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# The institutions

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Cahier

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Cercle Pierre Landais

**Association pour le développement local et régional** (Association for local and regional development)

Institutions et politiques publiques (Institutions and public policies)

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*L'Union est fondée sur les valeurs de respect de la dignité humaine, de liberté, de démocratie, d'égalité, de l'État de droit, ainsi que de respect des droits de l'homme, y compris des droits des personnes appartenant à des minorités. Ces valeurs sont communes aux États membres dans une société caractérisée par le pluralisme, la non-discrimination, la tolérance, la justice, la solidarité et l'égalité entre les femmes et les hommes.*

Article 2 du traité de l'Union européenne (valeurs de l'Union)

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

Treaty on European Union, Article 2 - The values of the Union

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# Introduction

Founded on 8 August 2008 in Lorient, the Cercle Pierre Landais set itself the task of studying Brittany's institutions and public policies and formulating proposals along the lines of think tanks<sup>1</sup>. This approach quickly came up against the institutional complexity of France and the European Union. In order to draw up concrete proposals for the development of institutions and public policies in Brittany, it appeared necessary to highlight the major possible trajectories for France and the European Union: from the most pessimistic to the most optimistic scenarios, or from the least integrated to the most integrated forms.

Over the years, two institutional frameworks have emerged within which to design and implement public policies: the State dissociated from France and from the European region. The first framework led to the publication of L'Etat. The second framework, which is more complex and involves defining desirable institutional developments for the European Union and France, is currently being drafted.

## Perspectives

### The European Union

The potential developments of the European Union can be considered across three levels of integration:

1. **No integration:** corresponding to the state of the European Union before the Treaty of Rome.
2. **Economic integration:** through a common market or a customs union, as initiated by the Treaty of Rome.
3. **Federal integration:** where the European Union evolves into a federation of member states, akin to the United States of America or the Swiss Confederation.

These levels of integration reflect a progressively greater delegation of sovereign state functions to a higher authority: the European Commission in the case of a common market or a federal structure for a European federation.

Currently, the situation represents a paradoxical integration, insofar as:

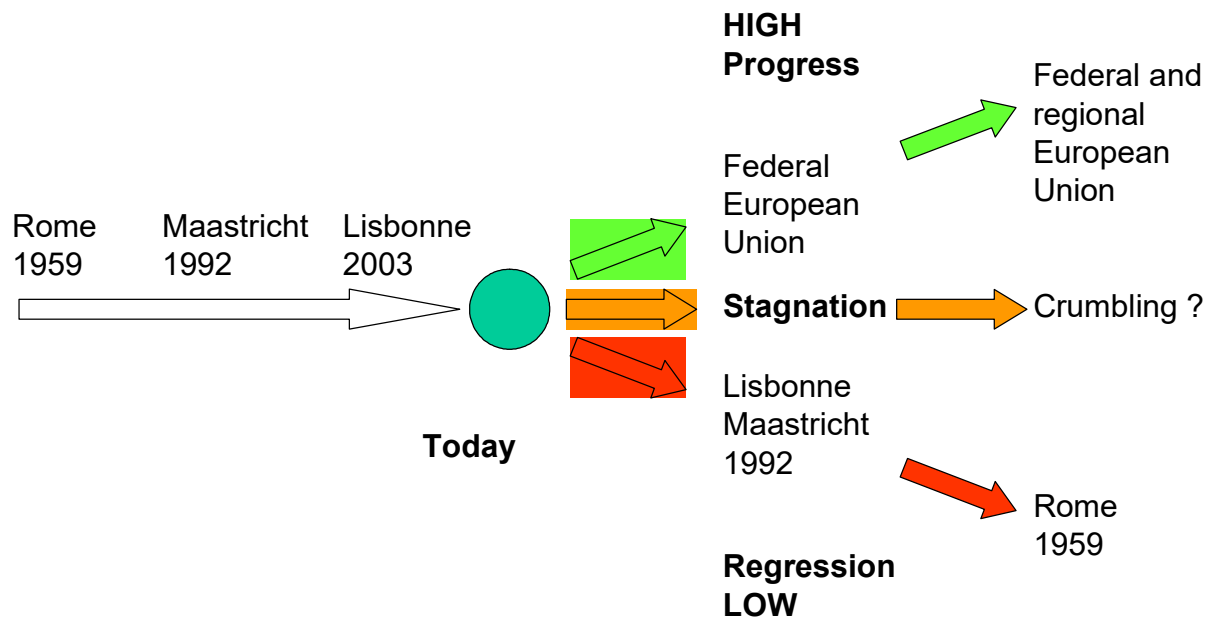
- Sovereign functions such as defense and diplomacy remain under the authority of member states, despite the creation of the High Representative for Foreign Affairs and Security Policy.

