille Paquet, Concordia University)
- Crisis management and EU integration dynamics (Wulf Reiners, COMOS & Deutsches Institut für Entwicklungspolitik)

Discussant | Discutante: Christina Trappe, COMOS, Universität zu Köln &amp; Bündnis' 90/Die Grünen

Rapporteur: Darius Ribbe, Universität zu Köln

11h30 – 12h00

Coffee | café

12h00 – 13h00

**Key note speech: Canadian federalism: achievements and challenges | Le fédéralisme canadien : succès et défis**

André Pratte, Member of the Senate of Canada &amp; President-Founder of the Federal Idea | Membre du Sénat du Canada &amp; Président-fondateur de l'Idée fédérale

Rapporteur: Christian Raphael, Universität zu Köln

13h00 – 14h00

Lunch | dîner

14h00 – 15h15

**Conference findings and concluding debate | Sommaire et conclusion**

The future of the European Union. What can the EU learn from Canada and other federal systems? | L'avenir de l'Union européenne. Que peut apprendre l'UE du Canada et d'autres systèmes fédéraux ?

- Tobias Kunstein, COMOS & Universität zu Köln
- Frédéric Merand, Université de Montréal
- Alina Thieme, COMOS & Universität zu Köln

Rapporteur: Lisa Marie Hammelrath, Universität zu Köln

15h15 – 16h00

Coffee | café

16h00 – 17h30

**General assembly of COMOS | Assemblée générale de COMOS**

COMOS members only | réservé aux membres de COMOS

19h00 – 21h00

Dinner | souper

**Media, social media & interviews | Média, réseaux sociaux & entretiens :**

- Anita Bethig, COMOS, Rheinische Friedrich-Wilhelms-Universität Bonn & Phoenix
- Katrin Schmermund, COMOS & Deutscher Hochschulverband

1 November 2018

**The debate on the future of the EU**

**Speakers:** Laurie Beaudonnet, Centre Jean Monnet, University of Montréal  
 Magdalena Dembinska, CÉRIUM, University of Montréal  
 Hartmut Marhold, COMOS, University of Cologne & CIFE  
 Johannes Müller Gómez, COMOS, LMU Munich & University of Montréal

**Rapporteur:** Darius Ribbe, University of Cologne

*Alina Thieme and Johannes Müller Gómez* open the conference by giving a brief introduction to COMOS and the newly established DAFEUS project. As DAFEUS objectives are to enhance the debate on the future development of the EU, to spread knowledge of the European Union and its politics, to promote EU Studies, and to enable exchange between academics and practitioners, this conference would be the kick-off event for more conferences, workshops, and policy-labs to come. All participants, partners, and contributors were invited to follow the newly established [website](#) and other dissemination-activities.

As the kick-off conference was held in Montréal, Canada, Johannes Müller Gómez highlighted different aspects of the EU's and Canada's political systems, which have both, differences and similarities in their construction, their relationship between supranational/federal institutions and the Member States/Provinces, and the daily struggle of defining realms of influence and scope of competences. Alina Thieme took up on the actual debate on the future of the European Union by referring to different concepts, whilst giving an outlook on possible lessons to learn from the Canadian system.

Magdalena Dembinska took up the brief introduction to the future of Europe debate, by comparing the Canadian political institutions and the European Union's political system, to draw conclusions for predicting an European Union post reform. Linking different cries for further independence from within the European Union to the strong urge for self-governing in the Canadian provinces, the Canadian model could prove fruitful for a future Union with stronger regional influences. Referring to

the Europe of the Regions concepts, Magdalena Dembinska outlined the integrative power of more regional independence.

*Laurie Beaudonnet* took up the debate on the political system, by bringing back the “bad word” – federalism. This concept, which has been rejected by many European Member States for the construction of the European Union, yet is recurring constantly in the many debates on the future of Europe over time. However, a reluctance to use the word in official drafts persists. Going on, Laurie Beaudonnet drew some political challenges for the European Union, which would need to be overcome to implement reforms:

- The conflict between the European Commission and Italy regarding its budget plans are challenging the credibility of European rules and laws,
- The diminishing solidarity in the refugee and the economic crisis would tier the Member States apart, thus challenging the unification and combined strength of the Union,
- Last, institutional reforms would be necessary to stabilize the European system and strengthen its legitimacy.

Especially the latter would shape the debates of the European Union’s future regarding the distribution of responsibilities and competences between the different levels of the multi-level governance system of the EU. The volatile distribution of competences between the national-states and the European projects would be of special brisance, due to the rising influence of European nationalists.

*Hartmut Marhold* analyses a reform *fatigue* due to the European Union’s constant crises and rising dispute from within the European Member States. Whilst the Brexit would be a strong element of a European public, the narrative of the EU as a money costing machine with low output, could not only be linked to the Brexitiers, but rather to the nationalists and euro-critic discourses all around Europe. Hartmut Marhold concludes, that thus democratisation is one of the most pressing challenges of the upcoming reform debate. Here the concepts of federalism – linking his remarks to the speakers before – could be applied in different forms, yet, a solid democratic foundation and a federal spirit – going beyond institutions and rules – would need to be in the centre of the concept.

