

Pursuing the Gender Agenda: Reproductive Rights in the Constitution of Europe*

The year 2000 heralded the launch of the Gender Studies Programme in the Robert Schuman Centre, a programme which has been actively pursued by the Gender Studies Working Group in the form of a wide-ranging seminar and conference schedule and through collaboration with departments at the EUI. In addition the theme of gender has been integrated into the work of the European Forum whose current research project, "Between Europe and the Nation State: The Reshaping of Interests, Identities and Political Representation," is considering, *inter alia*, identity formation at European and national levels through the Europeanisation of national constitutions together with the prospect of Constitution building at a European level.

Any debate on European constitutionalism would, of course, be incomplete without discussion of the protection of fundamental rights and freedoms, and should lead inevitably to an investigation of the commitment to such rights and freedoms as expressed in texts such as the European Convention on Human Rights (ECHR), the Treaty on European Union and the new, symbolic, but not legally binding EU Charter of Fundamental Rights. The debate on Constitution building in general and upon fundamental rights in particular would also be incomplete without consideration being given to the multiple identities of individuals who are the beneficiaries of rights provisions. The gendered identity of rights bearers becomes significant to the extent that declarations of rights are largely premised upon commitments to equality and usually contain prohibitions against discrimination on the grounds of sex. A gendered approach to the debate on constitutionalism would, thus, aim to investigate the extent to which these commitments are honoured bearing in mind the way in which gendered identity may be viewed as a central organising principle of social life in which power relationships are inherent and social change often a necessary outcome.

That said, the somewhat general nature of equal rights provisions at the European level may prove problematic as attempts are made to reconcile these norms with national Constitutions, and more detailed domestic legislation and case law. The tensions which exist between "domestic" and "European" interpretations of fundamental rights provisions are nowhere more evident than in the area of reproductive rights law and as such investigation in this field offers a very special insight into the construction of gendered identities at European and national levels. This is because human reproduction is at once both a universal concern, but also one which raises questions that are intimately connected to national visions of the family, sexuality, motherhood and marriage, and as such is closely linked to country specific, moral values and concerns.

"Bringing Rights Home": are domesticated rights right for women?

The tension between national and European legal norms in the area of reproductive rights provides the focal point for an analysis of the gendered implications of constitutional change. At the national level the issue has become significant in the UK context following New Labour's constitutional reform project to "Bring Rights Home" (1997). The effect of the reform, achieved through enactment of the Human Rights Act 1998, is to incorporate the ECHR into domestic law for the first time. The change is set to have a marked impact on the UK's legal culture in the UK being heralded as a "rights revolution" (Harvey, 2000), and meaning that not only will individuals be able to claim that their Convention rights have been violated before the domestic courts, thus avoiding the time and financial costs associated with taking a case to the European Court of Human Rights in Strasbourg, but also that the national judiciary will have greater powers in the interpretation of fundamental rights framed in a positive, as opposed to the traditionally negative, fashion. Of course, the sharp-eyed observer might well note a rather paradoxical aspect of the project to bring rights home: that, while being presented as an act of domestication (allowing national rather than European judges to determine questions of fundamental rights), the very rights which are being litigated are European rights (as set out in the ECHR) and as such the national judges are required to have regard to the interpretation of these rights by the European Commission and Court of Human Rights. This inevitably implies an appraisal of the compatibility of national measures (primary and secondary legislation and executive action) in the light of prevailing European interpretations of the Convention.

But what does the project to bring rights home have to offer women? Will harms against women, and more generally women's position in society, be better addressed following enactment of the Human Rights Act? This question is asked bearing in mind the stringent critique of (human) rights law which has been put forward by a number of academic writers such as Bunch (1990), Kingdom (1991) and Smart (1989). Basically the critique is two-fold. First, it is argued, women's rights do not obviously fit into the traditional "human" rights framework which has been largely premised upon sanctioning violations by states in the public sphere and leaves unaddressed harms which are specific to women (such as physical abuse, sexual violence and enforced reproduction) and are more obviously located in the private sphere. The second critique is aimed at the very notion of "rights" themselves. Rights discourse, it is suggested, is individualistic (and therefore does not ade-

quately address systemic discrimination against women), may be purely formal (and therefore does not tackle substantive inequalities) and may serve to generate at best counter-claims, and at worst a backlash, against women (so that any rights claimed by women are immediately countered by those of other interest groups such as fathers, children, even foetuses).

Bearing these critiques in mind, this element of the European Forum project investigates the implications for reproductive (human) rights law in the UK upon incorporation of the Convention with an eye towards assessing whether the current domestic balance between the rights and interests of the various protagonists in the reproductive rights debate is set to shift significantly. In terms of the reproductive rights at issue the study focuses upon legal provisions on abortion and on new reproductive technologies (such as in vitro fertilisation and donor insemination). More specifically this means that it is the Abortion Act 1967 and the Human Fertilisation and Embryology Act 1990 which are under scrutiny in order to reveal their (in)compatibility with Convention rights.

Reproductive rights: caught between domestication and Europeanisation

The first point worthy of note is that neither the Convention nor domestic UK law includes a right to reproduce nor a right not to reproduce. Hence, any claims to reproductive rights made at European level have to be fitted into the existing framework of civil and political rights on offer under the Convention. Of relevance, for example, are Article 2 (right to life), Article 8 (right to respect for private and family life), Article 9 (freedom of conscience and belief), Article 10 (freedom of expression), Article 12 (right to marry and found a family) and Article 14 (prohibition on discrimination on grounds of sex or any "other status"). It has to be born in mind, also, that these rights are not absolute. They may be restricted by the state to a greater or lesser extent depending on the right in question (it being more difficult, for example, for the state to interfere in the right to life), and in a number of ways, for example in order to protect the rights and freedoms of others, to protect public health and morality. The task for UK judges will be to interpret the compatibility of these provisions with domestic UK law on abortion and new reproductive technologies, bearing in mind the need to achieve a fair and proportional balance between the rights and interests of all involved.



The findings of the research indicate that there are indeed a number of tensions between existing UK reproductive rights law and the Convention rights identified above and that a new balance may need to be negoti-

ated. This is particularly so in the area of abortion law where a number of challenges to existing legislative provisions can be envisaged. The Abortion Act 1967 currently allows a woman in Britain to undergo a termination, subject to the agreement of two registered medical practitioners, and provided that the 24th week of the pregnancy has not been exceeded, where the risk of continuing the pregnancy is greater than that of termination or where continuation would involve injury to the physical or mental health of the pregnant woman or any existing children of her family. The time-limit can, however, be extended (up to birth) where a termination is necessary to

prevent grave permanent injury to the health of the woman, or where continuance of the pregnancy would involve risk to the life of the woman greater than if the pregnancy were terminated, or where there is a substantial risk that if the child were born it would suffer from serious physical or mental handicap. There are number of potential discrepancies here between the rights conferred by the Convention and those set out in the Abortion Act:

Approval by two medical practitioners

Does this requirement constitute a violation of Article 8 and the right to respect for private life of the pregnant woman in that she is not entitled to take an autonomous decision as to her need for a termination?

Time limits

Where abortion is available beyond the 24th week of pregnancy (and thus the foetus is potentially viable) is this contrary to Article 2's right to life provision?

Disability discrimination

Taken in conjunction with Article 2 does the provision permitting abortion on the grounds of foetal handicap up until birth amount to a form of discrimination against disabled people under Article 14 (disability being another "status" according to which discrimination is prohibited)?

Putative fathers

May a putative father prevent his pregnant (former) partner from having a termination on the grounds

that this would violate the right to respect for his family life under Article 8?

Conscientious objection

Given that the Abortion Act has been interpreted to permit only direct participants (doctors and nurses) in the abortion to object on the grounds of conscience, should this provision not be extended also to ancillary personnel on the grounds that it constitutes a violation of Article 9 and their right to freedom of belief and conscience?

Northern Ireland

The Abortion Act is not applicable in Northern Ireland where abortions are broadly restricted to situations in which it is necessary to save the woman's life. Does this position represent a violation of Article 8 and a woman's right to respect for private and family life? Or, might the objection be sustained that Northern Ireland enjoys a particular moral and religious climate which justifies its special position on abortion rights and that this does not take it beyond the margin of appreciation permitted to states despite more liberal access to abortion throughout most of the rest of Europe?

Similar potential incompatibilities arise under the Human Fertilisation and Embryology Act 1990:

Access criteria

The current legislation permits women to have access to new reproductive technology treatment services subject to due regard being given to the welfare of any resultant child and in particular the needs of that child for a father. In practice this has meant the exclusion of certain groups of women such as single women, lesbians, the disabled and older women. Might these groups not contend that such exclusionary measures constitute a violation of their right to respect for private and family life under Article 8, especially if this is taken in conjunction with Article 14's prohibition on discrimination based upon sex and other status, interpreted here to include sexuality, age and disability?

Information

Finally, might children born through the use of new reproductive technologies claim that they have a right to freedom of information under Article 10 to find out the identity of their genetic parents, something which they are currently prevented from knowing under domestic legislation?

The merits of the claims which are raised here are discussed more fully in the research report. What is evident throughout is that the role of the UK judiciary in the Europeanisation and constitutionalisation of rights claims will be both an important and difficult one - not least because of the careful balancing exercise to be undertaken. This involves necessarily weighing the rights and interests of all involved: pregnant and childless women,

putative men, children, medical personnel, gametes donors and fetuses. Furthermore, it is an exercise which in the past has fallen to parliament following lengthy discussion in the course of democratic decision-making processes. It might well be wondered, therefore, to what extent an unelected, largely male and rather elderly judiciary will measure up to the task in hand.

While the challenge for the future is, therefore, set and is indeed complex, the one certainty is that there can be no return to the old regime of negative rights protection in the UK. Even those who are sceptical of the benefits of using rights based arguments as a strategy in seeking redress for discrimination, inequalities and social and political wrongful acts, cannot but accept the ineluctability of rights discourse in a legal world now so heavily saturated by talk of fundamental rights. Like it or not, rights claims will henceforth form a staple part of litigation and it is, therefore, to their interpretation in a progressive and inclusive manner that attention should be addressed. To this end a revolutionary shift in national judicial thinking about human rights is in order - one which tends towards the production of a discourse on human rights which is international in outlook while remaining acutely aware of the domestic contexts in which important moral and political choices about reproduction are made.

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Mediterranean Programme Robert Schuman Centre for Advanced Studies

is organising the

Third Mediterranean Social and Political Research Meeting which will take place from 20 - 24 March 2002

The Mediterranean Social and Political Research Meeting, which was held in Florence for the first time in March 2000, aims to become one of the major gatherings in Europe of social scientists working on the Middle East & North Africa (MENA) and the relationship between Europe and the MENA. In addition, it aims to contribute to a better reciprocal understanding between the different shores of the Mediterranean.

At the Third Meeting, the European University Institute will welcome approximately two hundred academics - both junior and senior - from Europe and the Middle East & North Africa, who for three days discuss original research papers on different topics, each supervised by two workshop directors. Workshop topics and directors vary from one Meeting to another. Up to fifteen topics are chosen on the basis of applications received by the Mediterranean Programme. Up to two can be organised and sponsored by other institutions.

Florence, city of culture with its long history of intellectual exchanges, is the perfect setting for such a Meeting, in particular at the European University Institute, which since its creation in 1976, has developed a tradition of intellectual debates in a multicultural and multinational environment.

The Meeting is made possible also thanks to the support of the *Regione Toscana* (Tuscan Regional Government).

Eligibility

Candidates should be actively pursuing research on the topic of the workshop they apply for and should present an original paper (of approx. 25 – 30 1.5 lines spaced pages) closely in line with the description of the workshop. There are no nationality restrictions. Participants from Southern and Eastern Mediterranean countries are strongly encouraged to apply.

Financial Support

All participants will receive significant travel allowances and discounts on accommodation and meals.

Applications & Deadlines

Candidates for participation in a workshop apply by sending the completed *application form* (including an *abstract* of the proposed paper of 250 words in English), a *CV* (max. five pages), and a five page (double-spaced) *description* of the proposed paper. Before applying, candidates should read the detailed information of the workshop of their interest at the below mentioned web pages. Deadline for applications to be received: **8 June 2001**. Applications should preferably be sent by *e-mail*. In exceptional cases, applications sent by fax or post are accepted. Results of the selection process will be communicated by the end of July 2001. Papers of the selected applicants must be received by **7 January 2002**.

Scientific Co-ordination

Imco Brouwer, *Mediterranean Programme Co-ordinator*

Application Forms & Detailed Information

<http://www.iue.it/RSC/MED/meeting2002.htm>

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The EU and the Gulf Co-operation Council

The EU has not devoted a great deal of attention to its relations with the Gulf Co-operation Council. For reasons that are not difficult to understand, priority was given to the Euro-Mediterranean Partnership and to European participation in the Peace Process. With respect to the Gulf region, national diplomacies have tended to concentrate on Iran and Iraq, two difficult, if not intractable, issues. The GCC suffers from being perceived as a "Rich Rulers' Club", a political entity too radically different from the Union to allow for satisfactory co-operation.

Contrary to this perception, I wish to argue that there are issues on which co-operation with the GCC could be very fruitful. Unfortunately, we have not been able to achieve great successes in the Peace Process, which will inevitably reflect negatively on the immediate future of the Mediterranean Partnership. As for Iran and Iraq, both are quite frustrating issues. We need a success story, and the GCC can be one. A diplomatic dialogue between the EU and the GCC has existed for years, but has led to no tangible results so far. Why has this been the case?

Because emphasis was laid on elements of the agenda, notably trade liberalization, on which the Commission has a strong mandate, but which are marginal to the interests of either side.

