

THE TALE OF TWO MINI-LATERAL FORMATS: BENELUX and VISEGRAD4

Remarks by Alain de Muyser

Delighted to be at the Egmont Institute today. Within the Benelux, we value very highly your role as an independent think-tank which “provides analysis and policy options that are meant to be as operational as possible ». I dare to say that this is a true Benelux spirit ...

A couple of weeks ago, I was asked by the Ambassador of Hungary, our friend Tamas Kovacs, to highlight the Benelux Union as a minilateral format within the Europe Union.

At the outset, I have to admit I was a little bit puzzled with this request and the use of the term “minilateralism”. In my understanding, this term didn’t apply to the Benelux Union. But do we have an opinion on the question? I needed further digging into the question ... yet all the sources I consulted didn't really manage to overcome my apprehensions, as minilateralism is mostly defined as “informal and targeted initiatives intended to address specific questions with fewer states sharing the same interest for resolving it within a finite period of time.” Minilaterals are further described as having a small number of participants, are ad hoc, and their outcomes and commitments are voluntary in nature.

Does the Benelux Union fulfil these criteria?

Maybe by the small number of participants, but : is the Benelux Union an ad hoc gathering? From the outset, the Benelux Union is an intergovernmental organisation, founded in 1943/44 as a Monetary/Customs Union, to become an Economic Union in 1958 and confirmed as a (full-fledged) Union in 2008, by way of a renewed treaty extending its field of competence from the initial economy and internal market, the Benelux Economic Union, to security and social cohesion, to express the will to protect our citizens in a fair and caring society; and to sustainable development and environmental/climate change issues. Within a holistic approach, the interlinkage and interdependence between these three domains being strongly put forward, I usually sum this up by paraphrasing the former Secretary General of the UN, Mr. Kofi Annan, that for the Benelux “there is no economy without sustainability, there is no sustainability without security, and there can be neither economy, sustainability nor security if there is no cooperation and trust between us”.

The Benelux Union has thus developed over the years as a rather unique institutionalized platform to promote and support increased cooperation. The Benelux Union has an executive, a legislative and a judiciary set-up with appropriate institutions, each having its own legal framework. And if in the beginning a time span of 50 years was decided, this is not the case anymore : the renewed treaty of 2008 doesn’t set any kind of time limit to our cooperation.

But then: are our outcomes and commitments voluntary in nature? One of the challenge in measuring the achievements of minilaterals is that the results are articulated in statements, press releases and memoranda of understandings; absent seem to be concrete commitments,

precise deadlines or strict implementation framework. Obviously, statements are made and MoU signed within the Benelux, yet another unique feature of the Benelux cooperation is that it is firmly based on concrete commitments. This takes shape through the adoption of joint multiannual work programs, to set the long term objectives of our cooperation for a given period and the approval by the countries of annual plans, short term projects based on the multiannual framework - to be implemented by the General Secretariat. And we are committed to concrete results, notably through the adoption of legally binding instruments. Indeed we have the opportunity - given by the Treaty - to enact binding and directly applicable legislation – through 4 different types of legal instruments (Conventions, Decisions, Recommendations and Directives). My last count is that we have some 540 active legal instruments in our common legal database. And we have a Benelux Court of Justice whose main role is to promote uniformity in the application of these common legal rules.

And not in a vacuum : article 2 of our treaty explicitly states that “the Benelux Union aims to deepen and broaden cooperation so that it can continue its pioneering role within the European Union and strengthen and improve cross-border cooperation”. Very clearly, our aim is thus to be fully integrated in the EU, moreover to be a laboratory, a model and a catalyser for the European integration.

And it is undeniable that the Benelux countries have played a pioneering role in European integration. May I remind that the Benelux Economic Union existed before the European Economic Communities? As the initiator and forerunner of the European Common Market, the Benelux countries have played an important role in shaping European integration. This is the spirit which allowed the Benelux to be at the forefront of European integration, so as :

In the context of the Schengen, the free movement of persons was initiated within the Benelux framework, formalized in 1985 with France and Germany, before being integrated into the *acquis communautaire* in 1999;

In the field of police cooperation: with the signing of the Benelux Treaty on cross-border police intervention in 2004, Benelux was the precursor of the European Prüm Treaty in 2005. In 2018, we broke new ground again with a new, even more progressive Police Treaty;

In the field of fraud prevention, since May 2019, the EU wide Transaction Network Analysis (TNA) is an automated data mining tool that interconnects Member States’ tax IT platforms. It is a Benelux initiative, initiated in 2014 as a pilot project to develop common risk analysis through a digital tool.