Johannes Müller Gómez followed the panel by analysing the comparative turn in the study of the EU. As scholars had given different answers to the question of the Union's nature, as diverging concepts had been applied to this ever changing subject, manifold definitions emerged. Whilst some analyse an international organisation, a "Staatenverbund", a "fusionierter Bundesstaat", others apply the concepts of multilevel governance, federalism and medieval empire.

Johannes Müller Gómez then proceeded to link the European Union further to federalist concepts and the previous introduced concept of Canadian federalism. As he pointed out, the European Union would bear different criteria of a federal system.

Further comparing the two cases of Canada and the European Union, Johannes Müller Gómez highlighted further similarities between the two entities. Both political systems allow differentiation and differentiated integration, resulting in a fragmented, decentralised set of rules, laws, and competences. Further, both entities consist of people of different identities, languages, yet, only the European Union lacks the strong binding element of "being a nation" towards others in an international system still shaped by national allegiances.

Acknowledging the similarities in the political systems, Johannes Müller Gómez also compared the political institutions of both systems, which are comparable in his analysis, although the special and extended set of competences of the European Council would draw special challenges to a comparative analysis. Concluding from his remarks, Johannes Müller Gómez stated, that the current challenges of the European Union also challenge different systems. Thereby lessons could be learned either way, comparative political analysis could be a fruitful path to enrich the debate on the European Union's future.



## Panel I: Democracy in multi-level and multi-national systems

**Chair:** Carsten Gerards, COMOS & College of Europe

**Speakers:** Laurie Beaudonnet, University of Montréal  
Simon Dabin, University of Montréal  
John Erik Fossum, ARENA, University of Oslo  
Jean-François Godbout, University of Montréal

**Discussant:** Peter Drahn, COMOS & University of Cologne

**Rapporteur:** Lisa Marie Hammelrath, University of Cologne

*John Erik Fossum* from ARENA at the University of Oslo started the Panel with his input on “Democratic governance in the EU”. He described his goal as developing a theory that gives a first analytical framework for analyzing democratic federalization and also democratization and defederalization. Such an analytical framework would enable us to establish the federal and democratic character of a process of federalization at its various stages of development. When talking about federations, he identified three different stages: First, the establishment of the federation, then the ongoing activities and last, the possibilities of unraveling a federation. He put much emphasis on the importance of the distinction between federation and federalism. According to Fossum, a viable federalism, meaning ideology, is needed to qualify as a fully-fledged federal system. In his opinion, neither Canada or the EU have come up with it yet, because there is no unified perception of federal systems. Fossum formulated three claims that the need for re-conceptualizing democratic federalization rests on: First, the standard American-derived approach to democratic federalization is less amenable to traveling than is often assumed. Second, federal democracy is constitutionally entrenched; the process of democratic federalization does not end when there is constitutional closure because constitutionalization and federalization are not the same. And third, the standard account of democratic federalization relies on theoretical assumptions pertaining to federalism and democracy that need to be updated. In conclusion, Fossum pointed out that some of the basic components of the political system have to be rethought. Fossum made a case for rethinking representation, as the American experience reminds us of the central role that representation occupies in democratic federalization; in the process of establishing the federation and in the

structure and operations of the system, once established. He also called for a framework where researchers look at all political systems and then identify what distinguishes federalist systems.

*Laurie Beaudonnet* from the University of Montréal went on to talk about „Les partis politiques dans le système multi-niveaux de l’Union européenne“. She identified, that there is much change in the system of political parties in the EU. Beaudonnet classified the party system as the basis for the representative democracy. First, she talked about the characteristic of the European system with a multi-involvement of political parties at different stages and national levels. She then went on to describe the weight of the classic traditional cleavages in the system as well as the role of the Eastern enlargement. Beaudonnet then talked about the evolution of the EU party system. She explained, that there has been a shift in the characteristics of the systems. While for a long the systems was split into left and right, there no appears to be a shift to a pro- and anti-integration distinction. Finally, Beaudonnet talked about the role of the ‘Spitzenkandidaten’ and posed the question if the system could impact an increase in political competition in 2019.

*Jean-François Godbout* from the University of Montréal raised some points on “Multi-level and multi-national democracy in Canada”. He asserted that the Canadian two and a half party system remains a puzzle. With a very heterogenic population, ten provinces and the federal government, he categorized Canada as a system with multiple lines of conflict in parties and therefore as very complicated to govern. Canada also combines sectional and etho-religious conflicts. While traditional explanations for the two and a half party system are centered around election results, he argued for an institutional interpretation to party system change centered around the institution of parliament. There has been a two and a half party system in Canada from 1935 to 2015 with periods of punctuated regionalism. Classical explanations for the rise in the party number are based on the first pass the post system combined with regional fights between two parties. Godbout pointed out, that in a country with a plurality voting system, an increase in the number of parties can only be understood in terms of electoral consequences. Godbout argued for an institutional explanation, that asserts that insurgent parties usually emerge in parliament first. He explained that the emergence of third parties in Canada coincides with the reduction of private member independence and the adoption of stricter

parliamentary rules. He therefore concluded that parliament rules and party discipline have an effect on number of parties.

