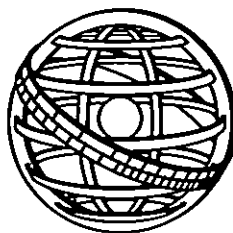


1996 : THE ITALIAN PRESIDENCY
OF THE EUROPEAN UNION

ROMA, 1-2/XII/1995

IAI, TEPSA



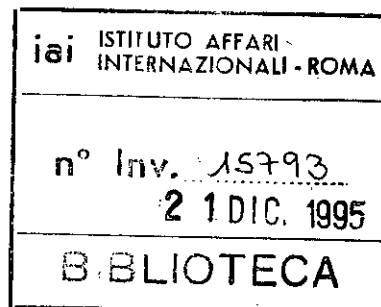
IAI

iai	ISTITUTO AFFARI INTERNAZIONALI - ROMA
n° Inv.	15793. 21 DIC. 1995
BIBLIOTECA	

1996: THE ITALIAN PRESIDENCY OF THE EUROPEAN UNION

Istituto affari internazionali
Trans European Policy Studies Association
Roma, 1-2/XII/1995

- a. Programme
- b. List of speakers and discussants
 - 1. "The priorities and strategy for the reform of the Maastricht Treaty"/ Gianni Bonvicini, Jean-Victor Louis, Alvaro Vasconcelos, Wolfgang Wessels
 - 2. "The territory of the Union: policies of the third pillar"/ Guido Bolaffi
 - 2. "Il territorio dell'Unione: politiche del terzo pilastro"/ Guido Bolaffi
 - 3. "The EU in the world: issues ahead"/ Alvaro Vasconcelos
 - 4. "Mediterranean security after Barcelona"/ Roberto Aliboni
 - 5. "Grands projects mobilisateurs"/ John Pinder





IAI

Istituto Affari Internazionali

IAI-TEPSA Conference

1996: THE ITALIAN PRESIDENCY OF THE EUROPEAN UNION Towards the Revision of the Maastricht Treaty

Library

CNEL - Consiglio Nazionale dell'Economia e del Lavoro
Viale D. Lubin 2

Rome, 1-2 December 1995

Programme

Friday, 1 December

- 10:30 Chair: Wolfgang Wessels (Chairman TEPSA Board)
Welcoming remarks: Cesare Merlini (President IAI)
- 10:45 Presentation of the Common Report of the European institutes and of
TEPSA on "**Priorities and Strategies of the Revision of the Maastricht
Treaty**" Gianni Bonvicini (Director IAI)
- 11:15 Discussants: Pier Virgilio Dastoli
Silvio Fagiolo
Mathias Jopp
Jean-Victor Louis
Robert Toulemon
- 13:15 Buffet-Lunch
- 15:00 Chair: Gerardo Mombelli (Director Italian Office of the E.C.)
First Session: "**The EU in the World: Issues Ahead**"
Alvaro Vasconcelos (Director IEEI, Lisbon)
- 15:30 Discussants: Elmar Brok
Françoise de la Serre
Hans Labohm
Fernando Rodrigo
Jacek Saryusz-Wolski
Stefano Silvestri
- 16:45 Coffee break

17:00 Chair: Jacques Vandamme (Honorary Chairman TEPSA)
Second Session: **"The Territory of the Union: Policies of the Third Pillar"** Guido Bolaffi (Head, Social Affairs Department, Italian Prime Minister's Office)

17:30 Discussants: Nikos Frangakis
Antonio Golini
Stephane Rodrigues
Armando Sanguini
Mario Telò

18:45 End of session

Saturday, 2 December

9:00 Chair: Hanspeter Neuhold
First Session: **"After Barcelona: The Implementation of the EU Policy in the Mediterranean"** Roberto Aliboni (Director of Studies IAI)

9:30 Discussants: Roberto Nigido
Stelios Perrakis
Robert Picht

10:30 Coffee Break

10:45 **"Priorities of the Italian Presidency"** Rocco Cangelosi, Directorate General, Economic Affairs, Italian Foreign Ministry)

11:00 Chair: Cesare Merlini (President IAI)
Second Session: **"The Future of the EU"** Jacques Delors (Former President EU Commission)

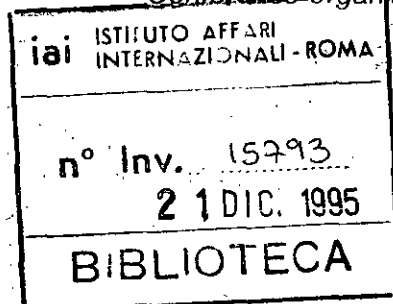
11:30 Discussants: Livio Caputo
Giorgio Napolitano

Remarks by Emma Bonino, Member European Commission

13:00 Concluding remarks John Pinder (Member TEPSA Board; Federal Trust, London)

Simultaneous translation: English, French, Italian

Conference organized in collaboration with the Italian Office of the European Commission



IAI-TEPSA Conference
1996: THE ITALIAN PRESIDENCY OF THE EUROPEAN UNION
 Rome, 1-2 December 1995

List of Speakers and Discussants:

Roberto Aliboni	Director of Studies IAI
Guido Bolaffi	Head, Social Affairs Department, Office of the Italian Prime Minister
Emma Bonino	Member, European Commission
Gianni Bonvicini	Director IAI
Elmar Brok	European MP
Rocco Cangelosi	Directorate General, Economic Affairs, Italian Foreign Ministry
Livio Caputo	Former Undersecretary for Foreign Affairs; Foreign Affairs Spokesman to Silvio Berlusconi
Pier Virgilio Dastoli	Secretary General, European Movement, Brussels
Jacques Delors	Former President EU Commission
Silvio Fagiolo	Representative of Reflection Group, Italian Foreign Ministry
Nikos Frangakis	Director, EKEME, Athens
Antonio Golini	University of Rome, La Sapienza
Mathias Jopp	Director IEP, Bonn
Hans Labohm	Netherlands Institute of International Relations, The Hague
Jean-Victor Louis	Université Libre de Bruxelles
Cesare Merlini	President IAI
Gerardo Mombelli	Director Italian Office of the EC
Giorgio Napolitano	Former President, Chamber of Deputies; Chairman, Italian Committee, European Movement
Hanspeter Neuhold	Director, Austrian Institute for International Affairs, Laxenburg
Roberto Nigido	Director General, Economic Affairs, Italian Foreign Ministry
Stelios Perrakis	EKEME, Athens
Robert Picht	German-French Institute, Ludwigsburg
John Pinder	Member, TEPSA Board; Federal Trust, London
Fernando Rodrigo	Director CERI, Madrid
Stephane Rodrigues	Perspectives Européennes, Université de Paris I
Armando Sanguini	Deputy Director General for Emigration and Social Affairs, Italian Foreign Ministry
Jacek Saryusz-Wolski	Undersecretary for European Integration and Foreign Assistance, Warsaw

François de la Serre
Stefano Silvestri
Mario Teld
Robert Toulemon
Jacques Vandamme
Alvaro Vasconcelos
Wolfgang Wessels

CERI, Paris
Undersecretary, Italian Ministry of Defence
Université Libre de Bruxelles
Chairman AFEUR, Paris
Honorary Chairman TEPSA
Director IEEL, Lisbon
Chairman TEPSA

Other TEPSA Representatives and Foreign Participants:

Luc Bernard
Andrew Duff
Christian Franck
Justine Lacroix
Alfred Pijpers
Odran Reid
Maria J. Seabra
Paul Van Den Bempt
Tapani Vaahtoranta

Guy Vanhaeverbeke

Université Catholique de Louvain
Director, Federal Trust, London
University of Lovain
Assistant to President Jacques Delors
ISEI, Amsterdam
Institute of European Affairs, Dublin
IEEL, Lisbon
GEPE, Brussels
Finnish Institute of International Affairs,
Helsinki
Secretary General TEPSA

iai ISTITUTO AFFARI
INTERNAZIONALI - ROMA

n° Inv. 15793
21 DIC. 1995

BIBLIOTECA

IAI-TEPSA Conference on

**1996: THE ITALIAN PRESIDENCY
OF THE EUROPEAN UNION
Towards the Revision of the Maastricht Treaty**

Rome, 1-2 December 1995

**THE PRIORITIES AND STRATEGY
FOR THE REFORM
OF THE MAASTRICHT TREATY**

**GIANNI BONVICINI, JEAN-VICTOR LOUIS, ALVARO VASCONCELOS,
WOLFGANG WESSELS**

Draft

The revision of the Treaty on the European Union by the intergovernmental conference (IGC) of 1996 will take place in a rather different environment in comparison with the 1985 Conference on the Single European Act and the 1991 IGC on the Maastricht Treaty. Both launched overriding policy objectives (Single Market, Economic and Monetary Union, Political Union) with institutional and procedural reforms. A "vision" was combined with a complex package deal.

Today, although new external and internal challenges were already present in 1991, they have recently gained a new dimension. At present, decreasing public support for the European integration process, lack of both democracy and efficiency, and new external challenges all call for a review of the general aims of European integration and changes in the functioning of the Union. In addition, in 1995 we miss so far a package deal which could mobilise the support of citizens and states. Beyond the necessary institutional improvements we need in fact a clarification on the degree of acceptance of the third phase of Emu, the new budget, the future place of Weu inside the Union, the enlargement and, as a consequence, the reforms of main common policies.

It is therefore widely accepted that the intergovernmental conference must be put in a proper political context: as a necessary step towards a reinforced European Union "fit" for its paneuropean vocation. It has in fact to deal with four major challenges.

- The first is the model of the intergovernmental conference itself. Contrary to what happened in 1991, the IGC should not be considered a classic, diplomatic, "secret" negotiation. For one thing, national governments and European institutions need to establish a dialogue with European citizens and take into account their main concerns. For another, the negotiation process should be more public so that the European public can more easily follow discussions and not simply be confronted with the final outcome.

- Secondly, the conference must provide new ways of dealing with the internal problems now facing the Union: a) the enduring economic crisis creating severe social problems as a result of high unemployment; b) the democratic deficit and the increased gap between citizens, their governments and the European Union; c) the institutional crisis. These problems contribute to a growing feeling of disappointment

affecting public opinion in all the Member States.

- Thirdly, enlargement of the European Union should be considered a political objective in itself. After the fall of the Berlin Wall liberty, peace and stability are being pursued all over Europe. Those who seek stability, security and equity should be helped to realise that the integration process is the right answer. It is important therefore that a political response be given to requests for full membership in the European Union, especially requests from eastern countries.

- Finally, the IGC must provide the Union with the proper instruments for the new political, economic and security environment in the whole of Europe and throughout the world. The Union's role on the new international stage involves assuming responsibility for shaping a new international order which is no longer mere economic power, especially if we want to create peace in the immediate eastern and mediterranean neighbourhood. To be a major international actor, economic, political and even military means are required. The war in former Yugoslavia is a clear example of the new type of crisis the European Union will have to be prepared to handle and is also a measure of its shortcomings.

If present challenges at home and abroad are to be faced, an overall institutional reform is needed which reconciles the demands of democracy, efficiency and effectiveness.

The next revision conference will hardly solve the broad range of issues at stake but it is hoped that it will be a step in a continuing reform process that will mark the years ahead. Nevertheless, however limited the reform of the Treaty may be, the way reform is approached will probably determine the future direction of the EU and shape its institutional character. In view of the conference for the revision of the Maastricht Treaty, setting down some long-term criteria is as important as making specific suggestions for modifying the Treaty.

THE VITAL NEED FOR PUBLIC SUPPORT

Regaining citizens' support for European integration is probably the most important challenge now facing the Union and the Member States. In fact, decline of public support for the Treaty in particular and for the concept of integration in general has been the most striking and unexpected aspect of Maastricht.

It was not just the first Danish referendum and the feeble backing the French referendum received that caused concern but also the general shift away from what was once a widespread favourable attitude towards European integration. We are witnessing not so much a lack of support for the creation of a supranational Europe as a Europe-wide disagreement over the methods chosen to achieve integration. Political

leaders, both national and European, should accept this challenge for strong national and European leadership is needed.

Before 1992 European issues were a mystery and a rather complex matter but the march towards integration was considered inevitable and was therefore never contested. The ratification process of the Maastricht Treaty, along with the economic crisis, has generated a sense of uneasiness and has given rise to the development of anti-European movements. Furthermore, the debate that followed the Maastricht Treaty contributed to the spreading of information about what European integration would mean and about the powers of EU institutions would have.

EU citizens now want to know more about European methods and about decision-making mechanisms and are increasingly interested in discussing these questions. The more active participation of citizens raises an important question: - How can the European system be more transparent and accountable, how can we improve its representative character?

From the debates on the Maastricht Treaty there has also emerged a feeling that European integration should be publicly legitimised. Once the Treaty has been revised the need for legitimation will probably lead to several national referenda particularly in countries with a tradition and the legal provisions for the use of direct democracy but probably in others as well. The use of referenda is not necessarily the most suitable way for the public to participate in the European integration process. First of all citizens have a right to participate in a process and not just the right to be consulted after agreements between governments have been concluded. On the other hand, there still seems to be no such thing as European public opinion but rather 15 national public opinions. National referendum results will therefore be influenced by the national environments at a given time. Only in some specific questions are there opinion trends that cut across the national dimension.

In that sense the idea of a European referendum, only indirectly influenced by domestic political scenarios could be an important step for the public legitimization of the European integration process.

ADAPTING THE MAASTRICHT TREATY

The '96 IGC should not be considered a kind of Maastricht II concentrating exclusively on piecemeal amendments. On the other hand, it should not be a totally new start. Preserving the *acquis communautaire* is indispensable to guarantee the continuity and the very nature of the European process. However, the present European system certainly needs to be more rational, more democratic and more efficient.