Because EU members have been predominantly moved by mercantilist concerns. The importance of arms trade with the region is especially notable and has a corrosive effect on European co-ordination and joint action.

A new departure in EU-Gulf relations requires a new set of premises. The EU should stop looking at the Gulf as a section of the developing world that we should assist, and start looking at it as an arm's length, *sui generis*, partnership that should be based on fostering certain common interests of the two sides, and compromising on points of inevitable conflict. A pragmatic agenda should, I suggest, concentrate on the following:

1 - Energy

By far the most important item of common interest is energy trade, i.e. oil and gas. The relationship is to some extent inevitably adversarial, because one side sells and the other buys - but this is true with other parts of the world as well. The proposal that the Union should substantially increase its dependence on Russia, in order to reduce dependence on the Gulf, is in my opinion a recipe for increasing our energy vulnerability rather than the opposite.

The Gulf (including Iran and Iraq) contains upward of 70 per cent of global oil reserves and very large gas re-

serves. The EU has a strategic interest in access to these reserves on stable and competitive terms. The US has in recent times been far more pragmatic and effective than the EU in conducting an energy dialogue with the Gulf countries, Saudi Arabia first and foremost. The meeting of the Energy Forum which took place in Riyadh in November 2000 and the Saudi proposal to create a permanent secretariat are good starting points for establishing a new climate in producer-consumer relations.

There is widespread recognition of the fact that the current organization of the international oil market yields prices that are frequently irrational, and in any case increasingly and excessively volatile. There is a convergence of interests between exporters and importers on eliminating at least some of the recent volatility and establishing a market that is more reliable, and closely connected to fundamentals. Adoption of new rules for international oil trading is possible, and is being actively considered by the major producers. They could do it alone, or they could engage in a dialogue with major importers. The latter option is preferable, and the EU should be actively involved. The Mediterranean Programme of the Schuman Centre, in conjunction with the Oxford Institute of Energy Studies, is convening a meeting of experts in the coming month of April to discuss possible reform of the international oil market. We shall be able to incorporate recommendations coming from that meeting, assuming that agreement is possible on some.

Besides attempting to reform the international oil market, the following points are significant:

The EU is bound to increase its dependence on gas. Opening the door to large-scale gas supplies from the Gulf towards Turkey and the rest of Europe is a strategic priority for the Union. The same kind of drive that has gone into developing supplies from Central Asia (the INOGATE project) should go into developing connections with the Gulf. The Gulf is in no respect less desirable than Central Asia as a potential supplier of gas - in fact one might argue that it is more desirable.

Prices of oil or other energy-intensive products do not always move in line with the price of crude oil, nor to the same extent. The EU should promote downstream integration of the major producing countries into refining, basic petrochemicals and other energy-intensive products such as aluminium, in order to reduce dependence on crude and diversify the commodity composition of trade. EU protectionism in this respect is strategically wrong, from an economic as well as an environmental point of view. The Union should avoid being trapped into defending certain limited interests to the detriment of more important goals.

A dialogue on environmental aspects is required. We must convince the oil-producing countries that concern for CO2 emissions is not a ploy against them, and that it is in their best interest to produce the best-quality and cleanest fuels possible. The price to be paid in order to be taken seriously is consistency: we must phase out coal, domestic and imported.

A dialogue on energy taxation is also required. It is obvious that the producing countries regard the high level of excise taxes on transportation fuels as the clearest demonstration of the fact that they are not charging enough for their oil, and the consumer is willing to pay more. Granted, it is a hollow argument, because in any case they do not have the market power to impose higher crude prices; but it certainly feeds hawkish opinion. We are not going to, and should not, substantially reduce taxes on transportation fuels - but taxes on energy products should be redesigned in order to be more balanced, and defensible on the ground of concern for the environment (which means: truly tax emissions, not energy consumption).

The stability of the oil market also depends on the availability of reserves and on their management. A policy of regular consultations - at a technical level - on stock levels, reserve changes and adequacy of supplies might be very helpful.

2 – Mobilize Gulf private investors for Mediterranean development

The second crucial common interest is the mobilization of the Gulf business community to support economic growth in the Mediterranean.

The division between Mediterranean and non-Mediterranean Arab countries is entirely artificial. It is rational from the point of view of the EU, but on the ground the border does not run where the EU-Mediterranean Partnership would have it. In fact some Gulf countries – notably Saudi Arabia – have a very strong Mediterranean orientation, in the sense that they have very intense relations with all Mediterranean Arab countries. Politically and economically, the Gulf countries must be enlisted in support of the EU in order to promote our vision for development of the Mediterranean. True, they will object to dealing with Israel, but so in fact do the Mediterranean Arab countries. With peace, the Gulf countries will overcome their objections; without peace, there will be no Arab-Israeli economic integration. Attempts to decouple the Mediterranean Partnership from the progress of peace in the Near East are in vain.

The GCC countries have a lot that they can contribute to the Mediterranean Partnership's development strategy, because their business sector is by far the most sophisticated and financially strong in the region. The accumulated international assets of the Saudi private sector alone are estimated at 900 billion US \$: MEDA is not even 1 per cent of this amount.

We promote a greater role for the private sector in the Mediterranean economies, but in most cases the local private sector is small and financially very weak. The potential for privatizing major utilities while avoiding total denationalization à la Argentina are poor, unless Gulf investors are called in. This requires the establishment of appropriate rules and financial channels, and support from the Gulf governments. Aiming at the rapid integration of Arab financial markets (not just Mediterranean; and financial, not trade, integration first) is an absolute priority. It can be pursued through the creation of a regional stock exchange closely connected to European exchanges (e.g. opening the door to joint listing and trading operations in an interconnected electronic marketplace).

With respect to financial intermediaries in general, the Gulf banks are far more developed than their Mediterranean counterparts, except the Turkish and the once-fabled but today greatly enfeebled Lebanese banks. Other providers of financial services are also more developed, and could expand their activities in the Mediterranean Arab countries thanks to the common language, especially if communications and IT networks are expanded.

3 – Privatization, competition, networks.

The privatization issue is of great relevance in the Gulf countries themselves, and the Union, with its diversity of experience, can offer support and know-how that does not necessarily reflect the sometimes inappropriate Washington wisdom. A closely connected area is competition policy and regulation: this acquis is more meaningful and relevant in the Gulf countries than in some of the Mediterranean partners - and this too is a case in which the Gulf and the Mediterranean countries are closely interconnected.

A further aspect of the Mediterranean Partnership that is of crucial importance for the Gulf countries is the developments of networks – energy, communications and transportation. The Gulf countries have established an excellent transportation network for themselves, but the limited dimension of their domestic markets is the most serious limitation to their industrial diversification: they need to connect to similar networks in the Middle East and North Africa in order to widen their effective market and in some cases possibly even reach Europe with non-oil-related exports.

4 – IT and New Economy

Co-operation in the field of information technology and the new economy is a key common interest between the EU and the GCC. The Gulf countries fully understand the potential of the IT revolution and see it as beneficial to them, because it can contribute to the solution of some of their domestic problems and reduce their remoteness and isolation. Furthermore, they can adopt crash programs to push the adoption of IT at various levels, and make sure that they are on the right side of

A North-South Conflict?

“Regulatory Competition” in European Environmental Politics

The failure to effectively implement European environmental regulations is often considered as a “southern problem”. It is argued that the four southern Member States of the European Union lack the capacity for compliance. Insufficient economic, administrative, and political capacity and a civic culture inclined to individualism, clientelism, and corruption are believed to undermine their ability and willingness to comply with environmental law. There is no doubt that Spain, Portugal, Greece, and Italy have a lower compliance record than their northern counterparts. Yet their lower implementation capacity is only part of the explanation. Regulatory competition among northern Member States plays a key role in understanding the “southern problem”.

“Regulatory Competition” and the Effectiveness of Environmental Law

European environmental politics can be understood as a “regulatory competition” (Héritier) between highly regulated States, which happen to be geographically located in the north rather than the south of Europe.* Given the transboundary nature of most environmental problems, northern environmental forerunners have a com-

mon interest in harmonizing their stringent standards at the European level. But as they differ with regard to their regulatory traditions, they often compete in “uploading” their particular policies to European level to avoid competitive disadvantages for their industries and to reduce implementation costs. Take the case of European air pollution control. Confronted with massive Waldsterben (forest death) in the early 1980s, most of the northern European countries embarked on some serious efforts to fight air pollution. The transboundary nature of the problem as well as the considerable costs imposed on industry provided them with a strong incentive to harmonize air pollution standards at the European level. Yet, while Germany, supported by the Netherlands and Denmark, pushed for stringent emission standards based on Best-Available-Technology, the UK favoured a competing approach guided by ambient air quality, which does not strive to avoid emissions at any cost but aims to achieve a low-cost intensive use of the environment taking into account local conditions, technology costs, and the economic situation of firms. After years of tough negotiations, the German approach carried the day. While Germany could simply “download” the new European air pollution regulations, the UK had to

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the digital divide. There is greater awareness and readiness to take up the Internet challenge in the Gulf than almost anywhere in the Mediterranean, except Israel.

The EU should promote close interconnection with the Gulf as an essential tool for cultural and economic projection in the region. The EU also stands the best chances of developing remote financial, educational or health-care services – thanks to the small time-zone difference. Accordingly, active promotion of broadband capacity and partnering of key institutions – such as universities – is very important in shaping the future of EU-Gulf relations.

5 – Trade liberalization.

Trade liberalization is important to the extent that it will eliminate all EU protectionism on industrial products and contribute to the elusive goal of developing horizontal trade in the Mediterranean.

6 – Security and political co-operation

Is security an important item on the EU-GCC agenda? Possibly, if the EU can come up with a common posi-

tion, and if security is defined with respect to external threats only. With respect to domestic stability, the EU should not try to reform or improve existing regimes, nor should it support them in the event of crisis. Individual EU members can do so, have done so, and will do so – but action at EU level will precipitate discussions about human rights, women’s rights, religious tolerance and the like, which are unlikely to lead to any positive result. We cannot have an extended co-operation with the Gulf countries, as we are attempting with the Mediterranean countries. I emphasize: attempting – because whether we are succeeding is entirely another matter. I am ready to argue that in many respects the Gulf regimes are less repressive and indifferent to human rights than several Mediterranean ones, and certainly so in comparison to their Central Asian counterparts. Nevertheless, there is surely no ground for praise: co-operation with the Gulf countries should be economic and not political. One might expect that in due course the economic transformations that we are trying to set in motion might somehow provoke changes in political culture and regimes – but that is not for tomorrow.

GIACOMO LUCIANI

change its regulatory approach and its industry was forced to heavily invest in expensive pollution abatement technologies (some of them 'made in Germany').

Southern countries often have neither the policies nor sufficient bargaining power to participate effectively in the regulatory competition among the highly regulated countries of the north. Being economic and environmental latecomers, they cannot compete with the expertise or the policy solutions developed by the northern forerunners. This is also a reason why southern countries do not always share the problem definitions of their northern counterparts. While not denying the existence of "Waldsterben", Spain, Greece, and Portugal have considered it mostly a problem to be tackled by the highly industrialized countries. Stringent environmental regulations must not become an obstacle to their attempts to catch up with the level of socio-economic development in the north. Consequently, their consent to the harmonization of environmental standards above the lowest common denominator is often "bought" by side-payments or exemption clauses. Thus, Portugal, Greece, and Spain were granted some temporary derogations from European requirements to reduce emissions from industrial plants, because the three countries claimed that air pollution prevention measures would impose heavy costs on their industry and thus slow down their economic progress.

Despite side-payments and exemption clauses, regulatory competition usually results in an uneven distribution of costs between highly and less regulated countries. If northern forerunners manage to "upload" their policies to the European level, they face lower adaptation costs when "downloading" them. Southern latecomers, by contrast, have to invest considerable resources in adapting and building up regulatory structures to match European requirements oriented toward the high level of regulation in northern countries. Thus, Spain, Portugal, and Greece have lacked the technology to effectively monitor compliance with air pollution standards. Nor have they had the expertise for developing criteria for the application of Best-Available-Technology. Having to implement policies that northern forerunners often developed after their industrialization process had been largely completed and the environment had found its place on their political agenda exacerbates southern latecomers' existing capacity problems. Moreover, it may undermine the legitimacy of European environmental law. Not only must the latecomers spend scarce resources on implementing costly policies they feel are oriented to the economic and environmental development level of the forerunners; these policies may not necessarily address their most pressing environmental problems either. Take the issue of deforestation. 85 percent of the Mediterranean forests have been lost. The remaining forests are disappearing at the rate of about one percent per year as a result of pressure from tourism, bad management and fires. Although many environmental experts agree that a Community policy on forests could have an effect, the European

Union has not been able to develop a common approach. The northern countries do not perceive the south as having a forest problem and think the southern countries only want to get more money from Brussels.

Towards a North-South-Conflict in Environmental Politics?

The dynamics of regulatory competition are not confined to European environmental politics. They can be found at international level too. The Climate Change negotiations are a case in point. While the problem has been largely defined as one of reducing the overall emission of greenhouse gases and of increasing sinks, many developing countries argue that production and consumption patterns of the industrialized north as such have to be changed. Given their limited bargaining capacities and their inability to form a joint position in the negotiations, however, southern countries had little means to prevent the emergence of a regime where the heaviest polluters in the north may escape significant emission cuts by both trading emission rights with less polluting countries and transferring their production technologies to the south.