*Simon Dabin* from the University of Montréal a fait un exposé sur “La démocratie multi-niveaux et les populations Autochtones au Canada”. Il a commencé par les deux définitions de Autochtones. Premièrement, les Autochtones sont les descendants des différentes nations qui peuplaient le Canada avant la colonisation. Deuxièmement, les Autochtones sont les individus sur lesquels s'exercent les pratiques de colonialisme de peuplement canadien. On estime il y a 1,673,785 personnes qui s'identifient comme Autochtones au Canada répartis entre les Métis, les Premières Nations et les Inuits. Il a établi que la démocratie canadienne se construit sans les autochtones. Les Autochtones, ils sont des non-citoyens, ils sont un objet de la constitution canadienne, on leur impose des systèmes de gouvernance. Le paradigme change à partir de 1969 avec l'arrêt Calder, l'article 35 de la constitution, et le loi C-31. Les Autochtones deviennent des acteurs de la démocratie canadienne. Il a mis en évidence que le développement des mécanismes du gouvernance multi-niveaux peut être compris comme une adaptation incrémentale aux tensions entre les autochtones et le système fédéral. En résumé, Dabin a dit que le fédéralisme canadien est fluide, il s'adapte aux nouvelles réalités et aux nouveaux acteurs et que les autochtones sont des partenaires de facto mais toujours pas de jure.

*Peter Drahn*, from COMOS and the University of Cologne, served as the Discussant for this panel. He first addressed the rights of native Americans and asked for possible lessons for Europe, although the Panel in the end agreed that there is no comparison possible in this case. The next point he commented on was the lack of competition between European parties. The discussion made clear, that the crucial aspect in this case is the non-existing European 'demos' and the lack of coverage by the media that forms the common discourse. It was agreed, that there is a margin of improvement if the discussion can be focused on parties alone and coverage would increase when political parties really engaged with the European issues. Drahn also posed the question of the 'Spitzenkandidaten' can make a difference. This was affirmed, as the average citizen would have the chance to link to initiatives to one candidate. He also commented on populist parties and their claim to 'give power

back to the people'. He sees the risk that thereby party discipline is reduced to the notion of 'everybody votes the same in parliament'. Therefore, he sees a link between how parliaments work and the rise of populist parties. The parties, joined in cross-national party groups, should be aware that the rules of the parliament and the way that the competition is regulated have an influence on the public debate and can be leverage for populists. Based on the assertion that institutional arrangements are the issue, it was discussed what would happen if the party system was organized around the question of anti- and pro-European. The discussants agreed that this would not necessarily help, because there is so much more policy involved. Therefore, the goal has to be to make the EU more politicized, not more simplistic.

**Panel II: Differentiation and asymmetric federalism****Chair:** Niklas Helwig, COMOS & RAND Corporation**Speakers:** Claire Demesmay, Deutsche Gesellschaft für Auswärtige Politik

Louis Massicotte, University of Laval

Éric Montpetit, University of Montréal &amp; Idée fédérale

Johannes Wolters, COMOS &amp; European Commission

**Discussant:** George Ross, University of Montréal, Brandeis University & Harvard**Rapporteur:** Christian Raphael, University of Cologne

Being chaired by *Niklas Helwig* the second panel focussed on “differentiation and asymmetric federalism: challenges and opportunities (Les défis et les opportunités de différenciation et d’un fédéralisme asymétrique)”. Helwig is member of COMOS and works at the US American think tank RAND (“research and development”) Corporation.

He opened the panel by referring to different forms of differentiation that have been established in the EU since the 1990s and defined a more and more distinct core Europe without calling it that way officially. Projects like the eurozone (19 members), the Schengen Area (26 European countries) as well as the latest accelerated project of Permanent Structured Cooperation (PESCO) have been widely discussed and led to a more efficient EU without provoking critical breaks in the EU institutional architecture. Helwig especially instanced PESCO for the finding that thanks to flexibilization smaller groups are more likely to find common ground on different policy fields.

*Claire Demesmay*, member of the “Deutsche Gesellschaft für Auswärtige Politik”, was able to give insights about the current relationship between France and Germany and their potential contributions as members of a core Europe. Under the title “La France, l’Allemagne et l’idée d’une Europe-noyau” Demesmay described the current initiatives of the German and the French governments for building forms of differently integrated groups and their particular expectations towards any form of core group.

While the German and French concepts differ in several aspects both governments see a core Europe that is guided by them as the chance to find an approach for building a European government. Among others Demesmay stressed the importance of the Benelux states as members of this government due to their self-image as core Europe. Nonetheless, the presently most successful way of forming compromises in the EU in general as well as in core Europe in particular is by searching bilateral cooperation between France and Germany.

Though finding compromises is highly complicated at the moment Demesmay saw a necessity because of several developments that need to be addressed. Well known divisions in the EU that have led to a distinction between Northern and Southern states, especially in economic issues, are still on the agenda. While Germany is assigned to a typical Northern state that demands a restrictive fiscal policy, France under President Macron is still seen as a Southern state conducting expansive fiscal policy. Macron and Merkel both appreciate the importance of finding bilateral compromises for solving economic problems and blocks as well as being able to reform the economic union.

A new phenomenon is the coalition of the so-called Visegrád Group, including the Czech Republic, Hungary, Poland and Slovakia, that seeks to block any form of integration that is pursued in the core group. Especially with regard to a common refugee policy the Visegrád Group has blocked any attempts of finding a generally accepted allocation key for refugees. Finally, Demesmay saw further potential conflicts in terms of questions regarding a common defence policy as well as differing understandings of issues Brexit implies. Despite all differences and difficulties, she emphasised again the need of a Franco-German compromise and leadership to find stable solutions.