Rationalising the system

- First of all the number of different procedures needs to be reduced. Procedures inside EU bodies need to be more transparent and the risk of blockages, diminished. The present system, which is rather too complex, creates difficulties regarding both the efficiency and overall understanding of the functioning of the Union and accountability of its actions.
- Secondly, the Charter of the European Union needs to be simplified to make it more legible and accessible to the citizens. From 1951, with the foundation of the European Coal and Steel Community until the recent Accession Act and Treaty admitting the three EFTA members in 1994 a great number of treaties were signed but parts of them lost their utility and in many cases their legal value. Obsolete provisions should therefore be deleted and the Treaties stripped of detailed regulations of a secondary nature.
- Thirdly, if European norms were reclassified in constitutional, legislative and regulatory acts, establishing a new set of priorities, a considerable step forward towards rationalisation would be achieved. This would contribute to a clearer relationship between the respective branches of power and institutions within the Union on one hand and the Member States and institutions on the other.
- A fourth step in rationalising the system would be to introduce a strict decision-making linkage among the three pillars. At present inconsistency badly affects decision-making credibility. It is necessary to accelerate the drive towards the communitarisation of institutional procedures in the second and third pillars and to introduce voting by qualified majority as a normal rule. This principle should be consistently applied to policies of the three pillars.

Democratising the system

With the completion of the internal market and plans for full economic union, inevitably common legislation will have to gradually limit the room for manoeuvre and the autonomous decision-making power of Member States. As a result, the Union will have to become increasingly accountable to its citizens. This raises some questions such as the legitimacy deficit of the European Union at the citizens' level and the need to increase awareness of belonging to Europe.

- With regard to democratic deficit, that is, the low level of legitimacy of the present decision-making process, the powers of control and co-legislation of the European Parliament should be increased. In other words, the co-decision procedure should become the rule in major decision-making, at least for community affairs.

- Reinforcing the powers of the European Parliament requires also the implementation of article 138.3, i.e. a uniform electoral procedure in all Member States.

- At the same time more active participation of National Parliaments is also desirable. The involvement of the National Parliaments - national governments to which the actors within the Council are accountable - does not necessarily lead to renationalisation: as representatives of the people, expressing their will, National Parliaments which are more involved in EU affairs can be viewed as a positive step in enhancing the Union's credibility in the eyes of national public opinions. The key should be "Europeanising" National Parliaments instead of renationalising European policies. Special attention should therefore be paid to enhancing contacts between National Parliaments and the European Parliament and the participation of national MPs in national delegations to the Council could also be envisaged.

- The democratisation of the European Union is also closely tied to European citizenship and a clearer linkage between European electoral representation and the protection of individual interests at EU level is therefore required, as well as the extension of the powers of the Court of Justice in guaranteeing citizens' rights.

Making the system efficient

- Greater efficiency is required in the institutional system of the European Union - both in internal and external affairs - with the first concern being the Union's ability to govern. To streamline the decision-making procedure qualified majority voting should be extended to all social and economic legislation and the second and third pillars.

- The second problem is the relationship between integration and subsidiarity which requires the adoption of mechanisms to provide clear decisions about the appropriate level for the new and old competencies. This clarification could not be achieved, for the time being, through the drafting of clear-cut lists of national and EU competencies. In the Union, as in modern federalism, competencies are often exercised following the model of co-operative federalism, i.e. complementary actions of the central institutions and the component parts of the system. The clarification of competencies which is needed in order to create fair relations between the European Parliament and National Parliament and to avoid competition over the legitimacy gap could be achieved through the recourse to the subsidiarity principle.

- The third question is the preservation of a suitable balance among Member States in EU institutions - a key element in democratisation. The European Union has an imperfect bicameral system. Citizens are directly represented in the European Parliament and indirectly in the Council through their governments but the Council is not a typical second chamber since the Member States have different voting strengths. Since any drastic change in the voting strength of the small Member States

would unbalance representation and might lead to the formation of a kind of directoire of the major countries, as a reaction to the fear of being outvoted by a large number of smaller countries, changes in the Council's voting system should be carefully pondered decisions and should always be accompanied by the reinforcement of the European Parliament. Proposals like the double majority (votes and population) are not necessarily a suitable solution since they tend to introduce the concept of the direct representation of citizens into the Council, thus duplicating the functions of the European Parliament .

THE FUTURE OF THE INTEGRATION PROCESS

The 1991 IGC must complete the process initiated by the Maastricht Treaty. The Treaty on European Union established the basis for economic and monetary union and has made some progress as regards political union. The new European and international political and security environment however, requires a stronger political union. With the Union's present and future profile in mind, the IGC must provide the Union with new guidelines for integration.

Balancing the system: towards a Political Union.

Shifting emphasis from economic to political matters, giving priority to the reinforcement of pillars II and III is one of the great challenges of the Union. A pre-condition for achieving the greater rationalisation, democratisation and governing ability mentioned above, is a strong political will to realign the process of European integration, concentrating on foreign policy, security and defence, bringing politics into the forefront again. At the same time, it must be borne in mind that the economic and monetary union has in itself a considerable political component. Therefore, its correct functioning requires a full political union.

Differentiated Integration: a key concept for the European Union.

The real issue behind the scenes will be differentiation and how to apply it to the present institutional framework. Even before enlargement, the challenges facing the Union and the difficulties of the Fifteen are having in shaping an efficient common global approach to match them show an urgent need to envisage new ways to achieve deeper integration. The basic question is how long can the integration process be kept hostage of minimum consensus - how long can Member States that are ready and willing to go ahead be prevented from doing so? The only answer is differentiation.

Differentiation must always be analyzed in connection with the basic question: what kind of Europe do we want to shape? If we want to preserve the basic principles of the European process of integration, if we want to preserve solidarity and equality among the Member States, differentiation should only be a possibility for those policies which cannot, for very specific reasons, be shared by all Member States. In this sense therefore the only reason for differentiation should be the interest of the European Union. At the present stage of integration only two fields seem to require this kind of instrument: the third stage of the EMU - the framework of which was established in the Maastricht Treaty - and defence policy.

Some countries have constitutional constraints in the defence field and/or a strong tradition of neutrality. This is a real problem which cannot be disregarded as it was during negotiations for enlargement to the three latest newcomers. In the present stage there are no conditions which oblige those countries to give up their neutrality or nonalignment policies. However, this situation cannot on one hand be an obstacle to the other Member States that are willing to proceed further. On the other, it is important these countries be aware that in the long term they must be fully integrated into the Union policies and involved in a common defence policy and common defence.

A precondition: a common institutional framework.

Differentiation can be pursued in two ways: differentiation within the Treaty or differentiation outside the EU (but making it compatible with the EU).

The first solution appears the most appropriate for our purposes. A consistent homogeneous institutional basis for all present and future members should be the "common institutional platform". Although a fairly complex institutional system involving a large number of actors at different levels will continue to be unavoidable, a common homogeneous institutional basis will be a necessary precondition for any institutional improvement.

In fact, many accept the idea that at the stage it is at today, European integration has to continue to go forward, and that those countries "willing and able" to take further steps should not be prevented by others from doing so. The problem is how to form a group that wants to move forward. One criterion should be to give priority to Member States that are "willing" to participate in new forms of closer integration. Another should be to assign full advantages and competencies inside the group to countries that are "able". Others that are "willing" but are not "able" might be part of the group without however having full rights to participation in decision-making (e.g. partial voting power inside the Council), during a transitional period;

A common institutional framework also means that all Member States may

participate in the overall definition of the Union's interests. The common defence policy must be defined in accordance with the EU's overall interests, commonly agreed upon. On the other hand, countries which are neither willing nor able to proceed should nevertheless express their solidarity with the others clearly. Since countries taking a neutral stand are not able to subscribe to a common defence policy and common defence, the revised Treaty should at least include a solidarity clause committing those countries to the long-term objective of fully participating in common defence.

Nor should differentiation be a source of discrimination against countries that are unwilling or unable to participate in the core group: that is why a homogeneous institutional basis is necessary. In particular, while Member States not participating should not be allowed to vote on policies within an area of restriction at the Council level, voting restrictions would not apply either to the Commission or to the European Parliament since these are institutions in which Member States are not represented as such.

If differentiation is to be applied in a common institutional framework the possibility of transferring the three-stage EMU model to the defence field in order to allow certain countries to proceed more quickly should be examined. As already mentioned, priority should be given to those Member States "willing" to share sovereignty in all fields and "able" to implement the necessary requirements. This would be similar in some ways to what happened with the signing of the Maastricht Treaty and with the "political" acceptance of the "three stages" in the EMU model by a large number of countries even though some were probably unable to meet the necessary requirements by the established deadline. The IGC should therefore set some targets and establish a set of criteria necessary for full participation of Member States in a further stage of integration.

Differentiation as described above would not then create a sort of ranking of countries based merely on economic performance which would jeopardise the basic principles of European integration. Nor should differentiation be considered the lesser evil but rather a positive step taken by countries willing to go a lap further along the road towards a united Europe. Undoubtedly it would be much better if all Member States (present and future) were ready to move with greater speed to integration and political union but since this is not the case it is important to ensure that countries that are neither able nor willing to proceed do not have the power of veto over the others.

Introducing this kind of differentiation raises a fundamental question not dealt with in the Treaty: how and on what grounds can a state withdraw from the Union? The Treaty should envisage this possibility but only in the case of a qualitative and irreversible change within the Union.

In the absence of an agreement on differentiation with a common institutional

framework , one option might be a kind of refoundation , i.e. the creation of a new set of integration institutions outside the Union's framework. In such a scenario the Union itself could regress to the framework of a single market or even to a simple free trade area because the main opposition is to political union. The refoundation might be considered as a last resort in case of failure of IGC; therefore it must be clear that such an option could also be a source of greater disintegration.

CONCLUSION

The immensity of the challenges facing the Union, the feeble public and political conditions present in various Member States and the number of issues to be dealt with by the IGC are elements that may combine to undermine the success of the IGC. Even if the conference proves incapable of defining clearly the Union's structure and goals, it must nevertheless pave the way to building an efficient, democratic and legitimised Union able to handle the competencies vital for the Member States and their people. In this sense the IGC must clearly demonstrate that Member States are willing to work towards a more profound integration and it must therefore create the political and institutional conditions required to achieve this end. The IGC should thus make the EU "fit" for further widening and constructing a new peaceful European architecture. As has been said, setting up long-term criteria is as important as making specific modifications to the Treaty's provisions. With this in mind, the following priorities should be considered:

- It must reaffirm the commitment of all Member States to building a strong European Union, especially a political union. Even if some states are not able to fully subscribe to that goal now they should be expected to commit themselves in the long term. It is important that differences and bargaining plays be set aside and that a clear message be sent out by the Member States to all European citizens so that they are fully aware of the path their representatives have chosen. Such a statement would also be a clear message to countries applying for membership.
- The IGC should not be considered a classic diplomatic negotiation. European citizens must know what their representatives are discussing. National parliaments and the European Parliament should be kept informed of the developments of the IGC. The outcome of the conference must not come as a complete surprise either to European citizens or to their representatives, both at the national and European level.
- It must democratise the European decision-making system. Political union cannot be built except on a democratic basis as Member States and European Institutions must realise. The institutional reform of the Union must combine legitimacy, efficiency and effectiveness.
- To improve the Union's capacity to act, qualified majority voting should be the normal

procedure in both the second and third pillars. The key should be "communitarising" cooperation in domestic and judicial affairs. The IGC will probably not reach an agreement as far as strict "communitarisation" of the third pillar is concerned or on the use of majority voting on the CFSP, but these objectives should be contained in the Treaty.

- The IGC should consider the inclusion of differentiation in the European Union as a way of allowing countries that are "willing and able" to move forward to integration to do so. Differentiation should not however be a sort of Europe à la carte. It should be enshrined in the Treaty only for those common policies that some countries are unable to subscribe to in the short, but not long, term.

- The inclusion of differentiation in the Treaty of European Union should follow the model of the Economic and Monetary Union. Every member country must be committed to the ultimate goals of the European Union and even those that cannot fully subscribe to some policies must at least assure their solidarity with the others who do. Differentiation should therefore be pursued within the common institutional framework of the European Union.

All these objectives should be enshrined in the Treaty, even if their implementation will require time. If the IGC does not succeed in reaching an agreement over common objectives however, the future of the European Union may be jeopardised.

The challenges facing the Union cannot be left to the mercy of minor agreements on the Presidencies, the number of Commissioners or the working languages. Important as they are, these questions can only be solved once a clear definition of the future of the European Union has been fully agreed upon. Modifications to the Treaty arising out of the main issues raised in this report are to be made.

