

Humboldt-Reden zu Europa



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Humboldt-Rede zu Europa

von

Giuliano Amato

Ministerpräsident der Republik Italien a.D.

**“Ratifying Lisbon
and restoring citizens’ trust.”**

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- es gilt das gesprochene Wort -

Whenever an event such as the Irish no to the Lisbon Treaty occurs, we tend to fall prisoners of our stereotypes. Our opinion makers flood newspapers and media with the sore image of Europe without a mission, without a demos and far from its citizens. These arguments monopolize the cross border attention of our narrow European elite and its members voluptuously immerse themselves into a sort of group analysis at the end of which all of them unanimously conclude that a mission for the XXI century has to be found and that Europe will die soon, unless it finds such a mission and succeeds in getting closer to its citizens.

Stereotypes must not be confused with implausible lies. They always contain some fragments of truth which deserve serious attention. But it is rather a rare phenomenon that these fragments can support the extreme cases that stereotypes represent. Europe without a mission?

It is certainly true that during the period of time when our common architecture had yet to be built and during the first stages of its construction, it was underpinned by a strong and emotional appeal. Pooling our interests and our previously exclusive sovereignties in order to abolish wars among us and therefore to stop with Europe as the fuel inflaming the world, certainly represented a wonderful mission. Well, the good news are that we have fulfilled it and that our heroic era is over. Furthermore, due to such a success, the multilevel system we have built is firmly rooted in our citizens' consciousness and they do know well what has to be expected from the Union and what from their national states. Are they unsatisfied with the Union? It is quite likely. But they are also unsatisfied with their national States and if we look at the regular polls taken by Eurobarometer we understand that they are much more unsatisfied with the states than with the Union. Why, then, should we speak of a shaky Union, while we don't do the same for our national states? Couldn't it be that in both cases the citizens are not satisfied with the answers their demands are receiving and with the leaders who are responsible for these answers? Therefore, shouldn't we look for remedies in a similar way instead of treating our Union as a fragile and continuously agonizing creature?

Yes, one might argue, but the votes in France, in the Netherlands and now in Ireland do exist; and they seem to be votes against Europe. But, regarding this conclusion, I would not be so sure. When a national referendum is held on European matters and national politicians make the case of Europe, it might also be that the voters are voting not against the case itself but against its advocates in relation to the voters' satisfaction with them

and to domestic issues. I am perfectly aware that it is not necessarily the ultimate explanation (Things were different in the Dutch case, for instance). I repeat myself: it *might* just be. However, the stereotypes of our public debate ignore this possible and at least partial explanation, for the shaky Europe is and has to remain their only topic.

Inventing a mission for our Union is not necessary at all. We all know such a mission, because our own citizens indicate it every time they are asked to state their expectations. The indication is very clear and unequivocal. While they expect their national states to take care of issues such as education, pensions, taxation and welfare, there is a long list of items on which they call upon the Union to respond. Let us limit ourselves to the items indicated by no less than 60% and up to 80% of the Europeans interviewed by Eurobarometer in its most recent survey. We find terrorism, environment, research, defense and foreign affairs, regional policy, energy, immigration and crime. Furthermore, a revealing signal has to be noticed. In the list of their main concerns, our citizens are more and more giving a top position to inflation and rising prices. Alongside these concerns, the share of those who want a European solution is also increasing. It has passed from 49% to 51%. This clearly means that the growing importance of an economic issue makes it a natural candidate for European action. If this was so, would the citizens reject the Union as a useful and reliable level of government?

Let me also add that by analysing this list we can easily discover that it is much more than a simple list, because it embodies the kind of substantive and coherent mission our public debate is looking for. Some of the items (regional policy for instance) reflect the continuation of the existing mission, namely the aim of preventing conflicts and instability in our house and therefore the need of reducing its internal imbalances. But most of the others transparently demonstrate our citizens' awareness that nowadays their anxieties are very often due to the impact on their lives from the world outside. Therefore they ask the Union to intervene, because the Union, more than our states, can play a role in the wider world and contribute to the peaceful order we have given ourselves.

We have the mission and in several areas we also have the projects to implement it. They can be discussed and criticized (the objectives the European Council has set for our future supply and consumption of energy are considered by several experts not to be realistic at all), they might therefore need to be changed, but we have plenty of materials to be used

in order to outline our future. Where does the problem lie, then? Most of all, we are lacking an adequate rate of prestigious leadership, committed to the cause of Europe and mastering the art of transforming the demands of the citizens and the consequent projects into convincing visions that give credibility and appeal to such projects, remove obstacles and pave the way for the widely supported actions that are necessary. In its initial years and up to the last decade of the previous century, the European construction was driven by a specially moving mission and a great political leadership, which gave that mission an extraordinary appeal. Now the mission necessarily has a lower emotional value and high quality leaders so committed to Europe as to make its future the paramount goal of their political action (and of the risks they take) are not an abundant resource. We cannot do much to improve their natural talent, but something can be done in order to encourage them to using it for the sake of Europe. The quality of the European Council membership depends on our national political arenas and on the leaders emerging in these arenas. Key figures covering key European positions depend on choices that our national leaders jointly make. In both areas there is room for improvement and in both areas the voice of the citizens can play a role.

