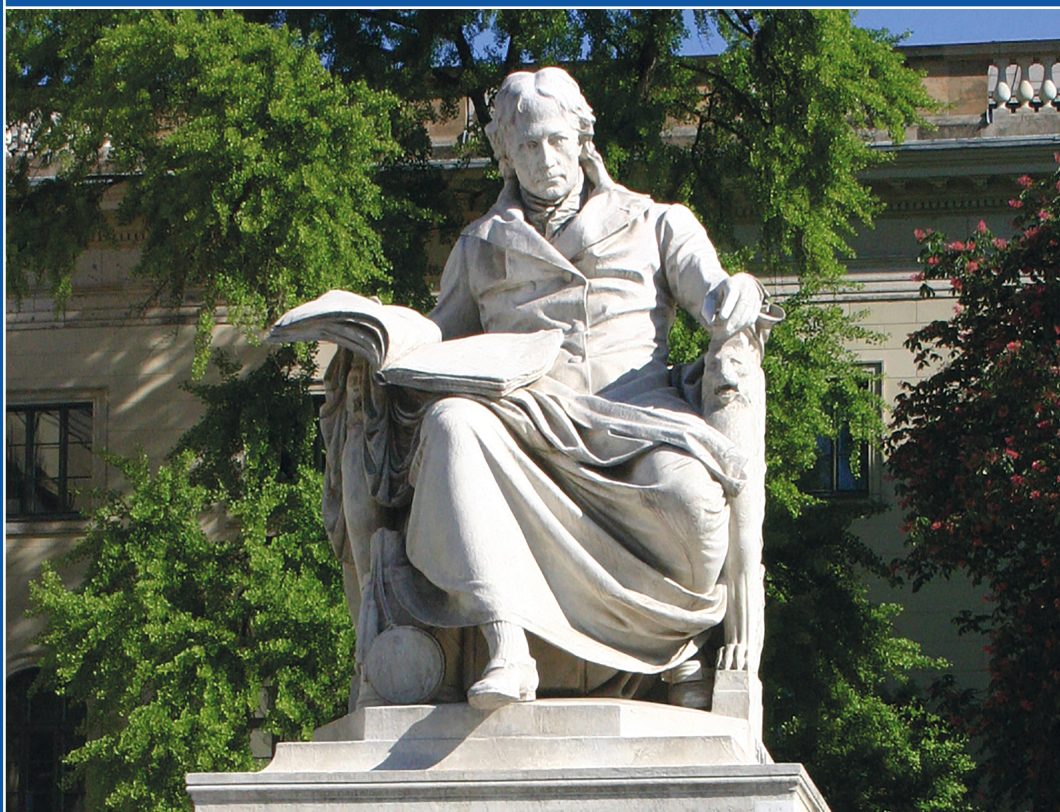


Matthias Ruffert (Hrsg.)

Europa-Visionen

Perspektiven auf Europa vor, während und nach der Krise



Nomos

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Vorwort von Prof. Dr. Matthias Ruffert

Als die „Humboldt-Reden zu Europa“ durch meinen Vorgänger Prof. Dr. Dr. h.c. *Ingolf Pernice* ins Leben gerufen wurden, gab es durchaus Herausforderungen für das europäische Projekt – manche Streitfragen, politische Auseinandersetzungen und auch krisenhafte Erscheinungen. So war die Vertragsänderung von Nizza kein europapolitisches Ruhmesblatt. Über allem stand jedoch die verfassungsrechtliche Perspektive, die sich mit der Grundrechtecharta verwirklichte und erst Mitte der 2000er Jahre durch den Abbruch des Ratifikationsprozesses für den Verfassungsvertrag einen Dämpfer erhielt. Die ersten veröffentlichten Humboldt-Reden atmen den Geist dieser Zeit (*Ingolf Pernice (Hrsg.), Europa-Visionen, 2007*).

Alle Reden, die im vorliegenden Band veröffentlicht werden, sind indes vor einer viel krisenhafteren Entwicklung der Europäischen Union zu sehen. Daher reflektieren viele von ihnen auch die Staatsschuldenkrise im Euroraum, die Migrationskrise und nicht zuletzt das Trauerspiel um den Brexit. Und dennoch, trotz aller Krisenphänomene, ist allen Rednerinnen und Rednern gemeinsam, dass sie nach einem gemeinsamen Weg zur Verwirklichung der europäischen Idee suchen. Kritik im Einzelnen entfaltet sich nicht als Hindernis für diese Suche. Europa ist keine Selbstverständlichkeit, sondern um seine konkrete Form wird gerungen.

