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FIRST ANNUAL ALTIERO SPINELLI LECTURE

“BETWEEN SCYLLA AND CHARYBDIS: THE FUTURE OF THE

EUROPEAN UNION”

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Featured Speaker:

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Constitutional Convention

Well, really thank you for inviting me. It's such a pleasure to
be here again after more than 25 years. You were right.

What he said to me that it was in 1980. Actually it was in
1981, so it was not so far in the past. But it was 1981, and it was a

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wonderful time for me, because I had the opportunity to -- my idea was to study here the redistributive aspects of the American welfare that, at the time, was still under the heading of President Johnson substantially.

And I learned so many things staying here both by reading and by talking to colleagues. And this was a unique experience of reading books or data or figures, and finding immediately somebody two rooms after mine to discuss precisely these things and to have the sense of them. It's -- I hope it has remained as it was at the time, because really it was quite a learning experience for me.

Well, now, times have changed for us. At the time, we didn't have the Europe we have now. And I wonder whether it was worse or better. It's not easy to say. In the '70s, there was the great invention of the monetary system -- I will go back to it -- which was the expression of a great leadership with vision about the future of Europe.

And this will be one of the main points of my talk here this morning, because it mostly depends on this nowadays. But let us say one -- what I have to say -- let me say what I have to say with some order.

First of all, Spinelli. Spinelli was really a great figure. If I may say something that Cesare will appreciate, it was, as it happens in history, somehow better than many of his followers.

And you know why he was better? Because he was the typical visionary leader. He had -- mostly a visionary leader, but he was so pragmatic in looking for the opportunities that political life could give him to open a gate toward the future he had in mind, not necessarily a

wide gate, even a narrow one. But he could see it and he would not lose the opportunity to try, to pass through it and see what happened.

Some of his followers would somehow rigidly remain on the ideological vision of Spinelli, rejecting the small gates. I say this with some passion, because I had personal difficulties on this point.

The late Spinelli wrote -- and I have remained loyal to this kind of position in his -- I don't remember whether it was in his long diary or it's somewhere else -- but he wrote that visionary idealists like he had been would've gone nowhere without the pragmatic statesmen they had to work with.

Of course, pragmatic statesmen would have remained where they initially were without the visionary idealists, but they needed each other. And this is something that I've always appreciated.

Actually, if you think of his vision, the idea of a federalist Europe where the exclusivity of national sovereignty could be somehow diluted in such a way as to (inaudible) the reasons for conflicts with each other, and, therefore, no sovereign states, but a new European entity where internal wars would be un-conceivable -- well, if you ask yourselves has he succeeded after so many years, he has succeeded.

Europe is not federal. This is an important point.

And yet, his mission has been successful because nowadays war among European states is un-conceivable.

And the sense now for us to widen the union to the Western Balkans still is the sense of Spinelli. If you become members of our union,

whatever happens, that thing won't happen again.

And this is an interesting point. So the mission was accomplished with a Europe that has not become federal. Let us understand this kind of thing.

We are perfectly aware that the mission has been accomplished. And this is why several Europeans nowadays think that it's difficult for Europe or for the European Union to survive as a healthy organization without a mission so emotionally significant as the original one.

And, therefore, several Europeans think well, but Europe is not satisfactory as it is now. We need a mission with the same emotional impact of the initial one.

I don't agree with this position because, you know, after winning a war, you have won the war. You cannot imagine the future with the same emotional intensity that you could somehow taste while you were fighting that kind of battle.

Actually, this Europe, this European Union, is now rooted in our citizens. They have accepted it. And they are not satisfied with it. They remain unsatisfied, though having accepted Europe. We are sure of that.

Whenever -- despite the fact that surveys and polls tell you that the Irish, independently of their referendum, still are Europhiles, more than 70 percent belong to Europe in Ireland. Other countries are lower.

But when the satisfaction is asked in relation to the

European Union and your nation state, generally the European Union scores much higher than the nation states, which is interesting, because it demonstrates that satisfaction and dissatisfaction clearly depend on the performance of the union and of the member states in responding to demands of the citizens.