Therefore, in practical terms, the IGC will be judged on how successful it is at the introduction of some few important measures like:

- Extending the co-decision procedure to all Community affairs;
- Extending majority voting procedures in the three pillars;
- Maintaining the present competencies of the Commission;
- Extending the role of the Court of Justice to the third pillar;
- Keeping a strict linkage between CFSP and common defence policy.

iai	ISTITUTO AFFARI INTERNAZIONALI - ROMA
n° Inv.	15793 21 DIC. 1995
BIBLIOTECA	

IAI-TEPSA Conference on

**1966: THE ITALIAN PRESIDENCY
OF THE EUROPEAN UNION**

Towards the Revision of the Maastricht Treaty

Rome, 1-2 December 1995

**THE TERRITORY OF THE UNION
POLICIES OF THE THIRD PILLAR**

GUIDO BOLAFFI

1] Policies covered in the Third Pillar (Section VI of the Treaty) concerning the territory of the Union appear instead to indicate a more disquieting point, that of dis-union. Given the importance and the high political and emotive value of the many issues covered in this section of the Treaty regarding the life of European citizens, it is difficult not to be struck by the widespread underestimation and limited importance given to them in the programmes of the more important Governments. The attitude that a more attentive evaluation reveals is only apparently an oversight, as confirmed by the unyielding and persistent reluctance of many governments to accept the invitation coming from a number of quarters to commit the forthcoming Inter-governmental Conference to taking steps towards the common management of these issues¹. Immigration, freedom to cross borders, political asylum and visas, combating drug and arms traffic, etc., are formidable issues in terms of public opinion. For this reason we believe that it is no exaggeration to state that in the area concerned, in the absence of effective common management within the European context, we run the risk of growing re-nationalisation and of a dangerous propagation of xenophobia. On the other hand, how can a common territory exist when the countries comprising it have difficulty reaching agreement, even after many years of intense and extenuating negotiation on regulations concerning the crossing of their external borders, or have not to date managed to adopt a common policy on the issue of asylum because of lack of ratification by a number of Parliaments? How can a common land be created if each nation insists on dealing with the issue only in terms of its own internal convenience, in the face of those tens and hundreds of thousands from all parts of the globe who each year request and attempt entry in search of a better and more secure way of life? It is for this reason that, among all others, the question of immigration is perhaps the most crucial issue and one that summarises the nature and cause of so many problems. It is disturbing though not surprising, therefore, that in the face of such an explosive and sensitive issue, political reasons and institutional constraints have for some time barred the way to even the smallest step forward while every decision remains rigidly subjected to the exclusive sovereignty of the single States.²

It is for this reason that the question of immigration risks becoming a millstone around the neck, a truly insurmountable obstacle on the road toward the complete unification of Europe. It is, in fact, true to say that as the years pass and a succession of deadlines is never met, even though each time they had been indicated as being definitive for the launching a Europe without borders,³ this question is becoming a nightmare for both the citizens and governments of the Fifteen.

Considered as a strictly national issue, immigration has been left out in the cold for many years in terms of overall Community negotiations. While for some time now the "ex-Twelve" should have introduced the free circulation of all resident citizens, on the contrary day after day there is an increase in problems concerning external borders. In fact, no words can mask the truth: in the absence of a co-ordinated programme concerning immigration, each country will be forced to maintain controls at its own borders and as a consequence it will remain difficult, if not impossible, to introduce the effective free circulation of persons among the member-states of the Community.⁴

It is no coincidence that Commissioner Monti, just as the Vice President of the Community Martin Bangemann did many years back, recently pointed out that it is unacceptable that there has there been significant progress made for only three (market, capital, services) of the four areas affected by the suppression of border controls, while there has instead been almost a complete halt in discussions regarding the free circulation of the persons.⁵ If, on the other hand, we compare this sad warning with that given a little time back, using almost the same words, by the German ex-Commissioner it really does seem that the years have passed in vain: "It is clear," said Bangemann, "that the suppression of border controls is everything, and the obligation remains for member States to reach agreement on the problems involved by December 31st of this year. Otherwise what sense is there in applying article 8A (concerning the suppression of border controls) if citizens are still to be subject to the customs controls currently in force? What sign of change can we possibly expect to give if the abolition of border controls ends up being limited only to juridical aspects concerning companies?"⁶ How can such an evident contradiction of terms be explained? If the matter is not resolved, it could very well completely undermine the very idea of a Europe without borders and the possibility

of future meta-national citizenship. This, for the simple but not at all marginal reason that the effective, free intra-Community circulation that would result from the abolition of controls at country border posts, is not compatible with the concerns of certain countries that this may bring about flows of uncontrolled migration of non-Community citizens who today reside, albeit in many cases illegally, in certain countries of the continent.

On the other hand: "an area without internal borders can only be realised in concrete terms if it covers all goods, services, capital and persons circulating within it. For this reason every interpretation through which this right comes to be suspended for non-Community immigrants would end up by making this very regulation of no effective use whatsoever". ⁷ But this is not all. Decisions on matters concerning the Third Pillar are in fact regulated by different procedures from those by which countries of the Union decide "in common accord". In this sector, in fact, the partners cannot go beyond the rigid limits posed by so-called inter-governmental co-operation in order to establish what to do and how to do it, for which laborious procedures must be followed that, at best, allow for decisions that are binding from a juridical standpoint (for example, Conventions) or even, affirmations of a rather uncertain juridical nature: common positions, non-binding reports and resolutions, etc. These procedures are further complicated by the fact that according to the circumstances various instruments can be applicable: in certain cases initiative can be taken by the Commission and the member States, while in others this possibility is restricted exclusively to the latter. In addition, also the voting procedure is inadequate. The decision process in this field is, in fact, greatly hampered by the requirement of unanimity. Therefore certain matters exist which are decided by majority vote and others for which making any decision is almost impossible as a result of the unanimity required under the inter-governmental co-operation method. A subtle but decisive distinction appears, the importance of which is clear from the words of the then British Home Secretary, Kenneth Baker, when addressing Parliament some time ago: "it is the point of view of this government that policies concerning immigration and asylum can only be considered at the inter-governmental level, outside of the Treaty of Rome. It is a pleasure to report that this position met with agreement at the Maastricht Conference". ⁸

Subtle as it might be, and for many perhaps rather difficult to comprehend, the

distinction made by the representative of the British government between the area of competence of the Community and the inter-governmental context represents, instead, the crucial point of this whole matter. The inter-governmental character of the Third Pillar in fact assigns a very weak role to the Commission and even less significant roles to both the Parliament and Court of Justice. It must, furthermore, be underlined that several issues in the Third Pillar are closely connected to questions of Community interest (for example the explicit reference to article 100 and the treaty on the question of visas) and there are numerous overlaps with regard to other important aspects of the internal market as far as free circulation is concerned, especially with regard to persons, but also goods, services and capital (an example is the question concerning customs fraud). Moreover, it is revealing that there is no provision for the Presidency to represent member States concerning matters treated in this paper. On the other side, Ministers of the Interior and of Justice, those responsible for the Third Pillar, are normally used to working within a strictly national context. This factor has led to less intense co-operation and the fragmentation of both areas of competence and of responsibility provoked by work methods based on ad hoc-ism, consisting in the creation of a cascade of ad hoc groups in substitution of a decision process which in itself is blocked.

At this point it is necessary to understand the reasons for this institutional "ambiguity" and to clarify the motives which have led Europe to retain that, so far, it is neither opportune nor possible to bring this worrisome internal impasse to a head. There are two possible explanations. The first is due to the complete lack of interest for the immigration question that existed in the æ50s when the Old Continent first took steps toward unification. This for the simple reason that the richer areas of the continent had no interest in questioning their traditional and jealously guarded control of foreign workers; while countries in the southern area, whose concern was limited to the question of damage caused by mass emigration of their national work force, in no way conceived the possibility that also they might in time become an area for immigration.

The second reason is linked to the nature of European immigration in the period following World War II. It was strictly bound to the labour requirements of the single markets concerned, and by its very nature reinforced the conviction held by many that the only possible way to manage the problem was entirely at the national level.

A further factor to bear in mind, as Federico Mancini pointed out in a very clear paper on this matter, was that during the years in which the Treaty of Rome was being drafted, migrant workers toward the six countries which were later to comprise the original European Economic Community, were to a great extent "internal" and 75% of the migrants were from one country: Italy.⁹

For the other five States recourse to labour, today called extra-Community, even though extensive, did not represent a phenomenon that was politically significant even up to the point that many were sceptical of the possibility of any future increase. It should be no cause for surprise, therefore, that the problem of a Community policy regarding immigration was at that time not even taken into consideration. On the other hand, the Founding Fathers of Europe, who were notoriously against reducing areas of competence of the States except when this was absolutely necessary for the proper functioning of the Common Market, didn't even consider it necessary to dedicate a single line of the treaty to this subject. The truth of the matter is that the 1957 Rome document instituting the European Economic Community never even mentions immigration. Only many years later, when the 1986 Single Act was passed, did the partners, who from six now numbered twelve, try to cover the issue, albeit in the face of considerable ambiguity and subtleties. In fact article 8A, introduced as a modification to the Treaty of Rome, states among other matters that: "the internal market means an area without internal borders within which the free circulation of goods, persons, services and capital is assured". Unfortunately, in the final pages of the same document there are two statements, one after the other, which end up limiting the extent of the extremely clear position stated in article 8A, almost to the point of nullifying it completely. The first, in reference to articles 13 and 19 of the Single Act, states that: "nothing within these provisions will prejudice the right of member States to adopt such measures as they might feel necessary with regard to regulating immigration from third-party countries and, furthermore, matters concerning the fight against terrorism, crime, drug traffic and smuggling of works of art and antiques". The second, denominated the political declaration of the governments of member States concerning the free circulation of persons clarifies that: "in order to promote free circulation, the member States will co-operate without prejudicing areas of competence of the Community in particular, as regards the entry, circulation and stay of citizens from third-party

countries. They will also co-operate as far as the fight against terrorism is concerned.... ".¹⁰

2] Following the fall of the Iron Curtain, immigration towards Europe changed in respect of both its qualitative and quantitative dimensions. The Eastern front, once considered as secure and free from all possibilities of infiltration by foreign labour, today represents a truly novel factor in a situation which was already difficult and moving toward breaking point, because of the heavy pressure coming from poor but overpopulated countries beyond the southern borders. The result was that, while until that time the problem of immigration could, if somewhat stretching the point, be considered a typical expression of that gigantic but far-away area commonly known as the Third World, by becoming Europeanised it took on an absolutely global dimension. A new dimension of the problem, therefore, that moreover found our nations almost completely unprepared from the cultural and political standpoint. In the face of this progressive globalization of the immigration phenomenon European nations in fact continue, as has been seen, to base their behaviour on models inherited from the most traditional and restricted nationalistic logic. This is a standpoint that unfortunately, rather than alleviating, worsens their already difficult internal situation, accentuating in each country that vague but not altogether unfounded invasion syndrome through which right-wing parties have found it easy to spread rough, xenophobic propaganda.

In the face of growing pressures on its external borders, the Europe of nations is blocked in a stance which is at the same time both defensive and unrealistic. In fact, while almost all governments continue to repeat that the borders remain closed and confirm the promise that the quota for new immigration is zero, data confirms instead that there is a continual and significant increase in the number of foreigners present. The cause is simply that ever growing numbers of immigrants manage, in one way or another, to cross the borders into the rich Western countries by taking advantage of the numerous loopholes and exceptions foreseen in the national legislation of the various countries concerned. On the other hand, experience over the past few years has fully confirmed that in spite of high levels of unemployment, the European economy still requires kinds work and services that only the immigrant work force is able to guarantee. Under these conditions and in the absence of

specific programming for the entry of immigrants, it should come as no surprise that the various labour markets continue to swallow up ever-growing numbers of clandestine and illegal workers.

Within the complex phenomenon of migration, beyond the pressure of individuals and families to search for work and better living conditions, the policies of governments in those countries originating emigration have always played a determining role. Today this element is, if anything, even more decisive because of the geopolitical situation, that in many cases, is the cause of new and unexpected mass emigration. While the number of crisis areas and the bloody consequences of inter-ethnic conflicts continue to increase, Europe has witnessed the return of a figure that had disappeared many years back and that in the last decades had only been the painful reminder of the continually prolonged conflicts in Third World countries: the war refugee. The truth of the matter is that Europe has never accepted or openly recognised the immigration phenomenon in itself. If anything, it has tended to put up with it and use it in the hope that it was a temporary, passing matter. This is one of the ways to force the new arrivals to remain within the ranks of the most disadvantaged sectors of the labour pyramid, denying them any real chance of social betterment.¹¹

The very difference between what has happened here, when compared to the situation in the United States or Canada, is that in spite of an almost ten-year presence of millions of immigrants, the number of children of the "Outsiders" to have become part of the ruling elites is absolutely insignificant. An injustice, but also the cause of considerable damage, not only penalising those who are directly forced to suffer it, but also having a negative effect on the receptiveness and tolerance of many citizens.

In fact, at the root of many serious cases of inter-ethnic tension, there is the problem of immigrants who are seen by the poorer strata of the population as competitors. If to this we add what emerges from all field research conducted, namely that xenophobia spreads more easily if the foreigner is seen as an individual without rights, it should be evident how dangerous it is to perpetuate the traditional image of the immigrant as being only the weak and precarious component in the labour context.¹²

Only a binding, unanimous political decision by the Fifteen will permit the Third

Pillar to migrate, even though gradually, from the territory of dis-union to that of Union. As it is within neither the scope nor the possibilities of a technical paper such as the present to establish if such action is right or opportune, the conclusions will be limited to the analysis of possible alternatives that, for the case in point, will be placed on the agenda of the next Inter-governmental Conference. What has been written so far should have made it sufficiently clear that the writer is convinced of the need, in many aspects inevitable, to reach a rapid, integral Community standpoint on issues which are today summarily gathered under the heading of justice and internal affairs. However, it is also true that at the moment it would appear to be extremely difficult to bring about any change whatsoever without it following a most prudent course of development. It is therefore hoped, and would be of notable political significance that the Italian Presidency decides to make this point a central theme of its activities. The delays and shortcomings of Italy on matters regarding control of internal immigration are fully recognised and in spite of the latest urgent provisions made, very much still remains to be done to comply with the standards indicated in the Schengen Agreement. A situation, however, that cannot and must not be an alibi for continuing to pretend not to see how urgent the reform of the Third Pillar really is. Avoiding useless and inconclusive intransigence in fact, between the two opposite extreme factions, as represented by those wishing to defend the status quo at all costs, in the hope that greater experience will make it possible to proceed with further institutional modifications, and the more progressive faction, which has always been the majority in Parliament, that is set on full integration of the First Pillar, or on bringing this issue within the area of Community competence, Italy could perhaps attempt a "third alternative" with the objective, above all, of changing the attribution of competence and the rules governing the decision-making processes. In particular:

- ensure that the "passerelle" provisions of article 100 are effectively brought into force.
- utilise existing provisions to gradually transfer all matters covered in article k1 (paragraphs 1-6) within the sphere of competence of the Community, facilitating this transformation by the modification of the decision making mechanism in such a manner that resolutions can be adopted by a qualified majority as opposed to unanimously.