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<sup>1</sup> Among the leading think-tanks, public or private, associated with a political party or not: in Brittany : Bretagne Prospective (<https://www.bretagne-prospective.bzh/> ), Groupement d'Etudes et d'Analyses de Loire Atlantique (GAELA - <https://www.gaela.asso-web.com/> ), l'Institut de Locarn, Institut Kervegan : <https://www.institut-kervegan.com/institut/> ... In France : La Fondation pour la recherche sur les administrations et les politiques publiques (IFRAP - <https://www.ifrap.org/> ), l'Institut Montaigne (<https://www.institutmontaigne.org>)... and many other European and global think-tanks. A very long list indeed.

- However, certain non-sovereign ministerial functions have been delegated to the European level, particularly agriculture through the CAP (Common Agricultural Policy) and fisheries through the CFP (Common Fisheries Policy).

The establishment of a European federation would require, following the Maastricht Treaty (1992) and the Lisbon Treaty (2003), the adoption of a fourth major European treaty. This treaty would formally establish a federation, often referred to as the United States of Europe, although the term "European Union" would likely remain in common usage.



#### *The main scenarios for the evolution of the European Union*

The major potential scenarios for the evolution of the European Union can be identified as follows:

- **Regression** : the European Union rolls back the Lisbon and Maastricht treaties, and potentially the Treaty of Rome, resulting in institutional regression.
- **Stagnation** : the European Union fails to conclude a fourth major European treaty.
- **Progression** : the European Union succeeds in adopting a major treaty, transforming it into a federation of member states.

Among these three options, stagnation appears the most likely. However, stagnation carries a significant risk of disintegration over the long term, driven by three key threats:

- Lack of influence on the international stage, exacerbated by ongoing divergences in the foreign policies of certain member states (notably France and Germany on issues such as Libya, Turkey, and Ukraine).
- Budgetary and monetary challenges, which could provoke a crisis leading to the collapse of the eurozone and, consequently, the European Union itself (the current economic situation in France heightens this risk).
- Enlargement of the European Union, potentially expanding from 27 to around 37 member states, further highlighting divergences between early and more recent members.

Moreover, optimistic prospects appear limited. The Draghi report notably points to the relative failure of the Lisbon Strategy of the 2000s, which aimed to establish the European Union as a competitive knowledge-based economy.

In the optimistic scenario, the European Union would transform into a genuine federation of member states. As a federation, the European Union would retain its single market but would also establish an integrated diplomacy and defense system, in addition to the existing common currency. In this framework, delegated and shared competencies would be redefined. Specifically, the Common Agricultural Policy (CAP) and the Common Fisheries Policy (CFP) would be returned to the territories, meaning regions or member states.

This European federation would operate similarly to the United States of America and could emerge as a global power, comparable to the United States, China, or India.

## France

France is currently facing numerous challenges:

- A declining industrial sector,
- Chronic budget deficits,
- A trade imbalance,
- An unsustainable public debt,
- High taxation, among the heaviest in OECD countries.

Its diplomacy is weakening, particularly in Africa and the Middle East. Its agriculture is struggling. Its education outcomes, as measured by international benchmarks (PISA, PIRLS), place France in an unfavorable position. The healthcare system is no longer as effective as it once was. Insecurity is on the rise, particularly in suburban areas, and the country faces growing communitarian divisions.

Nevertheless, France retains key strengths:

- Attractive infrastructure, particularly in transport and energy,
- Global enterprises,
- Universities that remain competitive internationally.

Its institutions, inherited from the Fifth Republic established in 1958, now seem inadequate and stuck in an institutional deadlock. France remains a centralized and over-administered state that struggles to implement substantial reforms. A major regime crisis, similar to those experienced in its history (e.g., May 1968), cannot be ruled out, though its outcome is difficult to predict.

Many political leaders and parties evoke the concept of a Sixth Republic, but this idea remains vague and lacks broad consensus.

Although France continues to play a leading role in the European Union, the Franco-German partnership is less effective than before, and France is increasingly viewed as the weak link in the Union.