*Louis Massicotte* from the University of Laval presented the Canadian federal system of asymmetric federalism and discussed its functioning in comparison with other federal systems (“Le fédéralisme asymétrique au Canada”). He outlined different understandings of this shape of federalism: on the one hand it describes existing differences between the states of a federation with regard to population, area, income, language and culture, on the other hand it is an arrangement whereby some states of a federation have powers that other states do not have. Massicotte stressed that the former aspects are usually advanced as arguments for justifying the latter.

In general, systems of asymmetric federalism can rarely be found among federations. Any “special status” for one or more states is the exception rather than the rule. Nonetheless, nation states, such as Spain and the UK, are instances of this system. In Canada the 1867 constitution grants to the parliament the power to legislate for the uniformity of laws relative to property and civil rights and to the procedure of all courts in Ontario, Nova Scotia and New Brunswick if the provincial legislatures agree. In contrast to Québec that is ruled by the Civil Code, these provinces are considered common law provinces. Though this provision has never been used it illustrates that an asymmetric approach has been a firm component of the Canadian federal system right from the country’s formation in the 19<sup>th</sup> century. Further components of the asymmetry in the 1867 constitution included different federal competences, for instance regarding natural resources. What is more, different requirements for Senators were codified.

Besides minority rights, such as linguistic peculiarities, the 1982 Constitution Act mainly established asymmetries considering tax collection and immigration issues. In both areas Québec maintained greater independence from the federal government than other provinces and thus deepened fundamental differences. All told, the relationship between the Québec province government and the Canadian federal government has not been satisfactorily clarified in the constitution but turned out to make conflicts in the 1980s and 1990s permanent.

*Éric Montpetit* from the University of Montréal and member of “Idée fédérale” outlined “Intergovernmental relations in Canada” for being able to compare specific developments in Canada with trends in the EU. Understanding himself as a public policy specialist he described the impact of federalism on this policy area. By focussing on intergovernmental conflicts Montpetit was able to distinguish three periods in Canada since the end of World War II with regard to the density of conflict between the federal government and province governments. What is more, he saw potential parallels of these periods in Canada and the emerging EU for being able to draw comparisons and consequently lessons.

The first period is set in the construction of the modern welfare state in the post-war years. Intergovernmental conflicts in this period basically broached the issue of the constitution’s design. In

a mood of national affirmation different political actors raised the question of a necessary constitutional change to clarify the relationship between both the federal government and the provinces as well as the provinces among each other. This conflict resulted in the amendment of the Canadian constitution in 1982. The federal government behaved as a broker in this process. Despite the amendment the conflict was not ultimately resolved, in fact the 1995 Québec referendum illustrated the fragility of the Canadian constitution as well as its federal system.

By the end of the 1980s and in the 1990s jurisdictional conflicts arose after a constitutional fatigue had set in. The conflicts did not involve the substance of particular policies as a broad consensus prevailed. On the contrary, economic and distribution questions and their enforcement by courts were made subject of the discussion. Montpetit instanced the early 1990s budget balance as well as the reinvesting in programs of transferring money to various individuals, such as Canada Millennium Scholarship Foundation, that was ordered by a court in 1995.

From 2006 on jurisdiction conflicts have not been quite present. Instead, they were replaced by disputes about the substance of public policy. Montpetit listed conflicts over tariffs on carbon, the laying of pipelines as well as immigration and identity issues that have been observed both on the federal as well as on the provincial level. In this context he was able to refer to similar conflicts on the EU level.

*Johannes Wolters*, member of COMOS and working for the European Commission in Brussels, presented and discussed “Chances and risks of a more flexible Union”. He distinguished between challenges and opportunities that arose by the use of integrative and disintegrative flexibilization. Both instruments were characterised as a way to escape blocking points. As scientists have been able to observe integrative flexibilization, like the eurozone and the Schengen Area since the 1980s, Brexit is considered a first way of disintegrative flexibilization.

Looking at the particular chances and risks he was able to outline on the one hand that an integrative approach enabled member states to get “a seat at the table” and to develop a learning curve. On the other hand, the risk of the existence and marginalisation of opt-outs could lead to conflicts and an increasing complexity of the EU system. A disintegrative approach offers opportunities of reassessing



priorities and making space for further integration of willing member states. At the same time, a “Europe à la carte” would be created that would allow “cherry picking”.

These findings led to the creation of a triangle displaying different possible combinations and scenarios. Besides a stabilisation of the EU-27, integrative as well as disintegrative flexibilization map potential future scenarios. With the chances and risks in mind any “deepening” with willing and able member states or “orderly” disintegration for “opt-out”-states should be weighted carefully.

Finally, *George Ross* from the University of Montréal, Brandeis University and Harvard University summarised the prior contributions and outlined his view on the different findings as discussed. In view of the prior presentations he stressed the importance of federalism as a way for enclosing conflicts despite remaining problems.

If looking at the EU for learning lessons on federal systems, Ross emphasised the need for not considering the EU as a state but a shape of multinational building. In fact, the EU’s federal system emerged as a federation of nation states that allows drawing conclusions on the challenges and opportunities of federal systems, in particular asymmetric ones. Thus, with the difficulties of pooling the sovereignty of nation states in mind examining the EU’s history can provide valuable insight.