Das Walter Hallstein-Institut ist stolz darauf, diesem Ringen ein wichtiges Forum zu bieten. Als neuer Direktor seit April 2016 bin ich ganz besonders dankbar dafür, eine derart erfolgreiche Redereihe fortsetzen zu dürfen und die Früchte der Aufbauzeit ernten zu können. Mein Dank gilt daher zuallererst meinem Kollegen *Ingolf Pernice*, den Weg für „HRE“ geebnet zu haben – und natürlich für sein Vertrauen. Der „Neue“ hat deswegen nichts über Bord werfen müssen, sondern nur Feinsteuerungen vorgenommen. Das große Redeformat trägt nun durchweg die Bezeichnung Humboldt-Reden zu Europa (HRE), während das Forum Constitutionis Europae (FCE) kleineren, diskursiven und werkstattähnlichen Gesprächsformen zur Verfügung bleibt.

Zu danken habe ich auch der Stiftung Mercator für die großzügige Förderung der Redereihe, nun im Projekt „Wir sind Europa!“. Besonderer Dank gebührt natürlich meinen Mitarbeiterinnen und Mitarbeitern an Lehrstuhl und Institut, allen voran Frau *Anna Sting*, die nun seit 2017 für eine reibungslose Organisation der Reden und aller damit zusammenhängenden Aufgaben sorgt – einschließlich dieser Publikation. Danken möch-

te ich auch den studentischen Mitarbeiterinnen und Mitarbeitern *Friederike Grischek, Isa Klinger, Anton Sauder* und *Joel Springstein* sowie *Kalojan Hoffmeister*, der sich ganz besonders um dieses Buch verdient gemacht hat. Den Mitgliedern des Fördervereins danke ich für treue Unterstützung unserer Arbeit, und *last but not least* dem Nomos Verlag für die verlegerische Betreuung.

Allen Krisen und Kritiken zum Trotz bleibt die europäische Integration auf dem Weg. Mögen die Humboldt-Reden zu Europa auch in Zukunft den politischen Persönlichkeiten mit ihren Argumenten und Positionen auf diesem Weg eine angemessene Bühne bereiten!

Berlin, im Mai 2019

Matthias Ruffert

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Europe in the Coming Times: an Irish perspective

Mary McAleese, damalige Staatspräsidentin von Irland, 26. Februar 2008

President Marksches,
Professor Pernice,
Dr Sabathil,
Ladies and Gentlemen,

It is a great honour to be here today in this revered place of teaching, learning, and informed debate about the future of Europe.

In choosing my title today, I am echoing a late-nineteenth century Irish poem in which the poet addresses an imagined future Ireland. It was written at a time of great flux, characterised by competing visions of our national destiny.

To try to conjure up an image of the future is a fundamental human trait. We do it all the time in our personal lives and in our communities. We are forever striving to improve our lives and the lives of those around us. This is the stamp of a responsible society which must never rest on its laurels or become self-satisfied.

There are occasions in history when our collective thinking about 'the coming times' becomes all the more vital. The opening decade of the twenty-first century is, I believe, just such a time.

I recently came across some words by Peter Drucker on the impact of large-scale change in history:

Every few hundred years throughout Western history a sharp transformation has occurred. In a matter of decades, society altogether rearranges itself, its world views, its basic values, its social and political structure, its arts, its key institutions. Fifty years later, a new world exists. And the people born into that world cannot even imagine the world in which their grandparents lived and into which their own parents were born.

We are living, right this moment, through a period of flux just as Drucker describes. A powerful perception of rapid change gives rise to a sense of excitement at the enormous potential being unlocked, but has also given rise to a degree of uncertainty and apprehension about the dizzying pace of change and about our future direction.

This University's founder, the great philologist and expert in the origins of language, Wilhelm von Humboldt, has a special importance for us in Ireland. Humboldt was among the first experts to identify the IndoGermanic group of languages. It was he who established that our native Irish language belonged to that family of European languages. Building on his work, later German linguists codified the grammar and structure of the language, but it was Humboldt's work which represented a moment of cultural re-awakening, and inspired a renewed sense of Ireland's belonging to a common European tradition. He introduced us, you could say to our DNA.