This is not to suggest that international and European environmental regimes should become less ambitious at protecting and preserving the global commons. Yet they have to come to terms with the dynamics of regulatory competition, which undermines their effectiveness and legitimacy alike. International and European institutions should aim for a fairer distribution of implementation costs. While a high level of regulation is necessary and desirable, environmental latecomers need to be given more time and flexibility to adapt. Moreover, they have to be assisted in coping with the costs. Many regimes provide for some financial aid and technology transfer, but this is often not sufficient given the low implementation capacity of southern countries and the high compliance costs involved. Flexibility and capacity building could be combined by making assistance conditional upon progress in implementation. Finally, international and European institutions should focus more on pressing environmental problems of southern countries such as deforestation and desertification, and help them to develop and implement adequate solutions.

* This notion of regulatory competition differs from economic theory, where it is assumed that market liberalization leads to increasing competition between systems of economic and political institutions.

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Beaucoup de processus, peu de paix: le processus de paix israélo-palestinien en question

Alors que les violences déclenchées par la visite du leader de la droite israélienne Ariel Sharon sur l'esplanade des Mosquées/Mont du Temple à Jérusalem faisaient rage, le programme Méditerranée, avec la collaboration du département de droit, du *Human Rights Working Group* et de plusieurs chercheurs et *Jean Monnet Fellows* (Mark Lévine, Karma Nabulsi, Simona Santoro et James Turpin), est parvenu à réunir à l'IUE, le 2 décembre 2000, un groupe d'universitaires et intellectuels israéliens et palestiniens, pour un colloque d'une journée sur la situation au Proche-Orient, coordonné par Valérie Amiraux (Centre Robert Schuman). Du côté palestinien: Omar Dajani (conseiller juridique de la délégation palestinienne aux négociations), Rima Hammami (professeur d'anthropologie à l'université de Birzeit et coordinatrice du Centre d'étude sur les femmes à Birzeit), Moussa Abou Ramadan (avocat, Jaffa) et Salim Tamari (professeur de sociologie à l'université de Birzeit). Du côté israélien: Aeyal Gross (professeur de droit international à l'université de Tel-Aviv), Jeff Halper (professeur d'anthropologie à l'université Ben Gurion (Bersheva) et coordinateur du *Israeli Committee Against House Demolitions* (ICAHAD)), Amira Hass (correspondante du journal Ha'aretz à Ramallah), David Newman (professeur de géopolitique à l'université Ben Gurion (Bersheva)) et Dan Rabinowitz (professeur d'anthropologie à l'université hébraïque de Jérusalem).

Les discussions, présidées successivement par le professeur Alston (IUE), le professeur Dupuy (IUE) et Imco Brouwer (Centre Robert Schuman), se sont déroulées dans une atmosphère détendue et cordiale. Tous les participants étaient d'accord pour affirmer que la fameuse visite d'Ariel Sharon du 28 sep-

tembre n'avait été que le détonateur d'une révolte qui couvait depuis longtemps. Celle-ci trouve ses causes profondes dans les vicissitudes du processus entamé par la conclusion des accords d'Oslo en 1993. Le sommet manqué de Camp David en juillet dernier n'aurait fait que porter à son comble la déception et l'exaspération de la population palestinienne, qui, au cours de ces sept années de pourparlers, a vu ses conditions de vie se détériorer dramatiquement, sans obtenir pour autant l'indépendance politique à laquelle elle aspire.

Oslo: beaucoup de processus et peu de paix?

A entendre les critiques amères des participants à l'encontre du processus d'Oslo, on serait tenté de conclure que celui-ci a concrétisé la devise attribuée à l'ancien Premier ministre israélien Itshak Shamir (Likoud), qui, sous pression américaine, avait accepté du bout des lèvres de participer à la conférence de Madrid: «beaucoup de processus et peu de paix».¹ Les intervenants israéliens étaient les premiers à dénoncer la politique menée par leurs gouvernements successifs depuis 1993. Premier motif de leur indignation: les colonies. En effet, durant ces sept ans de négociations, les implantations juives en Cisjordanie et à Gaza ont continué à se multiplier et à s'étendre, avec la bénédiction des autorités. D'après les chiffres cités par Jeff Halper, la population de ces implantations aurait doublé au cours de cette période pour atteindre 400.000 habitants (200.000 en Cisjordanie, 6.500 à Gaza, 180.000 à Jérusalem Est, auxquels s'ajoutent 17.000 colons dans le Golan). Et ce, au mépris des accords d'Oslo (sans parler des Conventions de Genève), en vertu desquels les parties s'engageaient, pendant la période intérimaire, à considérer Gaza

et la Cisjordanie comme une entité territoriale unique, dont l'intégrité devait être préservée, et à ne prendre aucune initiative de nature à modifier leur statut².

Ce n'est donc pas un hasard si l'un des traits marquants de cette «nouvelle Intifada» est que les colons sont pris pour cible par les insurgés palestiniens. L'ironie de la situation, c'est qu'à en croire Dan Rabinowitz, jusqu'aux événements actuels, les colons n'étaient pas particulièrement populaires au sein du public israélien qui, pour une large part, considérait le démantèlement des colonies comme une condition nécessaire à la paix. Cependant, l'attitude des autorités israéliennes à ce sujet devrait se comprendre au regard de leur approche globale de la mise en œuvre des accords d'Oslo. Alors que la partie palestinienne tenait pour acquis que ces accords déboucheraient sur la création d'un Etat palestinien souverain sur l'ensemble de la Cisjordanie et de la bande de Gaza, du côté israélien, les choses étaient moins évidentes. Selon Jeff Halper, Amira Hass ou Rima Hammami, le souci persistant des gouvernements israéliens aurait été d'utiliser ces accords de manière à conserver la maîtrise de la plus grande surface de terres possibles, avec le moins d'habitants palestiniens possibles. En effet, suite aux redéploiements successifs de l'armée israélienne, l'autorité palestinienne a reçu le contrôle exclusif ou conjoint de 90% de la population palestinienne mais de 28% seulement du territoire de la Cisjordanie (les zones A et B qui recouvrent les villes et la plupart des villages) et 70% de la bande de Gaza. De son côté, Israël reste maître exclusif de 72% des terres agricoles de la Cisjordanie, dans lesquelles se situent précisément la plupart des implantations juives. Celles-ci joueraient un rôle-clé dans la «stratégie de contrô-

le» des autorités israéliennes: Jeff Halper a montré, cartes à l'appui, comment la disposition de ces colonies et du réseau de routes qui les relient avaient pour effet d'encercler la population palestinienne dans des enclaves autonomes, isolées les unes des autres et facilement contrôlables. Mais, a-t-il ajouté, cette politique d'encerclement a été menée petit à petit, par à-coups, afin de ne pas éveiller l'attention ni du public israélien, ni de l'opinion publique mondiale. Aussi, la plupart des Israéliens n'auraient pas conscience de cette situation. C'est en partie ce qui explique, estime Jeff Halper, qu'ils aient été profondément surpris de l'ampleur du soulèvement palestinien, comme du rejet des propositions de l'ancien Premier ministre Ehud Barak lors du sommet de Camp David en juillet 2000.

L'échec du sommet de Camp David

Les propositions de Barak pouvaient en effet paraître très généreuses au public israélien: n'offrait-il pas près de 90% de la Cisjordanie et l'ensemble de la bande de Gaza au futur Etat palestinien? L'ancien Premier ministre n'a d'ailleurs pas manqué d'attribuer l'échec de Camp David à une intransigeance palestinienne inexplicable. Cependant, les participants au colloque étaient là aussi d'accord qu'à y regarder de plus près, les offres de Barak avaient de quoi inquiéter les Palestiniens. En effet, en vertu du plan Barak, Israël n'aurait peut-être conservé que 10% de territoires, mais 10% disposés d'une manière hautement stratégique. Non seulement ils auraient permis à 80% des colons de rester en place, regroupés dans trois grands blocs de colonies, mais surtout, ils auraient privé le futur Etat palestinien de toute continuité territoriale et l'aurait maintenu sous le contrôle permanent d'Israël.

Outre la question des frontières et celle de Jérusalem, le sort des réfugiés palestiniens, ayant fui ou chassés de leurs foyers en 1948 et 1967, constituait le troisième problème abordé lors de ces négociations. Les propositions de Barak à cet

égard se limitaient à des gestes largement symboliques: le retour des quelques milliers d'entre eux étalé sur une période 15 ans sur base de la réunification familiale et la création d'un fonds international de compensation à l'intention des autres réfugiés. En échange, les négociateurs israéliens exigeaient que les Palestiniens déclarent solennellement la fin du conflit et renoncent officiellement à toute autre revendication à l'encontre d'Israël. Ces propositions ont paru inacceptables aux représentants palestiniens. Rima Hammami et Salim Tamari suggèrent que ce pourrait être sur cette troisième question, et non celle de Jérusalem comme ont l'a généralement affirmé, que le sommet aurait échoué. En effet, a renchéri Dan Rabinowitz, le problème des réfugiés et du droit au retour peut sembler encore plus inextricable que celui de Jérusalem. La perspective du retour de près de quatre millions de réfugiés effraie jusqu'aux fervents partisans de la paix en Israël car il mettrait en péril l'identité, voir l'existence même du pays, dont une grande partie des habitants sont eux-mêmes d'anciens réfugiés ou enfants de réfugiés. Cependant, estime Salim Tamari, il est malgré tout indispensable de traiter le problème des réfugiés, sans quoi on ouvre la voie au développement de mouvements irrédentistes. Certes, admet-il, il faut tenir compte des faits survenus sur le terrain depuis 30 ou 50 ans mais, ajoute-t-il, ce n'est pas une raison pour renoncer purement et simplement au droit au retour, reconnu par la Résolution 194 de l'Assemblée générale des Nations unies. Toutefois, ce principe peut être interprété de façon souple. Si le retour effectif de quatre millions de réfugiés sur leur lieu d'habitation semble irréaliste, des solutions alternatives sont envisageables, comme, par exemple, leur relogement dans d'autres lieux, l'octroi aux Palestiniens d'un droit de libre circulation sur le territoire de l'ancienne Palestine ou un système de double nationalité. Plus les frontières entre Israël et le futur Etat palestinien seront perméables, insiste Salim Tamari, plus la position palestinienne sur la question des réfugiés pourra être flexible.

Image de l'autre: le poids des stéréotypes

L'importance de la perception mutuelle de l'«autre» par les publics israélien et palestinien a constitué, sans surprise, un thème récurrent dans les interventions des participants. Ainsi, alors que le rejet palestinien des propositions de Camp David a suscité l'incompréhension de l'opinion publique israélienne, qui les considérait comme des concessions importantes, cette réaction était la seule tenable aux yeux du public palestinien, qui percevait les offres d'Israël comme une tentative de renégocier les «lignes rouges», c'est-à-dire le minimum non négociable pour les Palestiniens, et de les forcer à accepter un «compromis sur les compromis», pour reprendre les termes d'Aeyal Gross. De manière générale, a fait remarquer ce dernier, chaque société semble prisonnière de stéréotypes dans sa perception d'elle-même et de l'autre camps: l'opinion publique israélienne s'accrocherait à l'illusion de la générosité des propositions de son gouvernement face à l'intransigeance et à l'irrationalité des Palestiniens, tandis que ces derniers, pour leur part, verseraient volontiers dans une certaine «martyrologie». D'autre part, Salim Tamari a souligné que du côté palestinien, la nouvelle insurrection était marquée par un changement de la nature du discours justificatif, qui serait passé d'un registre nationaliste à un registre à prédominance religieuse, comme en témoigne la «sacralisation excessive» de Jérusalem, selon ses propres termes, avec pour conséquence de rendre un rapprochement pragmatique encore plus difficile. Tous les participants étaient en effet d'accord que tant qu'un tel décalage existerait, on ne pouvait espérer voir émerger un réel dialogue de réconciliation entre les deux sociétés.

Cette incapacité à percevoir les préoccupations de l'autre a été exacerbée par la couverture médiatique des faits de chaque côté. Comme l'a dit David Newman, celle-ci s'est révélée particulièrement «asymétrique» en Israël, et, du côté palestinien,

a été entachée de doutes quant à l'indépendance réelle de la presse. Amira Hass a illustré de façon saisissante l'effet dramatique et funeste que ces stéréotypes pouvaient exercer dans ce conflit, en relatant l'interview que lui avait accordée un jeune tireur d'élite israélien: interrogé sur le fait que de nombreux enfants palestiniens avaient été abattus durant les heurts avec l'armée israélienne, il répondit en réitérant la position officielle de l'armée israélienne, selon laquelle celle-ci n'autorise pas de tirer sur des enfants, mais, sur l'insistance de la journaliste, il précisa qu'au-dessus de 12 ans, les adolescents n'étaient pas considérés comme des «enfants» par l'armée israélienne. Mais lorsqu'elle lui demanda si, dans son entourage, il considérerait de la même manière qu'à partir de 12 ans, on cessait d'être un enfant, il parut soudain déconcerté.

Un décalage entre les élites et «leu» peuple?