- in the field of instruments of intervention substitute the "evanescent" actions and common positions by regulations and directives.
 - ensure that there is judicial control of the conventions by the Court of Justice and define the extent of such control. This in order to allow the conventions to be converted into true directives.
 - bring to an end the current "ad hoc" situation and fix precise deadlines for the attainment of the main objectives. It is extremely important that also in these sectors the Presidency may represent the member States.
-

¹ On this subject see Hon. Laurens Jan Brinkhorst, "Paper on the process to be initiated in the justice and interior sectors", Studi e Osservazioni, n... 1995. Also see the book shortly to be published: "Adopted Conventions, Resolutions, Recommendations, Decisions and Conclusions", compiled and commented on by Elspeth Guild and introduced by Ian Niessen.

² On this see above all chapters II and III of "Adopted Conventions, Resolutions etc." cited above.

³ Besides the Convention of Dublin on procedures for examination of requests for asylum and that related to the crossing of external borders, other important actions concerning the subject of political exile (for example, uniform application of the definition of refugee given by the Geneva Convention) have still not yet been completed. See in this regard the recent proposed resolution of the European Parliament concerning the communication of the Commission to the Council and European Parliament of immigration and asylum policies (June 29th 1995 / A4-0169/95).

⁴ A point brought out well by Alan Butt Philig in the article "European Immigration Policy: Phantom, Fantasy of Fact", in West European Politics, c.t.

⁵ "The internal market is not yet a reality for citizens. It is high time we dealt with this shortcoming which undermines the European Union's political credibility." The Commission adopts proposals for free movement of persons at the end of 1996.

⁶ Letter from the Vice President of the European Commission Martin Bangemann to Josep Manuel de Oliviera Lobo President of the Group of Co-ordinators of "Free Movement of Persons", May 7th 1992.

⁷ Letter of Commissioner Bangemann cited above.

⁸ Speech of the Minister, Kenneth Baker, in the House of Commons, March 3rd 1992. It is worthwhile underlining that even after a number of years the "British" position still continues to be the same. A few weeks ago, in fact, the mere mention made by the new President of the Commission, J. Sanchez, regarding a possible acceleration of the stages of a common policy on immigration brought about a furious reaction in the British newspapers in the past measured in opinion. The Times of February 14th 1995 ran the title: "Fears of immigration are not fantasies", while the Financial Times of the following day reminded of the absolute priority of Britain's borders.

⁹ Report by Federico Mancini "Il governo dei movimenti migratori in europa, immigrazione o conflitto?", Bologna May 30th -31st 1992 (manuscript).

¹⁰ Single Act, general resolutions.

¹¹ For an overview of the current system of regulations covering access to citizenship see Vincenzo Lippolis "La cittadinanza europea", Il Mulino 1994.

¹² On this point cf Giovanni Zincone "Uno schermo contro il razzismo", Donzelli 1994.

iai	ISTITUTO AFFARI INTERNAZIONALI - ROMA
n° Inv.	15793 21 DIC. 1995
BIBLIOTECA	

IAI-TEPSA Conference on

**1966: THE ITALIAN PRESIDENCY
OF THE EUROPEAN UNION**

Towards the Revision of the Maastricht Treaty

Rome, 1-2 December 1995

**IL TERRITORIO DELL'UNIONE
POLITICHE DEL TERZO PILASTRO**

GUIDO BOLAFFI

1] Le politiche del Terzo Pilastro (titolo VI° del Trattato) più che il territorio dell'Unione riguardano, se mai, quello più inquietante della dis-unione. A fronte dell'importanza e dell'alta valenza politica ed emotiva che molte materie comprese in questo capitolo del Trattato hanno sulla vita dei cittadini d'Europa, è difficile non restare colpiti dalla diffusa sottovalutazione e dalla scarsa rilevanza ad esse riservata nei programmi delle più importanti cancellerie. Un atteggiamento che una più attenta osservazione rivela essere una distrazione solo apparente a testimonianza di una ferma, persistente riluttanza di molti governi all'invito, da più parti avanzato, di impegnare la prossima Conferenza intergovernativa per cercare di compiere un passo avanti nella gestione comune di queste materie ¹. Immigrazione, libertà di attraversamento delle frontiere, politica di asilo e visti, lotta contro il traffico di droga ed armi etc., sono temi di formidabile presa sulla pubblica opinione. E' perciò che pensiamo di non esagerare affermando che in questa area, in assenza di una efficace gestione comune nel contesto europeo, si rischia una crescente rinazionalizzazione e una pericolosa diffusione della xenofobia. D'altra parte come può mai esistere un territorio comune se i paesi che lo compongono hanno ancora difficoltà a trovare un'accordo dopo anni di intense, estenuanti trattative sulle regole di attraversamento delle loro frontiere esterne, oppure non sono ancora in grado di applicare, per la mancata ratifica di molti Parlamenti, una politica in comune in materia di asilo? Come può nascere una terra comune se ogni nazione giudica di dover affrontare solo in base al metro di misura delle sue convenienze interne il confronto con quanti, ormai a decine, centinaia di migliaia ogni anno, e da ogni angolo della terra, chiedono e cercano di entrare con l'obiettivo di una vita migliore e più sicura? E' per questo che, tra tutti, quello dell'immigrazione è forse il nodo più problematico che in sé riassume natura e causa di tanta difficoltà. Colpisce ma non stupisce, perciò, se in una materia tanto esplosiva e scottante ragioni politiche e vincoli

¹ Al riguardo vedi On. Laurens Jan Brinkhorst, "Documentosul processo da avviare nel settore della giustizia e degli affari interni", in Studi e Osservazioni, n.... 1995. Vedi anche il libro di prossima pubblicazione: " Adopted Conventions, Resolutions, Recommendations, Decisiuons and conclusions, compiled and coment on by Elspeth Guild and introduced by Ian Niessen.

istituzionali impediscono da tempo anche il più piccolo passo avanti, mentre ogni decisione resta rigidamente riservata all'esclusiva sovranità dei singoli stati.²

E' per questo che l'immigrazione rischia di rappresentare un macigno, un vero e proprio insormontabile ostacolo sul cammino della completa unificazione europea. Tanto è vero che il passare degli anni e la successione di scadenze non onorate, ma ogni volta indicate come conclusive per il varo dell'Europa senza frontiere,³ sta trasformando questo in un incubo per i cittadini e le cancellerie dei Quindici.

Considerato un tema di stretta pertinenza nazionale, l'immigrazione è stata tenuta per anni fuori della porta del grande negoziato comunitario. Dopo che tra gli "ex Dodici" già da tempo si sarebbe dovuta attuare la completa, libera circolazione di tutti i cittadini residenti, aumentano, giorno dopo giorno, i problemi ai confini esterni. Infatti le parole non servono a nascondere la verità: senza una programmazione concertata dell'immigrazione ogni paese sarà obbligato a mantenere i controlli alle sue frontiere e, di conseguenza, risulterà difficile, se non addirittura impossibile, attuare l'effettiva libera circolazione delle persone tra i paesi membri della Comunità.⁴

Non a caso come già anni fa aveva fatto il vice presidente della Comunità Martin Bangemann, anche il Commissario Monti ha di recente fatto presente il problema dell'inaccettabilità che solo per tre (mercato, capitali e servizi) delle quattro materie interessate alla soppressione dei controlli alle frontiere si siano registrati significativi passi avanti, a fronte dello stallo pressoché assoluto della

² Su questo vedi soprattutto capitoli II° e III° di "Adopted Conventions, Resolutions etc." sopracitato.

³ Oltre alla Convenzione di Dublino sulle procedure d'esame delle domande di asilo e quella relativa all'attraversamento delle frontiere esterne, altre importanti azioni nell'ambito della politica di asilo (per esempio, applicazione uniforme della definizione di rifugiato data dalla convenzione di ginevra) non sono state ancora portate a termine. Vedi al riguardo la recente proposta di risoluzione del Parlamento Europeo sulla comunicazione della Commissione al Consiglio ed al Parlamento europeo delle politiche di immigrazione ed asilo (29 giugno 1995 / A4-0169/95).

⁴ Un punto ben messo in luce da Alan Butt Philig nell'articolo "European Immigration Policy: Phaytom, Fantasy or Fact", in West European Politics, c.t.

discussione riguardante la libera circolazione delle persone.⁵ D'altra parte se confrontiamo questo accorato ammonimento con quello pronunciato quasi con le stesse parole dell'ex commissario tedesco tempo fa vediamo che gli anni sembrano davvero essere passati invano: "E' chiaro - diceva infatti Bangemann - che la soppressione dei controlli alle frontiere è un tutto e permane l'obbligo degli Stati membri di giungere a un accordo sull'insieme dei problemi entro il 31 dicembre di questo anno. Che senso avrebbe altrimenti l'applicazione dell'articolo 8A relativo alla soppressione dei controlli di frontiera) se per i cittadini dovessero permanere le formalità doganali attualmente in vigore? Che segnale di cambiamento riusciremo mai a dare se l'abolizione dei controlli di frontiera finisse per essere limitato solo all'ambito giuridico delle imprese?".⁶ Come spiegare una contraddizione di tanta portata capace di mettere a repentaglio, se non ricomposta, l'idea stessa della Europa senza confini e della possibile, futura cittadinanza meta-nazionale? Per la semplice ma niente affatto marginale ragione che un'effettiva libera circolazione intracomunitaria, conseguente all'abolizione dei controlli ai posti di frontiera nazionali, non è compatibile con la preoccupazione di alcuni paesi che ciò possa determinare incontrollate correnti migratorie di cittadini non comunitari oggi residenti, spesso in maniera irregolare, in alcune nazioni del nostro continente.

D'altra parte: "uno spazio senza frontiere interne può trovare un'effettiva e concreta realizzazione solo se riguarda tutte le merci, i servizi, i capitali e le persone che circolano nel suo ambito. Ragione per cui tutte quelle interpretazioni in base alle quali questo diritto dovrebbe essere interdetto agli immigrati non comunitari finirebbe per privare questa disposizione di ogni effetto utile".⁷ Ma non basta. Le decisioni per le materie del Terzo Pilastro sono infatti regolate da procedure diverse da quelle con cui i paesi dell'Unione

⁵ "The Internal market is not yet a reality for citizens. It is high time we dealt with this shortcoming which undermines the European Union's political credibility". The Commission adopts proposals for free movement of persons at the end of 1996.

⁶ Lettera del vicepresidente della Commissione Europea Martin Baugeman a José Manuel de Oliveira Lobo presiedute dal Gruppo dei Coordinatori del "Libero Movimento delle persone", 7 maggio 1992.

⁷ Lettera del Commissario Baugemann citata.

decidono "in comune". In questo settore infatti i partners non possono andare al di là dei rigidi limiti posti dalla cosiddetta cooperazione intergovernativa in base alla quale per stabilire il come e il cosa fare c'è bisogno di laboriose procedure che consentono al meglio, decisioni giuridicamente vincolanti (ad es. Convenzioni) o, addirittura, affermazioni di natura giuridicamente assai indefinita: posizioni comuni, raccontazioni e risoluzioni non vincolanti ect. Queste procedure sono ulteriormente complicate dal fatto che in situazioni diverse possono applicarsi strumenti diversi: in alcuni casi l'iniziativa può essere della Commissione e degli Stati membri mentre in altre queste facoltà è riservata esclusivamente ai secondi. In aggiunta anche le procedure di voto sono inadeguate. Il processo decisionale in questo campo è infatti gravemente ostacolato dall'obbligo dell'unanimità. Esistono dunque materie comuni sulle quali si vota a maggioranza e quelle per le quali il metodo della cooperazione intergovernativa dell'unanimità rende pressochè impossibile ogni decisione. Una distinzione sottile ma decisiva e la cui importanza appare chiara nelle parole pronunciate tempo fa dall'allora ministro degli Interni inglese Kenneth Baker di fronte al Parlamento di Sua Maestà: "il punto di vista del nostro governo è che la politica dell'immigrazione e dell'asilo possono trovare spazio solo a livello intergovernativo, al di fuori del Trattato di Roma. Salutiamo con soddisfazione il fatto che questa posizione sia stata accolta nel vertice di Maastricht".⁸

Per quanto sottile, e per molti forse poco comprensibile, la distinzione sottolineata dal rappresentante del governo d'Oltremania tra competenza comunitaria e ambito intergovernativo rappresenta, invece il nodo vero del problema.

⁸ Comunicazione del Ministro Kenneth Baker alla Camera dei Comuni, 3 marzo 1992. Al riguardo vale la pena sottolineare come pur a distanza di anni la posizione "britannica" continua ad essere sempre la stessa. Poche settimane addietro, infatti, il semplice accenno fatto dal nuovo Presidente delle Commissioni J. Santez ad una possibile accelerazione delle tappe per una politica comune dell'immigrazione hanno scatenato una furiosa reazione anche tra i giornali inglesi tradizionalmente già compassati. Il Times del 14 febbraio 1995 titolava: "Le paure dell'immigrazione non sono fantasie", mentre il Financial Times del giorno successivo ricordava l'assoluta priorità dei Britain's borders.

Il carattere intergovernativo del Terzo Pilastro assegna infatti un debole ruolo alla Commissione e ruoli ancora più insignificanti al Parlamento e alla Corte di Giustizia. C'è inoltre da sottolineare come diverse materie del Terzo Pilastro risultano strettamente collegate con questioni di interesse comunitario (ad es. il riferimento esplicito all'art. 100 c del trattato in materia di visti) e non poche sono le sovrapposizioni con altri importanti aspetti del mercato interno per quanto riguarda la libera circolazione, specialmente delle persone, ma anche di merci, servizi e capitali (si pensi alle questioni comuni alle frodi doganali). E' rilevatore inoltre il fatto che per la materia qui in discussione non è previsto che la Presidenza possa rappresentare gli stati membri. D'altra parte i Ministri degli Affari Interni e della Giustizia, responsabili del Terzo Settore, sono soliti operare in un contesto prettamente nazionale. Ciò ha determinato una cooperazione meno intensa e una frantumazione delle competenze e delle responsabilità provocate dal metodo di lavoro del cosiddetto ad hocismo, consistente nel creare a cascata gruppi ad hoc surrogatori di un processo decisionale in sé bloccato.