The outlook for France can be summarized through three scenarios:

- **Recovery:** Historically, France has overcome existential crises. However, this option appears unlikely due to a lack of political consensus and clearly defined alternative proposals.

- **Stagnation:** France fails to implement significant reforms, and superficial changes exacerbate existing problems. This is the most probable scenario.
- **Collapse:** Continued stagnation could lead France to decline and fall apart.

An institutional evolution could help France regain momentum by introducing:

- An end to the presidential system, aligning France with other European states where a clear distinction exists between the Head of State and the Head of Government (despite challenges, as seen in Germany or Spain when forming governments post-election).
- A deep decentralization, breaking away from a centralist, Jacobin, and Colbertist tradition that is no longer suited to an open world or the European Union.
- Strengthening the role of regions to bring public action closer to territories, and to the nations, such as in the case of Brittany.

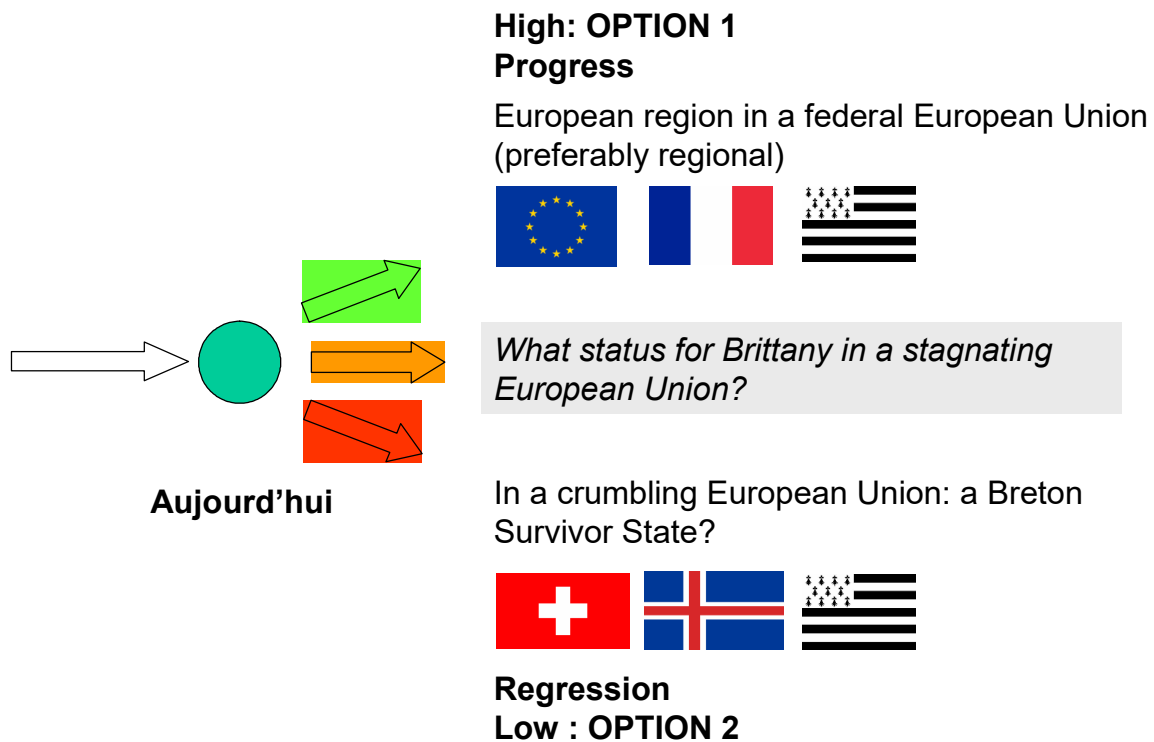
This could lead to a French Federal Sixth Republic (RFF), modeled on the Federal Republic of Germany (FRG) with its Länder. In the longer term, this could encourage the merger or union of these two republics, thus advancing European construction towards a true federation.

## **Brittany**

Brittany must adapt to the broader context, whether European or French. Considering the three major trajectories – collapse, stagnation, or progression – which are likely to occur simultaneously for both France and the European Union, Brittany can be conceptualized under two main institutional frameworks:

1. **Progression** (France and European Union):
  - A European region (an “euroregion”) integrated into a federal European Union,
  - A French region within a French Federal Sixth Republic (RFF).
2. **Regression:** A sovereign state, dissociated from both the European Union and France, in the event of a simultaneous failure of these two frameworks.

