2003

The Road to a Unified Peaceful Europe: Keynote Address

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United Nations

THE ROAD TO A UNIFIED PEACEFUL EUROPE: KEYNOTE ADDRESS

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Delivered at Loyola University Chicago School of Law
on March 27, 2003

Today, I want to suggest to you that when ten countries sign their treaties of accession to the European Union ("EU" or "Union") on April 16, 2003, they will not just be the latest members of a club.[1] They will be part of a historic process of the first peaceful unification of Europe in human history, a process not only of elimination of frontiers, but also of the spread and deepening of a set of values—values which you, as Americans—can recognize and relate to.[2]

But let me begin with a word about Iraq, a country in which these values do not prevail. I will then say a few words about transatlantic relations before arriving at enlargement. Iraq is a country governed by a despotic regime, which has a history of human rights abuses, has resorted to the use of weapons banned by the consensus of the world community, and has tried to engage in territorial conquest by invading its neighbor. It is situated in a region which is largely undemocratic, in which the rule of law is a concept with limited relevance to the lives of most people, and which has largely failed to participate in the tremendous growth of gross domestic product per head that the world has experienced over the last half century. Let us stop for a moment and realize that this description of a country out of step with its times is only true because we have come to see the rule of law, democracy and human rights, prosperity brought about by a market economy, and the inviolability of frontiers as normal.

But what a remarkable transformation that is of the world, which emerged from the debris of the Second World War. At that time it seemed normal for neighbors to go to war with each other. Democracy was largely restricted to Europe and North America. There were few international norms of behavior. An ideological struggle was emerging between the values embraced by the Atlantic community and the autocratic regimes and planned economies of

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[1] The Treaty of Accession was signed in Athens on April 16, 2003 by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia and existing member states of the EU, *available at* http://europa.eu.int/comm/enlargement/negotiations/treaty_of_accession_2003 (last visited Oct. 1, 2003).

[2] *See* John Richardson, *The European Union in the World – A Community of Values*, 26 FORDHAM INT'L L.J. 12 (2002).

communism with its declared aim of world dominion. There followed four decades of the struggle we call the Cold War, a power struggle, but also a struggle for the minds and hearts of men and women. Four interrelated stories unfolded.

First, the military strength of the Soviet Union was contained by the Atlantic Alliance. The illusions of communism were shown to be inferior to the operation of open societies with market economies. The weaker model eventually collapsed under the strain; the Wall fell; the Soviet Union imploded. The values of the West had triumphed.

The second great story of the last part of the twentieth century is how those values of democracy, rule of law, and the market economy have swept around the world. They have helped to transform the countries of the Pacific Rim and allowed an economic miracle to take place. They have brought down one dictatorship after another in Latin America and replaced them with democratic governments. And even in Africa, the world's most troubled continent, those values—given the label of "good governance" —are now largely accepted as the only solid basis for development.

The third story is how the world has given itself the capacity to develop and to promulgate rules of behavior for individuals, for companies, for governments. The dense network of rules and norms emanating from the multilateral system based on the United Nations—but also including organizations as diverse as the World Trade Organization, the International Maritime Organization and the International Atomic Energy Agency—represents the creation of a world order undreamt of a century ago. The Universal Declaration of Human Rights and the many conventions to which it has given birth are a part of this same system. All this gives international expression to the concept of the rule of law. How has this come about? It is the product of a common vision and a common project, which united the two sides of the Atlantic throughout this period. The transatlantic partnership, in many areas under American leadership, was the driving force.[3]

I participated in the drafting of the Transatlantic Declaration of 1990, which defined the challenges facing the EU and the United States, and explicitly recognized that such challenges could be dealt with together because of a common will and because of the shared values of the two sides.[4] Despite the recent transatlantic disagreements over Iraq and the sometimes acrimonious exchanges that have taken place, I continue to believe that this bedrock of

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[3] The transatlantic partnership is an informal alliance between the US and Europe dating back to the formation of the EU. The partnership has developed from a US led consultative role to one of joint action that was formalized in the 1995 New Transatlantic Agenda. *See* Romano Prodi, The New Europe in Transatlantic Partnership, (May 9, 2001), *available at* http://europa.eu.int/comm/external_relations/news/prodi/speech_01_204.htm (last visited Oct. 1, 2003).