Now, the real point we have to understand is where the reasons lie for this dissatisfaction that somehow exists, and that has nothing to do with the fact that the regional mission cannot be replaced with another similar mission.

Well, sometimes the dissatisfaction is the artificial consequence of national debates in which Europe is blamed for something that national politicians are responsible for, but in order to somehow transfer the responsibility somewhere else, they say it's Europe that wants me to do this.

This is sort of dirty political game that is being played by several national leaders that implies that whenever there is a difficult decision to be taken, it's not me. It's up there, forgetting that, up there, it's still me, because, as you know, not being a federal organization, Europe -- the European Union still has as its main decision-making body a ministerial council, the members of which are national ministers -- are ministers of our nation states, and they are not federal ministers.

So there is a joint exercise of the -- you are a member of a ministerial council in Brussels as long as you are a national minister. This has to be clear. This is a unique feature of our institutional organization.

So sometimes this is part of the political game of our nation states. But, in other occasions, clearly there is dissatisfaction because our citizens perceive that when a European response is needed -- and this is why Europe exists -- giving cross-border answers to cross-border issues -- and actually they expect Europe not to care about their welfare or about their health system, but to care about fighting criminality, fighting terrorism, creating safe conditions for their energy supply, caring about climate change, all of these sort of issues that clearly none of our member states to take care of individually.

This is where the dissatisfaction lies. You see, frequently our leaders succeed in giving the necessary responses. I would say that the initial reaction in the case of Georgia was a good reaction. And we owe to the role initially exercised by the European Union leadership if the Russians were stopped, and somehow it's cooling off over there.

The initial reaction to the financial crisis was not equally satisfactory, but after some days and heavy losses, their ordination was much more effective. But you never know for the future. We will discuss Georgia and Russia in two hours, but, at the moment, if we go beyond the role of honest broker, as it was said by the German Minister for Foreign Affairs, the divisions inside the leadership of Europe will emerge. I'm sure that they will emerge between the eastern European countries and other countries.

And this is basically the problem, the divisions inside the union -- national interests that negatively affect the decisions that are

taken at the European level. And here, you can assess really the distance between what is happening now and several, let's say, important decisions taken by the leadership of the first decades that were different.

The specialty of the initial Europe was giving European solutions to national demands. And this was the sense of the new construction.

Let me take the clearest example of all, the euro and initially the European monetary system and afterward the single currency. It's not the only one, but it's the clearest one.

You remember when Bretton Woods collapsed after the Washington decision to abandon the gold standard, the volatility of the relationships among our currencies and their respective value, the enormous space that was given to financial speculation at the time. They could enter into the gap between two of our currencies and create an immense trouble.

We had to face several times sort of previews of the financial huge battles that we have seen in these weeks -- defending -- they were attacking the leader against the deutsche mark, and, therefore, we have to defend the leader against the deutsche mark. If the leader was successful in defending itself, they started attacking the French franc. And again, the same kind of thing and billions and billions of lire or francs or whatever or pounds had to be spent to defend the currencies from the attacks in the market.

Well, two European leaders, Helmut Schmidt and Valéry Giscard d'Estaing, Germany and France, this is an interesting chapter of our history, the Franco-German axis, which was an important really pillar of the strengthening of the European Union.

Well, they could have found solutions satisfactory both for the franc and for the deutsche mark. It was conceivable. But they said we have the European Community, and, therefore, let us do something at that level.

So nothing directly satisfactory for the franc, nothing directly satisfactory for the deutsche mark, but let us create a new thing above the franc and above the mark. And, at that point, we will create even a better barrier against these attacks. And actually this was the euro that later on our rights because between the idea and the implementation of it in a case like this year it might be necessary.

But when the euro arrived, it was impossible to exploit the gap between my currency and yours. And, therefore, we gave the world a substantially -- a very limited number of currencies. And these kinds of speculative attacks against the currencies substantially faded away.

This is the clearest example of national demands that -- or national issues, if not necessarily demands, but find an answer at another level. This is typical of federal organizations, if you think of it. And it's something you're used to if you think of your member states. There might be a problem for two or three member states of this federal organization, but it is part of the cultural paradigms of a federal system to elaborate a

federal solution. What corresponds to the interests of the U.S. might solve problems of some of its member states.