Un autre aspect de la crise actuelle, mis en évidence par plusieurs participants, est le décalage persistant entre les élites politiques engagées dans les négociations et le peuple qu'ils sont censés représenter. Dans le cas des Palestiniens, Karma Nabulsi, elle-même ancienne membre de l'OLP, et Amira Hass, ont souligné le fossé grandissant entre une élite politique jouissant d'un certain nombre de privilèges personnels – d'un permis de «VIP» leur garantissant la liberté de circulation, à une certaine connivence professionnelle avec leurs homologues israéliens –, et «les masses» gagnées par un sentiment croissant de désespoir et d'impuissance face à un processus de paix traînant en longueur et, leur semble-t-il, sans résultat tangible. Pour illustrer cette réalité, Amira Hass a cité le cas d'un membre de l'équipe de négociateurs palestiniens, qui, selon ses informations, aurait profité financièrement en tant que promoteur immobilier de la construction de certaines implantations juives dans les territoires palestiniens. A l'en croire, depuis le soulèvement, l'OLP serait devenu presque invisible, signe de sa honte

et de son embarras, comme d'ailleurs de la paralysie de l'équipe dirigeante; le soulèvement devrait donc être compris comme un message adressé tant à l'OLP qu'à Israël. Pour Salim Tamari, cependant, la position d'Amira Hass ne ferait pas entière justice aux élites politiques palestiniennes. Il ne faudrait pas oublier que l'ensemble de ces privilèges resterait en deçà des libertés ordinaires dont jouit n'importe quel citoyen israélien. Quoi qu'il en soit, Dr. Nabulsi a déploré, par ailleurs, l'absence de véritable responsabilité politique des élites palestiniennes devant leur peuple et, en conséquence, l'impossibilité d'un contrôle efficace de leurs actes par l'opinion publique. Or, tout accord de paix définitif éventuellement négocié ne fonctionnerait que s'il était accepté par la population palestinienne dans son ensemble. Du côté israélien, David Newman et Dan Rabinowitz discernaient également un décalage élite-peuple, entraînant une menace permanente de démagogie, exacerbé par la nature extrêmement fragmentée de la politique israélienne. David Newman a en outre souligné que, de manière générale, le processus de paix d'Oslo avait généré des contacts intensifs presque exclusivement entre représentants officiels israéliens et palestiniens, et non au niveau de la société civile; les élites politiques de chaque camps ayant négligé de promouvoir les contacts et la coopération entre les populations

Les possibilités d'action en faveur de la paix

Enfin, les participants ont tenté d'esquisser des possibilités d'action en faveur de la paix, compte tenu des circonstances actuelles. Le ton fut donné par le commentaire ironique de Moussa Abou Ramadan, selon lequel la gauche israélienne toute entière était présente dans la salle, et une remarque moins ironique de Rima Hammami, déclarant que cette insurrection lui avait fait comprendre à regret que l'opinion publique israélienne n'écoutait réellement que la violence. Les participants semblaient d'accord qu'il ne fallait pas espérer du public israé-

lien une mobilisation en masse en faveur de la paix. L'élan principal devrait donc venir de l'opinion publique internationale, qui, selon Aeyal Gross, exerce une influence significative sur les élites libérales et sociales-démocrates israéliennes, dans la mesure où celles-ci aiment à se considérer comme partie intégrante d'une élite cosmopolite mondiale, qui s'indigne des violations des droits de l'homme et du fondamentalisme religieux. Aussi, à son avis, l'activisme international en faveur des droits de l'homme peut avoir un réel impact en Israël. Rima Hammami estimait, elle aussi, que c'est sur les forces internationales qu'il faudrait faire pression pour obtenir des changements internes. Néanmoins, Jeff Halper, fort de son expérience d'activiste pacifiste chevronné, tout en reconnaissant les énormes difficultés à toucher le public israélien sur une large échelle, a déclaré qu'il était impératif de sensibiliser la population, en particulier dans les milieux populaires. Dans le même ordre d'idées, Amira Hass a souligné l'importance du développement d'un activisme binational. Quant à David Newman, il a insisté sur le rôle des intellectuels - de gauche par définition - dont le devoir serait de s'efforcer de présenter des alternatives aux propositions actuelles, mais aussi de contribuer à modifier les images et représentations négatives dans chaque camps. En définitive, toutes les personnes présentes étaient d'accord que ce dont la région avait le plus besoin, c'était d'un changement de politique. Avec l'élection d'Ariel Sharon deux mois plus tard, il semble qu'un tel changement soit effectivement devenu réalité, mais certainement pas dans le sens espéré par les participants à ce séminaire.s

JULIE RINGELHEIM &
FLORIAN HOFFMANN

¹ cité par Mouna Naïm dans *Le Monde* du mercredi 7 février 2001.

² Accord intérimaire israélo-palestinien sur la Cisjordanie et la bande de Gaza du 28 septembre 1995, articles 31 (7) et (8).

Much Process, Little Peace: The Israeli-Palestinian peace process in question

While the violence triggered by Israeli right-wing leader Ariel Sharon's visit on the Haram al Sharif/Temple Mount in Jerusalem was raging on, the Mediterranean Programme of the Robert Schuman Centre, in collaboration with the Law Department, the Human Rights Working Group and several researchers and Jean Monnet Fellows (Mark Levine, Karma Nabulsi, Simona Santoro and James Turpin) brought together on 2 December 2000 a group of Israeli and Palestinian academics and intellectuals to discuss the situation in the Middle East, in the context of a workshop co-ordinated by Valerie Amirau (Robert Schuman Centre). Participants included, on the Palestinian side, Omar Dajani (legal adviser of the Palestinian delegation to the peace talks), Rima Hammami (Assistant Professor of Anthropology at Birzeit University and co-ordinator of the Center for Women Studies at Birzeit University), Moussa Abou Ramadan (Lawyer, Jaffa) and Salim Tamari (Professor of Sociology at Birzeit University), and on the Israeli side, Aeyal Gross (Professor of International Law at Tel Aviv University), Jeff Halper [Professor of Anthropology at Ben Gurion University (Be'ersheva) and coordinator of Israeli Committee Against House Demolitions (ICAHD)], Amira Hass (correspondent of the Ha'aretz newspaper to Ramallah), David Newman (Professor of Geopolitics at Ben Gurion University (Be'ersheva)) and Dan Rabinowitz (Professor of Anthropology at the Hebrew University, Jerusalem).

The discussion was successively chaired by Professors Alston and Dupuy (Law Department, EUI), and Imco Brouwer (Coordinator of the Mediterranean Programme, Robert Schuman Centre), and took place in a cordial and constructive atmosphere. All participants agreed that Sharon's notorious September visit was merely the trigger for a revolt which had been boiling up for a long time. Its deeper reasons lay in the multiple vexations of a process which began with the conclusion of the Oslo agreements in September 1993. The failure of the Camp David summit had brought to a peak the disappointment and exasperation of a Palestinian population which has, in the course of the last seven years, seen its living-conditions worsen, without gaining the political independence it has been aspiring to.

Oslo: much process, little peace

In the light of the strong criticisms levelled by the participants against the Oslo process, it would be tempting to conclude that it has, indeed, turned former Is-

raeli prime minister Itzhak Shamir's motto after being pressured by the United States to participate in the Madrid peace conference in 1992, namely "much process, little peace", into a truism.¹ The Israeli participants were the first to denounce their governments' successive policies; their first reason for indignation was the Jewish settlements which have, throughout the seven years of negotiations, continued to grow with the knowledge and blessing of Israeli authorities. According to figures presented by Jeff Halper, the population of Jewish settlements has doubled since 1993, reaching 400,000 inhabitants (200,000 in the West Bank, 6,500 in Gaza, 180,000 in East Jerusalem, to which the 17,000 colonists in the Golan Heights have to be added) in 2000. And this despite both parties' commitment in the Oslo accord that "neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent-status negotiations".² It is, therefore, no wonder that one of the outstanding features of this 'new Intifada' is the fact that the settlers have been the primary targets of Palestinian demonstrators. And it is, indeed, ironic that, as Dan Rabinowitz put it, up to the current crisis, the settlers were not particularly popular with the Israeli public, which, by a large majority, accepted the dismantling of the settlements as a necessary condition for peace. However, the attitude of the Israeli authorities with regard to this matter has to be understood in light of their global approach to the Oslo accord: while, on the Palestinian side, it was always taken for granted that the agreements were intended to lead to the creation of a sovereign Palestinian state made up of the West Bank and the Gaza Strip, things were less clear on the Israeli side. According to Jeff Halper, Amira Hass and Rima Hammami, the persistent concern of successive Israeli governments has been to preserve control over a maximum amount of territory with a minimum number of Palestinians living in it. Indeed, following the successive redeployments of the Israeli Defence Forces (IDF), the Palestinian Authority (PA) has received exclusive or joint control of 90 percent of the Palestinian population but of only 28 percent of the territory of the West Bank (the areas A and B, which correspond to the cities and the majority of villages) and 70 % of the Gaza strip. On its side, Israel remains in exclusive control of 72 percent of agricultural territory in the West Bank (namely zone C), in which the majority of Jewish settlements are located. These, according to Jeff Halper, play a key role in the Israeli authorities' 'strategy of control'; as he illustrated with a specially compiled map, the settle-

ments and the network of roads which connect them - which are lined with military monitoring stations - has effectively enclosed the Palestinian populations, confined them to their autonomous enclaves, and isolated them from one another, thus rendering them easily controllable. However, he added, this policy of encirclement was developed piecemeal, in order not to attract attention from neither the Israeli public or international public opinion. This partly explains, in Jeff Halper's view, why the Israeli public was so taken by surprise at the force of the uprising, as well as the Palestinians' rejection of former prime minister Barak's proposal at the Camp David summit in July 2000.

The failure of Camp David

Barak's proposal at Camp David may well have appeared very generous to the Israeli public; did he not, after all, offer nearly 90 percent of the West Bank and the Gaza Strip for the future Palestinian State? The former prime minister has consequently not hesitated to attribute the failure of Camp David to inexplicable Palestinian intransigence. Yet the workshop's participants all agreed that, on a closer look, the proposal contained a lot to worry the Palestinian side: under Barak's plan, the ten percent of Palestinian territory remaining under Israeli control would have allowed 80 percent of the settlers to stay in place, gathered into three large settlement blocks, thus depriving the future Palestinian State of all territorial integrity and effectively subjecting it to Israeli control. Next to the question of borders and that of Jerusalem, the issue of refugees - Palestinians displaced by the 1948 and 1967 wars - constituted a third obstacle to Palestinian acceptance of the Barak proposal. Here, the proposal was limited to largely symbolic gestures: the return of a few thousand refugees spread over a period of fifteen years on the basis of family reunification, and the creation of an international compensation fund for the rest of the refugees. In return, Israeli negotiators demanded that the Palestinians solemnly declare the end of the conflict and officially renounce any future claims regarding Israel. These demands were deemed unacceptable by the Palestinian side. Rima Hammami and Salim Tamari suggested that it might be the issue of refugees, rather than that of Jerusalem, as was frequently claimed, which made the summit fail. Dan Rabinowitz added that indeed the problem of refugees and the right of return was possibly even more intricate than that of Jerusalem: the possibility of the return of nearly four million refugees frightened even the most enthusiastic peace supporters on the Israeli side, as it would endanger the identity, and, they fear, the very existence of the State of Israel. Nonetheless, Salim Tamari insisted, the issue of refugees had to be addressed if the permanent threat of irredentist movements was to be countered. Although account had to be taken of the factual situation that has arisen over the past fifty or thirty years, this could not lead to pure and simple renunciation of the right to return, which

is, after all, recognized in General Assembly Resolution 194; it could, however, be interpreted in a flexible manner. If the return of four million refugees to their original homes is not realistic, alternative solutions are very well imaginable, such as their assignment to different places, a right of free movement within the territory of former Palestine, or a system of double citizenship. The more permeable the borders between Israel and the future Palestinian State are, Salim Tamari added, the more flexible the Palestinian position on the refugee question will be.

A conflict as much over fictions as over facts

A recurrent theme in all participants' interventions was, of course, the importance of the public perception of the respective 'other'; while, for example, the Palestinian rejection of Camp David, perceived as a very significant concession on part of Israel, met with virtual incomprehension on the part of Israeli public opinion, it was the only thing to do in Palestinian public opinion, since its perception of the facts implied that Israel was trying to re-negotiate the very 'red line' that constituted the non-negotiable minimum for Palestinians, forcing them to accept compromise on the compromise, as Aeyal Gross aptly put it. In many ways, both sides seem to be locked in their respective stereotypes about the other, with, Aeyal Gross argued, Israeli public opinion holding on to the illusion that their government had indeed agreed to far-reaching concessions and that Palestinians were irrational and intransigent, and its Palestinian counterpart readily subscribing to a certain 'victimology'. Salim Tamari added his observation that, as regards the Palestinians, the nature of justificatory discourse had changed with the new uprising, shifting its focus from the nationalist to the religious; this was particularly evident in what he called the 'excessive sacralization' of Jerusalem, making a pragmatic rapprochement ever more difficult. All participants agreed that for as long as this gap existed, no truly reconciliatory dialogue could emerge between the two public spheres. This deafness to each other's concern has been exacerbated by the nature of domestic press coverage on either side, being, in David Newman's words, asymmetrical in Israel, and marred by doubts over the independence of the press in Palestine. That such stereotypes also have a hard-edged and potentially fatal effect in this conflict was impressively exemplified by Amira Hass's account of her interview with a young IDF sniper: asked about the killing of various Palestinian children during clashes with the IDF, he responded by repeating the IDF's official position that it did not authorize shooting at children, but that adolescents over twelve years of age were not considered as children by the IDF; asked further whether he would also not consider over-twelve-year-olds as children at home, he faltered.

A gap between elites and 'their' people ?