A questo punto serve capire le ragioni di questa "ambiguità" istituzionale e chiarire i motivi per i quali l'Europa non ha ritenuto fino ad ora opportuno, né possibile, venire a capo di questa sua preoccupante *impasse* interna.

Due le possibili spiegazioni. La prima, dovuta ad un vuoto di interesse sul problema dell'immigrazione che si registrò negli anni Cinquanta quando il Vecchio Continente intraprese i primi passi della sua unificazione. Ciò per il semplice motivo che mentre le regioni continentali più ricche non erano interessate a che fosse messa in discussione la loro tradizionale e gelosissima politica di controllo sui lavoratori stranieri; per quelli della fascia meridionale, occupati a limitare i danni della massiccia emigrazione delle loro forze di lavoro nazionali, la possibilità di poter diventare anche essi nel tempo aree di immigrazione appariva un'eventualità al di fuori di ogni ragionevole immaginazione.

La seconda legata alla natura dell'immigrazione europea del secondo dopoguerra. Rigidamente finalizzata ai bisogni occupazionali dei singoli mercati del lavoro, il suo stesso modo d'essere aveva rafforzato la convinzione di molti che l'unica, possibile gestione fosse unicamente a livello nazionale. C'è inoltre da tenere presente che, come ha fatto notare in un lucidissimo scritto Federico Mancini, negli anni in cui fu elaborato il trattato di Roma i lavoratori migranti verso i mercati dei sei paesi che avrebbero istituito la Comunità economica europea erano in larghissima misura "interni" e provenivano per tre quarti da uno solo di essi: l'Italia.⁹

Negli altri cinque Stati il ricorso della manodopera, oggi definita extracomunitaria, anche se consistente, non rappresentava un fenomeno politicamente rilevante al punto che molti si dichiaravano allora scettici su un suo possibile, futuro incremento. Non deve quindi stupire se il problema di una politica comunitaria in tema di immigrazione non sia stato nell'occasione neppure preso in considerazione. D'altra parte i Padri Fondatori dell'Europa, notoriamente poco propensi a ridurre competenze degli Stati se non quando ciò si presentava come assolutamente indispensabile per il funzionamento del mercato comune, non sono stati neppure sfiorati dall'idea di dedicare a questo tema neanche un rigo del trattato.

Tanto è vero che nel documento di Roma del 1957 che istituì la Comunità economica europea l'immigrazione non è neppure citata. Solo molti anni dopo, con il varo dell'Atto Unico del 1986, i partner, che da sei erano nel frattempo diventati dodici, tentarono di mettere mano alla questione sia pur tra mille ambiguità e distinguo. Infatti l'articolo 8A introdotto a modifica del trattato di Roma afferma, tra l'altro, che: "il mercato interno comporta uno spazio senza frontiere interne, nei quali è assicurata la libera circolazione delle merci, delle persone, dei servizi e dei capitali". Purtroppo nelle pagine finali dello stesso documento troviamo una dopo l'altra due dichiarazioni che finirono per

⁹ Relazione di Federico Mancini "Il governo dei movimenti migratori in Europa, immigrazione o conflitto?", Bologna 30-31 maggio 1992 (dattiloscritto).

limitare la portata di questa impegnativa affermazione fino al punto da annullarla quasi del tutto. La prima, relativa agli articoli tredici e diciannove dello stesso Atto Unico, afferma che: “nulla in queste disposizioni pregiudica il diritto degli stati membri di adottare le misure che essi ritengono necessarie in materia di controllo dell’immigrazione da paesi terzi nonché in materia di lotta contro il terrorismo, la criminalità, il traffico di stupefacenti e il traffico delle opere d’arte e delle antichità”. La seconda, denominata dichiarazione politica dei governi degli stati membri relativa alla libera circolazione delle persone chiarisce che “per promuovere la libera circolazione gli stati membri cooperano senza pregiudizio delle competenze della Comunità in particolare per quanto riguarda l’ingresso, la circolazione e il soggiorno dei cittadini dei paesi terzi. Essi cooperano anche per quanto riguarda la lotta contro il terrorismo etc...”.¹⁰

2] Con il crollo della cortina di ferro l’immigrazione verso l’Europa ha mutato le sue tradizionali dimensioni quantitative e qualitative. Il fronte Orientale una volta considerato sicurissimo ed al riparo da ogni possibile infiltrazione di manodopera straniera, rappresenta oggi la vera novità di una situazione in sé già molto difficile e ai limiti della rottura per le fortissime spinte provenienti dai paesi della povera ma superpopolata sponda meridionale. Con il risultato che mentre fino a ieri il problema dell’immigrazione poteva, sia pur con qualche forzatura, essere considerato come tipica espressione di quella gigantesca ma lontana regione comunemente definita Terzo Mondo, europeizzandosi ha anche assunto un carattere di assoluta globalità. Una nuova dimensione del problema, dunque, che trova però le nostre nazioni culturalmente e politicamente quasi del tutto impreparate. A fronte di questa progressiva mondializzazione del fenomeno immigratorio gli Stati europei continuano infatti, così come si è visto, a improntare i loro comportamenti a modelli ereditati dalle più tradizionali e ristrette logiche nazionalistiche. Un’atteggiamento questo che, purtroppo, anziché alleviare,

¹⁰ Atto unico, deliberazioni generali.

peggiora la loro già difficile situazione interna accentuando in ogni paese quella vaga e non del tutto infondata sindrome da invasione su cui ha buon gioco la rozza propaganda xenofoba dei partiti di destra.

L'Europa delle nazioni, di fronte alla crescente pressione ai confini esterni, è dunque bloccata in un atteggiamento, ad un tempo, difensivo e irrealistico. Infatti, mentre quasi tutti i governi continuano a ripetere che le frontiere restano chiuse, e ribadiscono la promessa di quota zero per i nuovi ingressi di immigrati, i dati confermano, invece, un aumento costante e significativo delle presenze straniere. Ciò per la semplice ragione che sfruttando le numerose deroghe ed eccezioni previste nelle diverse legislazioni nazionali sono sempre più numerosi gli immigrati che riescono, in un modo o nell'altro, a varcare i confini delle ricche provincie d'Occidente. D'altra parte l'esperienza ha in questi anni largamente confermato che l'economia europea nonostante gli alti tassi di disoccupazione interna, ha comunque bisogno di lavori e tipi di prestazioni che solo la forza lavoro immigrata può garantire. In queste condizioni, e in assenza di un'esplicita programmazione di ingresso per gli immigrati, non desta meraviglia il fatto che i vari mercati del lavoro continuano ad ingoiare con crescente intensità clandestini e irregolari.

Nel complesso fenomeno migratorio, oltre alla spinta di individui e famiglie alla ricerca di lavoro e di migliori condizioni di esistenza ha sempre svolto un ruolo determinante la politica dei governi dei paesi di emigrazione. Oggi questo elemento risulta, se possibile, ancora più decisivo in ragione della natura geopolitica che in molti casi è alla base dei nuovi improvvisi esodi di massa. Mentre si moltiplicano i focolai di crisi e le sanguinose conseguenze degli scontri interetnici, in Europa è tornata sulla scena una figura da tempo scomparsa e che negli ultimi decenni era stata solo un doloroso appannaggio dei continui prolungati conflitti nelle nazioni del Terzo Mondo: il profugo di guerra.

La verità è che l'Europa non ha mai accettato né apertamente riconosciuto l'immigrazione come fenomeno in sé. Tutt'al più si è limitata a subirla e ad

usarla nella speranza che fosse passeggera e temporanea. Un modo come un altro per obbligare i nuovi arrivati a restare nei settori più svantaggiati della gerarchia lavorativa, sbarrando loro ogni significativa *chance* di ascesa sociale.¹¹

Tanto è vero che da noi a differenza di quanto ad esempio si registra negli Stati Uniti o in Canada, pur essendo più che decennale la presenza di milioni di immigrati, il numero dei figli "d'Oltrefrontiera" che sono entrati a far parte delle *élites* dirigenti è assolutamente insignificante. Una ingiustizia ma anche un danno grave che penalizza, oltre a chi è direttamente costretto a subirlo, anche la disponibilità all'accoglienza e alla tolleranza di molti cittadini.

Infatti alla base di tante gravi tensioni interetniche esiste il problema degli immigrati vissuti dagli strati più poveri della popolazione come concorrenti. Se a ciò aggiungiamo quanto emerge da tutte le ricerche condotte sul campo in base alle quali risulta che la xenofobia si diffonde più facilmente se lo straniero è visto come figura priva di diritti, dovrebbe essere evidente quanto pericoloso sia perpetuare l'immagine tradizionale dell'immigrato solo come componente debole e precario del mondo del lavoro.¹²

Solo una impegnativa, concorde decisione politica dei Quindici può consentire al Terzo Pilastro di lasciare, sia pure gradualmente, i territori della dis-Unione per quelli dell'Unione. Poiché non rientra nei compiti e neppure nelle possibilità di una riflessione a carattere tecnico come quella qui sommariamente abbozzata stabilire se ciò sia bene ed opportuno, limiteremo le conclusioni all'analisi delle possibili alternative che, al riguardo, si porranno nell'agenda dei lavori della prossima conferenza intergovernativa. Anche se quanto fin qui scritto dovrebbe aver reso in maniera sufficientemente chiara che chi scrive è convinto della necessità, per molti aspetti senza alternativa, di una rapida, integrale comunitarizzazione dei temi oggi sommariamente raccolti sotto il titolo della giustizia e degli affari interni, è pur vero però che al

¹¹ Per un quadro dell'attuale sistema di regole accesso alla cittadinanza vedi Vincenzo Lippolis "La cittadinanza europea", Il Mulino 1994.

¹² Su questo punto cfr. Giovanna Zincone "Uno schermo contro il razzismo", Donzelli 1994.

momento, sembra assai difficile qualsiasi cambiamento non improntato ad una prudentissima evoluzione. Sarebbe perciò auspicabile e politicamente di significativo rilievo se la presidenza italiana decidesse di fare di questo punto un tema centrale della sua iniziativa. I ritardi e le mancanze italiana in tema di controllo dell'immigrazione interna sono indiscutibili e nonostante gli ultimi provvedimenti d'urgenza moltissimo resta ancora da fare per ottemperare agli standard imposti dall'accordo di Shengen. Una situazione, però, che non può e non deve essere un alibi per continuare a far finta di non vedere quanto urgente sia la riforma del Terzo Pilastro. Evitando inutili e inconcludenti massimalismi, infatti, tra i due schieramenti estremi, rappresentati da chi punta alla difesa ad oltranza dello status quo, in attesa che una maggiore esperienza consenta di procedere ad ulteriori modifiche istituzionali; e l'ala più avanzata, per altro da sempre maggioritaria nel parlamento, che punta ad una piena integrazione nel Primo Pilastro o nella competenza comunitaria di queste materie, l'Italia potrebbe forse tentare una "terza via" con l'obiettivo, soprattutto, di cambiare l'attribuzione delle competenze e le regole che disciplinano i sistemi decisionali. In particolare:

- assicurare che le disposizioni "passarella" dell'art. 100 c siano effettivamente realizzate.
- avvalersi delle disposizioni esistenti per trasferire gradualmente nella sfera di competenza comunitaria tutte le materie di cui all'art. k1 (paragrafi 1-6), agevolando questo passaggio con la modifica del meccanismo decisionale in modo tale che le deliberazioni possano avvenire a maggioranza qualificata anzichè all'unanimità.
- nel campo degli strumenti di intervento sostituire le "evanescenti" azioni e posizioni comuni con regolamenti e direttive.
- assicurare il controllo giudiziario delle convenzioni da parte della Corte di giustizia e definire la portata di tale controllo. Ciò anche per consentire il passaggio delle Convenzioni in vere e proprie direttive.

- uscire dall'attuale situazione "ad hoc" e fissare scadenze precise per il raggiungimento dei principali obiettivi. E' oltremodo importante che anche in questi settori la Presidenza possa assumere la rappresentanza degli stati membri.

iai	ISTITUTO AFFARI INTERNAZIONALI - ROMA
n° Inv.	15793
	21 DIC. 1995
BIBLIOTECA	

IAI-TEPSA Conference on

**1966: THE ITALIAN PRESIDENCY
OF THE EUROPEAN UNION**
Towards the Revision of the Maastricht Treaty

Rome, 1-2 December 1995

THE EU IN THE WORLD: ISSUES AHEAD

ALVARO VASCONCELOS

I will try to dwell briefly here on those issues which seem to me most decisive in the current debate on CFSP. In my opinion, the decisive issues are those which will put to the test the EU's capacity to successfully overcome current security challenges. Whether the EU will in the future be able to take up a leadership role in world affairs compatible with its economic role, a political role which would add to or at least be comparable to the 'sum' of the political and military weight of its individual member countries, is strongly tied to the previous question.

1. The main source of tension in building a common foreign and security policy lies in the fact that it appears to be difficult (maybe it really is difficult) to reconcile the very integration process with substantive foreign action on the part of the European Union, especially where security and defence issues are at stake. (This problem was more clearly felt after the last

enlargement, and future enlargements will only tend to aggravate it given the greater diversity of interests that will need to be reconciled.) Put in a different way, there appears to be a duality, difficult to resolve, between increasingly sought European *legitimation*, which is increasingly sought, on the one hand and *power projection* on the other. (An example of the growing emphasis on European legitimation is the France/Rwanda case). Obvious implications of this are brought to bear both in the security and the international role of the European powers within the Union. While the European Union is an indispensable framework for their international projection, it can equally be a limiting factor to the same end.