[4] Transatlantic Declaration, Nov. 22, 1990, U.S.-EU, *available at* http://www.eurunion.org/../partner/transatldec.htm. (last visited Oct. 1, 2003).

common challenges, common purpose, and common values remains a valid basis for transatlantic partnership.

We face a world which seems full of new dangers. Since the terrorist attacks perpetrated against the United States on September 11, 2001, we are all conscious of the vulnerability of the civilization we have built. It is vulnerable to terrorism; it is vulnerable to the proliferation of weapons of mass destruction; it is vulnerable to the destruction of the computer systems upon which it increasingly relies; it is vulnerable to the erosion of the liberties we value in the name of reducing these vulnerabilities.

And around the world, peace and security are threatened in so many ways. The AIDS pandemic has the potential to decimate the earth's population in the decades to come. Ethnic hatreds produce conflict all over Africa, within the Middle East, in many parts of Asia, in the Balkans, in Northern Ireland. This fractured world is in desperate need of governance. But what sort of governance? I believe the answer is clear. We need governance based on the values that have served us so well for the last half century. Of course, we must insist that human behavior is governed by a set of rules worked out by the world community that the rule of law prevails. Of course, we must continue to refine our economic governance to ensure that competition can provide the motor for increasing prosperity across the globe. Of course, we must insist that governments are subject to the will of their citizens in what we call democracy.

But in doing so, let us not commit the error of thinking that we know all the answers. Just as the price of liberty is eternal vigilance, so we should practice a degree of humility in looking at our own societies and being ready to adapt the way we implement our values in practice. It is the continued vitality of our own systems that will be our strongest argument for others to adopt them. We have much work to do within the transatlantic community in this task of renewal. And we will do it better if we ensure that the transatlantic dialogue continues to be as vibrant as it traditionally has been.

These common values are also the basis of the fourth great story of those fifty years, which is the transformation of Europe from the cockpit and the source of wars engulfing the world to a continent of peace and prosperity under the banner of what has become the European Union. For anyone who has read the great literature of the First World War and its poets, who has struggled to understand the evil of Nazi Germany, who has listened to the stories of family members marked for life by the horrors and the grief of the Second World War, this must seem like a wondrous change.

To create a system of governance that could make war between European nations unthinkable is surely one of the greatest achievements of the human spirit since the American Constitution. And as you are aware, we are now about to extend that system to another ten countries of Europe. The dream of a Europe "whole and free," peaceful and prosperous, is within our grasp at last.

It has been a long and winding road, which began when Belgium, France, Germany, Italy, Luxembourg and the Netherlands signed the Treaty of Rome on March 25, 1957—almost exactly forty-six years ago today.[5] At that time the key political priority was seen as constructing a system within which it would be unthinkable for France and Germany ever again to go to war against each other.

When the United Kingdom, Ireland and Denmark joined in 1973—and I began my career at the European Commission—I can remember that one of the arguments used for accepting Britain as a member was that it would be good for what we then called the European Community to bring in the long and deep tradition of democracy of my home country. As a Brit, I will leave others to judge whether this has happened.

Greece joined in 1981, and Portugal and Spain in 1986. In each case they had to wait—until the Colonels had been thrown out in Greece and the dictators Franco and Salazar had gone in Spain and Portugal. The original Treaty of Rome did not specify that members had to be democracies, but this implicit condition had by 1991 become explicit with the Maastricht Treaty.[6] It provided no obstacle to the next enlargement when Austria, Finland and Sweden joined in 1995 and, indeed, the Scandinavian countries were seen as bringing with them a tradition of openness and transparency in government from which all could learn—and this has turned out to be correct.

But this was already the post-Cold War period and it was clear that the next wave of enlargement would consist largely of countries from the former Soviet Empire, whose experience of democracy was, at best, fragmentary and, in any case, long ago. So in Copenhagen in June 1993, the European Council laid down, for the first time, the criteria it would apply to decide on the acceptability of candidates for membership. It specified that:

"[M]embership requires that the candidate country has achieved the stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities, a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union."[7]

Since the fall of the Berlin Wall we have been helping the candidate countries

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[5] See Treaty Establishing the European Economic Community, Mar. 25, 1957, *available at* http://www.eurotreaties.com/rometreaty.pdf (last visited Oct. 1, 2003) [hereinafter "EEC Treaty"]. The EEC Treaty is also known as the Treaty of Rome.

