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## The Recent Evolution of the European Union

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# The Recent Evolution of the European Union

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## **Abstract**

I believe that we need to compare the constitutional systems of the two most important players on the international stage to obtain a more clear idea of the difficulties, the problems, and also the different attitudes that may exist on both sides. Mutual comprehension between the United States and the European Union, and transatlantic cooperation in general, are essential for the structuring of international relations. It is useful to take a brief look at what is changing in Europe. If we leave aside the different reactions to the relative successes and failures of the Treaty of Amsterdam, as well as to the lack of confidence in international relations, I believe that the European Union is currently going through a period of major constitutional change.

## ADDRESS

# THE RECENT EVOLUTION OF THE EUROPEAN UNION

*Marcelino Oreja\**

### *INTRODUCTION*

It gives me great pleasure to take part in this symposium in which so many distinguished participants have submitted valuable contributions. I believe that we need to compare the constitutional systems of the two most important players on the international stage to obtain a more clear idea of the difficulties, the problems, and also the different attitudes that may exist on both sides. Mutual comprehension between the United States and the European Union, and transatlantic cooperation in general, are essential for the structuring of international relations. Together we can play a key role in guaranteeing peace and stability, greater development, and a system of international relations firmly based on solid foundations. The result, however, depends greatly on certain conditions. We must work together and trust each other. We must define our relations clearly and set up problem-solving systems based both on fairness and on clear rules by which both parties must adhere.

#### *I. THE EUROPEAN CONSTITUTION: WHAT IS CHANGING?*

Let us return to constitutional problems. It is useful to take a brief look at what is changing in Europe. If we leave aside the different reactions to the relative successes and failures of the Treaty of Amsterdam,<sup>1</sup> as well as to the lack of confidence in international relations, I believe that the European Union (or "Union") is currently going through a period of major constitutional change. More precisely, it seems to me that the political nature of this European edifice is coming increasingly to the fore. I feel that we urgently need to recognize the new situation

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1. Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts, Oct. 2, 1997, O.J. C 340/1 (1997) (not yet ratified).

and to structure relations between Europe and the United States accordingly.

What are these changes? First and foremost, the Treaty of Amsterdam creates a framework within which European society can be structured. It provides a system of rights, political powers for its citizens, and policies aimed at addressing the citizens' main concerns at the European level.

By now it is clear that the European Union is in a position to guarantee its citizens:

- respect for human rights through a system of obligations and sanctions that apply to the Member States;
- the defense of certain fundamental principles, such as non-discrimination and equality of men and women, particularly in social matters;
- transparency in the system and actions of the Union; and
- major responsibility in essential areas such as employment, environmental and consumer protection, public health and safety, freedom of movement, the security of Union citizens, and immigration.

These new aims can be added to traditional powers regarding the economy, freedom of movement, and social and regional solidarity. Taken together, I feel that they constitute a regulatory framework for political citizenship within the Union. It would be a grave mistake to underestimate the importance of these developments.

Second, although in certain sectors foreign policy is a fundamental element of the Union, it is clear that the Treaty of Amsterdam has not resolved the problem of the Union's foreign policy. Union policy is weak or non-existent in terms of diplomatic or military policy. But here too, without overlooking all of the potential difficulties, we are reaching a point where we will need a name and a telephone number, as Henry Kissinger put it, at least in certain areas such as transatlantic relations. I would like to remind you that taking decisions by a qualified majority vote is no longer taboo in this field. Qualified majority voting has become a fact, even if, for the time being, it is chaperoned by a safety clause.

While the Treaty of Amsterdam has by no means solved the institutional problems, we should not underestimate certain steps that have been taken, nor should we ignore their signifi-

cance. Increasing the powers of the European Parliament, for example, with regard to co-decision and the power to appoint the President of the Commission, is a laudable example of the democratic spirit of the Treaty. It seems to me, however, particularly in view of the impending enlargement, that this increase of Parliament's powers is a response to the need to bestow a capacity for decision-making, mediating, and compromise on an institution that does not possess the real links of the Council, which still remains basically an intergovernmental institution.

Today, the Member States are considering some institutional questions in a new light, questions that until now their representatives have been loath to address. Of course, certain fundamental obstacles have not been overcome, particularly in relation to enlargement. These obstacles include the problems linked to the unanimity rule, the new composition of the Commission, and the definition of the relative weighting of Member States in the Council. Finding solutions to these problems is viewed as essential, so much so that a specific protocol provides for their resolution prior to enlargement.<sup>2</sup>

Some Member States have gone even further. They consider that solving the main institutional problems is a precondition for enlargement. In this context, the European Parliament has asked the European Commission to prepare a broad-based proposal with regard to the future of institutional reform in light of the process of ratification of the Treaty of Amsterdam.

Enlargement itself—and negotiations are due to start in just a few days' time—is a truly historic undertaking. This enlargement is not on the same scale as enlargements that have been accomplished in the past. The objective of enlargement is to unite a continent, to recover an enormous territory of peace and prosperity, and above all, to provide a framework for interchange among cultures that are different but historically complementary. The last of these challenges is by no means the easiest. But if we meet it, if we create a climate of interchange and respect among cultures, if we succeed in awakening curiosity and perhaps even a touch of envy in every European when he or she looks at other cultures, we will have accomplished a historic feat.