Not so easy, not so natural in a context of national sovereignties that are little by little somehow transferring part of themselves to another organization which is not federal. But at the time, the leadership succeeded in introducing into that transitional organization the same, I repeat, mental paradigms that you have in a federal system.

What has happened is that this kind of attitude has been somehow reduced, reduced more and more, and our leaders tend to look for the best solution for their own countries at the common level.

If you are not friendly, you might say a sort of pork barrel in Brussels. If you are more friendly, you don't choose that kind of expression, which is never nice, but, I mean, it is quite a good description of what happens.

Now the reason is why. Why it has happened? Isn't there any relationship between the fact that the Spinelli mission was accomplished before having a federal state and with the kind of organization that in the meantime we have been building?

My answer is yes, there is this connection. First of all, let me say that understanding that this is mostly our problem, there are other explanations that are being given for these problems. The first one, which I firmly reject, is enlargement is responsible for it. When we were a few ones, we could understand each other better, and we could find common solutions for our also domestic problems.

Now, 27, so many with such variety of interests, of positions, of national cultures, unavoidably when they go there, they have their national angle in mind. This is not correct. I reject this opposition to enlargement basically for two reasons.

The first reason relates specifically to this issue. When we get divided, it is not necessarily because we are 27. The case of deepest division inside Europe, inside the European Union, was the case of the military intervention in Iraq. In that case, the division was inside the core of the old European Union, because Italy, Spain, and the U.K. were standing with Washington. France, Germany, Belgium, and others were standing against Washington.

The poor Slovaks were completely innocent. Of course, eastern countries tended to support the position closer to the American administration for their own reasons, but they were not responsible for the division, and the division was inside our traditional group.

Now, we are discussing environmental measures, and you have Italy and Germany that are the countries that produce automobiles more than anybody else. And it's Italy and Germany that are opposing these measures, not Poland.

So, I mean, if you say that when we are divided because national interests prevail, this is due to enlargement, you simply make a false statement because the divisions also exist, and the main divisions have existed among the traditional members.

Second, and if you want even more important, argument in defense of enlargement is that Almighty God has not entitled us, the Western Europeans, to define ourselves Europe. Europe is a creation of culture, of history, of values, of principles. In the 16th century, Europe was represented as a woman whose head was in Portugal and whose legs were in Russia.

At a certain point of history, some parts of this body were conquered by Communist regimes, and we were lucky enough not to be conquered by the same kind of nightmare.

Due to that, can we say that, therefore, we are Europe and they are not? Let me say it's not nice. And it is against the sense of past and contemporary history. Europe preexists, and it does preexist even in our treaties.

Not everybody is aware of the clause on accession to the European Union which says European states complying with or accepting the values and principles stated in these treaties, in the charter, and in whatever may apply. So, you are European before applying, not because you have applied. And you become European afterwards.

So, there is no coincidence between Europe and the European Union. In the countries of Europe that are members of the European Union at a certain date are not entitled to define themselves as Europe. The full enlargement was rightly defined initially as a reunification of Europe; more it was an enlargement of the European Union, but a

reunification of Europe, which also applies to other countries which are not members as yet.

And we should be mindful of this that we still are coping with a not completed reunification of Europe. So, I reject the fact that enlargement -- of course, eastern countries after so many years of communism have some positions that are different from ours.

I can understand that there is a difference between countries that were facing the USSR and countries that had the USSR inside themselves. It's difficult for them to see Russia as something that has nothing to do with the USSR somehow, while it is easier for me. And, therefore, this might need some sort of common digestion of past differences between us.

But this is not the source of our division. Other explanation is purely, if you want anthropological, well, the leaders we had in the past were better than the leaders we have now. Okay. It might also be. It might also be, because if you look at the processes throughout political leadership is being formed and trained.

Well, the older generations had experiences that were much more formative than the experiences throughout which contemporary leaders are formed. You know, passing through the war through great issues and ideal battles such as the West versus communism, et cetera, et cetera. I mean, this is something that gives you something more.

Now, these leaders sometimes have other experiences -- TV, you know, these sorts of things -- different, somehow different.