In the transport sector, the Benelux Union is a model for the free movement of goods and of joint inspections - with initiatives such as “Euro Control Route”;

In the energy sector, the Pentalateral Energy Forum, launched in 2005 with France and Germany, joined by Austria and Switzerland in 2011 develops initiatives to complete the

European single energy market and is recognized by the European Commission as a true precursor;

In the field of education, Benelux and Baltic States are jointly pioneers within the European Higher Education Area with a “Treaty on the automatic mutual recognition of levels of higher education qualifications”, by the way opened to all European countries;

In the field of crisis management, at the initiative of the Benelux countries, the creation of the European Network of Director Generals of the Crisis Centres which usefully complements existing European structures;

This enumeration is designed to be illustrative ... to allow me to turn to another facet of our cooperation: the “political” Benelux – to be seen as a complement to the “institutional” Benelux. In recent years, I have seen it more alive than ever. Of course there are differences of opinion, there are cultural differences. The Benelux countries do not agree on everything, far from it. And we know that there is economic competition between various sectors. Competition yes, but not unfair rivalry. Within Benelux, possible animosities are to be measured against a background of mutual understanding and concord that makes it possible to anticipate possible antagonisms. This presupposes that our political leaders know, understand and respect each other and are regularly informed about each other's problems. This is done through a process of regular coordination and collaboration at the level of the Heads of Government and of each of the Ministers. And it also takes place through dialogue within the Benelux Parliament, where the foundations of the democratic legitimacy of the Benelux lie.

And enshrined in our treaty is our commitment to see beyond the Benelux, to build and fortify collaborations which we believe are beneficial to the whole of Europe and do deepen European integration. On all levels. The Benelux has multithemed working agreements with North-Rhine Westphalia, with Germany and with France, we collaborate with the Baltic States and with the Nordic Council, we have periodic consultations with the Visegrad countries, and other European countries, we initiated a common reflection on shared interests with the Grande Region, we joined forces with the Council of Europe and the OCDE on specific projects, ...

In working together - within and with other partners, and in networking - the Benelux Union does not seek coalition-building AGAINST the EU, but coalition-building FOR the EU, for the benefit of European integration. By experience, we know that such an approach offers more opportunities for synergies and can have a greater impact.

And this might be a possible answer to the modern days evolutions in terms of international relations. Indeed, especially the COVID-19 pandemic has highlighted some of the weaknesses of multilateralism; some countries choosing to go alone or with preferred partners, rather than use the multilateral platform. Some believe that traditional multilateral co-operation seemed to have come up against its limits. And thus, one should not close the door to discuss or envisage innovative forms of co-operation, be it minilaterals – I by the way would prefer to use the term of “plurilaterals” - but hasten to add: in the form of "sub-group of the multilateral actor".

Regionalism – in various forms – has always been part of Europe. Isn't it enshrined in the Maastricht treaty? The existing and potentially “new” evolutions in terms of cooperation should always be designed to supplement the work done within the multilateral European framework. With all its possible flaws, multilateralism still puts the emphasis on inclusivity and non-discrimination, each country having a voice, the pitfall for “alternative” forms of cooperation would be to become synonymous to exclusiveness, with participation restricted only to certain States considered directly involved in a specific matter, to the detriment of a common objective. In other words: their “raison d'être” is to be part of and complementary to the multilateral process, and not have the ambition to replace it. And that is possible - in “acting local” but “thinking global”: in climate action for instance, so urgently needed, it can help countries to cooperate more closely in the field of renewable energies, and I can mention as example the North Seas Energy Cooperation - supported by the Benelux Union and regrouping 9 EEA countries and the UK. This “offshore grid linking” provides an inclusive platform for designing innovative solutions and allows interaction as well with sub-national and non-governmental actors to formulate pioneering solutions against global warming. With the explicit support of the European Commission.

Seen this way, such initiatives – called minilateral, plurilateral, or by any other name – could become the new building blocks of a renewed multilateralism, in that they have the potential to supplement temporary or longer term flaws or inadequacies of the multilateral sphere without delegitimizing it. If their strengths lies in their ability to achieve concrete results in a more time and procedure-efficient manner, then they can act as a useful trigger for the multilateral sphere. As a laboratory, a model, a catalyst ... they should always be designed to augment the objectives of the multilateral process and in no way replace it, but rather support it. Thus : promote unity through diversity.

Let me end on this note : whatever definition one gives to the notion of “minilateralism”, the reading Benelux does of it, in a European context, is that it's primary goal is to strengthen European integration.