[6] See Treaty on European Union, Title I, Article F(1), *available at* http://europa.eu.int/ abc/obj/treaties/en/entr2b.htm#Article_F (last visited Oct. 1, 2003) [hereinafter "TEU"]. The TEU is also known as the Maastricht Treaty.

[7] Conclusions of the Presidency, European Council in Copenhagen, June 21-22, 1993, *available at* http://www.europarl.eu.int/summits/copenhagen/co_en.pdf (last visited Oct. 1, 2003).

prepare themselves to fulfill these criteria. In the decade of the nineties, we spent more than eighty-five billion dollars on so-called pre-accession aid to the countries of Central and Eastern Europe—about as much in real terms as the American Marshall Plan in the immediate aftermath of World War II.[8]

This was not just to put the economies of these countries "back on their feet." It was also to help them build up democratic institutions; to encourage the development of civil society; to train administrations so the concept of public service is strong enough to overcome the temptation of corruption; to help to build judicial systems, which citizens believe are independent and able to ensure that the rule of law holds sway in practice and not just in theory.

Institutions had to be rebuilt brick by brick and habits of mind had to be revolutionized. And in this way the values, which underpin a peaceful, stable, and prosperous society, spread out like a pool of ink across the map of Europe. We have thirteen countries that are officially recognized as candidates for membership, and have been negotiating with twelve of them. Ten are ready to join and will be signing up on April 16, 2003.[9] The treaties will then need to be ratified by all fifteen current members and by the ten applicants, which will join a year later in 2004. We will then be welcoming the three Baltic states of Estonia, Latvia, and Lithuania; the Central European states of Poland, Hungary, the Czech Republic, Slovakia, and Slovenia; and the two Mediterranean islands, Cyprus and Malta. Our population will go up by twenty percent to 450 million citizens and our land area by twenty-three percent. The number of official languages will increase from eleven to twenty. And these countries will have passed into law and implemented 90,000 pages of European Union legislation.[10]

If this sounds legalistic, it is; we attach great importance to the rule of law. But it has another aspect too, to which I attach great importance. It will reunite the great Hanse cities, which surround the Baltic Sea and which have so much history, so much architecture, so much culture in common. Riga, Tallinn, Vilnius, Rostock, Gdansk, Kiel, Lübeck, Hamburg, and others will all be able to reclaim this shared heritage. And the great Central European culture, largely a product of the Habsburg Empire and Baroque architecture, and which makes the cities of Prague, Budapest, Vienna, Salzburg, Cracow, and Ljubljana so similar in appearance, is already experiencing a great revival. The differences, which once gave rise to nationalistic wars, can now be celebrated as contributions to the cultural diversity that is the glory of European civilization.

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[8] Aid from the EU to Central and Eastern Europe totaled 85 billion euros from 1990 to 1999 which is approximately equivalent, in today's value, to $13.2 billion provided under the US Marshall Plan to reconstruct Europe after World War II. Enlargement of the European Union, (2003), *available at* http://europa.eu.int/comm/external_relations/us/sum06_03/elarg.pdf (last visited Oct. 1, 2003).

[9] *See supra* text accompanying note 1.

[10] *Europa - Enlargement*, Europa Weekly Newsletter Sept. 4, 2001, available at http://europa. eu.int/comm/enlargement/docs/newsletter/weekly_040901.htm (last visited Oct. 1, 2003).

Three candidate countries remain. Bulgaria and Romania have made slower progress than the others in fulfilling the Copenhagen criteria. But we have now set a target date of 2007 for them to join the Union and they will be given increased aid to help them achieve this.

There remains Turkey—the biggest of all the candidates, the bridge between Europe and the Middle East, of enormous geopolitical significance. We are not yet engaged in negotiations with Turkey because Turkey does not yet measure up to our criteria. Let me give you some examples. We cannot accept as a member a country in which democratic decisions can be overturned by the will of the military. We cannot accept as a member a country that still allows torture within its legal system and has yet to abolish the death penalty. And we cannot accept as a member a country that does not ensure equal rights for a large minority of its citizens, the Kurds. The Turks are conscious of this and have been engaged in a series of reforms, which we hope will allow us to welcome them into accession negotiations at the end of next year.

