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"From Nice To Europe"

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"From Nice to Europe": the title I suggested for my lecture means that Nice has to be seen as a sort of gateway (in Italian we would say *porta stretta*) that has to be passed through to lead us to Europe. The main items to be dealt with in Nice are apparently technical issues; in fact, it is the relation between those technicalities and Europe, the greater issues of Europe, that we have to debate.

Let's look at the reality. There are nowadays many dissatisfactions around and about Europe: national public opinions are more and more nervous about their future in Europe. The Danish dissatisfaction that somebody thinks might become a sort of epidemic disease throughout Europe. The remaining uncertainties: personal security, identity, jobs and pensions - even if the present trend of economic recovery leaves people somewhat more relaxed. Fears about enlargement.

Enlargement is something that we have to do: we are firmly convinced about the historical need and fairness of enlargement. At least for some of the Countries that are involved in the process, this is simply a return to Europe: not just enlargement of the EU, but a return to Europe. Countries that were Europeans, substantial parts of Europe before decades of Communism, that were separated from Europe by this regime, are now morally and politically entitled to going back to where they were belonging before - and belong now. And yet, despite this, many Europeans perceive enlargement as a threat. Threat because of immigration – and therefore, again, security perceptions make themselves felt– threat because of jobs, threat because of the economic unbalance between us and some of these Countries.

Furthermore, we have the fundamental issues discussed by Yves Meny in his recent, wonderful book: what kind of enlargement are we going to and get involved into? Will it still be Europe after enlargement? Are we enlarging the European economic space or the political project of Europe? Does a political project of Europe still exists throughout these new boundaries, or are we going blindly toward an enlargement that somehow dilutes the concentration of European culture and values, being part – if you like - of a wider perception of a declining of European civilization?

A splendid enormous research that has been done by a European American scholar about the culture of the last 500 years, concludes in rather pessimistic terms: the wonderful European intellectual machinery - that for centuries succeeded in putting different pieces together and thriving on diversities, and that was able to build up a spiritual unity out of these diversities - now seems to be declining at the end of this great capacity of staying alive. And so, the question goes back to the previous one: does Europe still have a culture, a set of

values, a project echoing its Founding Fathers'? A project that allows us to say that we are something more than a single market?

The question is much relevant, you see, because were it just for economic integration, much of the architecture that we have been building throughout the decades would be useless: in a global world, economic integration can be obtained without such a complex architecture as the EU's one.

If we admit that these are the main issues pending on us, the question becomes: what has all this got to do with Nice's technicalities? Can we really do something for topics of such crucial importance when in Nice we will be coping with the re-weighting our votes in the Council, we will discuss how many Members the Commission should have, whether a strengthened cooperation requires one procedure instead of another, which votes should be taken on a qualified majority instead of unanimity? Well, my response is clear: yes, there is a connection between the "big" issues and these technical matters as long as we are aware that these technical matters have to be solved in order to succeed in coping with the wider and deeper issues I was referring to at the beginning. You see, generally technical matters do not live in a separate world; they are part of a wider texture, with clear hints toward more fundamental things.

Let me give you an example: the re-weighting of votes in the Council of Ministers. You know that dissatisfaction vis-‡-vis Europe is often summarized by using such expressions as "democratic deficit", "lack of democratic legitimacy" and more of the same. This is quite true. Current European institutions are perceived as distant from the needs of the people. The Council of Ministers, which is after all the main decision-making body of the Union - like it or not - is based upon a sort of dual legitimacy: on the one hand, the European population that is represented by the Council (and the EP); on the other hand, individual Member States per se, obviously represented in the Council (each one having its Minister). The future destiny of Europe depends on the interaction between those two factors: both sources of legitimacy are essential for the future of Europe. And I would say that the more of Europe we want for the future, the more the legitimacy based on population should be relevant. Well, if you look at what has happened throughout the years, due to the enlargements we have already had - passing from nine to twelve and then to fifteen - you will see that the share of European population represented by the Council's weighted qualified majority has been steadily shrinking. Decisions within the EU Council may thus end up reflecting an ever decreasing portion of the European population. Initially, in the early European Community, the qualified majority of the Council represented 70% of the European population. Now, it represents less than 60%. And, if we go on leaving these rules unchanged for the future, and we reach twenty members in the Union, twenty-two, twenty-five and possibly twenty-seven, which is the expected size of the Union in the foreseeable future, we would fall under 50%. This is quite a problem. So we have to change these rules in order to put the Council in a condition to represent as many citizens as possible. This is one of the problems we have to tackle. Italy has put forward proposals for re-weighting (to be combined with the simple majority rule) which, on the one hand, ensure an adequate decision-making power for the larger countries and, on the other, protect the interests of the smaller countries.