Also rules and procedures can play a role. And this leads us to the Lisbon Treaty. The Treaty does not contain any magic potion which might empower us to change the world. I have repeatedly said that it is a black and white film, not a color one. However it offers three orders of innovations, visibly instrumental to giving better answers to the demands of the citizens. Anyone who is informed of them, will find it paradoxal that the Treaty might be rejected out of dissatisfaction for the answers up to now received by these very demands.

Firstly it offers a new or more robust legal basis to those actions which the citizens are expecting in the areas previously listed. There is a new legal basis for energy, which empowers the Union to “promote” energy efficiency and energy saving, to “promote” the interconnection of energy networks and to “ensure” security of supply in the Union. The measures in the Area of Freedom, Security and Justice which now have to be by means of framework decisions (not having direct effects) or through interstate conventions (even worse), will be approved by ordinary legislative procedure, making the fight against terrorism and organized crime much more effective. Two new solidarity clauses are introduced: the first one commits the Member States to assist those among them which are victims of terrorist attacks or of natural catastrophes; the second one extends the measures adopted by the Council on behalf of Member States facing exceptional

difficulties to the “difficulties in the supply of certain products, notably in the area of energy”.

Secondly, we have the clauses which improve the delivery of existing policies. Here we go from the double hatted High Representative and the single diplomatic service – that will overcome the longstanding parallel foreign relations of the Council and of the Commission – to less spectacular innovations, such as the new role of the General Affairs Council. The Council of Ministers is still organized throughout sectoral formations (Industry, Agriculture, Environment...) which quite predictably tend to adopt inconsistent policies in more cases than just one. Ministers of the Interior restrict seasonal migrations from Kosovo for internal security reasons. To the contrary, Ministers for Foreign Affairs are in favor of such migrations, for they are instrumental to the economic stability of Kosovo. Shouldn't we prevent these discrepancies? The new Treaty bestows upon the General Affairs Council the task to “ensure consistency in the work of the different Council configurations”. For sure this is not an exciting clause. But it may profoundly enhance the level of delivery.

Thirdly and finally the Treaty provides stipulations that improve the relationship between the Union and its citizens. Reference has to be made here to the early warning system and therefore to the extended role of national parliaments which will express their essential views concerning the question if a new regulation has to be adopted at the European level or by them. Not to speak of the new chapter on “democratic principles”, the core of which is the popular initiative that “one million citizens who are national of a significant number of States” may submit to the Commission (a very promising incentive to substantiating a European public opinion on European matters).

If these are the contents of the Treaty, reading the Irish no on the basis of the stereotypes I was initially referring to, would be a clear mistake. To the contrary, it makes sense to read it (at least in part) on the basis of the fragments of truth upon which such stereotypes are built. What do I mean? I mean that the dissatisfaction for the current shortcomings of the Union, namely for its lack of transparency and for the difficulties ordinary citizens meet in getting clear information on what it does, heavily contribute to the wariness of several of them when being asked to respond “yes” to something coming from Brussels (“If you don't know, vote no” was a successful catchword in the Irish campaign). In addition, the false or distorted information spread out by the anti European campaigners, the distorting relationship between the electorate and the national leaders advocating the

case of Europe, plus possible discontent for this or that clause of the Treaty, a national majority can be reached against it. The fact remains that voting “no” has been a self defeating reaction, for the Treaty remedies some of the shortcomings due (also) to which it has been voted against.

Therefore, crying about the gloomy prospects of the Union unless some miracle occurs and therefore falling into the vicious circle of rejecting possible improvements to the benefit of the *status quo* (“the Treaty is dead”) is not the correct reaction to the Irish misadventure. Despite the outcome of this referendum, Ireland remains one of the most Europhile countries of the Union. Its citizens deserve better information, a presentation of the Treaty going beyond the unreadable sequence of its clauses and also an acceptable response to the specific reasons of discontent they might have for some of its contents. As far as I understand, they do not only want to be reassured as to their enduring neutrality and to their right to opt out from EU legislation concerning matters such as divorce or abortion. They also resent the future loss of “their” commissioner due to the clause of the Treaty which provides for a reduced membership of the Commission from 2014 on.

I wonder if during the campaign the Irish voters were duly and adequately informed that, should we remain with the existing Treaty, the reduced membership of the Commission would enter into force not in 2014, but in 2009. Furthermore, the Lisbon Treaty empowers the European Council to modify the clause on such membership by unanimous decision, not subject to the ratification procedure (and assuming that the Irish view on this issue is accepted by the others, nothing prevents the European Council from announcing its will in advance to modify that clause as soon as the Treaty will enter into force). Let me make it short without entering into the delicate items that will have to be confidentially negotiated during the next months. It is fair to conclude here that sufficient arguments exist to convince Ireland in favour of a second vote, which will not be a repetition of the first one.