And then, perhaps, we can heave a sigh of relief? Well, not quite. In the Western Balkans, emerging from the turmoil of the breakup of Yugoslavia, we have another five states: Croatia; Bosnia-Herzegovina; Albania; the Former Yugoslav Republic of Macedonia; and Serbia and Montenegro. They are all involved in the so-called Stabilisation and Association Process with the Union, which provides for their transition to candidate status, through enlargement negotiations, to eventual membership.[11]

In Old Europe all roads led to Rome. In the new Europe all roads lead to Brussels.

The most advanced of these countries is Croatia. It has already applied for membership and it could well catch up rapidly enough to join together with Bulgaria and Romania in 2007.

Gaps remain. Norway has negotiated membership twice and stepped back from the brink each time. Switzerland is an enclave in the middle of our territory, which retains its proud separateness. Iceland has always remained apart. All are stable, prosperous democracies. The door will remain open to them. But in a sense it does not matter. As I have explained, the EU is a community of values and all three share our values.

Each enlargement changes the boundaries of the Union. After the process I have described is finished, our new neighbors in the East will include Russia, Belarus, Moldova, and Ukraine. Beyond Turkey, we have Georgia, Armenia, Iran, Iraq, Lebanon and Syria. Where do we stop? Where do we draw the line? Article 49 of the Treaty of Amsterdam provides that any European state that

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[11] *See* The Stabilisation & Association Process: Overview, *at* http://europa.eu.int/comm/external_relations/see/actions/index.htm (last visited Nov. 25, 2003).

respects the fundamental principles of the Union can apply for membership.[12] On the other hand, there is currently little appetite within Europe for extending the enlargement process even further. Indeed, there is a serious danger of indigestion.

But membership is not the only way to export the values in which we believe. As we have seen, these can be gradually adopted by countries without yet joining the Union and there is no reason why we cannot pursue this process by other means. This is what we call our proximity policy. President Prodi has called for a policy that gives us a "ring of friends" around the Union—from Eastern Europe through the Caucasus and the Middle East and right around the Mediterranean.[13] He describes this idea as follows:

> "We have to be prepared to offer more than partnership and less than membership, without precluding the latter. So what would a proximity policy for our old and new neighbours look like? It must be attractive. It must unlock new prospects and create an open and dynamic framework. If you embark on fundamental transformations of your country's society and economy, you want to know what the rewards will be.
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> - It must motivate our partners to cooperate more closely with the EU. The closer this cooperation, the better it will be for the EU and its neighbours in terms of stability, security and prosperity, and the greater the mutual benefits will be.
> - It must be dynamic and process-oriented. It should therefore be based on a structured, step-by-step approach. Progress is possible only on the basis of mutual obligations and the ability of each partner to carry out its commitments.
> - We need to set benchmarks to measure what we expect our neighbours to do in order to advance from one stage to another. We might even consider some kind of 'Copenhagen proximity criteria.' Progress cannot be made unless the countries concerned take adequate measures to adopt the relevant *acquis*. The benefits would be directly felt. As would absence of any progress.
> - A proximity policy would not start with the promise of membership and it would not exclude eventual membership.
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> On other occasions I have already referred to this concept, which I have described as 'sharing everything with the Union but institutions.' The aim is to extend to this neighbouring region a set of principles, values and standards, which define the very essence of the European Union'[14]

I have already explained what some of these values are; democracy, the rule of law, and the market economy are your values too. But the process of working out what our values are has continued beyond that in Europe. In particular, we attach importance to three more principles; solidarity, sustainability, and cultural

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[12] Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and Related Acts, *available at* http://europa.eu.int/eur-lex/en/treaties/dat/amsterdam.html#0145010077 (last visited Nov. 25, 2003).

[13] Romano Prodi has served as President of the European Commission since 1999. *See* The European Commission: The Driving Force for Union, *at* http://www.europa.eu.int/abc/index3_en.htm (last visited Oct. 13, 2003).