But this is not enough an explanation in my view. They tend to be what they are. They tend to give attention to national solutions for national problems also because the union has become an organization where the role of national governments is such has been enhanced year after year.

And this is something that not everybody is aware of, and please give me your attention because this is an important passage. Not everybody is aware of the difference between European Community and the European Union. And not only -- it would be easy for me just to walk around and ask an American passing by, do you know, by the way, the difference between European Community and European Union? What do you want from me? I mean, no, I don't. Should I? Et cetera.

But you would get exactly the same answer from a European citizen you meet anywhere -- in Rome, in Brussels, in Paris, or in London. And I'm not so sure that all of our European leaders are where of the difference. Don't ask them. Not to have surprises.

Because what? I have to make it short, because -- sorry, I'm Italian. I like talking, but when it's time to stop -- I mean. No, because I've still got a long way to go through that -- in this -- I have to make it shorter.

But you see initially we have the Community. The Community was a legal entity entitled to exercise legislative powers and therefore enacting legislative regulations having direct effects in our legal systems. So, this is the Community.

There are powers -- legislative powers conferred by national states to this upper level of government, devised very similarly to the federal ones. So there is a legislative power of the Community that is substantially centered around the integration of the market, so whatever is needed legally to integrate the market -- abolish tariffs, abolish other barriers, creating common regulations instead of differentiated regulations that fragment the market, et cetera -- all these things can be done by European regulations that are immediately applicable to the citizens, exactly as a statute of Congress is immediately applicable to the citizens of all the member states of the federation. And we also have a court that not only was in power to settle the disputes among the member states, but also to defend the rights of the European citizens vis-à-vis their own member states when the states were not complying with common regulations.

And, therefore, this kind of community was going toward the federal future. It was not federal. The very fact that these regulations were adopted by a ministerial council whose members were national ministers did make a difference.

But after a while, we introduced a parliament that they directly elected initially as an advisory body to the Council. But after the direct election necessarily demanding co-decision-making power on legislation, you cannot elect a parliament and keep it as an advisory body. It is nonsense.

And, therefore, the parliament started expanding its powers, and these powers were slowly recognized.

But everything was connected to the integration of the market. In the '80s, our leaders understood that this creature up there could be used also for other missions, not only integrating the market, but also having a foreign policy, not only a foreign policy, but due to cross-border criminality, immigration, the first signs of terrorism, creating an area of, as we call it, freedom, security, and justice is substantially having police activity, cross-border crimes, common investigation on these things, plus social Europe.

In the early '90s, there was a discussion, what are we going to do these new missions? Do we confer to the Community the necessary powers to legislate on these matters the same way the Community is empowered to legislate on integration of the market and the surroundings?

The treaty had to be amended anyway, and there were proposals to expand the Community, to expand the community method to these new missions. When the heads of state and governments met in Maastricht, this was the proposal of the Dutch presidency of the Community at the moment. It was rejected by a wide majority, because those who know the Union might think the British as usual. Yes, the British as usual, but not alone -- but not alone.

Also Germany, one of the most European of our member states, due to the increasing pressure of the lender, wary of more transfers of power to Brussels, which is beyond the direct control of the

lender, because there is no European Bundestag, also Germany, and the others were against.

And, therefore, there was this great imagination. Europe has to be considered as a temple. There are three pillars. The Community is one of the pillars. And then there are two pillars that work throughout inter-governmental cooperation.

And putting the three pillars together, Europe looks like a temple. And we call this temple European Union.

So if you ask me what the European Union is, I respond it's a temple. But you might think you're crazy. I have to ask somebody else. But the most precise and specific answer you might have is mine. It's just a temple, because it's nothing else. It's not a legal entity. It's an invention with no substance in it that justifies the decision adopted to introduce on a wider scale the method of cooperation among governments parallel to the method of confirming powers to the upper level of government.

This has created a lot of confusion. I tend to say that, let's say, the Americans -- we tend to say that the Americans are simplistic, because we Europeans are much more sophisticated. But at least, in this instance, the simplistic mind of the Americans is right -- gets it right, because we arrived here in the capital just to stipulate an agreement, U.S.-Europe.