Also the switch from unanimity to qualified majority voting clearly reflects, once again, the difficult balance between population and Member States as the twin pillars of European legitimacy: the more we switch to qualified majority, the more we accept that our being European implies being ready to accept decisions taken by the majority of Europeans; the less we are ready to do so, the more we imply that Member States have to find an agreement among themselves in the first place. There has to be some balance between the two, but if the most sensitive issues remain under the rule of unanimity, it means that the European population is inevitably less and less important vis-‡-vis the Member States and their mutual relations.

Having said this on legitimacy, I would add that efficiency is equally important: and it is clear that the existing rules are less and less efficient. Therefore, the more we want enlargement - as I personally do, together with most of the political leaders in Europe – the more we need efficient decision-making rules and procedures. I have read a recent research about the

"passage probability", as it is called, of any proposal by the Commission in the Council - of course what is used here is a theoretical assumption, independently of the merit of any single proposal. Now, by adopting very general and theoretical assumptions - but I think it's interesting anyway – the result is that in the Nine Members EC the passage probability was roughly about 15% for any single proposal; it has come down to almost 10% with Twelve Members and now, with a Fifteen Members Union, it is below 8%; with a Twenty-seven Members Union it will sink to 2.5%. So, regardless of what we want to do, we need more efficient rules: otherwise, whatever the purpose, the expectation, the vision, in the end we will be impotent, because there won't be any single proposal with a likley chance to pass.
That's why these things – these apparent technicalities - are so important for the future of Europe.

I would like to mention two other aspects that we will have to deal with in Nice; and that I see as the crucial gateways to the future, as the channels that might lead us toward the political project of a return to Europe: one is enhanced cooperation; the other is the Charter of Fundamental Rights, which should be adopted in Nice as a solemn political document.
Enhanced cooperation is something that is provided for by the treaties even now, but in such a way that de facto any country can veto it. We need to make it more easily feasible. With the new procedures that we expect to agree upon in Nice – as proposed by Italy and Germany in particular - whenever a group of Members wants to reach a deeper level of integration in relation to a specific area – it might be immigration, it might be Mediterranean policy - and whenever it is clear that not all Members are ready to do the same, such dissenting Members cannot any longer prevent the other ones from going on as long as the door is open to everybody else. This is extremely important, because we have to admit that in the future, with an enlarged Union, it will be quite difficult to achieve further integration for all members at the same time - the unbalance between the existing Members and the new ones will imply that most of the efforts will concentrate upon the "catching up" needs of the new Members. As a consequence, the average level of integration might remain the existing one. And at the current level of integration, all the issues I was referring to at the beginning might remain unsolved. The key requirement, however, is that enhanced cooperation should remain open to all: it should act as a magnet for further integration and not as a divisive instrument or a source of hierarchisation in a two-speed Union.

Let me give you an example. When I was working at this Institute with the group of the Schuman Centre on enlargement, we discovered the importance of setting-up new multinational police forces to really police the future external borders of the Union: this is an essential capability in the enlarged Europe, which goes beyond the existing level of integration and that does not necessarily require the initial involvement of all Members. Some of them, however, can decide to have joint forces at the borders: we Italians are just introducing the first experiments in that direction, in cooperation with other Member States (Germany, Spain), because we are already responsible for the current external borders of the European Union – the Adriatic Sea being an external border of the European Union. Now, these steps go toward further integration that is badly needed. I cannot expect that fifteen and then twenty Members agree at the same time on such a measure, but some of us can do it and push in that direction. I confer particular importance, thus, to enhanced cooperation for further integration in the so-called "third pillar issues", namely Justice and Home affairs.

Not to mention economic ones: can you imagine the Euro countries really to stay where they are now in terms of coordination of financial and economic policies if they really want the Euro to be a (relevant) currency to be reckoned with in the world? This is an area that is clearly perceived as one where closer integration is needed. I see Euro countries as one of the groups of EU Members that are most naturally candidates for enhanced cooperation precisely in relation to the area of economic and financial policy. And here you might give European citizens the sense that Europe goes beyond the setting-up of a single market, while it goes also beyond borders that have remained untouched and unchanged for too many years.

In relation to this – the political project, the sense of belonging - the Charter is no less important. I have frequently discussed the Charter with British friends, and they sometimes tend to consider it as a typical expression of continental rhetoric. We continentals like the sort of documents that use many words to indicate rights that sometimes don't have other