[14] Romano Prodi, A Wider Europe – A Proximity Policy as the Key to Stability, (Dec. 5-6, 2002) *available at* http://europa.eu.int/comm/external_relations/news/prodi/sp02_619.htm (last visited Oct. 13, 2003).

diversity. The political development of Europe has been dominated since World War II by the ideas of Social and Christian Democratic parties. Their enduring legacy is surely the principle of the social safety net, the idea that society will look after all its citizens by ensuring that they can live lives of reasonable comfort and dignity, even if they are unable to earn the income necessary to this end. In this sense, Europe has espoused the model of a Social Market Economy, regarded by many as fundamentally different in concept from the United States model.

The same principle of solidarity is codified in Title XVII of the Treaty Establishing the European Community ("EC Treaty"), where Article 158 commits the Union to "aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions or islands, including rural areas."[15] In practice, this has meant a systematic transfer of financial resources from richer to poorer member states. The system can be seen, not only as an expression of political solidarity, but also as a necessary complement to the free play of market forces, which could otherwise lead to increasing disparities.

The emphasis on minority rights within the human rights policies of the EU and in the Copenhagen criteria can also be seen as an expression of solidarity with minority groups that might otherwise feel disadvantaged by the operation of democratic decision-making at a national level. It is currently playing an important role in ensuring that problems of minorities do not lead to unrest within some candidate countries.

The Single European Act[16] added, for the first time, the area of environmental policy to the areas of first pillar activity, thereby formalizing a long-standing de facto practice, and the Treaty on European Union developed this further. It was, however, the Rio Conference on Sustainable Development of 1992 that really began to focus attention on the global dimension of this issue, followed by the Kyoto Protocol on Global Climate Change. The concept was first incorporated into the EEC Treaty with the Treaty of Amsterdam, and Article 2 of the EC Treaty now defines the aim of the Union's economic policies as promoting "a harmonious, balanced and sustainable development. . . ."[17] The adoption by the European Council at Gothenburg in June 2001 of the Strategy for Sustainable Development has begun to turn this into practical policy.[18] This is one of very few examples of an international discussion then being reflected in internal

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[15] Consolidated Version of the Treaty Establishing the European Community (2002), *available at* http://europa.eu.int/eur-lex/en/treaties/dat/EC_consol.pdf [hereinafter "Consolidated EC Treaty"].

[16] Single European Act (1987), *available at* http://europa.eu.int/abc/obj/treaties/en/entr14a. htm#C___Single_European_Act (last visited Jan. 7, 2004).

[17] Consolidated EC Treaty, *supra* note 15.

[18] A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development, COM (2001) 264 final.

changes within the Union. The driving force behind it was the consciousness of global environmental interdependence—we are all citizens of "Spaceship Earth"—and the need for international solidarity in dealing with it.

Nevertheless, the discussion has triggered the realization that EU policies have an obligation to ensure that our children and children's children are afforded the same opportunities for a good life as are we, and thus the need to ensure that economic development preserves, and does not diminish, the resources—natural and otherwise—on which it is based.

And now multiculturalism. It has been apparent since the beginning of the European integration process that any attempt to apply a melting-pot approach to Europe, with the aim of creating a European national identity replacing national identities, was doomed to failure. There is, however, no doubt that it remained the secret dream of many of those involved in the construction of Europe. Over time it has, however, given ground to a quite different conception of integration, which accepts that the aim is to give the EU the capacity for effective action in pursuit of its goals by sharing sovereignty, but also while preserving those elements of national, regional or ethnic identity, which are so essential to the well-being of our citizens.

These considerations have led the EU to develop positive policies designed to maintain and even promote national and regional identities and cultures. These are not seen as something to be simply accepted as a constraint while pursuing integration, but rather as an essential ingredient in the European model and a prerequisite for its whole-hearted acceptance by its citizens.

We believe that a society based on democracy and human rights for all; on the rule of law; on the market economy, complemented by solidarity between citizens and on the sustainability of development; and the respect for, and active promotion of, the diverse identities of our citizens, will be peaceful and prosperous. This is the vision that the enlargement of the European Union is bringing to the whole of Europe.

I was asked to provide you today with a roadmap for EU enlargement. I hope I have been able to illustrate for you not only where this journey is going, but also where it came from, why it is worth undertaking, and how we have continued to refine our compass and our vehicle as we move forward. I hope also that I have been able to communicate to you something of that sense of excitement, which has always driven the great project of European integration forward. I regard it as the greatest experiment in governance since the American Constitution and proof, I think, that there is life in Old Europe yet.