This recurrent duality is obviously not new. It is becoming particularly agonising, however, in the face of the present challenges to European security, to the East and to the South, and in light of the greater freedom of action of every single state enjoys in the post-Cold War period. At the same time, European states, particular UN Security Council members, are increasingly requested to intervene militarily, not only in Europe (currently, in the former Yugoslavia) but also in Sub-Saharan Africa. It should be mentioned that EU members put together are the major contributor to the United Nations', both to the regular and to the peacekeeping budget.

Different stances or perhaps differing interests in the security sphere are no longer 'contained' by the overriding East-West constraints, and express themselves more freely. This translates up to a point in the greater lack of coincidence between the membership of WEU and that of Nato than it was before the latest arrivals to the European Union. The lack of enthusiasm, to say the least, a number of member states seem to show for a common defence policy sharply raise the question of *differentiation* in defence policy and the risk that it will actually develop outside the Union and the WEU be allowed to miss yet another opportunity for consolidation.

2. So far, it remains undecided whether the overall assessment of the common foreign and security policy is positive or negative. The EU has undoubtedly been successful in what concerns support for the democratic transition processes in central Europe and the Middle East peace process, and in conveying humanitarian aid (in the absence of conflict), i.e. basically when economic assistance was the prevailing aspect.

EU members generally agree on a number of issues which are not without importance and this fair and growing degree of agreement is consistently reflected in many declarations and statements,

as well as a practically common voting pattern in the UN General Assembly. When questions of fundamental importance come up, which not unusually have a prominent security and defence component, convergence is much more difficult. And thus the European Union is deprived of its natural capacity to become a decisive actor. The EU has largely failed wherever its action would have been decisive either to prevent or to solve even humanitarian crises at an early stage. Europe's indecisiveness was dramatically apparent (often totally out of proportion with the financial commitments taken or the weight as trade partner) in the former Yugoslavia, the Gulf war, the Middle East peace process - and also of course in Rwanda, Burundi and Somalia. And it should be noted that the policy for the Mediterranean was developed outside the common foreign and security policy framework. Algeria was virtually absent from Council CFSP meetings.

3. The reform of the United Nations, particularly its Security Council, is a crucial issue for both Europe's position in the world and the development of its own common foreign and security policy. Should Germany become a permanent member of the Security Council, a number of possible scenarios may be considered:

3.1 This would lead to the creation a European directoire composed of the three UN Security Council members, not unlike the *concert des nations* model. Foreign action of these states, both in the UN context and in issues central to European security, would be concerned among them - the type of exercise the Contact Group for the former Yugoslavia engaged in. The European Union would then function as a support structure hopefully in the phase of conflict prevention and most certainly in the phase of peace consolidation, mainly through economic aid programmes. In such a scenario, the United States would in fact be a part of and indeed the leading partner in this European concert of European nations. Nato would widen its role so as to encompass European security issues in their entirety, and WEU would probably disappear. Other European partners would be feel threatened or neglected at best and (unless the 'federating' role of the United States countered this trend) would fall back into nationalistic approaches and eventually policies. To make it even more complicated, this scenario would echo a parallel 'renationalisation' through unilateralism on the part of the United States. Both trends spell danger,

together they spell disaster - not least because Russia would unavoidably tend to place its relations with Europe in a balance-of-powers context and demand to become a member of the «European Security Council».

A milder variant of this model is indeed behind certain proposals that have been made bearing in mind the 1996 IGC, such as radically changing voting strengths within the Council and indeed giving veto rights in foreign and security issues solely to the greater European powers, as well as putting an end to smaller countries' presidencies and restricting the number of commissioners they would be entitled to appoint. This milder version of the 'directoire' includes Spain and Italy. These proposals would create a radical difference in the status of the five 'major' countries and the ten 'smaller' ones, undermining the very fundamentals of European integration and severely straining solidarity ties among the member states. And ultimately making the European club less attractive to prospective members.

3.2 The alternative scenario consists in the development of a common foreign and security policy to which

legitimation of external action, including defence, is made conditional. European legitimation would apply to all member states irrespective of their having a permanent seat or not in the Security Council. In this scenario, common foreign and security policy would be reformed in such a way as to those members of the Union who are members of the Security Council (permanent or not) represent the European Union as a whole. In these circumstances, the Security Council could be enlarged on the basis of regional representation into account, and the European Union would, in a first stage, be represented by Germany. This way, Germany could join the Security Council without France and Britain being forced to relinquish their permanent seats - which they would refuse anyway.

4. 'Europeanising' European powers' security policy, including at the Security Council representation level, would only be possible after reforming common foreign and security policy in line with the concept of *positive differentiation* or in other words *unity within diversity*. The main points could be summarised as follows:

4.1 Common foreign and security policy would remain inter-governmental, since full communitarisation seems to be out of the question, although cooperation structures would decisively be strengthened. It would indeed be common in the sense that all member states would participate at all stages, from formulation to implementation. Qualified majority voting would apply as a general rule in the Council. Issues relating to peacekeeping operations would be a part of the common foreign and security policy, for there would be no reason for differentiation here, since the neutral states are the main contributors to peacekeeping operations. In the interest of both coherence and efficiency, cooperation between WEU and neutral countries in peacekeeping could be envisaged, taking advantage of their observer status within WEU.

4.2 Differentiation would only apply as far as defence and defence policy is concerned, during a limited period, in those issues relating to a common defence and to peace enforcement. WEU would become a full part of the Union and be made political accountable to the political decisions in the Council. However, the EU

member states which are not also WEU members would be barred from voting in defence issues, with the exception of Denmark in matters directly concerning Nato. Suppressing article V in the WEU treaty is not acceptable. Conversely, preserving the territorial integrity of member states should become a vital interest and a solidarity clause enshrined in the Treaty (taking into account the fact that for the time being neutral members can not subscribe to article V commitments) ensuring ultimate commitment towards the vital interests of the Union on the part of all member states.

- 4.3 The defence core-group, formed by those member states who are also full members of the WEU would remain open to all other EU members. A time frame should be set at the 1996 IGC for all members of the Union to become full members of WEU and then Nato.
- 4.4 As far as the common foreign and security policy is concerned, persuasion should be exerted to encourage participation of all member states, so as to make the

most of the diversity of their historical experiences and specific interests.

4.5 The creation of a CFSP Unit, bringing together the Council and the Commission is essential to ensure the coherence and continuity of adopted policies and to assist the Presidency. The head of this unit could be a Monsieur Pesc. External representation should however continue to be incumbent upon the Presidency and the Commission President.

5. As a rule, both common positions and joint actions have actually corresponded so far to integrated actions with a strong first-pillar component and an almost invisible defence component. Although pointing in the right direction, integrated actions cause the first and second pillars to overlap. In resolving the institutional entanglement, specific procedures will have to be agreed avoiding intergovernmentalisation of the first pillar.

iai	ISTITUTO AFFARI INTERNAZIONALI - ROMA
n° Inv.	15793 21 DIC. 1995
BIBLIOTECA	

IAI-TEPSA Conference on
1996: THE ITALIAN PRESIDENCY
OF THE EUROPEAN UNION
Towards the Revision of the Maastricht Treaty

Rome, 1-2 December 1995

MEDITERRANEAN SECURITY AFTER BARCELONA

ROBERTO ALIBONI

The Euro-Mediterranean Partnership established by the November 1995 ministerial conference in Barcelona is primarily a response to European concerns over instability in the Mediterranean area. To a large extent, the upgrading of the areas adjoining the southern shore of the Mediterranean sea -the Middle East and North Africa- within the framework of the Union's emerging CFSP can be regarded as a balancing act between Northern and Southern members of the EU. But this is only one side of the coin: there is no doubt that the Mediterranean area is being upgraded also because it reflects concerns shared by all the EU member states. Which are these concerns? and will the Euro-Mediterranean Partnership emerge as an effective response to them?

Europe is concerned over Mediterranean instability because it believes that such instability is bound to affect European security. Three main factors have a security impact on Europe: the quick demographic reversal that is taking place around the basin between North and South; the slow economic growth and the large unemployment which prevail in Southern Mediterranean countries; the political vacuum coming from the inability of poorly legitimized Arab regimes to broaden political participation and consensus and stop religious extremism by integrating political Islam.

To be sure, these factors affect European economic and military interests, as they weaken important European export markets, increase risks related to environment and energy supplies, and reinforce political incentives to rearmament and proliferation of weapons of mass destruction. But there is no doubt that in the European perception the most direct security challenge comes from migration. In this sense, political instability and economic underdevelopment in the Southern Mediterranean countries must be regarded less as direct security concerns over European security than as factors which contribute to push people to migrate or to move abroad for political as well as social or cultural motives.

The reason why migrations have to be considered as the most important security challenge to European security is rooted into two facts. First, people immigrating in Europe from Muslim countries are unwilling to accept to be culturally integrated and cannot be easily integrated anyway. Generally speaking, their attitude is different from people immigrating in the EU from the European East, who accept quite naturally European values and mores. Second, with few exceptions European countries are simply not prepared to become a multi-cultural society. They look at demographic trends as geopolitical threats. On both sides, the European "pot" seems unable and unwilling to melting. What makes

immigration the most pressing security challenge is that, unlike economic and military trends, migrant people are inside Europe, most of them are here to stay and more and more they will present European societies with torny adjustments and cultural dilemmas. All this brings about a set of worrying consequences, like terrorism and criminality, but the most serious question is that it puts serious strains indeed on the European social and cultural fabric and thus affects European security deeply.

For these reasons, the issue of migration is more related to EU's internal policies than external ones. For an effective policy towards people immigrating in Europe to be possible, two elements are essential: common European institutions as to make people to move freely within the Union, and some degree of harmonisation between national legislations. Legislations reflect today very different political and cultural traditions, thus making the implementation of free circulation difficult. These two elements are still missing and they seem very uneasy to attain.

The Euro-Mediterranean Partnership, as shaped in the Barcelona Declaration, includes migration only marginally. In this sense, the new EU policy towards the Mediterranean fails to take up the core security-issue emanating from this area. Nonetheless, it is set to deal with important upstream issues, like economic development and political stabilization. Will it be able to deal with these issues effectively?

The relevant question here is not whether the fresh financial and trade measures included in the Euro-Mediterranean Partnership are economically viable -though this is of course a very important question- but wheter the Barcelona agenda fits with European security expectations, in particular whether it will be able to bring about political stability on the southern shore of the Mediterranean.

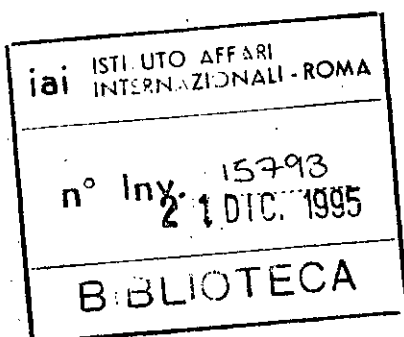
Within the Euro-Mediterranean Partnership, political stabilization is expected to be the outcome of democratizing both economic and political institutions in the Arab countries. Albeit a number of important principles related to democracy and human rights are included in the Barcelona Declaration and will be undersigned by the Arab governments, it is doubtful indeed whether these principles will be truly implemented in the countries concerned. Democracy is not an obvious notion in present Euro-Mediterranean relations, nor it is really shared by the two sides. In the most important countries, like Egypt, Algeria and Syria, discredited regimes are unable to broaden pluralism and consensus as democratization would put their very survival in jeopardy. Islamists look at democracy as a tool of

Western political and cultural imperialism. But what is most important is that both islamists and liberals in the Arab world believe, though in very differing ways, that democracy in their countries has to be predicated on indigenous cultural values and not on European or global values.

For these reasons, expectations that the Euro-Mediterranean Partnership is set to succeed by exporting democracy would be a mistake. The Euro-Mediterranean Partnership can help democratization only by firmly maintaining a sort of double-track policy: democracy in the Arab world is supported by the Europeans; at the same time, the latter are fully aware that democracy will be implemented by the Arabs themselves. This is not to say that all the EU can do is to wait and see whether sooner or later democracy would be hopefully established. Further to the implementation of the great international principles, the Euro-Mediterranean Partnership aims at strengthening civil societies. Indeed, this is the most crucial aspect of the new EU policy towards the Mediterranean, because the strengthening of the civil society in the Arab world is the only way to support a process of democratization predicated both on indigenous forces and values.

If the Partnership will succeed in supporting and reinforcing Arab civil societies, this success will help tremendously to stabilizing Arab polities. It will also contribute, to an important extent, to make economic growth possible. Migration will not be stopped, but it would be contained as well as its by-products - like terrorism. What is more important, in the European countries where migration from Southern Mediterranean will continue, political stabilization in the Arab world would allow for replacing cultural confrontation with dialogue. These developments would be a very important contribution to European security.