This agreement generally is, as we say, technically mixed. There are some chapters that have to do with economics, and, therefore, belong to the Community because they have to do with the integration of

the market and with the powers of the Community, which is a legal entity; and, therefore, entitled to stipulate and sign international agreements on its own.

There are chapters of the same agreement, if it is mixed, that fall under the inter-governmental European Union. And, therefore, we arrive. Everything is ready. And we ask our American friends, "can you prepare to copies because we have different signatures here?" Who signs, the Americans ask, we are ourselves.

At that point, the simplistic mind gets confused. And said, but, you sign, so you are still you. Why I have one only signature and you have two ones on copies that are identical?

At that point, we explain the difference between the temple and the Community, et cetera, and the American looks at us and says, "these people are completely crazy." I mean, he is right. He's absolutely right. This is nonsense. This is nonsense. But this nonsense -- I make it short; no, I'm not making short at all -- but I'm saying that I'm doing it -- please, excuse me. I promise that sooner or later I finish.

Well, this mess has somehow created new patterns, and, therefore, most of the crucial political decisions are adopted in the inter-governmental part of our system, where playing the game of national positions confronting each other, looking for something common is a sort of natural kind of game in that context, which is not the same that we have with the Community, where we have to find throughout common regulations European solutions, you see.

So, therefore, in other words, after Maastricht, after the great room given to the inter-governmental method, we have somehow trained our leaders in being national and in using the European venues as where they need to find agreements among different national positions more than in finding something new.

Of course, with the attention that legal scholars have to words, I could make this difference clear by noticing that when it is European, it is single; when it is inter-governmental, it is common, and it does make a difference, because a single solution is a single solution. It is up there, and it is for all. And it is the new invention; it's the value added by the European Community to the initial positions. Common it's a sort of horizontal thing. It's not the same as single. It's finding a common sort of compromise among us.

Now, if this is true, even my Spinelli, not the Spinelli of the followers, because the Spinelli of several of his followers would say, well, this is quite obvious. I mean, you have completely abandoned Spinelli, and, therefore, you traitors, what do you want from us. It's not so, because the several steps that have somehow changed Europe are very much similar to Spinelli's proposals.

But even my Spinelli would say, "listen, guys, but if this is true, there is a connection between the dissatisfaction for Europe and the fact that the political union has not been accomplished." There is a connection.

The fact that you have opened up this enormous pace to inter-governmental cooperation has corrupted the initial attention to the single solutions instead of the common. And, therefore, if you return to my initial inspiration, perhaps you might make a sort of cleansing of these new patterns and might return to without necessarily having the Schmidts or the Giscard, but also you more modest people might succeed similarly.

It's difficult to reject this argument. It's difficult to reject this argument. What I can only say is that this argument has to be used still working as Spinelli did. I don't think that we may have the magic of a constitutional assembly changing things all of a sudden. We have to keep working, using gates that we see, passing through, making new steps, and changing things.

And by changing things, promoting what I call a sort of return to thinking European by our leaders and by our ministers. Actually, this is what we have been doing throughout the years, because, and this is the final part of my presentation, really, it is true that Maastricht gave us two parallel Europes -- the community one and the cooperative one.

But since then, we have been trying repeatedly to bridge these two parts with each other and to attract inside the community part of the cooperative Europe. In the area I was responsible for in the latest years, the freedom, security, and justice, most of the police cooperation of the definitions of European crimes, of common investigations, et cetera, of regulations on migration has passed from the third pillar, inter-governmental, to the first one.

And when we have not succeeded in doing this, we have been trying to create the conditions for future developments in this sense. It is a long, long difficult battle.

When I explain this to my students, I sell the image of Europe as a hermaphrodite, because it is a hermaphrodite that is becoming slowly more and more female. My assumption is that female is better, and, therefore, the cooperative Europe is the male, is the international kind of gathering of people. The community, the single instead of the common, is the female.

So, this is a hermaphrodite. I cannot tell the British that the hermaphrodite will become a female, because they are not ready to accept it. There is a -- I mean, I don't enter in these delicate matters, but I'm sure they prefer it hermaphrodite.