However, Ross illustrated several challenges and problems the EU and its asymmetric federal system face: who takes decisions in Europe? The European Commission or the member states? Have differences between member states, such as different population sizes, amount of power and varying preferences been sufficiently taken into account in the last years? According to Ross many suboptimal decisions have been taken. He understood the European Monetary Union rather as a step backwards and bad deal for most member states than a chance to unify Europe. Furthermore, Ross characterised taking federal decision as very hard, especially if distributive policies are involved. He urged that European leaders should concentrate more on their particular national electorate. Since he has observed a decrease of output legitimacy in the last years – especially on the EU level – he was able to provide an explanation for the increasing influence of nationalist views and parties. He labelled this challenge as the “problem of problem solving”.

In consideration of these challenges Ross warned that accelerating differentiating tendencies in the EU could not have a pacifying effect but could create deep trenches between EU member states. Any form of asymmetric federalism on the EU level should be viewed with scepticism.

**Round-table talk: Thinking about the EU in federal terms****Chair:** Lori Thorlakson, University of Alberta**Speakers:** John Erik Fossum, ARENA, University of Oslo

Jane Jenson, University of Montréal

**Rapporteur:** Belkis Tuncer, University of Cologne

During the round table talk, chaired by *Lori Thorlakson*, University of Alberta the two panellists *John Erik Fossum*, University of Oslo and *Jane Jenson*, University of Montréal gave different perspectives regarding the topic of thinking the EU in federal terms.

Fossum started his argumentation by making some methodological observations about comparison and comparability. He emphasised that raising the questions if the European Union should be analysed as a federal system is itself a comparison. Explaining the act of comparison, he referred to the approach of Charles Tilly, who understood comparison not simply as a method but as a strategy. Regarding to this he emphasised that comparison is as a necessary and useful approach although one has to be careful how to use it, since it depends on the question, one would like to answer and in which kind of comparison it is going to be used.

Relating to the EU in the present and about what would be a desired outcome to make it a democratic federation he outlined his concerns about the unsustainability of the EU in its current situation. By saying this he pointed out that the EU is not able to survive in a meaningful way. Since each state in the EU is different and exceptional diverse it does not stop at diversity.

With the enlargements the EU has imported more diverse states and matters. In Fossum's point of view the EU has a federate kind of structure in a distinctive form which he called it a "multy-headed federation". It also constitutes a different kind of variation since the European Council is working in relation to the other EU institutions.

Fossum concluded that the EU is becoming an over present part in all kind of areas of life, but with a very limited range of policy toolbox and therefore the EU institutions need own resources. On the one hand the EU should role back in certain functions and at the same time the EU institutions should

be consulted with own resources to stabilize the institutions and the system in place. According to this he proposed the Penelope solution that was introduced with the constitutional treaty.

In contrast to this Jane Jenson emphasised that the EU should not be analysed as a federal system, since it is not a state this approach would lack in certain aspects such as stable and constitutional division of powers and it remains sui generis a supranational institution. Also the questions about what federalism/the federalist approach is or is going to be are still not completely answered. Explaining this as a classic dilemma of comparative politics she presents a different version of the comparative politics issue by posing the question “Can we compare apples and oranges?” In the next step she rephrases this into the questions “Is the EU a federal apple or is it an orange? Or maybe a passion fruit?” Regarding to comparative politics such kind of questions are resolved by the way of moving up a level with generality – since they are all fruits a comparison is possible – but is this an answer for the challenges of the European Union?

Continuing to this questions Jenson also underlined the importance of what is being compared. Furthermore, and in order to do any comparison one have to have a definition of the object of analysis. Referring to Garth Stevensons book “Unfulfilled Union” Jenson adopted the definition of federalism and framed it as follows: “All functions are duplicated on the same territory, executive, judicial, nether level can abolish the other and governance relationship in domains of overlap and encounter is on a bargaining.”

Though the EU confirms to the second and the third aspect it does not meet number one because it can't be considered as standard classic federation. Moreover, the EU depends on the Member States for legislating, transposing, enforcement through national courts and policy making and respecting the EUs positions. Observing the recent situation Jenson remarked that the EU is raking away from legislation and directives and turning to other methods such as monitoring and recommending.

She also made clear that the question is a timewaster and as well as Fossum mentioned it– the comparison depends on where you look. Therefore, it would be more useful to lower the level of analysis and to look more in sectors then at the big questions of democracy and to see how the EU and the member states actually related in sectoral relationships. Though there are other ways to

make comparisons, whether the EU should be analysed as a federal system. Reminding that it was mentioned during the conference there is a long tradition about thinking federalism as a federal society, as a territorial grouping in which there is recognition of diversity on the basis of ethnic, religious linguistic etc. The EU fits into this category of the set of institution or political system but trying to grapple with the recognition of difference. Unfortunately, the literature tends to be teleological there is the expectation that living together successfully will generate greater integration and a greater sense of commonness and also a feeling of legitimacy. In this version the comparison is actually a comparison of legitimacy of the idea of divided or shared sovereignty. It is not a comparison of the institutions it is more a comparison of the commitment to the legitimacy of the notion of federalism. Regarding to the research questions in this literature is about the legitimacy of a system itself. In Canada there have been questions about the legitimacy relating to the sovereignty movement, but if you put that aside there is a relatively high level of acceptance that the regime is federal and it's the federalism that makes the politics. For Jenson it seems to be that in the area of the legitimacy of the notion of federalism the real and contemporary challenge to the EU exist – in fact it is not going forward but it seems to go backwards or at least stuck at the lack of legitimacy at the elite level and at the level of the voters.

