
Editorial: Visions and Realities

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Introduction

Rarely has the gap between vision and reality become more apparent than during 2000. On the 50th anniversary of Robert Schuman's declaration that led to the Coal and Steel Community, the German Foreign Minister, Joschka Fischer, initiated a new debate about the future of Europe. By the end of the year, Schuman's words that 'Europe will not come about at a single stroke, nor as a seamless construction. It will come about through concrete realizations which create first of all a de facto solidarity' seemed even more prophetic. Given the criticisms made of the fourth major effort at reforming the treaties in 20 years, there were some leaders, in the early morning of 11 December, who remained to be convinced that a real commitment to solidarity existed among all 15 governments – or even solidarity within a rather key government. But Fischer launched – with Nice only perhaps a temporary distraction – what has proved to be an important transnational debate in Europe. Indeed, it became increasingly incumbent upon all leaders to add their voice to the debate: among others, President Chirac spoke (to the Bundestag) in June, Tony Blair spoke (to the Poles) in October, in addition to Messrs Amato, Lipponen and a flurry of foreign ministers (prominent among them being Robin Cook insofar as he spoke several times on the subject). Their visions differed on a number of counts, such as on the role, inclusiveness and structure of 'pioneer groups', as

President Chirac referred to them, as well as fairly fundamentally on the role of the state. There was an interesting identity of views as far as Robin Cook saw it between Britain and France (which went beyond the fact that he was speaking to the French National Assembly), in that, as he put it and quoting President Chirac, ‘we are building a united Europe of states, not a United States of Europe’.¹

The debate among political leaders was important not only in itself, but because it also stimulated discussion at other levels. A number of useful collections of speeches, reactions, papers, etc. have gradually found their way into the press or online. To take just two as examples, there is the collection edited by C. Jörges, Y. Mény and J.H.H. Weiler, *What Kind of Constitution for What Kind of Polity? Responses to Joschka Fischer*,² and the collection edited by Mark Leonard, *The Future Shape of Europe*.³ Doubtless more are making their way on to the market. The latter, however, included a challenge:

I think British intellectuals and policy-makers could make some contribution to working out what such a future for Europe might involve. At first sight this looks an unlikely proposition. The British famously have been the ‘reluctant Europeans’. The UK has not as yet adopted to the Euro and the majority of the population is at best indifferent towards Europe ...⁴

Granted, the author went on to suggest that the UK had been a source of ‘lively thinking in politics in recent years’, but in view of the call for civil society, including universities, to become involved in the ‘post-Nice process’, it behoves us all perhaps – and not just in the UK – to participate and to be encouraged and enabled to participate in the process.

I. Symbols, Challenges and Charters: Enhancing the EU Constitution

The year 2000, as symbolic as its predecessor seemed shambolic, also framed a number of significant anniversaries in addition to that of the Schuman Declaration. These included the 50th Anniversary of the signing of the European Convention of Human Rights (ECHR). For other reasons, too, there was a noticeably greater emphasis during 2000 on issues of civil liberties, civil society, human rights and citizenship. The response of the EU’s Heads of State and Government to the inclusion of the Austrian Freedom Party – with or without its leader, Jörg Haider⁵ – in government in some ways set the tone,

¹ Robin Cook, speech to the Foreign Affairs Committee of the French National Assembly, Paris, Wednesday 8 November 2000.

² Electronic version (pdf) of the full text available, 1.1 MB (266 pp.) at <<http://www.jeanmonnetprogram.org/papers/00/000701.html>>.

³ Foreign Policy Centre/ BSMG Worldwide.

⁴ Anthony Giddens, ‘A Third Way for the European Union?’ In Leonard (ed.), p. 70.

⁵ Whether Jörg Haider was in or out seemed irrelevant if, as the *Economist* reported (19 February 2000),

with the official opening of the European Monitoring Centre on Racism and Xenophobia in Vienna adding a certain irony to the proceedings. The Austrian case and the discussions about proportionality, effect and justification of the EU's sanctions, and how to resolve the issue once the initial 'threat' of isolation had been ignored, certainly propelled the issue into the foreground. But the prominence of the Austrian case raised expectations even while forcing a recognition that the EU Member States had to be somewhat better prepared, coherent and consistent if they were to deal with other instances of threatened breaches of human rights and freedoms among their own number. But not for some time has recognition of the EU as a value-based organization been so publicly and widely embraced.