I'm speaking of the European Union. I want to be clear on that. . They prefer, but, I mean, it is happening. It is happening little by little, and there are for those who study governance and institutional architectures, there are fascinating chapters. You see, I give you short hints. Let's say the European Parliament.

Now the European Parliament has been successful in creating little by little and increasing space to its co-decision-making power on legislation. And nowadays, most of our European legislation has become bicameral -- Council and the Parliament, which somehow envisages a sort of chamber representing the states, the Council, chamber representing the citizens, the Parliament.

The Parliament has been successful in creating the typical political connection between any executive and any Parliament with the Commission.

It has not succeeded in creating a similar connection with the European Council. Again, when I explain these things to my students, I say, you see, here in Europe, we have two executives, not one -- an executive with the small "e," that is the Commission; and the executive with the capital "E," the executive defining the policies, the broad lines for the future is another one. It's the gathering of our heads of state and prime ministers. It's the European Council.

Now the European Council is not responsible to the European Parliament, because, we say, well, our Prime Ministers respond to national parliaments. But here, there is clearly a gap in democratic terms, because, when they meet up there, they define European policies, and our national parliaments are not the counterpart for European policies. So, there is a vacuum there to be filled. We cannot today fill this vacuum, but we have written and it is being practiced that whatever the European Council does where the ministerial councils do has to be communicated to Parliament, which always the formulation is we'll be kept fully informed.

We'll be kept fully informed means that they have to go to the Parliament, report to them, and there is a discussion. Those who know the history of parliaments know that it begins with that; that the Parliament initially is only fully informed, but after a while it adopts

resolutions, and after the resolutions, there might be votes. And there might be an increasing process of I could call it federalization of that level.

We, you know, are going toward joining the external relations of the commission and the foreign and security policy, which is of the cooperative Europe, depending, therefore, on the Council. And we have two figures going around in the world representing, one way or another, external policies of the Europeans. One is the commissioner. The other one is Javier Solana to make it clear.

Well, the Lisbon Treaty that sooner or later will enter into force, I'm sure, provides for the double-headed high representative. Now, double-headed reflects our difficulty -- two heads -- two heads. Okay.

We at the moment cannot create the single that we put them together, and, therefore, there will be a further process of somehow converging of the cooperative Europe and the community one. In the Lisbon Treaty, we have written that the European Council will have a long-term full-time president, the president of the European Council not rotating anymore every six months, but being a European figure.

We have also written that this position is incompatible with any national mandate. Initially, the formulation was with any other mandate. Some of us succeeded in having national instead of other, which means that the double headed kind of horrible device -- I'm aware of that -- can be also applied tomorrow to the presidents of the two main bodies, and, therefore, something might lead to converging the European

Council and the Commission perhaps; and, therefore, something similar to a European government might come out of this process.

I don't know. Again, don't tell the British, and also others, I am sure, but I mean politics is putting cards on the table and finding the opportunity to use them when times are ripe for using them. What all of this should lead to is returning to thinking European, because this is the real substantive problem that we have, you see, because if we think European, if we think what solution at the European level might be the best for solving also our national problems, we go back to the initial inspiration, which is, therefore, not only an institutional matter, but a political one.

The real force of the double-headed is it will not be having two heads, but having a single diplomatic service that might think of a foreign-policy which is not a compromise among the foreign policies of the main member states, but a geopolitical and regional when needed strategy for the European Union, conceived in European terms.

When we will discuss at lunch the case of Russia and Georgia, I will give you another test of what thinking European might mean to solve these kinds of problems.

But let me close with the clearest example of all that has to do with Russia. We have been negotiating separately, each of us, with GAZPROM. Isn't it nonsense? Because negotiating just one to one and having only one European interlocutor negotiating with GAZPROM would

have prevented GAZPROM from using all of the differences that exist between us.

It's the same scheme that we use for the euro. There are several other opportunities in other sectors to do exactly the same. What is essential is for our leaders to learn again that they have this wonderful thing that is the European Union that they are not using enough, and, therefore, defending their positions in their national arenas they might get more votes than sensible solutions to their problems.

So, I remain loyal to the initial Spinelli inspiration, but it has to be conquered step-by-step pragmatically. I don't know how much time it takes, even longer than a talk of mine to explain you these things.