Relating to the figurative comparison in the beginning of her argumentation Jenson concluded that the EU is likely to remain a “passion fruit” inciting great a great deal of passion among some people and a great deal of dislike among other. Calling it a fruit to do a comparison may be an interesting political tool but probably not a very useful analytical one for political science. Referring the different kinds of comparison such as individualizing which was mentioned by Fossum she concluded that being comparative and analysing sui generis is a honourable and useful strategy.

2 November 2018

**Panel III: Crisis management in multi-level systems and the EU****Practitioners' perspective: Multi-level systems and the climate crisis****Chair:** Johannes Müller Gómez, COMOS, LMU Munich & University of Montréal**Speakers:** Arne Lietz, Member of the European Parliament, Socialists & Democrats  
Thomas Mulcair, former leader of the Official Opposition in the House of Commons & former Minister for the Environment of Québec**Discussant:** Louis-Robert Beaulieu-Guay, University of Montréal**Rapporteur:** Darius Ribbe, University of Cologne

*Johannes Müller Gómez* opened the panel by introducing the speakers to the audience and reflecting the all-white-male panel and its implications to a male-white dominated discourse. The panel does thereby reflect its position of privilege and will address alternative viewpoints when possible.

The panel on crisis management in multi-level systems and the EU would be from special importance as, for example climate change has implications for all and every one of us, and thus is a hot issue within the political debate.

Drawing conclusions and comparisons between the European Union and the Canadian federal system, *Arne Lietz* focussed his remarks on the impact on taking up climate and learning from each other's strategies by combining forces. The goal of renewables, nature preservation, and ensuring a liveable climate would be common goals, and challenges of the foreign policy of both countries.

As climate and environmental policies would be, by their implications for the people, international policies, diplomatic relations to enforce for example the Paris climate agreement would be the necessary way of taking up climate change. However, as the US is talking about climate and environment not in terms of international politics anymore, but as a factor of security and defence, other global actors are left with further challenges. Here, the EU as a super-boy could play an important role in climate policy. The parliament and council, but also the European Court system –

checking the actions and judging the non-action of the national government for enforcement of the climate treaties and commitments, would emerge to progressive actors in the climate policies of the European Union. Thus, the question of a layer of human rights in the European Union's policies and the right for a good and sustainable living in the EU and the world could also be a question for the courts.

*Thomas Mulcair* took the analysis one level down and started by comparing Canada and Germany as federal states, also in the way they are dealing with climate policies. Here, Thomas Mulcair contextualised the perception of Canada as a progressive state of climate preservation. Canada would be lacking a culture of enforcement of its climate policies and having the worst record of CO<sub>2</sub> and greenhouse gases per capita. Trying to tackle this issue, federalism and the provinces urge for self-administration would strengthen and pushing efforts to reduce carbon emissions and preserve climate change targets. The provinces have proven to be willing to contribute more to this target than the national Canadian government.

Quebec has included the right to life in a clean environment in its Charter of fundamental rights, different international treaties were aimed to reduce carbon emissions and tackle climate change, yet they lack credibility and enforcement strategies.

Louis-Robert Beaulieu-Guay took up the challenge of policy implementation and linked this challenge to the rise of right wing populist.

## Panel III: Crisis management in multi-level systems and the EU

### Practitioners' perspective: Multi-level systems and the climate crisis

**Chair:** Andreas Raspotnik, COMOS, High North Center, Nord University & The Arctic Institute

**Speakers:** Frédéric Merand, University of Montréal  
Mireille Paquet, Concordia University

Wulf Reiners, COMOS & Deutsches Institut für Entwicklungspolitik

**Discussant:** Christina Trappe, COMOS, University of Cologne & Bündnis' 90/Die Grünen

**Rapporteur:** Darius Ribbe, University of Cologne

*Andreas Raspotnik* opened the discussion by linking the European Union and Canada with its arctic and climate policies in the arctic. Both entities had a mutual interest and would face common challenges in this disputed and highly vulnerable habitat.

*Wulf Reiners* continued by listing different typologies of crisis and some realisation in the history of the European Union. Thus, he constituted an overarching narrative of European crises, which he found still shapes the perception of the European Union. Underlying would be a definition of crisis as a situation in which actions would need to be taken, which would be consisting of components of threats, which would be unpredictability and possible had severe effects. Yet, crises could be differentiated in two dimensions:

- 1.) The objective happenings
- 2.) Perceptions in the crisis discourse.

Whilst the resulting forms and realisations of this two dimensions would vary, they would define the level and possible effects of the crises. The stronger a crisis is perceived, the stronger would be the urge for strong political leadership and stabilising solutions, the cry for (e.g.) the European Council and/or the Member States to take actions. The EU institutions are diminished to the role of providing expertise, not as actors. The European Parliament would not even be at the table depending on the policy field.