Cultural nationalism in Ireland went hand in hand with intense political debate about our relationship with Britain and the nature of Ireland's identity. Of course, Ireland's sense of belonging in Europe has deep roots in our history. It is illustrated in the lives of those like the seventh century Irish monk St Killian of Wurzburg, who came to help Europe secure its Christian values.

Humboldt's discovery that our national language, long derided and humiliated, was a full member of the family of European languages underlined the European pedigree of our culture. Since Humboldt's day, Ireland has consistently demonstrated, time and again, that Europe is indeed in our DNA and inseparable from our national destiny. The European Union has travelled an immense distance since the founding generation developed their bold vision of Europe in their 'coming times', the second part of the twentieth century.

The dreadful upheavals of that century taught us harshly the importance of enlightened political leadership rooted in democratic and pluralist values. Europe's traumas brought forth the vision of great men like Adenauer whose goal was nothing less than "a great, common house for Europeans, a house of freedom".

Nothing represented the realisation of Adenauer's dream like the coming down of the Berlin Wall, which had so disfigured this city and shamed this continent. Today, a revitalised Berlin gives living proof that no barrier is insurmountable and that no dividing line is ever permanent as long as the human spirit yearns for freedom.

Goals that would have seemed utopian in the 1950s, in a Europe still finding its post-war feet, have now been realised. Europe is peaceful, united and prosperous. We benefit daily from the single market and the existence of the Euro. Twenty-seven countries now work together in pursuit of shared ambitions founded on the very best of human values. From the ashes of war arose a structure built to last for centuries, but for that structure to last, it must accommodate change. The question "what's next?" begs to

be answered if Europe is to retain its role as a centre of gravity and sanity for the world. We can take satisfaction and reassurance in looking back at how far we have come but still our eyes must be on the coherent, stable and humanly decent future we are called to build one day at a time.

For more than twenty years, the Union has been preoccupied with its internal affairs. This preoccupation has produced a rich harvest, which has served Europe well. Ireland has been a particular beneficiary of this process and our economic fortunes have been transformed in the space of less than a generation.

There is now a growing consensus that the Union needs to look outward, beyond our borders. Our world is changing at an unrelenting pace. Many of the challenges now faced by national governments defy the boundaries of states and even those of Europe. An issue like climate change, for example, demands a broader response.

In Irish we say *Ní neart go chur le cheile* : strength comes only when we act together. Our belief in collective action as the source of strength and the common good is interwoven into many traditional Irish sayings and into the customs and practices of Irish life. *Meitheal*, for example, is a word we use to describe collective action to meet a challenge and denotes a community gathering and working together. *Meitheal* is how generations of our ancestors worked the small farms of Ireland over the centuries, when neighbours rallied around to ensure that the work would be done and the harvest stored in good time. It is today how our communities, urban and rural, are organised around neighbour helping neighbour. Without that we are mere strangers to one another. It is our shared focus and shared responsibility that builds us into caring communities.

These ingrained values helped us to survive hard times 150 years ago when famine claimed millions of Irish lives, turning us into an emigrant nation and forever altering the trajectory of Irish history. From this grim experience we know well of the potential for environmental failure to become a terrible social and humanitarian disaster when the powerful stick rigidly to their mindset and beliefs, selfishly delaying action until it is too late.

With this in mind, Ireland's international relations are guided by the "ideal of peace and friendly cooperation amongst nations"; the "pacific settlement of international disputes" and the "principles of international law as its rule of conduct in its relations with other States".

These principles guide our approach to relations with the wider world. We follow a policy of military neutrality and non-involvement in military alliances. But neutrality has not meant indifference. Our history and geography have helped to fashion our particular approach to international af-

fairs, but we well understand that many of our European neighbours have made different choices, and we respect those choices.

Ireland has been an active member of the United Nations since 1955. Membership of the United Nations allowed us to develop our own distinctive role in the world, focused on issues such as development aid, disarmament and human rights.

From the beginning, we felt strongly the obligations imposed by membership. For the last fifty years, the Irish Defence Forces have had a continuous presence on United Nations peace support operations. Today, Irish servicemen and women serve in UN-mandated missions in Kosovo, Bosnia, Afghanistan, Lebanon and have a leading role in Chad. This service has not been without cost and many members of our Defence Forces have given their lives in the service of the United Nations. We are deeply proud of all who have served and who serve today.

The nature of peace support operations has changed over the decades and it is right that the European Union – arguably the most successful peace process in history – should develop its capacity to build peace elsewhere in the world. The Union's purpose is to consolidate and support democracy, the rule of law and to promote human rights. The Union's efforts to preserve peace, prevent conflicts and strengthen international security are all done in accordance with the United Nations Charter.