Another aspect of the current crisis was identified by several participants as the lurking gap between the political elites involved in the peace negotiations and the people they are meant to represent. In the Palestinian case, both Karma Nabulsi, herself a former member of the PLO, and Amira Hass pointed to a widening gap between a political elite that has come to appreciate the personal benefits coming with their position - ranging from VIP passes allowing for unimpeded passage, and the like, to a certain professional collusion with their Israeli counterpart - and 'the masses' who are left with a growing feeling of powerlessness in the wake of a prolonged but seemingly inconsequential peace process. Amira Hass illustrated this argument by noting that it had come to her knowledge that a high-ranking member of the PA's negotiation team was, in fact, also involved in a construction enterprise that profited from the construction of Jewish settlements; and she added that, during the current uprising, the PLO had been largely invisible, a sure sign of shame and embarrassment, as well as showing the leadership's momentary paralysis; the uprising thus sent a message both to the PLO and to Israel. To Salim Tamari, however, this view did not quite do the Palestinian political elite justice, since, for example, all of the negotiators' travel privileges still fell short of any ordinary Israeli's rights in this respect. In any case, Dr. Nabulsi concluded, the Palestinian political elite was largely unaccountable to its people and could not, therefore, be effectively restrained by public opinion, an important point given that any eventually negotiated peace agreement can only work if accepted by the Palestinian population at large. On the Israeli side, Dan Rabinowitz also perceived an elite-people gap which posed a permanent threat of demagoguery, especially given the highly fragmented nature of Israeli politics. David Newman pointed out that, in general, the Oslo peace process has generated intensive contacts between Israeli and Palestinian officials, but has not done so on the level of civil society; the political elites on both sides had, indeed, neglected the fostering of contacts and co-operation on the grass-roots level.

What can pro-peace activists do ?

A final topic that engaged the participants were the possibilities for pro-peace action under the present circumstances. The stakes for any proposal had been raised high by both an ironic comment by Moussa Abou Ramadan that, as far as Israel was concerned, its entire left was actually present in the room, and a less ironic one by Rima Hammami, that if anything had become sadly clear throughout this uprising, it was that the Israeli public would only really listen to violence. All participants promptly agreed that the Israeli public was, on the whole, not 'mobilizable', as Jeff Halper put it, for significant pro-peace action. The principal impetus had, all agreed, to come from inter-

national public opinion which, Aeyal Gross commented, was particularly powerful on liberal and left-leaning elites, as these wanted to see themselves as part of a global cosmopolitan elite disdainful of human-rights violations and religious fundamentalism; hence, in his view, international human-rights activism did have real force in Israel. Rima Hammami agreed that international liberal and left forces needed to be lobbied in order to bring about domestic change. Jeff Halper, who being a long-time peace activist on the front line was well aware of the enormous difficulties of reaching a wider Israeli public, nonetheless thought it imperative to try to create more engagement, especially at grass-roots level; and, in a similar direction, Amira Hass stressed the importance of binational activism. David Newman reflected especially on the role of intellectuals - left-leaning by definition - and concluded that they should try to present alternatives to the current proposals, in an attempt to redraw the mental maps of either side. Ultimately all agreed, however, that what was most needed was a change of politics. With the election of Sharon two months later, it seems that such a change of politics will become a reality, although certainly in the opposite direction than hoped for by this seminar's participants.

JULIE RINGELHEIM & FLORIAN HOFFMANN

¹ Cited by Mouna Naim in *Le Monde*, Wednesday, February 7, 2001

² Interim Accord on the West Bank and the Gaza Strip of September 28, 1995, article 31, sections (7) and (8)

Le Commissaire à la Concurrence récompense le Centre Schuman

Mario Monti a fait don au Centre Robert Schuman pour le développement de ses recherches dans le domaine de la concurrence, du prix Wolfram Engels qui lui a été attribué par le Frankfurter Institut.

Ce don qui constitue avant tout une reconnaissance du travail considérable accompli par Giuliano Amato et C.-D. Ehlermann, est aussi un encouragement à persévérer et à progresser dans ce domaine de recherche. Le recrutement du Professeur Petersmann, un expert du WTO reconnu internationalement ainsi que la création



Mario Monti

d'un «Transatlantic programme» principalement consacré à l'étude des relations commerciales s'inscrivent dans notre volonté de poursuivre et d'approfondir cette action. Le Centre continuera ses efforts pour être digne de la confiance témoignée par le geste généreux du Commissaire, et s'affirmer au niveau mondial comme Centre de référence pour les recherches sur les politiques de concurrence et de régulation des marchés.

Grazie Mario Monti...

EUI/RSC Competition Workshops and the Modernisation of EC Competition Law

The EUI/RSC Competition Program consists of a series of annual workshops examining critical issues in EC competition law and policy. The program was launched in 1996 by Law Professors Claus-Dieter Ehlermann and Giuliano Amato, and is presently organised in collaboration with Professors Karel van Miert, University of Nyenrode (NL) and Mario Monti, member of the European Commission responsible for competition.

The Fifth Annual Competition Workshop, held at the EUI in June 2000, examined the European Commission's proposals for the reform of the EC competition law enforcement system. A group of 35 senior policymakers, academics and international legal experts in the field of anti-trust discussed in detail the Commission's White Paper of May 1999 on the modernisation of EC competition rules.¹

Under Session I (Compatibility, Efficiency, Legal Security), the participants debated: (a) whether the reform envisaged by the European Commission is compatible with the EC Treaty, (b) whether such reform would enhance the efficiency of EC competition policy, (c) whether the reform would bring about the desired simplification of EC anti-trust procedures, and (d) whether it will nevertheless ensure sufficient legal certainty for the undertakings concerned.

Session II (Coherence) examined the problems resulting from a radical decentralisation of the implementation of

Art. 81 (1) and (3) EC Treaty. In particular, under this session the participants discussed: (a) whether the Commission fully appreciated the dangers of its decentralisation proposals for the coherence of EU competition law and policy, and (b) whether the safeguards envisaged by the Commission for counteracting such dangers (in the form of information, co-operation and evocation mechanisms between national and Community bodies) were appropriate and sufficient.

Session III (Courts and Judges) concentrated on some of the particular problems posed by the reform proposal to courts and judges. Would judges be overwhelmed by the task of applying Art. 81 (3) EC Treaty? What problems would arise for national courts and judges in the implementation of Art. 81 (3)? What needs to be done so as to allow the European Court of Justice to deal with an increased number of preliminary rulings likely to flow from the direct effect of Art. 81 (3)?

Following up on the debate in June 2000, the Sixth Annual Competition Workshop - to be held at the EUI in Florence on 1-2 June 2001- will examine the effectiveness of private enforcement of EC competition law.² In particular, the Workshop will examine to what extent EC and national law offer the appropriate incentives for private action in national courts to become an effective third arm of EC anti-trust enforcement, while guaranteeing full and effective protection of individual rights arising from the Treaty anti-trust provisions.

The Modernisation of EC Antitrust Law: Consequences of the June 2000 EUI/RSC Competition Workshop

The European Commission's White Paper on modernising EC competition rules¹ has been on the whole positively responded to in most EU Member States. In Germany, by contrast, it has met with criticisms, some of them sharp. The arguments are largely known from the discussions about the White Paper, which was at the centre of the Fifth EUI/RSC Annual Competition Law and Policy Workshop of June 2000.² Below we would like to consider one aspect of the Commission's formal proposal of September 2000³ that corresponds to concerns expressed at the workshop, and that is new by comparison with the White Paper. Article 3 of this proposal provides that, where conduct may affect trade between Member States, Community competition law shall apply to the exclusion of the Member States' competition law. At first sight, Article 3 seems both needlessly radical and in contradiction with one of the basic aims of the reform initiative, namely decentralisation. On a closer look, both impressions appear false.

The apparent contradiction with the decentralisation principle disappears when considering that the objective of the proposal is more efficient implementation of EC competition law. It is not the purpose of the proposal to reduce the sphere of application of EC competition rules in the interests of broader application of national anti-trust law. This would not only contradict the basic principles of the Community internal market, but also worsen the position of undertakings operating in that market by comparison with their competitors in other regions of the globalised world economy.

While the abolition of the Commission's exemption monopoly eliminates a considerable obstacle on the road to more frequent application of EC competition law by national competition authorities and courts, it nonetheless does not create an incentive to refer more often to Article 81 EC. Lawyers, regulators and judges in Member States that are more familiar with national law than EC law will be inclined to apply the former rather than the

latter. It is therefore to be feared that the vacuum created by abolishing the Commission's exemption monopoly may be filled not by increased use of EC competition rules, but by more frequent application of national anti-trust law.

In addition, the transition to direct application of Article 81 (3) and the corresponding abolition of the requirement of administrative exemption decisions change the legal situation on which the case law of the European Court of Justice on the primacy of EC competition law is based. While prominent authors have defended the position that the direct effect of Article 81 (3) would lead to automatically extending primacy of EC competition rules to all situations meeting the conditions of that clause, can one be sure that the ECJ will follow this view? It is highly desirable for the new regulation to give an answer to this question.

Finally, the traditional view of the scope and force of EC with respect to national anti-trust law is threatened by the new interpretation of the concept of restriction of competition in Article 81 (1). The more economically oriented interpretation of this concept reduces the sphere of application of Article 81 (1). This means that it simultaneously reduces the sphere of application of Article 81 (3). However, it also allows the thesis that the space left by the shrinkage of Article 81 (1) will be filled up by national competition law. Such a development would be highly undesirable. For that reason alone, Article 3 as proposed by the Commission is fully justified.

¹ OJ C 132 of 12.5.1999.

² See p. 40 for a description of the objectives and structure of the June 2000 Workshop.

³ European Commission: Proposal for a Council regulation on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, COM(2000)582 of 27.9.2000.

CLAUS-DIETER EHLERMANN

Under Session I, the participants will discuss the availability and effectiveness of substantive remedies in the enforcement of EC anti-trust law. Session II will examine the procedural issues arising in the enforcement of EC anti-trust rules by national courts. Session III will discuss specific issues arising in the enforcement of EC anti-trust rules by arbitration courts. Finally, Session IV will explore the possibilities for introducing criminal sanctions in the public enforcement of EC anti-trust rules.

¹ The written contributions presented at the June 2000 Workshop are available at: <http://www.iue.it/RSC/competition/welcome.html>. The volume containing the edited workshop materials and proceedings will appear with Hart Publishing, Oxford in Spring 2001 (further info on the precedent editions of the Workshop and the series of European Competition Law Annual publications is available on the same web-site).

² Further information on the June 2001 EUI/RSC Competition Workshop will be soon be available on the above web-site.

The Search for Sustainability: Social Democracy & European Welfare Reform*

In the last week of January, tens of thousands of pensioners and workers took to the streets in France to protest – once again – against changes to pension funding. Meanwhile, in Germany, the passage by parliament of the government's latest pension reform was attacked for its timidity and concessions to the country's powerful trade unions. Both episodes seemed to confirm the persistence of 'Eurosclerosis' in adapting the continent's welfare states to the realities of the 21st century. Burdensome welfare costs and over-regulated labour markets appear to be the major threat to Europe's success in the global economy. While companies struggle under the burden of high taxes, social charges and employment red tape, reform-oriented governments – and most visibly those of the centre-left – seem boxed in by electoral antipathy and hostile vested interests.

That, at least, is the standard view. True, many of Europe's welfare states require extensive reform, making their future the hottest of issues in national and supranational debates. Reform is highly contested, however, heavily constraining policymaking. Nonetheless, the image of European welfare as a 'frozen landscape', in which growth and prosperity are menaced by unsustainable welfare, is increasingly inaccurate. Governments without the decision-making clout of Westminster-style constitutions are constrained but not without power. Their search for practical solutions to welfare sustainability is underway, even if implementation is often slow. For this is a process of redesign rather than retrenchment, involving complex negotiations and trade-offs.

While there is still a long way to go, there are several reasons for cheer. First, even in countries where change has been sclerotic or blocked, progress has been made towards a new, employment-friendly policy mix. Second, after years of inter-governmental conflict over European social policy, the new, post-Lisbon consensus on greater flexibility in both policy and decision-making will help strengthen the search for positive outcomes, in which efficiency and equity are simultaneously embraced. And third, although there are dangers for the centre-left – especially when its traditional supporters feel threatened – welfare modernization can also help its own renewal. By linking social protection to greater social mobility and opportunity, carefully calibrated reform can sustain both welfare systems and votes.

But first, why are welfare states in trouble? 'Globalization', supposedly culprit number one, has little to do with it. Competition and technological change

have certainly made unskilled workers less employable and less well paid than in the past. But a bigger challenge is European integration. EMU has forced a reduction in deficits and debts, and made competitive devaluation impossible for its member countries. Single market legislation is opening product and financial markets to ever-greater competition. All European welfare states must become 'competitive' to the extent that meeting fiscal, solidarity and employment objectives requires a new and creative mix of policies. In the future, their pensions, tax and social security systems, if not harmonised, will have to be reformed to facilitate the cross-border mobility that Europe currently lacks.

But the real problems stem less from external threats than internal stresses, due to post-industrial pressures and the 'costs of success'. Higher manufacturing productivity, the growth of the service economy and budget constraints on the public sector all require lower wage and non-wage costs if more jobs are to be created. The trade off between high unemployment and greater inequality is apparently inescapable. Therein lies one of the greatest challenges to the centre-left.

At the same time, by helping improve living standards and life spans, welfare states have created new needs for which social services were not originally designed. Rising health costs and pensions provisions have contributed massively to welfare budgets and fiscal strains. The unemployment and welfare cost problems are closely entwined. The maturation of governmental commitments and demographic change make health and pensions reforms essential if associated costs (75 per cent of all EU social spending) are not to escalate and threaten employment. In turn, increasing employment will help make pension liabilities and health budgets more affordable.

Hence the search for a new welfare policy mix across Europe. There are five key areas in which innovation is now occurring; but further changes are required if greater efficiency in welfare is to be reconciled with a new conception of social justice.