*Mireille Paquet* took up Wulf Reiner's remarks asking, whether there 'was a migration crisis in Canada?', by also criticising the term 'crisis' when dealing with 'refugees'. The answer would lay within the divergent solutions and migration and integration structures of the Canadian provinces. Where the provinces have developed different approaches and sets of rules, this might link them to the European Unions centralised guiding frame, with de facto huge differences in the national migration and asylum regimes.

However, the motivations for migration to Canada were, due to a selective programme of migration, mostly taking into account the economic potential and situations of the potential migrants, different from those of the European Union.

Still, the handling and approaches towards illegal and legal migration differ hugely in Canada. Even more so, as the different inflows of migrants to the provinces challenges the per se fiscal and structural weaker provinces more. The crucial question then would be the distribution of financial aid and support to the provinces, which should be consistent with the distribution of refugees, a culture of burden sharing might come as the conclusion of this, but strong urges for regional sovereignty might challenge this system.

*Frédéric Mérand* further compared the Canadian federal institutions and the European institutions in regard of the international economic and fiscal crisis. The European monetary and economic union through which the ordoliberal model of Germany was exported to the Union, had a strong emphasis on inflation and price-stability, Frédéric Mérand noted. This dogma had major implications on the crisis measures and influence on the single market. The European central bank however challenged this dogma with different policies during the crisis and its emphasis on monetary policies. In contrast Canadian provinces hold economic powers and high level of competences, however, Canada has a federal budget with own income structures. This empowers the government versus the dependence of the European Union towards its Member States. This would directly link to the status question of the European Parliament, as the question of budgetary powers could not be ignored for long.

In general, as policies developed during the crisis, the European Institutions – foremost the Commission – would have gained monitoring powers within the Six-pack, the Two-pack, and the

reforms of the European Semester. It truly became a watchdog over the Member State's budgets. The Canadian system would lack such monitoring competences, leading to highly diverging budgets in the provinces, and even contradicting fiscal targets set out by the national and the federal governments.

## Keynote Speech: Canadian federalism: achievements and challenges

Speaker: André Pratte, Member of the Senate of Canada & President-Founder of the Federal Idea

Rapporteur: Christian Raphael, University of Cologne

After the coffee break *André Pratte*, Member of the Senate of Canada and President-Founder of the Federal Idea, joined the event via video chat and held the conference's key note speech. Senator Pratte worked as a journalist, an editorial writer and the author of several books on politics and the media before becoming a member of the Senate of Canada about two and a half years ago. Under the title "Canadian Federalism: achievements and challenges (Le fédéralisme canadien: succès et défis)" Senator Pratte gave an overview of the historical development of the federal system of Canada and personal assessments of current political developments.

Starting point of his speech were remarks on his own role within the political system as a journalist as well as a politician. Being a player in the Canadian political debate for about 40 years he stressed his ability to convey concrete experiences and insights. Having been established in 1867 the Canadian federal system has been a success with regard to its long existence. Senator Pratte traces this fact back to three core aspects that Canada was able to develop and maintain in the last 151 years successfully: good leadership, compromise as well as pragmatism.

In view of the first aspect, Pratte stressed the ability of Canadian leaders who were able to bring a majority of Canadians of all origins, languages and religions together. Starting with prime minister Sir John A. MacDonal up to Brian Mulroney they have been able to lead the country successfully through different crises and challenges by addressing patriotism and pragmatism. Pratte emphasises these factors several times as they are key strategies for him to master difficulties and tensions in history that persist.

The second aspect that helped to survive separatist conflicts in the 1980s and 1990s was the country's leaders' ability to find compromises. In fact, compromises have been reached after difficult processes, both in political controversies as well as constitutional ones. Pratte explained this capacity again by referring to the third key aspect, the pragmatism Canadian leaders maintained. The pragmatism

frequently finds expression by the observation that the Canadian federalism works better in practice than in theory. After deals and agreements had failed several times in the 1990s that aimed to bring Québec back into the constitutional fold with regard to its separatist province government, Canada developed an executive federalism that found compromises behind closed doors. Nonetheless, tensions in the context of Canada's bilingualism and the conflicts between the federal government and the province government in Québec remain high. According to Pratte the incapacity to recognise and enshrine bilingualism in the Canadian constitution leads to a persisting risk of separation. Another part of his explanation is a lack of patriotism in Québec with regard to the Canadian federation. Instead, in view of the federation Quebeckers stress cultural differences to the remaining Canadian population and thus feel highly frustrated since these distinctions are not reflected by the Canadian constitution. In sum, Pratte saw the federal constitution and institutions under threat.

However, he also emphasised that today's younger Canadians start changing their focus towards further challenges that get more and more important for the governments' political agendas, for instance environmental issues. In detail, Pratte characterised this field as the federal government's difficulty of reconciling the rights of the country's indigenous peoples, the necessity of protecting the environment and the importance of the natural resources sector, especially oil and gas, for Canada's economy. These different aspects have great impact on each other and thus need to be balanced carefully. What is more, policies that deal with the prevention and impacts of climate change lead to conflicts between the federal government and the provinces as competences and responsibilities are not well defined. For ensuring Canada's prosperity stable compromises have to be found.

Another major problem are demographic challenges since Canada's population is getting older and questions about the Canadian fiscal federalism arise. In detail, the ability of the federal government to ensure that every provincial government receives enough money through taxes and federal transfers to deliver the same level of services is a big issue, especially in the Eastern provinces as well as Québec. These states are less wealthy and thus will experience the impacts of demographic change earlier.