(forthcoming in European Brief, London)



IAI-TEPSA Conference on

**1996: THE ITALIAN PRESIDENCY
OF THE EUROPEAN UNION**

Towards the Revision of the Maastricht Treaty

Rome, 1-2 December 1995

GRANDS PROJETS MOBILISATEURS

JOHN PINDER

GRANDS PROJETS MOBILISATEURS

TEPSA paper for the President of the Commission

Summary

1. President Santer has asked TEPSA for its suggestions regarding Grands Projets Mobilisateurs, designed to attract the citizens' support for the European Union.
2. Among the main causes of citizens' malaise are unemployment, insecurity, and unease about the Union's institutions. Projects that deal with these are most likely to attract support.
3. *Enlargement to Central and Eastern Europe* is a truly great project that offers peace and prosperity for the whole of Europe. It is a many-sided project that encompasses others, because the Union must be deepened if enlargement is to succeed. For many citizens, however, fears of instability and of low-wage competition outweigh the potential for greater security and prosperity. Until they view the prospect more positively, this may remain as a Grand Projet, with very strong support from some governments, but perhaps not a Grand Projet Mobilisateur.
4. *Security and Citizenship and Democracy* have strong potential as themes for mobilising citizens' support. But these projects depend on the consent of governments to strengthen the Union's instruments or institutions, which will not be easy to secure; nor are they at the centre of the Commission's competences and capacities. It is doubtful whether the Commission could launch either successfully as a Grand Projet Mobilisateur.
5. *Employment* is a theme for a project that should attract the support of citizens and governments provided they can be convinced it would really help to improve the prospects for employment and for the unemployed. The section on 'Employment', below, gives seven examples of types of action likely to have a significant impact. They are for the most part included in the Commission's White Paper; and the project can be presented as a determined effort to put the White Paper into effect. If sufficient support can be secured from member states to launch it, this has the potential for a successful Grand Projet Mobilisateur.
6. If member states' support is not judged sufficient at present, the Commission can meanwhile initiate specific actions within the fields of employment, security and citizenship. The IGC offers an opportunity for the Commission to promote certain aspects of citizenship, for example citizens' rights. Actions to improve employment and security can be undertaken in parallel. Such actions should help to improve the way in which citizens view the Union, pending the launching of a Grand Projet Mobilisateur, which, we argue, should be possible by 1997 if not before.

GRANDS PROJETS MOBILISATEURS

President Santer has asked TEPSA for its suggestions regarding Grands Projets Mobilisateurs, designed to attract the citizens' support for the European Union. This paper is our initial response.

The European Union and democratic politics

All who care about the European Union must be concerned that scepticism about it has become so widespread. Efforts to recover citizens' support should be based on a view of the principal reasons for this malaise. We have identified three: the twenty million unemployed, despite expectations that prosperity will result from the single market programme; instability and war in Eastern Europe, symbolised by Sarajevo, despite the ambitions of the Union's Common Foreign and Security Policy; and unease about the Union's institutions, not the less troubling in that it reflects unease about the institutions and politicians in the member states themselves. This unease is itself reflected in a malaise among the politicians.

Concerns such as these lay behind the difficulties in ratifying the Maastricht Treaty. They have undermined the 'permissive consensus' which allowed political leaders to take for granted public support for their efforts to strengthen the Community's powers and institutions. This has discouraged governments from giving a lead towards the Union's future development; and there are now doubts whether the Franco-German partnership will provide the forceful leadership that has done so much to develop the Community and to establish the Union up to now.

Unless the situation improves, there must be fears that the main challenges facing the Union will not be properly met. The forthcoming IGC may have a weak outcome, which could itself be jeopardised by the ensuing referenda. The economic and monetary union might not succeed. The next phase of enlargements could be impeded or produce unsatisfactory results. But strong support by the citizens for the Union would do much to allay such fears. All this means that the Union has now moved beyond the technocratic and diplomatic stage into that of democratic politics, where the citizens' approval is a condition of its success. We need to think about Union projects in a new way. President Santer's question could not be more relevant. We must ask which projects are most likely to attract the citizens' support, and thus to help mobilise support for the European Union as a whole.

Projects to attract the citizens

The separate European states no longer offer their citizens an adequate framework for prosperity and security. The interdependence among the states of the Union is so intense that they can no longer succeed unless they act together. So far from being outdated, as some critics of the Union suggest, the continued growth of interdependence has made such solidarity ever more essential; and the shared political culture with its values of freedom, democracy, diversity and solidarity provides a firm foundation for the shared political action that is required. This is the perspective within which the Union's great projects should be envisaged.

It has always been necessary that major common projects should attract the support of governments and, if they are to have enduring value, that they should help to build the common powers and institutions. The Grands Projets have up to now included

the customs union, the single market and the single currency. For the future such projects must also attract the support of the citizens. Discrete projects can be envisaged such as the European network of information highways, which is in itself a major enterprise. But a Grand Projet Mobilisateur, in order to attract strong enough support, should cover a broader front: a theme expressed by a comprehensive programme, rather than a discrete project.

Themes that might do this over the coming 5-10 years include 'Citizenship and Democracy', 'Security', and 'Employment', responding to citizens' concerns about the remoteness of government, insecurity, and unemployment respectively. A further theme which encompasses all the others is that of enlargement to comprise eventually 'A Union for the Whole of Europe'. These themes are considered in turn below, with reasons why the theme has potential, lists of items that could be included in the programme, and a view as to how attractive it may be to citizens and governments. Finally, we conclude with suggestions about choice among the themes.

Project A: A Union for the Whole of Europe

Why the theme has potential

For people and governments concerned about the stability and security of our continent, a Union of the whole of Europe up to the frontiers of the CIS is the great strategic imperative. For Germany in particular, as also for Austria, Finland and Sweden, the accession of its Central and East European neighbours is a vital interest. For the building of Europe, enlargement to the East presents risks, but also a unique opportunity, if widening is made into the occasion for a sufficient deepening to strengthen the Union, not weaken it. A programme to prepare for enlargement should include the essential elements of such deepening, as well as measures to facilitate the development of the Central and East European countries into competitive market economies.

Elements of a programme

1. Economic integration

Real economic convergence is essential if Central and East Europeans' membership of the Union is to succeed. Their economies must become sufficiently developed and competitive to participate fully in the single market and, if necessary after a transition period beyond accession, in the third stage of Emu. The policies of the Union should be such as to make their accession as trouble-free as possible. This will include action to:

- i. present completely open markets to the exports of Central and East European countries;
- ii. strengthen assistance for their development through the PHARE programme before they accede and through appropriate Union policies after, including those listed in the section on 'Employment', below;
- iii. reform the common agricultural policy and the structural Funds so that they will be financially sustainable after enlargement.

2. *Security*

The condition of a number of Central and East European countries, given their political history and postwar experience, presents a new challenge to the Union's security policies, both internal and external. This lends urgency to key elements in the deepening of the Union: strengthening the CFSP and the CJHA as suggested below in the section on 'Security'; reforming the Community institutions to make them fully democratic and effective.

3. *Institutions*

With the greater number and diversity of member states, stronger and more solidly democratic institutions for the Union will be essential: movement by stages towards generalisation of majority voting in the Council (with defence as a last stage, and with the right for a member state not to commit troops to actions outside the Union); general codecision between Parliament and Council; full executive competences for the Commission, subject to responsibility to the legislature. While adoption of such reforms by a core group may become necessary if some member states persist in rejecting them, it presents considerable difficulties and dangers. Movement by all the member states together is much better, and may be possible after a change of British government. In this case, variable geometry can be a matter of different speeds, not tiers. This must surely be the Commission's strategy. If a federal core should eventually become necessary, it will be up to others to take the lead.

4. *Citizenship and democracy*

The history and recent experience of most Central and East Europeans have caused fundamental rights and freedoms and democratic institutions to be less firmly rooted in their polities than in those of most citizens of the Union of today. They also have special needs in the development of civil society and its links with the wider European civil society. Full participation in Union citizenship is moreover harder for some of them owing to their location in peripheral regions. Thus the whole range of actions suggested below in the section on 'Citizenship and Democracy' is of particular importance for them.

How attractive is this theme to citizens and governments?

All the governments of member states are concerned that enlargement should be a success, and some deeply concerned. Thus although most of the individual elements in items 1-4 above are unattractive to one or other of them, they will become increasingly ready to accept a broad programme designed to ensure success. But even if elements in the programme may be attractive to Union citizens, the enlargement project itself is, for many, not so attractive. Fears of instability and economic competition tend to outweigh the potential for greater security and prosperity over the longer term or the ideal of a completely united Europe.

It will be the task of statesmanship to persuade citizens that the project deserves their support. But meanwhile, although it is a Grand Projet, and indeed, if combined with adequate deepening, the Grand Projet for the coming period, it may be doubted whether it is yet a Grand Projet Mobilisateur as far as the citizens are concerned. For the next year or two at least, the Commission may find that a theme addressed more directly to the citizens' immediate concerns is more effective in mobilising their support.

Project B: Citizenship and Democracy

Why the theme has potential

Remoteness and opacity of the Union's institutions have been significant elements in the post-Maastricht malaise. While many citizens are also disillusioned about the working of governments nearer home, such alienation is more dangerous for the Union with its shallower roots and its pressing need to deepen them. To bring the Union closer to the citizens and make it more citizen-friendly is an essential condition for securing their support. Citizenship is the concept that most clearly expresses this and its central feature is democracy based on fundamental rights.

Elements of a programme

1. The European Convention and a Bill of Rights

The Community, and when it has legal personality the Union, should accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Union should also draw up its own Bill of Rights. The Court of Justice should have jurisdiction regarding rights with respect to the CJHA as well as the Community.

2. Political rights

The weakness of the Parliament and the secrecy of the Council are scandalous deprivations of the citizens' political rights. The citizen needs to be empowered through a true system of representative government, including:

- i. legislative power of codecision for the EP for all laws;
- ii. the Council as an open chamber for all legislative sessions;
- iii. the Commission as an executive with full competences, responsible to the citizens' representatives in the Parliament.

Beyond the classical rights of representative government, which are still the bedrock of constitutional democracy, citizens have been seeking new ways to participate in the political process. A European network of information highways will open up new potential for this at the level of the Union. Meanwhile, the practice of holding referenda has been gaining ground in member states; and consideration should be given to the possibility of Union-wide referenda, rather than separate national referenda, on very important European decisions.

3. Social rights

The IGC to be convened in 1996 may well be able to act on these rights. The only mainstream political party in the Union that opposes the social rights is the British Conservative Party. But the other British parties and the British public are favourable and the Conservative Party may no longer be in power when the IGC is concluded. Social rights could then have their full part in an amended Union Treaty.

4. *Making citizens aware of their rights*

Citizens have numerous rights that stem from the Treaties and from judgments of the Court of Justice. But Articles F and G.8 of the Union Treaty give no indication of this. Citizens should be made more aware of these rights. Amendment of Article G.8 to draw attention to their existence might help.

5. *Youth*

It is particularly important that young people should be attracted by the Union. Measures that would foster a sense of European citizenship among them could include:

- i. building on the success of the Erasmus/Socrates programmes;
- ii. extending the principle to young people other than students in higher education;
- iii. exchanges such as those of the Franco-German programme;
- iv. a European voluntary civilian service, that could inter alia be an option in place of compulsory military service, enabling young people to work in multinational teams for popular causes such as the environment and humanitarian assistance both in and beyond the Union.

6. *Lifetime education*

While this is largely a matter for member states, the Union can promote opportunities for non-young people to study matters relevant to European citizenship, e.g. languages and cultures of member states, the Union institutions, European law as it affects citizens, etc.

7. *European civil society*

Citizens cannot play a full part in the European society and polity unless there are Europe-wide organisations with respect to their political, professional, recreational and other voluntary interests. Help can be given to the development of such organisations and perhaps of networks of people from different member states working together on innovative projects. Such activity would be facilitated by a European statute for foundations and associations as well as companies. For European political citizenship, the importance of Europe-wide media should also be underlined.

8. *Information highways*

A broadband optical fibre network will be able to bring information and entertainment to every citizen of the Union, if a universal network is provided. The network is an essential part of a single European infrastructure that is the physical counterpart of the single market's legislative framework. It will also be possible for any citizen to have an input to the political life of the Union through such a network. It will offer a unique way to enable any citizen to participate in the life of the European economy, society and polity.

9. *Regions*

Not only individual citizens, but also regional populations can feel excluded from full participation in citizenship. The regional dimension of the whole range of policies and programmes relating to citizenship can be emphasised.

How attractive is this theme to citizens and governments?

The various facets of citizenship and the building of it should be central to citizens' commitment to the Union. But the concept may not yet be tangible enough for it to be a powerful mobilising theme at present. Nor is it likely to be attractive to most governments, which may see a stronger European citizenship as undermining their hold on the loyalty of the citizens of their own states. Some governments might be particularly resistant to an attempt by the Commission to take a strong lead in this. The theme may therefore be seen as suitable for a preparatory stage, with the Commission helping to lay a basis for its development as a mobilising theme in the future. Some aspects of citizenship might, for example, be elements in the Commission's policy towards the IGC, demonstrating the Commission's concern for the citizens' needs.

Project C: Security

Why the theme has potential

Citizens feel insecure in various ways: in the field of CJHA, with respect to crime, fraud, drugs, terrorism, immigration; in that of CFSP with respect to the risk of conflict spreading beyond Bosnia, or originating in other parts of Eastern Europe or the Middle East; with the ecological and environmental crisis, both within Europe (Chernobyl etc.) and globally (glasshouse effect and ozone layer); and with unemployment and economic insecurity. Governments reflect these concerns of the citizens. Beyond the citizens' immediate concerns, governments have to face the need for an adequate defence capacity, given budgetary constraints and the declining American contribution to European defence.

Elements of a programme

1. CFSP

The Union needs to make the CFSP more effective, and hence to strengthen the institutions, instruments and policies, by establishing:

- i. peace and stability throughout Europe as the major aim, including the accession of Central and East European countries as soon as is possible without endangering the Union itself, and meanwhile using the external economic policy and developing defence capacity to support this aim;
- ii. a major programme of economic reconstruction in former Yugoslavia, linked to inter-state cooperation there, to help ensure a stable peace after the war is over;
- iii. a constructive role in creating a stable world system, with the development of pluralist democracies and market economies as the basis for a future world community;
- iv. a more effective and democratic CFSP system, through moving it towards the Community institutions, with increasing scope for qualified majority voting in the Council, a stronger role for the Parliament, and a major participation of the Commission in a CFSP cellule d'analyse, de prévision et de proposition.