existence than in the Charter that declares them. There is a grain of truth in this very realistic and somewhat cynical viewpoint; at the same time, however, our British friends are now incorporating in their legal system the European Convention of Human Rights of 1950, with a Human Rights Act that introduces substantial changes in their system. At the moment, they simply reject an overdose of Charters, and an overdose of human rights perhaps - the Convention and the Charter of European Rights - and this might be the British problem at the moment. But having said so, the Charter has a fundamental meaning. The Charter says to all of us – Europeans - that again there is more in Europe than the single market. If one reads the Treaty of the European Union – as it was initially at least, because there were changes and corrections and integrations throughout the years – the impression is somehow frightening. When one comes across what is for us Italians the person, *la persona*, one spots that human beings are substantially mentioned along with goods, services and capitals, as sharing the same rights. There is this quartet: persons, capitals, goods and services, all of them equally entitled to free movements in the European territory. Now, this is fine and nice, but there are many people who would dislike being treated the same way as capitals, goods and services and would like a human being to be considered somewhat differently. And this has been one of the weaknesses of Europe in these last years, when we concentrated mostly on economic matters. We have built a single market – an enormous achievement – we have been introducing competition into this single market - and this is for the future, because we have not got yet the final result, namely increasing competition throughout Europe.

But we have to admit that for human beings other things also matter, not just these ones. The right to life is important: throughout Europe we dislike the fact that one might pay with his/her own life for the crime that he/she has committed, we are against the death penalty and this is part of today's European civilization. We are for diversity, but we don't limit ourselves to respect what is politically correct. We know - Germany is an excellent example of this - where there is a hierarchy of constitutional values and sometimes there are values that are above others, therefore there are diversities that we respect, diversities that we want to freely, transparently and democratically integrate into a higher set of values. We are against intolerance in Europe, strongly against it: this is and has to remain part of our culture, that wonderful machinery that built cultural unity in Europe thriving on diversity– although somebody thinks – as I mentioned before – that this process is coming to an end. Well, that machinery implies that tolerance remains one of our essential values. We think that the main risks of life require some sort of safety net that all of us are responsible for. Therefore social rights are part of our set of values and in Europe we have a unique example of a system in which values become rights, legal rights that can be affirmed and defended in Courts, that are above the States and that are aimed directly at the citizens of the Countries that are part of the system.

This refers both to the Court of Strasbourg and to the Court of Luxembourg. The Charter of Rights at the moment is of, say, uncertain value; what we understand is that the European Council will adopt it in Nice as a political document. But it is there. And the intention, mainly of Germany and Italy, is to commit the European Council, already in Nice, to move further, towards a European Constitution or, to make it more acceptable across the Channel, to a fundamental Charter as a legal document to be approved in a few years, tentatively in 2004.

Nice, then, is not the end of the story – nor the end of history. Now, we need to give satisfactory answers to the uncertainties of the Europeans - who don't know where we are heading to – and to give answers to the Countries that are entering Europe. This is something that at times is ignored; but after years of Communism and the entry into these Countries of economic rules brutally aiming at profit – nothing but profit – what is really missing is a set of values that go beyond what we in Italy call *"l'arte di arrangiarsi" (*muddling through)*.* And if there is a concern in the candidate countries, it is precisely that their populations tend to be more and more cynical. This is why enlargement - this enlargement made by us, by Europeans who have this sense of exemplary civilization - requires that we fill the gap of values for these countries: for them, for us and also to indicate the borders of European-ness.

You know, I remember that when we were discussing enlargement at the Institute, we had a wonderful session on the cultural common ground of Europe – "Do we have, do we share a common culture? Which are the Countries that share a common culture with us that might be

Members of the future Europe?". The paper that we received took movies and music as relevant indicators. Movies and music. Well, the outcome of the paper was that Italy, Hungary and Vietnam were equally entitled to be Members of the future Europe, because they shared more or less the same culture taken from those indicators. So, this is probably not enough. There is something more peculiarly European that we must find the courage to articulate, and that will define our borders. It is not religion – be careful – but it is something in relation to which our religious legacy plays a role: not in terms of religion proper, but as contributing to a common set of values.

I was telling you of the gateway to the future. And this is what we have to open up in Nice: better decision-making devices in terms of legitimacy and efficiency; easier access to enhanced cooperation between those Countries ready to integrate each other in new ways, and this first set of values that we can read in the Charter of Rights. All this will require further steps: but it is a new beginning for a Europe that is willing and able to address the deepest questions, doubts and issues that make so many of us uncertain as to the sense of this common joint-venture that we call Europe.

I am concluding my lecture. And I can tell you, if I fly at a lower height, that I understand that there will be difficulties in Nice. Everybody is ready to apply qualified majority only to the issues that others care about, and there is the risk of a renewed fight, meaningless but renewed, between the big ones and the small ones, mostly in relation to the re-weighting of votes in the Council.

Vision is really needed in Nice. And each of us has to accept what one of our Professors here, in Harvard and here, Joe Weiler, has repeatedly written about the sense of Europe and of European citizenship: that certainly European citizenship will never be a substitute for our national citizenships, but it can and should be an integral part of them. Of my being an Italian, the fact that I also am an European should thus be a necessary part.

I hope that my colleagues in Nice will have this sense of their national citizenships: that they will consider, as I would do, the European component of my overall citizenship no less essential than my national one.