Enlargement means achieving the unity of the European

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2. *Id.*, Protocol on the institutions with the prospect of enlargement of the European Union, O.J. C 340/1, at 111 (1997).

continent. It means creating an enormous single market that will certainly benefit all Europeans. But it will only benefit everyone who accepts the rules. It will be an opportunity for wealth and work for Europeans, but it will also be an opportunity for the rest of the world.

I would like to turn to the introduction of the single currency, the Euro. It is no longer a sketch on a drawing board; it is a building under construction and the setting of the final stone is clearly in sight. In my opinion, the Euro represents Europe's great political decision, although by no means the only one. But it is more than a purely economic challenge.

In all probability, the Euro will be a major catalyst, increasing European political power in the face of an extremely powerful European Central Bank. It will undoubtedly be a most important step for Europe and the habits and ways of thinking of Europeans. We expect the Euro to bring us greater prosperity and increased solidarity.

I do not believe, however, that we should underestimate its effects on the international scene. It will give Europe a louder voice in the global economy. Together with the dollar, the Euro will be able to guarantee greater monetary stability and help stabilize the world economy. The two currencies will probably be complementary rather than bitter rivals.

## II. *RELATIONS BETWEEN THE UNITED STATES AND EUROPE: A GLOBAL PROBLEM*

So I do not feel that we should underestimate the enormous changes that are taking place with regard to the European constitution, changes that must be taken into account when thinking about relations between the United States and Europe. I do not believe that the two systems are basically identical. The United States has opted for full political unity, based around central institutions that are sufficiently strong as to enable individual states to retain what is probably a greater degree of independence, at least in certain areas, than European states enjoy in relation to the Union.

Although the process of integration is by no means completed, it will be difficult for the Union to achieve the same sort of political unity as the United States. Therefore, at least for a

long time, we will need to compare two very different realities. But I believe that it will be a worthwhile exercise.

In the post-war era, political and military cooperation within NATO created a high degree of stability and offered essential protection against the risk of another world war. We cannot do without this institution, which is so crucial for the promotion of peaceful relations on the international scene. In fact, we need to make greater use of it as an instrument of peace and security. Europe will probably have to make a united contribution to this cooperation. In the aftermath of the Cold War, the idea of a European defense identity must consist of a military role and an instrument to defend certain interests, above all, peace on our borders and in the Mediterranean. But this defense identity also involves an increased capacity to participate in a shared undertaking, the role of transatlantic cooperation in maintaining peace and stability.

This shared undertaking is also an essential element of the economic structure of international society. We only need to consider that relations between the United States and Europe are so important that, with certain reservations and exceptions due to insurmountable structural differences, we are thinking about how to establish a sort of transatlantic free-trade. Transatlantic free-trade is the core idea of the New Transatlantic Marketplace initiative. I do not believe, however, that military cooperation or economic and commercial cooperation alone does justice to the problem of transatlantic relations.

I feel that the most important goods that we can exchange are ideas, the models of society that we have constructed and of which we are proud on both sides of the Atlantic. Europe insists, in particular, that the notion of solidarity goes hand in hand with the concept of freedom. We believe that the major crisis in Asia has proved that instruments of social solidarity, shock absorbers, and structures that provide a framework for, and regulate, the free market are not only an asset for structuring society, but also a method of improving the efficiency of the system. It is difficult, however, to ignore the merits of the U.S. system, especially when it comes to the stubborn defense of principles of freedom. I believe that constant comparison of the two systems is necessary and useful, for Europeans, for Americans, and for the rest of the world.

### III. *THE CONDITIONS FOR TRANSATLANTIC COOPERATION*

I feel that our relations can be fruitful in many areas, but on three conditions. First, there must be mutual respect, deriving from an understanding of the mechanisms, principles, and objectives of the two systems. This condition is why this symposium is of particular interest. The comparison of constitutional systems, a comparison between the great political, social, and philosophical aspirations and between the institutional methods and legal regulations, must be nurtured because we can learn from each other, and because mutual understanding is a prerequisite for cooperation and friendship.

Second, the structures for cooperation between us, both at a political and an economic level, must be strengthened, without any claims of supremacy. Such claims not only would be inappropriate, but also would encourage incomprehension and resentment. We need to be aware of the global importance of our cooperation and of its potential impact on the future of the planet and on the creation of conditions for peace and security.

Third, a method of solving disputes that is based primarily on the rule of law and respect for agreements must be developed. On this basis, the European Community has achieved the miracle of making war a distant threat and also of overcoming any temptation, however remote, of waging a war within its borders. I think that the merits of this system deserve recognition.

### *CONCLUSION*

The Cold War ended almost ten years ago. It is now time to reap all the benefits for our countries and for humanity. Now that the conflict between systems, the fear of nuclear holocaust, and the fear of losing our soul or our freedom are all things of the past, we must set a positive objective for our cooperation. We must try to build a more peaceful international society, a society that is more prosperous and where the rights of the individual command greater respect.

To attain this goal, we need transatlantic cooperation that is aware, fair, imaginative, and has the possibility of lasting. Will we be able to rise to the challenge? I think that this question is the fundamental question to which we, Americans and Europeans on both sides of the Atlantic, need to work together to find a common answer.