2. Defence

Priorities for defence cooperation would include:

- i. Strengthening the capacity to deliver humanitarian aid, peace-keeping and peace-making services where legitimised by OSCE or UN;
- ii. armed force instruments based on Eurocorps and other transnational units, to include the development of a rapid deployment force with all the necessary equipment;
- iii. joint production of arms and equipment, including Eurosatellite, transport aircraft, etc., and establishment of an arms production board;
- iv. a clear relationship between EU and WEU, and definition of the contribution of member states with a neutral tradition.

3. CJHA

This touches more closely the Commission's present activities and skills. Action to improve the Union's performance could include:

- i. moving the CJHA towards or into the Community, with the Council and Parliament playing a more normal legislative role, the Commission acting as it does in the Community and the Court having jurisdiction;
- ii. ensuring that common policy on immigration and asylum are both just and effective;
- iii. establishing a European inspection service to ensure that the member states fulfil their obligations to control the Union's external borders effectively;
- iv. strengthening the powers to combat fraud, including the legal powers of investigation, liability of suspects to be subject to criminal charges, and supervision by joint committees of the European Parliament and member states' parliaments.

4. Environment

Within the Union, proposals from the chapter of the White Paper on Growth, Competitiveness, Employment, entitled 'Towards a new development model for the Community', should form the basis for a programme of environmental improvement. Efforts to secure adoption of the eco-tax should continue. Externally, the Union should make global action to deal with global warming and the ozone layer a major priority.

5. Employment

Unemployment is a source of insecurity on such a scale that it is considered as a separate theme below. But an employment programme could also be seen as a major element in the Union's contribution to the citizens' security.

How attractive is this theme to citizens and governments?

The theme of security is very important for citizens, and for the governments that wish to satisfy them, particularly in an unsettled time such as the present. But given the difficulty of securing agreement among the member states on major issues relating to the CFSP, it is not likely that the Commission could launch a sufficiently effective Grand Projet in this field, although a particular initiative that can rely mainly on Community instruments, such as a reconstruction programme for former Yugoslavia, could be very fruitful.

Many citizens feel acutely threatened in the field of internal security and would much appreciate anything the Union could do to make them feel more secure. The principle of subsidiarity indicates that most of the actions required in this field should be taken by authorities within the member states. Of those that should properly be taken by the Union and in which the Commission could play a leading role, efforts to secure a more effective control of the Union's external borders should make a particularly good impression on the citizens. In many of the matters that concern internal security, however, even where the principle of subsidiarity would justify action by the Union, the governments are jealous of their prerogatives, and the Commission would have to consider whether it could overcome their opposition to the extent required for Union action to become effective.

For a mobilising project, on the scale of the single market or single currency, the Commission may consider it would be more effective to choose a particular dimension of security, where the EC/EU has more experience, more instruments and stronger institutional arrangements: that is to say, employment.

Project D: Employment

Why the theme has potential

Unemployment is a major concern for citizens in almost all the member states. They would greatly appreciate a credible programme of action by the Union to alleviate unemployment, for example by establishing European frameworks that will encourage business activity and investment, and by helping citizens to make the most of the work opportunities that the European economy can offer. Such a programme would also help to sustain two of the great projects for the Union's future development: enlargement to the East, which could be threatened by citizens' fears lest jobs be lost; and economic and monetary union.

Unemployment is especially worrying in France, where the proportion of unemployed remains well above the Union's average and where for young people it is about one quarter. The Emu project depends on French participation, and indeed on French pressure for it; and continued high unemployment, attributed in part to the high interest rates required to maintain the franc's parity with the mark, makes the French government's commitment to fulfil the convergence criteria harder to maintain. It was lack of confidence in that commitment in the face of high unemployment which helped to provoke the wave of speculation that precipitated the rupture of the exchange rate mechanism. If such an incident is repeated, it could be difficult to persuade the German government and the Bundestag that France would be ready to pass to Stage 3 in 1999.

French participation from the outset is essential for a successful transition to Stage 3. But it is also desirable that as many other member states as possible will be ready and willing; and that depends, at least in some cases, on real as well as monetary convergence, i.e. on avoidance of very high unemployment and on the development of competitive strength. The British Labour Party has, for example, expressed its acceptance of the goal of Emu provided that there is real convergence: with such convergence, there is the prospect that the next British government will not wish to opt out. Action by the Union that helps to increase employment in the new German Länder might also make the single currency project more palatable to Germans.

Elements of a programme

1. *The White Paper*

The White Paper contains a comprehensive list of proposals for improving the employment situation. An employment programme can be presented as a full implementation of the White Paper's proposals.

2. Single market

The main contribution of the Union towards creating a context that encourages business activity and investment has been the single market programme. Completion of the programme is, as the White Paper emphasises, essential for the future health of the European economy and hence for employment. But while the Cecchini report did much to establish the merits of the single market programme in the eyes of business and to some extent of the public, its credibility for the public has been dimmed by the subsequent recession. It is not easy for citizens to distinguish between conjunctural causes of the level of employment and the longer-term determinants. The state of the economy is now rather better, and the public may therefore become more inclined to accept that the single market is fundamentally a job-creator. Perhaps now would be a good time to launch a major new study that would seek to distinguish between the respective effects on employment of the recession and of the single market programme, and also bring into focus the benefits that can be expected over the longer term.

3. Labour markets

Much of the White Paper was about flexibility of labour markets; and much of that was for action by member states, rather than by the Union. The Union's role is not so much of legislation and policy-making, but rather of encouraging the member states to act. One method is that of 'peer review', as is practised for macroeconomic policy; and this can be accompanied by a 'scoreboard', in which the actions taken by member states are reported in a regular annual survey. The more the results of such a survey are publicised, the more effective it is likely to be. The Union also has its own part to play, in removing the obstacles to cross-frontier movement of workers and encouraging the skills that make such movement feasible. This is not only of interest to many citizens, but also relevant to the success of Emu in the long run, because disequilibria in the relationship between different regions and states are easier to correct if obstacles to the movement of labour are removed.

4. Life-time education and training

Here again the field is mainly for the member states. But the Union has a legitimate role particularly in promoting those elements of life-time education and training that are relevant to cross-frontier employment: knowledge of languages, cultures and institutions to enable people to make the most of the Union-wide employment market (as well as to exercise their rights and perform their duties as Union citizens - see item 6 under Project B on 'Citizenship and Democracy', above). The Socrates programme provides a good example for this at the level of higher education. The principle could be extended, first for the training of young people other than those in higher education; and secondly, for people of other age groups.

5. Voluntary civilian service for young people

A European voluntary civilian service, as proposed in B.5 above, with young people working in multinational groups on European environmental and humanitarian projects, could if developed on a sufficiently generous scale contribute significantly to the reduction of youth unemployment.

6. Environment

The relevance of environmental policy to the creation of employment is explained in the White Paper. The proposal for an eco-tax, the revenues from which would make possible the reduction of taxes on employment, in particular for low-paid workers, should not be forgotten - even if it may be difficult to present a new tax as a major element of a project designed to mobilise the support of citizens. An additional proposal relevant to the environment is the recruitment of multinational teams of young people into a European voluntary service as proposed in the preceding item.

7. Research and technological development

This too is the subject of a chapter in the White Paper. Member states resisted the budgetary expenditure recommended by the Commission at the Edinburgh meeting of the European Council in December 1992. But the balance of opinions among the member states could change, particularly after the next British elections. Among the RTD projects that could be especially stimulating for employment over the medium and longer term are those contributing to the development of sectors connected with Information Technology and with the creation of the Europe-wide network of information highways.

8. TENs

Trans-European Networks for the transport of people, goods, energy and information have great potential for the creation of employment over the medium and long term. Over the medium term, employment is generated by their construction. In the long term, a first class infrastructure is a necessary condition for dynamic investment in a region of the world such as Europe (Standort Europa). The growing proportion of new investment that will be located in those parts of the world which offer the most attractive conditions will be greatly influenced by the quality of the infrastructure (and also of the environment). TENs should be seen as the physical aspect of the completion of the single market, as well as an instrument for enabling European citizens to participate fully in the society and the polity. They must be of special significance for the integration of Central and East European as well as of other peripheral regions into the Union's mainstream. They should also be attractive for Germany, strengthening the links of Central and Eastern Europe with Western Europe, and providing a boost for economic activity and employment in the eastern Länder in particular, in which key sectors of many such TENs would be located. The information highways and the associated IT will moreover be central to the economic and societal development of the coming decades. The TENs are already a major Union activity. If they are seen more clearly as an essential element in the development of the European economy and the creation of jobs over the medium and longer term, it should be possible to secure for them a higher priority.

How attractive is this theme to citizens and governments?

This is probably the most attractive of all the themes for citizens at present, if a programme at the level of the Union can offer a credible contribution to better prospects for employment in both the nearer future and the longer term. It is likewise attractive for governments, again provided that the contribution seems credible to them. The White Paper was in general acceptable to the European Council, but the balance of forces was not sufficiently positive to facilitate a drive for its implementation on a large enough scale. The British government in particular has been inclined to believe that deregulation alone is the key. Here a change is rather likely by the Spring of 1997 at the latest. Employment is a very high priority for the French government, as for many other member states; and a European employment

policy must be seen as a necessary complement of national policies. For Germany, the contribution to a successful enlargement would be a significant attraction. For those of us who wish to develop a stronger and more federal Europe, the Emu project is crucial and an employment programme that enhances its prospect of success sooner rather than later must be particularly welcome.

Thus the theme of employment is attractive to both citizens and governments, provided that a programme can be credible. It is suggested that enhanced Union action can make a significant difference for both the shorter and the longer term, in the European dimensions of the fields listed above. Citizens might not appreciate this difference in the shorter term if the benefits were outweighed by conjunctural job losses. But the second lustre of this decade should be a period of economic upswing, so that the prospects for reducing unemployment are good. The Union's employment programme should have a fair wind behind it. It should be possible to persuade citizens not only that the Union is not a net destroyer of jobs, but also that it is essentially creative in this as in other ways.

Choice and Timing of Themes

A successful Grand Projet based on any of these four themes would contribute to the building of the Union. A choice between them depends on a political judgement as to how successful an initiative by the Commission is likely to be in three respects: mobilising the support of citizens; securing the consent of governments; and then achieving a constructive result.

Enlargement to Central and Eastern Europe is a principle already approved by governments and is likely to achieve a constructive result, provided that it is preceded or accompanied by sufficient deepening. Failure to make adequate preparations for enlargement would on the contrary cause widespread disillusion among the political class in Germany and Austria in particular. This is a Grand Projet which must in the coming 5-10 years achieve results in terms of actual enlargement as well as deepening. But is it yet a Grand Projet Mobilisateur, apt to attract massive support from citizens? Here there must at present be doubts. If the citizens can be brought round to a healthy level of support for the Union and approval of its doings, they could be attracted by the prospect of enlargement to Central Europe and even by the noble objective of *A Union for the Whole of Europe*. But meanwhile the Commission might be wise, while doing what it can to prepare this Grand Projet, to look elsewhere for a project designed to attract the citizens' support over the short to medium term.

The themes of *Security* and *Citizenship and Democracy* both respond to citizens' deeply felt concerns and both themes are profoundly important for the Union. The question here is whether the Commission can launch a Grand Projet with sufficient prospect of success. In each case the project would depend on the consent of governments to strengthen the Union's instruments or institutions, which will not be easy to secure; and neither field is at the centre of the Commission's capacities and competences, so that it cannot deploy its most effective powers of persuasion and leadership. The Commission could well emphasise relevant aspects of citizenship and democracy in its input to the IGC, and could initiate action to improve the citizens' security, for example through strengthening control of the Union's external borders and through an economic reconstruction programme in former Yugoslavia. But it

may be doubted whether the Commission could successfully launch either theme as a Grand Projet Mobilisateur.

Employment is the theme for a project that should attract the support of citizens and governments provided they can be convinced it would contribute significantly to improve the employment situation and the prospects for the unemployed. There will be some scepticism about this. But items 1- 8 under Project D above are examples of actions that appear likely to have a significant effect. Each of them is included in the White Paper, which has been generally approved by the governments. Implementation has been impeded because one government or another has objections to each item. But such objections could be better dealt with in a well-designed comprehensive programme with political steam behind it, as was the case with the single market programme. The salience of employment for the new French government should be a source of political impulsion; and there are other member states where the potential for support has been strengthening. The impending transition to Stage 3 of Emu is an additional motive for supporting Union action to improve the employment situation. Fears of an adverse effect on employment could generate resistance to Emu in a number of member states; and action that would help to allay those fears would be important both for those governments that want Emu as a key element in the building of the Union and for those that are more concerned not to be left outside the core of early participants in Stage 3.

If political support for a Grand Projet is not at present sufficient, the Commission could meanwhile initiate some less ambitious projects in this direction: for example, a European voluntary service for young people; a Socrates-type programme for young people not in higher education. For the IGC, the Commission could attract support by promoting certain aspects of citizens' rights. By mid-1997 at the latest, however, it is likely that there will be a British government whose generally positive attitude towards the Union, and towards Emu in particular, would be consolidated by a Grand Projet in the field of employment. Such a government could contribute much to the success of Stage 3 and to ensuring that the practice of opting out does not remain as a source of permanent division within the Union, as well as to developing the Union more generally; and this prospect could provide a strong additional motive for some other governments, which might otherwise be inclined to be sceptical, to accept that a Grand Projet is desirable. If member states' policies do not yet allow the Commission to launch the project successfully, the opportunity might well arise by 1997 at the latest.

The Commission is well placed to design and launch this programme. Its contribution can be the greater in that a broad spread of the Directorates-General are involved. An initiative from the Commission is all the more necessary since the prospects for leadership from the Franco-German partnership seem at present not so good. 'Employment' is a promising theme for a Grand Projet Mobilisateur. The Commission would, by launching it successfully, perform a notable service for the Union and its citizens.

17 October 1995

iai ISTITUTO AFFARI
INTERNAZIONALI - ROMA

n° Inv. 15793
21 DIC. 1995

BIBLIOTECA