The first is wage moderation and flexibility. Wage restraint is important for employment creation. Not only can it help boost competitiveness in the export sector but it also allows governments to use improved public finances to lower the tax and contribution wedge. Moreover, moderate wage increases allow central banks to pursue a less restrictive monetary policy – again contributing to job creation. Wage flexibility is also important for more flexible working patterns, as

The Schuman Centre Welfare Programme

After the intense activity of 1998-1999, when the Robert Schuman Centre hosted the European Forum on 'Recasting the Welfare State', the last year or so have been quieter (following Martin Rhodes's move to the SPS Department) but nonetheless productive. The directors of the forum, Martin Rhodes and Maurizio Ferrera were commissioned to produce a major report with Anton Hemerijck (Leiden University) on the challenges to European welfare states and policy responses by the Portuguese government under its Presidency of the European Union in the first half of 2000. This report was presented at a conference in Lisbon in May last year - which included as discussants both Silvana Sciarra (EUI Department of Law) and Giuseppe Bertola (EUI Department of Economics) - and was published by the Portuguese government as M. Ferrera, A. Hemerijck and M. Rhodes, *The Future of Social Europe: Recasting Work and Welfare in the New Economy*, Lisbon: CELTA/Ministério do Trabalho e da Solidariedade, 2000. A revised version of this study will appear with Oxford University Press later this year.

During the last academic year we held two conferences at the EUI, the first on The Local Dimension of European Employment (in collaboration with the European Commission, Employment and Social Affairs DG9 on 7 and 8 February 2000 and the second on The New Welfare Mix In Europe: What Role For The Third Sector? 9-11 November 2000. Papers from the latter will be published shortly by the Robert Schuman Centre. Copies of papers from both conferences can be obtained from Catherine Divry at the RSC. A conference is planned for later this year on issues of welfare sustainability.

A new series with Routledge (Routledge/EUI Studies in the Political Economy of Welfare) was also launched by Martin Rhodes and Maurizio Ferrera - a direct result of collaboration under the 1998-99 Forum. The series is dedicated to publishing innovative and interdisciplinary work on welfare issues. The first book to appear - based on a conference held jointly by the European Forums on Migration (1997-1998) and Welfare in May 1998 - is M. Bommers and A. Geddes (eds.), *Immigration and Welfare: Challenging the Borders of the Welfare State* (Routledge 2000). Not only is this book inter-disciplinary in perspective, but it straddles two traditionally insulated arenas of academic study - immigration and the welfare state - and makes a pioneering attempt to bring them together. Two other volumes are currently in press and will appear in print later this year: *Comparing Welfare Capitalisms*, edited by Bernard Ebbinghaus and Philip Manow (another pioneering enterprise which probes the links between welfare states and varieties of national capitalism) and *Controlling a New Migration World*, edited by Virginie Giraudon and Christian Joppke, a book that tackles the controversial and highly topical issue of migration control head on. Future books in the series include *Corporatism and the Welfare State*, edited by Gerhard Lehmbruch and Frans Van Waarden.

well as tighter links between company productivity and costs. Traditionally resisted by the labour movement, unions across Europe are now accepting this trend. A problem still untackled in certain countries (e.g. Italy, Germany and Spain) are the inflexible, sectoral wage bargains which do little to help regions where high unemployment coincides with low productivity. Here, too, innovations are being made. But greater flexibility is required.

To be really effective (and retain the support of the labour movement), wage moderation and flexibility must be coupled with employment-friendly reforms to tax and social security. Changes to welfare funding and benefits can help stimulate employment growth at the lower end of the wage scale without creating a class of 'working poor'. A reduction of social contributions for low-paid workers can prevent labour costs from outpacing productivity where payroll taxes fund

social security. High inactivity rates only aggravate the financial burden on the active workforce. But many countries are still trapped in counter-productive policies. Among these figure early retirement and maximum working week strategies of labour supply reduction.

Re-regulation of the labour market is also important. For technological change, shifts in demand and changing family patterns all require greater flexibility in labour contracts and working time. The challenge for social democratic welfare reform lies in increasing flexible employment while also modifying and eliminating the social risks it creates. A shift from passive income support to the 'activation policies' - a policy trend well advanced in the UK, Denmark and the Netherlands - is essential to help the unemployed re-enter the labour market. If linked to appropriate tax and social policy reforms - as in the Netherlands and

Denmark – such policies can create new jobs while also sustaining incomes at a civilized level. Flexible employment must also be ‘secured’ by a full array of social rights and entitlements.

Greater investment in education and training is a critical element of the mix. In knowledge-intensive economies real equality means access to resources which enhance adaptability and mobility. Low-paid flexible work should facilitate entry to employment, especially for the young; but it should also provide a



Martin Rhodes

springboard into better-paid jobs. This means focusing on how effectively (and equitably) resources are delivered by high quality education; and how successfully opportunities for mobility provide escape routes from low-pay/no-pay employment traps. Many European countries (Italy, Spain, Greece, the UK) still perform badly in this respect. Even where education and training systems work well (Germany and France), an essential process of adaptation is under way to align those systems with the rapidly changing demand for skills, linked to new ways of promoting vocational mobility.

Finally, pensions are one of the most sensitive areas of reform. Radical change – as in the shift from pay-as-you-go to fully funded systems - is unfeasible, even if it were desirable. Pay-as-you-go systems may be vulnerable to an ageing population and rising unemployment but they do protect against inflation and investment risks, while also allowing for vertical redistribution. Funded pensions may generate fewer distortions in the labour market, contribute to developing financial markets and provide workers with higher returns on contributions, but they are also vulnerable to inflation and investment risks and are very costly to administer. The real problem is that options between these two systems are heavily constrained, both by past choices and by the ‘double payment’ problem involved in transition between the two.

By contrast, combining different modes of financing (a mixture of pay-as-you-go and private and public funding elements) - as in the Netherlands and Switzerland – is both politically more acceptable and relatively robust in terms of revenue and risk. Other components of a successful pensions policy include a higher retirement age (still opposed in Germany, France and Italy) and higher rates of immigration in countries where fertility rates are low. Here too, elements of the new policy mix can be mutually reinforcing. The creation of a flexible but secure labour market can also assist in the absorption of migrant workers into the regular economy. This is prevented where there are large barriers between fully protected insider workers, often enjoying an over-accumulation of privileges, and a precarious peripheral workforce spilling into the informal – and sometimes illegal – economy.

But how can social democrats embrace this agenda without losing their commitment to social justice or endangering their support? Most European social democratic parties have engaged, to one extent or another, in promoting such policies. But this is a difficult process, generating new internal divisions and provoking the opposition of traditional partners, above all in the labour movement. There are many elements to a social democratic strategy for welfare that is both effective and politically popular, including an upgrading of the core social programmes of education and health care alongside the more innovative measures mentioned above. But perhaps most important is the development of a new and clearly enunciated rationale for reform. Enhancing the coherence, legitimacy and viability of the project means refocusing the social democratic commitment to welfare on a series of functional, distributive and political-institutional objectives.

Focusing on the functional dimension means pointing to the growing gap between conventional welfare provision and the new social risks created by social and economic change. In many countries child poverty has been growing, together with other worrying symptoms of ‘social dislocation’, including crime, teenage pregnancies, homelessness, substance abuse and educational exclusion, while long-term dependency in the case of chronic illness or disability remains inadequately supported in many countries. ‘Old risks’, by contrast, continue to receive much more generous treatment, even if in many instances they are no longer the source of real need, especially among the prosperous middle classes. Examples include short-term work absence due to mild sickness, the death of a spouse and even old age – at least in its traditional definition as ‘life beyond 60 or 65’. Southern welfare states in particular are still mainly ‘pension states’, with social guarantees and expenditure heavily skewed towards retirees. Many of the latter – the beneficiaries of generous public sector retirement plans – are still of active working age. In this new context, there is an urgent need for a re-calibration of social in-

insurance towards 'societal integration', with a focus on the empowerment of families and enhancing 'human capital', especially among the young.

Such changes also imply a redistributive dimension, with a shift of resources towards those truly in need. It is here that the centre-left can make its greatest claim to be the champion of social justice. While the liberal right often points to the 'moral hazard' or dependency aspects of welfare, the conservative European right is often wedded to the paternalist welfare status quo, and reluctant to challenge its client groups. If social democrats are to distinguish themselves clearly from both, the appeal to social justice must be accompanied by the call for greater opportunity and mobility. Welfare provision should not foster dependency; nor should it cater to the demands of powerful vested interests. Over time, social insurance systems have produced forms of redistribution across economic sectors, occupational categories or income groups which have lost their original rationale, becoming sources of growing inequity. Social democrats must attack these inequities and become the champions of individuals and families excluded from the privileged cores of the labour market and benefit systems.

This also means ensuring that the 'old risks' are not neglected in the rush to innovate and 'activate' for the 'new economy'. Not only is the old economy still with us, with all the attendant problems of painful adaptation of traditional industries, regions and their workers to a changing world. But so too in many countries are the problems that led to the creation of the welfare state in the first place – above all poverty. Ensuring the social inclusion of marginalized groups still requires substantial social transfers and the provision of families with a civilized standard of living. Public expenditure on decent housing, transport systems and infrastructure and quality education and health care remain core components of any modern and progressive system of welfare. The creation of a dual society in which private education and health care expand as public provision deteriorates is the antithesis of a genuinely social democratic project.

The political-institutional dimension has both national and European components. Social democrats should seek to preserve national systems of concertation where they work and to improve them where they do not. The virtues of negotiating change to industrial relations and welfare have been illustrated by the successes of Ireland, the Netherlands, Italy, Portugal and Spain in radically reforming their systems. The coalition governments and labour movements of these and other continental countries produce veto points that prevent unilateral 'big bang' transformations. But while social democrats often need to bargain their way to reform, they must also be able to 'force the hand' of their partners. This can best be achieved by building greater public support for changes requiring painful concessions from those who benefit most from the status quo. Success-

fully doing so requires a more powerful, legitimising 'ideology' of reform, one that stresses opportunity, mobility and protection against new risks, while also ensuring that the 'old risks' and 'civilizing mission' of the welfare state remain at the heart of the social democratic project. The dangers for electoral support of forgetting the traditional aims of social protection and welfare should never be underestimated.

The European component is important since social democrats need to distance themselves forcefully from growing right-wing national chauvinism (a real danger given rising hostility to migration) and fully engage with the post-Lisbon agenda on welfare reform. The latter has two objectives. The first is to 'Europeanise' the search for new, efficient but equitable solutions to the problems created by the shift to the information society. In essence, this means linking more liberal social and employment systems with a strong traditional European emphasis on social dialogue and solidarity. If Europe's social democrats are to unite behind a common conception of a 'third way' for welfare, then it must combine these elements in new and creative ways. The second is to introduce greater flexibility in decision-making by complementing traditional instruments like directives with 'open coordination'. This amounts to translating European guidelines – initially on employment and pensions – into national and regional policies through periodic monitoring, evaluation and peer review, including benchmarking best practice on managing change.

But if this process is to be given real bite, then it must be driven forward by a coalition committed to a new and reinvigorated notion of social justice. For Europe is now a 'community of fate', in which the future prosperity and stability – and welfare – of each member state depends on the others. If social democrats fail to rise to this challenge, they will also fail to renew and strengthen their own tradition and support.

MARTIN RHODES

* This comment is based on material in M. Ferrera, A. Hemerijck and M. Rhodes, *The Future of Social Europe: Recasting Work and Welfare in the New Economy*, Lisbon: CELTA/Ministério do Trabalho e da Solidariedade, 2000.

However, the author takes sole responsibility for the opinions expressed. It is also published in the first issue of *Policy Network Journal*. Policy Network is a new international quarterly journal launching in March 2001. The journal will bring together leading policy makers, politicians, practitioners and thinkers to address present and future challenges confronting the centre-left. Drawing from the experiences of progressive governments across the world, Policy Network will give its readers an insight into the latest, as well as prospective, policy developments. For further information, visit <http://www.policy-network.org>.

“When Europe Hits Home” Europeanization and National Public Discourses

The debate regarding a European Public Sphere is currently dominated by normative statements about the lack of a genuinely European polity – not only in political but also, and even more so, in scholarly discourses. These debates usually tend to overlook the possible Europeanization of national discourses. Until now, there is little empirical knowledge to test the theoretically based claim that something like a European Public Sphere cannot emerge within the EU.

To examine empirically whether a European public sphere exists, or whether public spaces continue to reside in the nation State, is the purpose of a research project funded by the DFG (Deutsche Forschungsgemeinschaft) on the Europeanization of national public discourse. The team, led by Prof. Thomas Risse and Bernhard Giesen, is composed of members from the EUI (Sylvain Rivet and Marianne van de Steeg) and from the University of Konstanz (Barbara Grabman and Valentin Rauer). One of the project’s main purposes is to find out whether the process of European integration has had an impact on the structure of the public sphere in Europe.

The case study will be the reactions to Haider’s FPÖ partaking in the Austrian government, to which the response of the European foreign ministers added an obvious European dimension. To study what is going on in Europe, we will, as a first step, map the media debate on Haider in several EU Member States, namely Austria, Belgium, France, Germany and Italy. This will give us some insight in to how the Public Sphere is constructed in these countries. We want to gain positive knowl-

edge in order to understand better what a Public Sphere is, and how it functions.

How to recognize a European Public Sphere when you see it?

This is the first question to deal with, and there is no straightforward answer. First of all, it is true that the conditions for a single (mass) European Public Sphere are not in place in Europe. However, it is much less convincing that this implies that discourse stops at the borders of the nation State. It could well be that the discourse taking place within a nationally based media system is Europeanized.