Being member of the Canadian Senate Pratte also explained issues that this core institution faces. The Senate's major responsibility is to look after the interests of the provinces in the design of federal

policy, especially of the smaller provinces, which for this purpose are over-represented. In the past the federal government appointed its partisans, for instance former MPs and fundraisers, to the upper chamber, so that the majority in the Senate was usually the same as the majority in the Chamber of Commons. The party line was strictly enforced. Consequently, the Senate rarely rejected or amended the bills that had been adopted in the Chamber of Commons, which led to a minor role in the legislative procedure. The current Prime minister Justin Trudeau has reformed the appointment process so that new senators are now selected based on merit and sit as independents. Pratte expressed his hope that this “new Senate” will play an increasing role within the country’s bicameral Parliament.

Finally, Pratte stressed his belief in patriotism as a prerequisite for stable federal systems. According to him a nation’s common sense of identity towards its state enables motivating and finding compromises that allow the country to move forward. Furthermore, he emphasised Canada’s proximity to the US that helped developing a national distinctiveness from the powerful southern neighbour. In this context the question arose whether the election of US President Trump could lead to a more unified Canada – as many observers hope that it will have this effect in the EU. Pratte explained that on the one hand current distinctions between politics in Canada and the USA have become obvious. On the other hand, several politicians in Canada have tried to adopt Trump’s political approaches and strategies. However, he described this development not only as a result of proximity to the USA but also as a global trend in politics. That is why he expressed his certainty that solving urgent matters satisfactory by good leadership, compromise and pragmatism is the core of a successfully working federal system.

## Conference findings and concluding debate

**Speakers:** Tobias Kunstein, COMOS & University of Cologne

Frédéric Mérand, University of Montréal

Alina Thieme, COMOS & University of Cologne

**Rapporteur:** Lisa Marie Hammelrath, University of Cologne

*Alina Thieme* from COMOS and the University of Cologne started the final debate off by thanking all the discussants and participants for their input so far. She agreed with *André Pratte*, Member of the Senate of Canada and President-Founder of the Federal Idea, in his assertion that compromise and pragmatism will help Canada to step forward and stated that the same is also true for the European Union. For the final summary, she then introduced *Tobias Kunstein* from COMOS and the University of Cologne and *Frédéric Merand* from the University of Montréal.

*Tobias Kunstein* then went on to talk about the conference findings from the European perspective. Looking back at the conference, he pointed out that it stays complicated to define the terms we work with. Discussions during the conference have included the definition of crisis, the framing of 'Brexit' as a concept of disintegration as well as the conceptions of flexibilization and differentiation. Kunstein further described the key role of perception as one of the most important outcomes of the conference. He then looked back at the broad spectrum of empirical topics covered during the conference. Topics ranged from the asymmetrical federalism in Canada and in the world to common crises like the migration crisis, to the situation of indigenous people, political representation in the EU and in Canada, the different party systems, the economic and financial crisis and climate change. From all of them, Kunstein concludes that the comparison between the two systems can be helpful to evaluate polities, policies and politics and therefore provides us with leverage. Although, as Kunstein pointed out, it also becomes apparent that ultimately political decisions have to be made and those always includes winners and losers. Overall, Kunstein assessed that the comparison between Canada, the EU and other federal systems can provide political science with the information it needs to design a political system that can achieve compromise.

*Frédéric Mérand* raised three main issues in his conclusion from the Canadian perspective. First, he addressed a possible comparison between Canada and the EU as well the EU's status as a federal system. He laid out that in reality all federal systems are different from each other, even though they all share the classification as federal systems. Therefore, the comparison depends a great deal on what you look at, for example institutions or dynamics. This is partly due to the fact, that Canada does not have 'tandems' between provinces. While in Europe, there is cooperation between certain states, like the Franco-German 'tandem', in Canada, there is no such cooperation between the provinces. The provinces never show close collaborations or join their political force, which links to the fact that they are not involved in federal political decisions. Therefore, there is no level of constant interaction. Even though Canada might be seen as a more federal system, the provinces do not work together as much or talk to each other as frequently as EU countries do. According to Mérand, the same applies to societies: Canada is a very diverse society with a lot of attachment to the various regions, particularly in Quebec. As a result, the primary identity is often provincial. In conclusion, Mérand does see room for comparison, while the special federal status of the EU has to be kept in mind. Second, Mérand assessed, that Canada has a more centralized government system than the EU, with a few very interesting exceptions. For examples, Mérand took to the three main sectors mentioned during the conference, namely economy, migration and the environment. The first example he gave is the economy. In contrast to the EU, Canada still relies on the provinces in many economic issues. For example, interprovincial trade barriers still exist in Canada, as well as provincial monopolies, in a way that would be mostly unimaginable in the EU. As for migration, Mérand pointed out how most immigrant are still selected by the provinces first. He followed that the Canadian system is not as centralized as one might think and the that the Canadian society is not as integrated as often perceived. As a last example, Mérand chose the environment, which is to a large extend still regulated provincially, which highly complicates the enforcement of standards. Third, Mérand addressed the question of succession, which to him seem to be unavoidable when in Quebec. Here, Mérand sees the potential for both the EU and Canada, to learn something from each other. For example, the complications of Brexit has made makes observers in Canada realize many possible problems.

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