In many respects this should not have come as a surprise in that both the Maastricht and Amsterdam Treaties had developed important EU human rights and anti-discrimination competencies. The 2000 Anti-Racism Directive, the European Conferences on Human Rights Protection in Dublin, and on Racism in Strasbourg, and even the (not wholly satisfactory) way in which the Charter on Fundamental Freedoms had been drawn up, provided a sharper focus for interest in problems of European governance, enhanced civic participation and entitlement. It will therefore be interesting to see how the Commission takes up such themes in its work on governance during 2001–02. But it is not just a greater awareness of these problems within the EU; they have been taken up and significantly developed in the EU's international policies. On the one hand, the EU Council of Ministers' Human Rights Reports and the Commission's regular Monthly Review on Human Rights and Democratization have begun to attract much wider attention. On the other hand, in terms of implementation, human rights and governance issues have been brought much more to the fore in the overhaul of EU development policy, the renewed ACP framework of Cotonou, the third Asia–Europe Meeting (ASEM 3) in Seoul, the first ever high-level summit meetings with India and Africa in 2000 and, somewhat closer to home, in the pre-negotiation of Turkey's candidacy to the EU. Further evidence of this more consistent concern can be seen in other EU initiatives during 2000, such as the new strategies on human rights and democratic principles in external relations, electoral assistance and observation, or the funding provided by the European initiative on human rights and democracy.

The European Union's Charter of Fundamental Rights, 'solemnly proclaimed' at the Nice Council, continues to be a significant part of the post-Nice agenda, not least because its mere proclamation sparked acrimonious debates about its symbolism and its legal nature, method, scope and force. The idea of

the FP's Vice Chancellor, Susanne Reiss Passer had said that she would co-ordinate policy with him 'before, during and after decisions'.

a Charter, which was promoted in 1999 by the Germans during another anniversary (that celebrating the 50th anniversary of the German Constitution: the *Grundgesetz*), was moved up the political agenda in 2000, by the Commission, its President and the Portuguese and French Presidencies. Although many initiatives in 2000 have put rights and citizenship more under the spotlight, it is the proposed Charter above all, which has shown that, in matters of human rights, there are some still weighty qualifications to 'Member States' records. Firstly, Member States, themselves, continue to commit infringements of human rights and civil liberties, not least against asylum-seekers, immigrants, minorities or other groups. Despite European Years of Racism and the Commission's communications on asylum and immigration policy in 2000, Member States and the Union alike continue to fail to tackle many of the issues of racism and xenophobia in Europe, some of which, worryingly, continue to enter and pervade mainstream politics. Secondly, Member States are still deeply divided over the extent of human rights protection to be demanded, which means that they have not yet been able to agree on a coherent human rights system for the EU. The 1950 ECHR – still one of the landmarks of human rights achievement of the Council of Europe – was only incorporated into the legal system of the UK in the period under review; that, itself, perhaps, speaks volumes. The lack of publicity or awareness of the event seems again to confirm the results of a 2000 Commission report, which found that some UK newspapers at least, are 'deliberately misleading' their readers some of the time, committing the sin of a 'cavalier disregard for facts'. These and other issues in other Member States may serve as reminders of the profoundness of future challenges for a Union, which strives to match human rights responsibility with internal reform, balanced distribution of power and credibility.

II. Housekeeping

We have been extremely fortunate in gathering up Alexander Stubb and Mark Gray to write the keynote article. Asking 'insiders' to go public is always risky, especially on a subject that aroused just a little controversy – within the French government as much as between France and its partners – insofar as there is always a danger of discretion overcoming them. Alexander and Mark are to be congratulated for weaving a singularly subtle but nonetheless revealing path. We were lucky, too, to be able to nab Jo Hunt, somewhere between Leeds and Cardiff, to undertake the Law section. We are also grateful to all the other contributors who seem to be able to manage to provide brilliant copy with amazing regularity and almost on time. We had one failure in that our Portuguese contributor got lost so that the editors had to try to match Christian Lesquene's excellent piece. For her patience and forbearing, this year we owe even more to Mary Robinson at Photoscript for her sub-editing.