As an aid to solving this question, a distinction between is drawn among three types of Public Sphere: a nationally confined PS, a cross-national PS, and a European(ized) PS. Of course, these are ideal types, the definition of which is going to be the result of a long research process. They do not exist per se, but can be constructed, proposed and defined via a comparative analysis of the concrete public debates. Our actual pre-definitions are heuristic tools in order to present the project’s goals.

First, in a nationally confined Public Sphere, there are clearly demarcated borders between the ‘domestic’ and the ‘foreign’, between the national PS and the world outside of it. An example of this would be the average report on an event in another country, e.g. an article from La Repubblica in which it is reported that on the first anniversary of being in government, Haider was already claiming the chancellery for the FPÖ after the next election victory.

Second, in a cross-national Public Sphere, the borders between the nationally based Public Spheres are still clearly demarcated; however, bridges of contact are built between them. This means that a report does contain voices from other countries and their PS: however, they are treated as something ‘foreign’, instead of being incorporated in the ‘national’ discourse. For example, when an article written by a politician from another country in which this politician reflects on the debate in his country and the position taken by his government is published, then a contact is made between two PS.

Third, in a transnational European Public Sphere, the borders have evaporated. What is inside and what is outside cannot easily be distinguished any more, either (1) because the argument is built up by intertwining ‘foreign’ and ‘domestic’ elements, e.g. in one editorial an article written by a German and a French Prime Minister, a statement by an Italian politician, a position-paper by a German party and a Dutch parliamentary debate are all combined to argue in favour of a certain way forward for the EU, or (2) because Europe is taken as a whole.

Image not available on the Internet

Transforming Europe

Europeanization and Domestic Change

This book, edited by Maria Green Cowles (American University), James Caporaso (University of Washington), and Thomas Risse (EUI), represents the next stage in the study of European integration. The first waves analysed why member states decided to shift competences to the European level and investigated in detail how the European governance system works. Instead, *Transforming Europe* explores the impact of European integration on the member states of the European Union. It examines whether, how, and under what conditions nation-states, their domestic institutions, and their political cultures have been transformed by the ongoing process of Europeanization.

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Maria Green Cowles, James Caporaso, and Thomas Risse (eds.), *Transforming Europe. Europeanization and Domestic Change* (Ithaca NY: Cornell University Press, 2001).
.....

More specifically, the chapters – based on cutting-edge research by leading junior and senior scholars – examine the EU’s impact on national court systems, regional administrations, societal relations, public discourse, identities, and citizenship norms. *Transforming Europe* demonstrates that Europeanization matters – that member states generally must adjust their domestic structures to the European Union’s impact. This is even

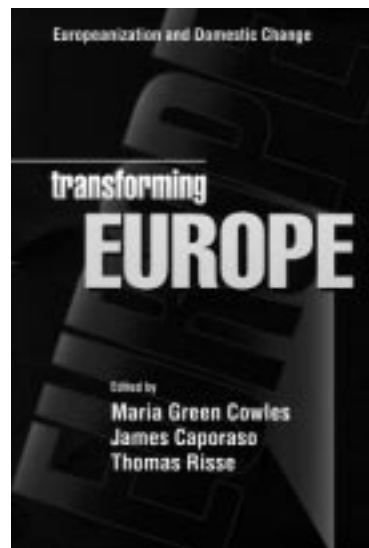
true for the “big three” – Germany, France, and the United Kingdom.

In many cases, European rules and regulations were incompatible with domestic institutional arrangements creating what the authors call “adaptational pressure.” *Transforming Europe* then examines the conditions under which adaptational pressures lead to institutional and cultural changes in the member states. Several mechanisms are then explored, which ease or hinder the adaptation of domestic structures to the EU. These include institutions, political and organizational cultures, collective identities and the differential empowerment of actors. The whole process is put in a dynamic perspective, emphasizing learning, reassessment of preferences and, in case, also reshaping of collective identities.

The empirical chapters cover a wide range of issue-areas and EU member states. Scholars address the cases of gender equality in France and Great Britain (James Caporaso and Joe Jupille), transport liberalization (Adrienne Héritier), liberalization of telecommunications (Volker Schneider) and reform of public finances in Italy (Alberta Sbragia). Other Chapters are devoted to legal systems (Lisa Conant), administration of environmental policies (Christoph Knill and Andrea Lenschow), territorial structures and regions in

Germany and Spain (Tanja Börzel), the Transatlantic Business Dialogue and relations between firms, business associations and governments (Maria Green Cowles), German citizenship rules (Jeffrey Checkel) and collective identities in Great Britain, France and Germany (Thomas Risse).

The book results from a multi-year collaborative project involving European as well as US scholars and



directed by James Caporaso, Maria Green Cowles, and Thomas Risse. The Robert Schuman Centre for Advanced Studies supported the project from the very beginning and hosted several conferences in this context.

An example of the latter would be the cartoon by Plantu published on the front page of *Le Monde*, 28 February 2000, when coalition talks were held between the ÖVP and FPÖ.

A man is holding a flag in which one of the stars has changed into a swastika, and in the background there is the Pied Piper of Hamelin with all the rats following him. What hits you seeing this cartoon is that the flag represents the whole of the EU, of which France

(the country in which the cartoon is published) and Austria, which is accused of having gone nazi, are intrinsic parts. It is no longer presented as a French view about what is going on in Austria, but already as a European statement about Europe.

SYLVAIN RIVET and MARIANNE VAN DE STEEG

Increasing the light, reducing the heat?

US/EU Workshop on the Transatlantic Regulation of Biotechnology

Genetically modified food has been a hot topic within Europe and a source of tension between the European Union and the United States for several years now. Transatlantic trade tensions intensified after October 1998 following the EU's de facto moratorium on new approvals of genetically modified crops. As a result US exports of corn to the EU,



while never large, have stopped completely. Recent developments on both sides of the Atlantic suggest that this simmering dispute might be about to enter a new phase.

Most significantly, the EU is on the verge of adopting a new Directive for the approval of genetically modified crops. A compromise was reached in the Conciliation Committee between the Council of Ministers and the European Parliament in December 2000 and is awaiting ratification by both bodies. The Commission has undertaken to resume the approval process as soon as the new directive is adopted, without waiting for transposition into national law. It will, however, require approved products to comply with all of the provisions of the Directive — including traceability and labeling — even though they will not yet formally be law.

This development is significant because the ongoing revision of the EU's approval process was one fac-

tor that contributed to the United States government not pursuing action against the EU under World Trade Organization (WTO) rules. The US biotechnology, agriculture and food industries will be watching carefully to see if the EU's new rules do bring about a resumption of approvals. If they do not, political pressure on the new Bush administration to seek remedy under multilateral rules is likely to increase.

However, another factor that has thus far stayed the US government's hand has been an increasing understanding within the government and among US producers that the EU's moratorium is not simply protectionist. Although many think that, at the very least, European producers benefit from the moratorium, there is growing appreciation that the root of the problem lies in consumer concerns.

The BP Transatlantic Chair in the Robert Schuman Centre played its part in the promotion of transatlantic understanding by hosting a two-day workshop in December 2000, in cooperation with the German Marshall Fund's US/European Biotechnology Initiative and the Meridian Institute. Specifically, the EUI workshop focused on the regulatory context of the issue. To that end it brought together both European and American regulators; representatives of environmental, consumer and farmer organizations and of biotechnology companies and food manufacturers; as well as academics from both sides of the Atlantic.

One striking, but not surprising, feature of the discussions was that the participants did not divide neatly along EU/US lines. Although much of the initial discussion fo-

cused on trying to understand the EU's approval process (as was and will be), the focus soon switched to an examination of the US government's regulatory approach. Many of the participants from US NGOs were critical of their government's approach, and US regulators acknowledged that indeed there was room for improvement in US regulation of GMOs. This willingness reflected the initiative launched by the White House in May 2000 to review the US regulatory approach with an eye to bolstering consumer confidence. In response, in January the Food and Drug Administration proposed making mandatory prior approval of new genetically modified foods and set out guidelines for voluntary labeling of genetically modified foods.

A recurring theme of the workshop was the role of science in the regulatory process. This theme had two components. The first was that although risk assessments in the US and EU do not differ dramatically, policy-makers in Europe have much greater discretion regarding whether or not to approve a product. While US regulators must approve a product if the risk assessment is favorable, European policy-makers may take socio-economic considerations into account as well. The second component of the discussion was whether un-biased science on genetically modified food is possible given the importance of corporate funding to university research, particularly in the US but also in the EU. Although not put this way, the issue is whether scientific capture is source of regulatory capture. Interestingly, the White House's May 2000 initiative includes increased public funding for research on current and future safety issues concerning agricultural biotechnology.

On the subject of science and risk, many of the conference participants emphasized the environmental risks posed by live genetically modified organisms, rather than the food safety risks to humans eating genetically modified foods. This contrasts starkly with the dominant public rhetoric in Europe, and to a growing extent in the US, which is about food safety. This is not to say that food safety is not a concern, just that policy-makers on in both the EU and US seem to consider genetically modified crops more likely to affect adversely the environment than to pose a threat to human health. This suggests that the media focus on food safety may be misplaced.

The issue of consumer choice, if not food safety, however, was an important focus of the workshop. While the focus of labeling in the US is on identifying hazards, in the EU labeling has a much broader role in terms of promoting consumer choice not just about a product's characteristics, but also about how it was produced. Some participants even contended that consumers may make choices based on supporting a particular agricultural way of life, for instance by favoring local production or small rather than large farms. While it appeared as though most of the participants could live with mandatory labeling

(the threshold above which labeling would be required, however, was contentious), there was a great deal of uncertainty about what the impact of labeling would be on consumers' actual decisions. While some contended that consumers would be unlikely to read the labels, others expressed concern was that the real point of labeling was to stifle the technology, particularly as the products that would deliver direct benefits to consumers (such as reduced fat or vitamin enriched foods) are still a product generation or two away.

This concern about the impact of labeling on consumer choice is informed by the recognition that biotechnology has become a symbol of a number of features of the modern world that concern some people. These include globalization, multinational corporations and 'unnatural' practices in agriculture, such as those which contributed to the current BSE crisis. Indeed, defenders of biotechnology argued at the workshop that genetically modified foods are bearing the blame for these other, and sometimes quite distinct, developments.

It is worth bearing in mind is that Americans and Europeans do not necessarily, as is often reported, have different attitudes to risk. As

one participant in the workshop and David Vogel at separate BP Transatlantic Chair seminar in December noted, the US approach to social (environmental and consumer) regulation during the 1970s was very similar to that of the EU today. This suggests that part of the difference in attitudes to genetically modified foods may be linked to the massive regulatory failure in Europe that the BSE crisis represents. Having been told by scientists and their governments that beef was safe, Europeans are reluctant to trust them again on something as difficult to understand and with so few direct benefits (at least yet) as genetically modified food.

While increased understanding may help to avert an all-out trade war, this is a problem without an easy solution. The workshop explicitly recognized this by not seeking an artificial consensus. Europeans and Americans may just have to agree to disagree about genetically modified foods.

ALASDAIR YOUNG



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Gaetano Martino et la genèse de l'Institut universitaire européen de Florence

On sait que le projet d'Université européenne émerge au niveau gouvernemental à l'occasion de la conférence des six pays membres de la CECA à Messine en 1955. Le secrétaire d'Etat allemand aux Affaires étrangères. Le professeur Walter Hallstein, se fait alors le promoteur d'une université de plein exercice présentant la gamme complète des facultés, à insérer dans le futur traité d'Euratom. Initialement, l'Université doit offrir un enseignement en rapport avec les sciences nucléaires, mais pas uniquement, et être l'émanation de la Communauté. L'Europe, estime-t-il, est en retard (notamment sur les Etats-Unis) en matière d'enseignement spécialisé et de recherche. Quant à l'Allemagne, elle manque alors cruellement d'universités, et elle ne dispose pas en particulier d'un centre de recherche nucléaire. Pourtant, ce n'est pas ce souci qui anime Hallstein. Il inscrit délibérément l'institution envisagée dans le cadre de la relance de l'unification européenne : la politique, l'économie ne suffisent pas, la conscience d'une appartenance commune est nécessaire à ce processus et seule la culture peut la créer. Dans cette perspective, le rôle qui revient à l'Université européenne est fondamental : elle permettra d'insuffler une véritable conscience européenne chez les intellectuels, elle formera les nouvelles élites et fournira à la Communauté les futurs cadres dont elle a besoin, par un enseignement exempt de tout préjugé étroitement national.

Bien que surpris, à l'instar des représentants des autres pays membres de la CECA, par une proposition qui semble dépasser le cadre stricto sensu du projet de communauté atomique, G. Martino ne peut qu'être séduit par la proposition du gouvernement fédéral. Sa carrière universitaire – il a été professeur de neurophysiologie et recteur de l'université de Rome tout en exerçant des fonctions ministérielles –

l'induit à attribuer au facteur culturel un rôle privilégié parmi les facteurs politiques du processus d'unification européenne.

Après plusieurs discussions au sein du Comité gouvernemental de Val Duchesse, l'idée trouve une expression concrète dans deux articles du traité de l'Euratom qui évoquent, presque incidemment, «la création d'une institution de niveau universitaire» : l'article 9, paragraphe 2, qui se trouve dans le premier chapitre du traité, consacré à la recherche dans le domaine nucléaire, et l'article 216, qui est inclus dans les dispositions relatives à la période initiale d'application du traité, ce qui permet une interprétation beaucoup plus «extensive» du projet d'université européenne.