The Irish police service has also played its part. I look forward to their participation in the EU rule of law mission planned for Kosovo, where the European Union will play a vital role in ensuring peace and stability.

As we see it, our interests are best advanced through the pursuit of principled policies backed up by Europe's economic resources. Our vision of Europe is that it must strive to be a new type of power in the world, one that is founded on the pursuit of values as much as on the defence of interests. As a small country with a baleful experience of colonisation, Ireland has traditionally had grave reservations about Great Power politics. We see patient diplomacy, persistent, respectful dialogue, and dogged persuasion as the best instruments for creating a better world. We value the contribution of international organisations and are unstinting in our support for the United Nations.

We see peace, development, and human rights as being inextricably linked. We aim to be a world leader in development assistance and are resolute in our commitment to reach the UN ODA target of 0.7% of GNP by 2012. This commitment enjoys wide public support in Ireland. The value of solidarity with the world's poor is strongly recognised by our people for it is a product of our own history of famine and underdevelopment. The Government through Irish Aid, our development aid programme, is giving

practical expression to the defining values of modern Ireland. It is following, too in the footsteps of thousands of Irish men and women, lay and missionary, priests and nuns, soldiers and policemen, volunteers and aid workers who for many years have offered themselves and their skills to the poorest and most troubled countries in the world, in many ways our finest ambassadors.

The island of Ireland has known generations – indeed centuries – of conflict, but today our best educated and most high achieving generation ever has used its brain power to shift us from conflict to consensus. We hope that the journey we have made from violence to peace will serve as an encouragement to other nations still mired in seemingly intractable conflict, and we are taking solid steps to transfer our knowledge in this area to other states, the first of which is Timor Leste.

In the years ahead, the Union has the potential to play an even greater role in promoting our shared European values and protecting our shared European interests around the world. A case in point is the problem of global warming, which has the potential to damage not just our future interests but those of all humanity on an unparalleled scale. The global community has at last begun to rally in its efforts to spare future generations from the consequences of cataclysmic climatic changes. The agreement reached in Bali reassures us that an international consensus is mounting but Europe's destiny is as an international leader. As advanced economies, we occupy a privileged position and though there are undoubtedly real costs and sacrifices ahead, in truth we know that it is the world's most vulnerable who will first suffer the consequences. We are called to be their shield as well as our own. In Copenhagen in 2009, I hope the champions of coherent collective international action will be vindicated, among them your Chancellor and the Federal Government, who within the European Union and the G8 have articulated a vision on the climate change agenda that is praiseworthy indeed.

Germany has already made real progress in renewable energy technologies and we in Ireland are committed to a 33% target for electricity from renewable sources by 2020. We have set such ambitious targets because we firmly believe that it is only by investing in large-scale renewable energy programmes that we can create the incentives for research and industry that will make renewable energy cost effective and efficient as well as sustainable.

Europe is engaged in a great economic endeavour to equip our twenty-seven economies for the challenges and opportunities of the globalised world. Here in Germany, the largest exporter in the world, the traditional

industrial heartland of Europe, you understand these issues better than most.

In the late nineteenth century, when the poem to which I referred earlier was written, the future tended to be seen in either national or imperial terms. In Ireland, we resisted the then-fashionable imperial vision of the world with its narrow elites and its overlooked masses. We insisted instead on a vision of the innate dignity of each human being and her or his right to freedom and to equality of opportunity. That vision was secured by insisting on an independent future for ourselves. Exercising our independence and our sovereignty we chose to join the European Union. It is in some ways our lodestar as we seek to plot a course through a changing world. We hope to see the Union develop its full potential as a prosperous knowledge economy, as a peaceful common homeland, as a champion of good values and good practice within the Union and around the world, as a witness to the power of partnership in diversity and to the 7 benefits that come from ending conflict and beginning consensus, as a friend to the world's poor and overlooked.