There is another point I want to make, which has been repeatedly raised during the long history of our Union and is being more and more frequently raised now, after the Irish vote: doesn't the Union need an *avant-garde* in order to stimulate a better delivery and a better relationship with the citizens? And what about a two tiers Europe, as an antidote to the necessarily slow pace of a continuously enlarged and enlarging membership?

The prospect of the avant-garde has been repeatedly used to tame stubborn minoritarian positions: if you don't accept the others' view, they will go on without you. In this sense the avant-garde fulfills its mission whenever it remains nothing more than a successful threat. In our case, the fact that so many Member States have asserted their will to ratify the Lisbon Treaty even after the Irish referendum (the United Kingdom, usually a partner of Ireland in criticizing the others, has done it a few days later) has this meaning and may be of some usefulness.

However this is a lesser use of the notion of avant-garde, which can also materialize and take the shape of a group of Member States actually practicing a closer integration among themselves in one or more areas. The Treaty of Nice has given this form of special partnership an *ad hoc* regulation, calling it "enhanced cooperation". The Lisbon Treaty on the one side makes the use of enhanced cooperation even easier, on the other side it establishes a special mode for the area of defense. Therefore the Treaties look at the avant-garde favorably and, quite understandably, they do it under the only condition that the ones who initially have remained out are entitled to join. If it wasn't so, the notion of avant-garde itself would be contradicted, for by definition the avant-garde promotes a faster speed by all. To the contrary, a group of states going their own way with no chance for the others to join, would just break down the Union.

This is a crucial divide, for it separates arrangements useful to the entire Union from others clearly leading to forms of secession. Most likely this is the case of the two tiers Europe, when it is presented as the separation of the countries which are entitled to represent the European "political power" from those whose only destiny is to be the European "economic space". Not by chance, the Treaties ignore this kind of arrangement, which clearly is contrary to the sense of the enhanced cooperation, and my personal opinion is very close to the view of the Treaties. Forms of closer integration may be very useful, but having a much smaller Europe surrounded by a wider integrated market is not a desirable *finale*. Independently of any other reason against it, I wonder how much weight such Europe would have in the world.

Up to now we have experienced neither the enhanced cooperation of the Treaties nor the two tiers Europe. We have experienced fruitful forms of avant-garde, which have taken other paths. First of all, the single currency which – despite its legal configuration – has the substance of the enhanced cooperation. As all we know, in the Treaties the Euro is the currency of all Member states, with the only exception of those, such as the UK, which

have formally opted out. Actually the Euro zone includes only some of the Member states and some of the others will join as soon as they can afford it. They are obliged to do it at that point, but the scheme remains that of an avant-garde followed by the late comers and displaying its “promotional” role.

The second example comes from the Europe without frontiers of Schengen and from the closer police cooperation of Prüm. In both cases some of our Member States have adopted patterns of a closer integration, due to which the legal relevance of the internal borders among themselves has been almost completely abolished. In both cases they have done so by international agreements parallel to the European Treaties and therefore with no authorization or endorsement by them. In both cases the others have followed and the new arrangements have become (in the case of Schengen) or are about to become (in the case of Prüm) common “acquis”.

The example demonstrates how powerful the role of the avant-garde can be, and also how useful it can be to foster the common cause of Europe, independently of the legal instruments that have to be used (by the way, while at the time the avant-garde of Schengen could accomplish its goal only bypassing the Treaties, the Lisbon Treaty would make it easily attainable by using the enhanced cooperation procedure). Therefore no further demonstration is needed to support the view that also in the future similar steps forward in the areas which are ranking highly in the list of the demands of our citizens may enhance both their satisfaction and their trust in Europe. In fighting terrorism, in reducing emissions, in interconnecting networks, some of our states may be inclined more than others to pooling their resources. Nor would the foreseeable and desirable consequence of their (initially separate) initiative be a two tiers Europe. It would be just a faster Europe.

Along this route something even bolder can be envisaged to make our common life easier and more productive. Let us imagine that in relation to some of the common functions conferred to the European level, some Member states adopt a sort of federalization of their decision-making roles. As a consequence, after an “internal” decision making process leading them to a single position, a single voice would speak for all of them in the Council and, when needed, a single act would transfer European decisions into their domestic legal systems. If you ask me how this federalization could be devised, I respond that there might be several options. The simplest one relies upon the members of the European Parliament already elected by each of the participating states and the ministers

such states send to Brussels. By meeting separately from their colleagues, they might play the role of “federal” institutions, taking decisions on behalf of the participant states which would greatly simplify both the adoption and the enforcement of the European ones. We would have more democracy and more delivery to the benefit of the citizens.

We cannot expect this kind of avant-garde to promote a generalized federalization of the Union and therefore to become “acquis communautaire”. Should it happen, it would be the triumph of our Founding Fathers, but it is quite unlikely. However, even if necessarily leading to a two tiers system, it would not be divisive, because the federalized states would not have a separate life, but would rather contribute with their higher unity to the efficiency of the larger Union. A Europe with an updated and larger Benelux as its own locomotive? Why not? After the ratification of the Lisbon Treaty time will be ready to give a serious thought to it.