In an intermediate situation of stagnation, Brittany’s institutional evolution would likewise be intermediate. It is unnecessary to define it further here, other than to note that it would lie between these two extremes.



*The main possible developments for Brittany*

## Institutional Frameworks

### The Two Main Options

Based on its analysis, the Cercle Pierre Landais envisions its approach within two institutional frameworks:

- A sovereign state dissociated from the European Union but associated with it through a Trade and Cooperation Agreement, similar to the treaty concluded between the EU and the UK (this idea emerged after the Brexit negotiations were finalized in late 2020).
- A “euroregion” as part of France, itself a member of the European Union.

Any institutional evolution will occur between these two extreme options, and studying them will help anticipate and manage future developments. The second framework is more complex as it requires addressing changes in both French and European institutions.

### The First Framework

A Brexit-Inspired Reflection : Since 2008, Switzerland, with its system of direct democracy, has been the main reference for the Cercle Pierre Landais. However, the idea of a sovereign state dissociated from the EU only emerged with the conclusion of Brexit. The question arose: was the UK right to leave the EU? Should Brittany consider the same ?

This option has the advantage of simplicity, drawing on concrete examples such as:

- Switzerland, associated with the European Union through the European Free Trade Association (EFTA),

- Iceland, also a member of EFTA,
- The Customs Union between the EU and Turkey, which offers specific points of interest.
- A Treaty of commerce and Cooperation between the European Union and the United Kingdom as resulting from the Brexit négociations

This framework has been detailed in a publication available online on the website of the Institut de Documentation Européenne et Bretonne (IDBE).

In this scenario, Brittany would remain geographically coherent by associating with both the EU and the UK. Additionally, Brittany would remain within the Schengen Area for specific treaty provisions, maintaining its current status, where neither the UK nor Ireland are part of Schengen.

### **The Second Framework**

This framework would bring the benefit of belonging to a global power, something that is not currently the case. However, it would require evolving the foundational treaties of the European Union (TEU and TFEU). The Cercle Pierre Landais will make proposals in this direction during its ongoing reflections.

Drawing inspiration from Switzerland’s subsidiarity-based political culture, this framework could be extended to a larger institutional context.

### **Comparison of the Two Frameworks**

While the two options may appear extreme, they are relatively close:

- The first allows for expressing intrinsic aspirations.
- The second highlights the pros and cons of belonging to a larger entity.

It makes sense to begin with the first framework and then transpose public policies into the second.

Between the two options – a new Breton state (a “maritime Switzerland”) and a European region – the initial preference leans toward the European region. While Switzerland offers a clear example, belonging to a global power like the European Union, aspiring to rival the United States and China, provides undeniable advantages.

However, it is crucial to avoid the pitfall of replacing French centralism with European technocracy. A centralized and authoritarian European Union would fail to allow its member states and regions to flourish as they aspire to.

### **Institutional Architecture**

The two proposed institutional frameworks adhere to the following core principles:

- Separation of powers:
  - Horizontally: clear distinction between the parliament, the government, and the judiciary,
  - Vertically: separation of roles between the presidency and the government.
- Subsidiarity: public action must be exercised at the closest level to citizens and territories.

- Semi-direct democracy: a combination of elected representation and systematic citizen consultations on major issues, similar to Swiss referendums.

The concepts proposed in the “State” framework, built on these principles, are largely transferable to the second institutional framework.

	Option 1	Option 2
<b>Subsidiarity</b>	<b>Brittany State</b>	<b>Brittany Région</b>
Global	United Nations	United Nations
Federal		European Union
State	State Brittany	Member State France
Region		Brittany Region
Territory	Territory County Grouping Communes	Territory County Grouping Communes
<b>Citizens</b>	<b>Citizens</b>	<b>Citizens</b>

*The two main options studied by the CPL-ADLR*

Moving from Option 1 to Option 2 implies an increase in the levels of subsidiarity, from 3 to 5 levels:

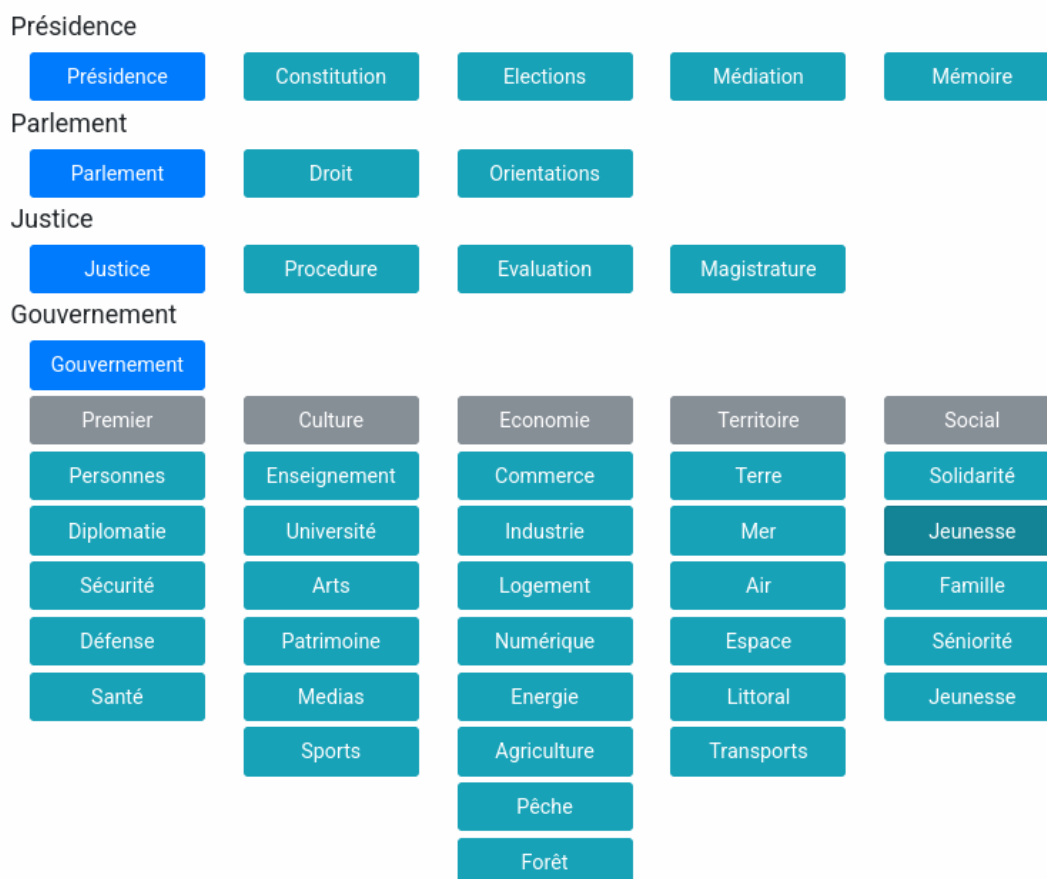
- Option 1: Territory → State → United Nations
- Option 2: Territory → Region → State → European Union (federation) → United Nations

### Vertical Ministerial Alignment

Although not currently implemented, the proposed approach is based on the principle of vertical ministerial alignment across the levels of subsidiarity. This means:

- Ministries would have the same name at each level of governance (territory, region, state, European Union).
- Each ministry would cover an identical scope of competencies, simplifying coordination and relations between levels.

At present, this coherence does not exist: it is necessary to establish correspondences between, for instance, a European Directorate-General and a French ministry. Additionally, ministry scopes often evolve with each new government, depending on the political bargaining required for its formation.



*The institutional architecture of a future State at all levels of subsidiarity*

## The Allocation of Functions and Ministerial Action

### Option 1: The Sovereign State

In this framework, ministerial action is structured across two levels:

- The central state level: Defines parliamentary orientations with the support of a Senate of Regions.
- The territorial level: The regions (organized into three sublevels: the region itself, groupings of municipalities, and municipalities) execute these orientations.

The sovereign state can be seen as a federation of its regions, akin to the Swiss cantons. Regions retain the prerogative to exercise public action as close to the citizens as possible, particularly for non-sovereign ministries (called “ducal” ministries in the case of Brittany).

### Option 2: The European Federation

In a European federation, public action is distributed across more levels:

- Federal functions (delegated, in current terminology):
  - Diplomacy, defense, law, and currency are executed at the federal level.
  - The federal level takes into account the expectations and constraints expressed by member states and their regions.

- Concerted functions (in current terminology):
  - Concern other ministerial responsibilities (agriculture, energy, fisheries, etc.).
  - Member states and their regions define their orientations and plans. The federal level facilitates non-binding coordination, enabling the exchange of practices and improved alignment to optimize public actions (e.g., investments).