In this, the European Year of Intercultural Dialogue, many of our countries grow more multi-cultural, multi-faith and multilingual by the day. If we mean what we say about Europe's founding value system, with its reverence for the dignity of each human being, then our task is to build in our countries and throughout our Union a deep-rooted culture of acceptance of difference, of joyful curiosity about one another, and of respect, which allows strangers to live in harmony as neighbours and to become friends. Already in the movement of peoples throughout Europe, whether following the stars of economic opportunity, or tourism, or academic exchange, we see the emergence of the new Europe dreamt of by Schuman and Adenauer, a Europe of good neighbours, good friends, pulling together for a shared future and not pulling Europe apart for selfish ends. Now our generation faces a different world and different challenges but with the gift of the Union, the resource that is the Union as our bridge to our coming times. Will we make poverty history? Will we see an end to the misery of the Middle East? Will we see East and West grow in mutual understanding and harmony? Will the great faiths of the world become sources of unity and not discord? Will we stabilise our global climate? Will we give our children a legacy of optimism and hope such as has been given to no other generation in the known history of mankind?

Speaking in 1994, as Ireland began to emerge from its nightmare of violence and division, the Irish Nobel Laureate, John Hume described what has been achieved by the European project:

“...they can build common institutions which preserve their differences, which allow them to work their common ground... [giving] bread on your table, a roof over your head, the right to existence. Not just the right to life, but the right to a decent standard of living, to a home, to a job, to education, to health... [T]hey broke down the prejudices of centuries to make the healing process take place...”

That feat, that extraordinary achievement, is our inheritance. It is no mausoleum, no place of mere words. It is a leaven in our lives and in our world. It is still young, still growing, still dreaming. There is much work still to do, and we are the hands of that work; its brains. We are the sacred custodians of Europe of the coming times.

Ratifying Lisbon and restoring citizens' trust

*Guiliano Amato, ehemaliger Ministerpräsident der Republik Italien,
10. Juli 2008*

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

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

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

Yes, one might argue, but the votes in France, in the Netherlands and now in Ireland do exist; and they seem to be votes against Europe. But, regarding this conclusion, I would not be so sure. When a national referendum is held on European matters and national politicians make the case of Europe, it might also be that the voters are voting not against the case itself but against its advocates in relation to the voters' satisfaction with them Ratifying Lisbon and restoring citizens' trust and to domestic issues. I am perfectly aware that it is not necessarily the ultimate explanation (Things were different in the Dutch case, for instance). I repeat myself: it might just be. However, the stereotypes of our public debate ignore this possible and at least partial explanation, for the shaky Europe is and has to remain their only topic.

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

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

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

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

Firstly, it offers a new or more robust legal basis to those actions which the citizens are expecting in the areas previously listed. There is a new legal basis for energy, which empowers the Union to "promote" energy efficiency and energy saving, to "promote" the interconnection of energy networks and to "ensure" security of supply in the Union. The measures in the Area of Freedom, Security and Justice which now have to be by means of framework decisions (not having direct effects) or through interstate conventions (even worse) will be approved by ordinary legislative procedure, making the fight against terrorism and organized crime much more effect-

ive. Two new solidarity clauses are introduced: the first one commits the Member States to assist those among them which are victims of terrorist attacks or of natural catastrophes; the second one extends the measures adopted by the Council on behalf of Member States facing exceptional Ratifying Lisbon and restoring citizens' trust difficulties to the "difficulties in the supply of certain products, notably in the area of energy".

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

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

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

information spread out by the anti-European campaigners, the distorting relationship between the electorate and the national leaders advocating the Ratifying Lisbon and restoring citizens' trust case of Europe, plus possible discontent for this or that clause of the Treaty, a national majority can be reached against it. The fact remains that voting "no" has been a self-defeating reaction, for the Treaty remedies some of the shortcomings due (also) to which it has been voted against.

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

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

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

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

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

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

Up to now we have experienced neither the enhanced cooperation of the Treaties nor the two tiers Europe. We have experienced fruitful forms of avant-garde, which have taken other paths. First of all, the single currency which – despite its legal configuration – has the substance of the enhanced cooperation. As all we know, in the Treaties the Euro is the currency of all Member States, with the only exception of those, such as the UK, which Ratifying Lisbon and restoring citizens' trust have formally opted out. Actually, the Euro zone includes only some of the Member States and

some of the others will join as soon as they can afford it. They are obliged to do it at that point, but the scheme remains that of an avant-garde followed by the late comers and displaying its "promotional" role.

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

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

Along this route something even bolder can be envisaged to make our common life easier and more productive. Let us imagine that in relation to some of the common functions conferred to the European level, some Member States adopt a sort of federalization of their decision-making roles. As a consequence, after an "internal" decision making process leading them to a single position, a single voice would speak for all of them in the Council and, when needed, a single act would transfer European decisions into their domestic legal systems. If you ask me how this federalization could be devised, I respond that there might be several options. The simplest one relies upon the members of the European Parliament already elected by each of the participating states and the ministers Ratifying Lisbon and restoring citizens' trust such states send to Brussels. By meeting separately from their colleagues, they might play the role of "federal" institutions, taking decisions on behalf of the participant states which would greatly simplify both the adoption and the enforcement of the European

ones. We would have more democracy and more delivery to the benefit of the citizens.

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

Melos on my Mind: Europe After the End of the Post 1991 Settlement

*Toomas Hendrik Ilves, damaliger Präsident der Republik Estland,
23. Oktober 2008*

Apparently only now, in the autumn of 2008, we can begin to fully appreciate the importance for Europe's security architecture that on both sides of the erstwhile Berlin Wall we all – old and new members of the EU, old and new allies in NATO – expended so much effort to enlarge and consolidate the extension of the zone of democracy and democratic market economies.

For my country, the goal of what I would call the restoration generation of politicians and civil servants was to re-establish an Estonia that is democratic and liberal, a member of the EU and NATO, a goal that, if we look at the post-cold war world, turned out hardly as self-evident as it might seem in retrospect. Alternative choices, as we have seen, abounded. That today we can at all appeal to common democratic values; that we instinctively feel and recognise the values of the enlightenment – freedom in speech, expression and association, the supremacy of law and justice, human rights – is rather an exception in the nations subjected to communism. It suffices to look around us to see the possibilities.

We could, of course, have chosen among a myriad of alternatives. We could have been a neutral “pragmatic” small country, which some in the business community have always wished for, and which culminates, as it ineluctably must, in semi-independence, in *Finlandisierung*, if I may use that term, and in the worst case in a state philosophy that all is for sale. In other words, a country not created for the Lockean protection of its citizens and the rule of law but rather as a guarantor of rent-seeking behaviour for some.

Or we could have turned into a xenophobic, nationalistic and therefore isolated autarkic and semi-authoritarian state, where what matters is power, its possession and preservation by any means, along with all of the material benefits that accrue from it, as has transpired in much of the post-soviet world. Or we simply could have become a corrupt post-soviet state where all that counts is who and what you pay, not justice or the law.

It is of course no surprise that we can sense in the deeper reaches of Estonia's wishes and realities all of these tendencies. In Estonia, in its pre-war or 1.0 version, we experienced these more than we would like to admit.

Rather it is a wonder, that beginning with the re-establishment of our country, that is to say from the beginning of the Republic of Estonia version 2.0 we have managed to tame, stifle, block or divert those same tendencies.

When we examine the fate of countries liberated from communism, we must admit that the number of liberal and open democracies, based on rule of law and respect for human and civil rights has not turned out to be overwhelming. Two decades ago, when I read Francis Fukuyama's original essay "The End of History" and sent a copy to then Soviet Estonia believing it needed to be read and if possible published there, there reigned a general optimism in the inevitable hegelian victory of liberal democracy. Today, looking at the rise of authoritarian capitalism in petro-states and the mechanisms of preserving the power of corrupt elites as a completely viable alternative to democracy, my optimism seems rather naïve.

But the wide-spread success of these alternatives shows me at least that the choices made in my country were the right ones, at least from the point of the people. But it needs to be stressed that these choices were not self-evident.

A country's foreign policy always has difficulties escaping its past and its traditions. Thus, for example, the U.S. has considered the propagation and/or defence of free markets and liberal democracy a cornerstone of its democracy and indeed even wars for some two hundred years. It has been used to justify the Iraq operation as well as participation in World Wars I and II as well as the enlargement of NATO, not to mention the invention of the notion of self-determination of nations by Woodrow Wilson ninety years ago.

Russia today makes no attempts to hide its admiration for the Soviet Union yet at the same time considers the Tsarist State Chancellor Alexandr Gotshakov (1798-1883), born in Haapsalu Estonia incidentally, as the father of its foreign policy. Traditions are hard to shake. Russia's recent behaviour in international relations in fact can best be seen as a return to its 19th Century roots. President Yeltsin's attempts to shift Russian foreign policy toward a more contemporary Western mode are in the resentment powered policy thinking in today's Moscow considered a humiliation, an exception forced upon it in a moment of weakness.

Edward Luttwak has said:

"The huge change follows inevitably from Russia's regression to its own historic version of empire, which existed under the tsars and was revived by