Depuis mai 1957, G. Martino n'est plus ministre des Affaires étrangères. Son engagement pour l'université européenne ne faiblit pas pour autant. Il trouve à s'exprimer dans d'autres fonctions, comme la présidence du groupe de travail «A» (fonctionnement et institutions) du Comité intérimaire pour la création de l'université européenne, opérationnel en 1959/1960 ou dans d'autres forums, comme l'Assemblée parlementaire européenne dont il assure la présidence de 1962 à 1964. De ces postes d'observation privilégiés, Martino peut seconder efficacement l'action des diplomates, comme Cattani et Bottai, de décideurs, comme Amintore Fanfani qui oeuvrent en faveur de l'université. Il peut aussi, de son perchoir de Strasbourg ou dans la presse libérale, fustiger certains errements lorsque l'université européenne lui semble être un peu perdue de vue par les partenaires ou par ses concitoyens, comme ce fut le cas entre 1961 et 1963.

En 1958, au Conseil des ministres des Communautés, les Six entament des négociations sur le sujet mais

celles-ci achoppent très vite sur la physionomie et l'importance à donner à la nouvelle université. Alors qu'Italiens, Allemands et Luxembourgeois envisagent une université de plein exercice, pluridisciplinaire et ouverte aux simples bacheliers, le gouvernement français s'en tient à l'interprétation stricte de l'article 9, paragraphe 2 du traité Euratom. Selon Maurice Faure, les auteurs du

.....
A la fin de l'an 2000 ont eu lieu en Italie et au sein des instances européennes plusieurs manifestations à l'occasion du centenaire de la naissance de Gaetano Martino.

Si le nom de Martino a souvent été associé à la "relance européenne" de Messine, on ignore plus souvent qu'il fut l'un des plus fervents et actifs promoteurs de la création d'une "université européenne".

Les pages qui suivent, en retraçant les initiatives et les efforts de l'illustre homme d'Etat italien en faveur d'une Institution universitaire européenne n'ont d'autre ambition que d'associer l'IUE à ce devoir de mémoire.

.....
traité ont essentiellement envisagé la création d'un centre d'études atomiques destiné à fournir les savants et les techniciens dont la Communauté a besoin. L'institution envisagée doit donc se présenter comme un institut de perfectionnement destiné à des étudiants post-graduates. Les Belges redoutent la concurrence que la nouvelle université ne manquera pas de faire au Collège de Bruges qui aspire lui-même à étendre son cursus jusqu'au doctorat. Les Néerlandais hésitent à la perspective des dépenses considérables qu'entraînerait la création d'une université générale prévue pour 3000 étudiants et redoutent que cette création n'étende au domaine culturel la césure entre les Six et les

Etats tiers, alors qu'ils souhaitent profiter de l'occasion pour réinsérer la Grande-Bretagne dans la négociation communautaire.

Au centre du débat, il y a le mémorandum présenté par les délégués italiens, rédigé, sur mandat du gouvernement, par Gaetano Martino. Selon ce projet, l'université serait organisée conformément au paradigme classique des universités nationales, comme un Studium generale, dont le noyau fondamental serait constitué par les enseignements portant sur les sciences atomiques, mais intégrerait d'autres disciplines. Y seraient admis aussi bien les licenciés des écoles secondaires supérieures que des étudiants déjà titulaires de la «laurea» ou en cours d'études. L'université y serait articulée en sept facultés : sciences politiques et juridiques, économie et commerce, agronomie, ingénierie, lettres et philosophie. Aux étudiants, serait délivré au terme de leur curriculum d'études, un diplôme reconnu par les six pays.

Le statut de l'université serait établi par un «comité de recteurs» des universités des six pays et le conseil d'administration serait composé de représentants des Communautés, des six gouvernements et des universités nationales. Le corps enseignant serait recruté dans tous les pays d'Europe et nommé par le conseil d'administration la première année d'activité de l'université, et ensuite par le corps académique. Il y aurait trois catégories de professeurs : «ordinari», en service permanent, «straordinari» pour un semestre ou un an, «incaricati» pour cycles de conférences et cours spéciaux. Le nombre des étudiants admissibles serait établi en proportion de la population des différents pays. Tous les étudiants devraient bénéficier d'une bourse d'études. Il s'agit en somme de bâtir une «grande école pour une

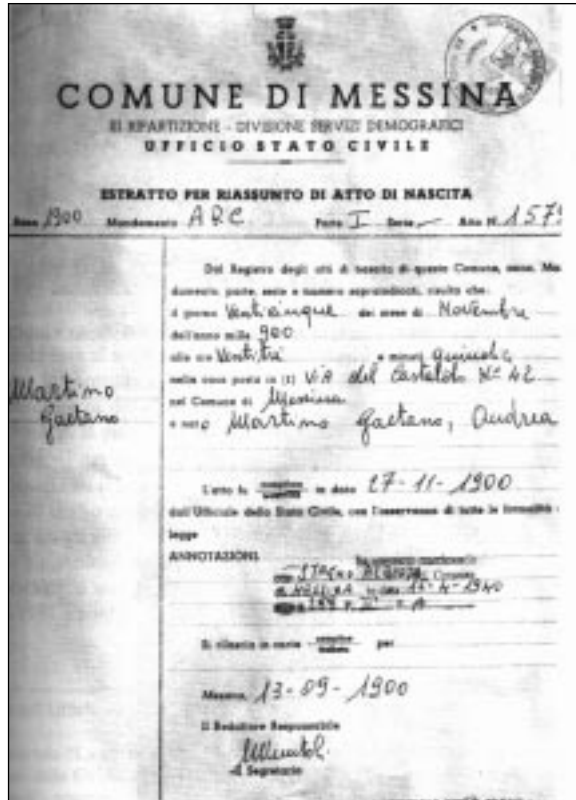
grande idée», une université représentative de la haute culture européenne et dans le même temps, pour citer les termes utilisés par G. Martino lui-même, «formatrice d'intelligence et d'esprit à l'enseigne de l'idéal universitaire européen».

Comme Hallstein, Martino inscrit délibérément l'institution universitaire envisagée dans le cadre de la

l'université européenne à l'Assemblée parlementaire européenne en mai 1959. Il déclare en substance : «Le premier objectif vers lequel tend l'institution d'une université européenne (ou d'une institution de niveau universitaire) est celui que M. Hallstein a clairement indiqué à Messine (...), c'est la formation d'une conscience européenne indispensable pour parvenir à ce qui est l'objectif final (...) l'intégration politique de l'Europe (...). Voilà pourquoi l'université ne doit pas viser exclusivement des objectifs de caractère technique et scientifique. Voilà pourquoi il est nécessaire que l'on prenne en considération les humanités».

Le professeur Médi (vice-président d'Euratom) et G. Martino défendent à tour de rôle cette interprétation «extensive» de l'Université européenne lors des sessions des Conseils des deux Communautés qui débattent de la question entre mai 1958 et octobre 1959. Devant l'impossibilité de rapprocher les points de vues divergents des différents Etats, les Conseils confient finalement à un organe spécialement créé à cet effet, le soin de réexaminer la

question complexe de l'université européenne et de leur faire des propositions. Cet organe, dénommé Comité intérimaire pour l'Université européenne, présidé par le président d'Euratom, Etienne Hirsch, crée cinq groupes de travail entre lesquels il répartit les questions à étudier. G. Martino est désigné à la présidence du «groupe A», chargé du problème de l'organisation et du fonctionnement de l'université européenne. En dépit des efforts déployés par les délégués italiens, la définition de l'université, telle qu'elle apparaît dans le rapport déposé en avril 1960 par le Comité, diverge en de nombreux points du projet italien. L'université prévue n'est pas une université complète et elle divulguera l'enseignement de cer-



Extrait de l'acte de naissance de Gaetano Martino

«relance européenne». Le ministre des Affaires étrangères italien voit dans la création d'une université commune des Six proposée à Messine un signe tangible de la volonté des six gouvernements d'imprimer une impulsion réelle et profonde au processus d'unification européenne. Dans cette perspective, l'université européenne a un rôle unique à jouer : la conscience d'une appartenance commune est nécessaire et seule la culture peut la créer. Les traités, les organes économiques, militaires, politiques créés pour favoriser l'action communautaire sont des instruments indispensables mais pas suffisants. Gaetano Martino s'est clairement exprimé sur cette conception à l'occasion de la discussion du rapport de M. Geiger sur

taines disciplines. Les limitations les plus importantes concernent la durée de l'enseignement qui consisterait, en un premier temps, en un cycle biennal éventuellement proro-

que conçu par le Comité représente un pas en arrière comparativement au projet italien. Toutefois il réaffirme les deux principes fondamentaux qui justifiaient, aux yeux de ses



La délégation italienne pendant les négociations pour la création d'une Université européenne: au premier plan Gaetano Martino, en arrière-plan, les ambassadeurs Bottai et Cattani

geable, l'admission des seuls étudiants ayant déjà reçu une formation de trois ou quatre années à l'échelon national, l'articulation de l'université en 6 départements au lieu des 7 facultés initialement prévues : les trois premiers départements correspondraient aux sciences juridiques, économiques, sociales et politiques. Le quatrième département concernerait l'histoire et le développement des civilisations, le cinquième les mathématiques pures, tandis que le sixième se rapporterait à la physique théorique, répondant ainsi aux objectifs particuliers de l'Euratom (certains enseignements particulièrement chers à Martino comme la chimie et la biologie sont exclus, ainsi que le génie civil). Quant au nombre d'étudiants, les effectifs prévus sont fort modestes comparés aux 3000 élèves prévus par le projet italo-allemand originel : pour la première année, 250 «auditeurs» sur la base d'un professeur ou assistant pour 10 étudiants. Surtout, au faite de l'université se situerait un Conseil de ministres composé de représentants des Etats et un Conseil européen de l'Enseignement supérieur et de la recherche composé de membres désignés par les Etats et les institutions communautaires. Le projet constitutif de l'université, tel

promoteurs italiens, G. Martino et l'ambassadeur Cattani, la création d'une telle institution culturelle : l'université serait l'émanation directe des Communautés et elle délivrerait un diplôme de doctorat qui serait reconnu dans tous ses effets par les Etats membres. Enfin G. Martino, appuyé par le délégué allemand Ophüls et par E. Hirsch, est parvenu à faire prévaloir son point de vue d'une université européenne adonnée essentiellement à l'étude des sciences humaines.

L'action déterminée de Gaetano Martino permet au gouvernement italien d'obtenir au même moment satisfaction sur un autre front : celui du choix de Florence comme siège de l'université européenne. Il convient de rappeler que c'est au cours d'une réunion présidée par Gaetano Martino à Rome dans la matinée du 13 décembre 1958 que fut définitivement arrêtée la candidature de la capitale toscane, officiellement présentée le soir même par le président du Conseil et ministre des Affaires étrangères Amintore Fanfani, au cours d'une cérémonie internationale à Milan. En dépit de la candidature de Luxembourg et de l'opposition belge, Gaetano Martino et Amintore Fanfani

arrachent au Conseil des Communautés le 21 juin 1960 au terme d'un marchandage complexe sur la répartition provisoire des sièges des différentes institutions communautaires, la décision de principe d'implanter la nouvelle université à Florence. Soucieux de transformer l'essai, le gouvernement italien et le maire démocrate-chrétien de Florence, Giorgio La Pira procèdent aussitôt à l'acquisition d'un terrain de trente hectares et des bâtiments de la villa Tolomei, pressenti pour accueillir l'«Université européenne».

En dépit des efforts de G. Martino et du gouvernement italien, toutes les tentatives visant à concrétiser le projet d'université vont être momentanément bloquer, notamment du fait de l'opposition du général de Gaulle. Défenseur de la notion d'«Europe des patries», le gouvernement français souhaite en effet éviter une institution universitaire de droit communautaire. Il est également soucieux de préserver les prérogatives de l'Etat français en matière de diplômés. Paris souhaite que l'accent soit plutôt mis sur la coopération entre les universités nationales existantes et sur la «vocation européenne» qu'elles pourraient se voir reconnaître. Surtout, de Gaulle lance au même moment le «plan Fouchet» qui comporte un volet culturel important. Il exige que la question de l'Université européenne soit réexaminée non plus sous les auspices de l'Euratom mais dans le cadre de la coopération culturelle entre les Six.

C'est donc désormais dans un cadre gouvernemental, et non plus communautaire, que les chefs d'Etat ou de gouvernement – réunis à Bonn le 18 juillet 1961 – remettent le projet à l'étude en se déclarant décidés à consacrer par un engagement solennel leur participation au financement d'un «Institut universitaire européen à Florence», ce qui revient en réalité à «italianiser le projet d'université européenne».

Les réticences de la société universitaire constituent le second obstacle au projet d'université européenne. Bien que les projets primitifs d'université européenne aient entre-

temps subi des modifications substantielles, ils ne cessent à partir de 1960 d'être l'objet de controverses chez les universitaires. On y voit une entreprise de centralisation excessive. On craint qu'institution artificielle, une université européenne ne manque de racines culturelles suffisantes pour se développer et qu'étudiants et professeurs soient intellectuellement déracinés. On spéculait sur la menace de voir s'édifier à Florence une sérieuse rivale qui viderait les universités nationales de leur meilleure substance en attirant les élites et en détournant à son profit les maigres crédits alloués par les gouvernements. Que ce soit en Allemagne (conférence des recteurs) au sein des universités italiennes, belges ou françaises (projet Berger), un important courant de pensée fait prévaloir la mise en place d'une coopération des institutions universitaires nationales existantes sur la création d'un organisme sui generis.

Aux détracteurs académiques de l'Université européenne Martino rétorque que «celle-ci sera universelle là où sont universelles les universités existantes ; elle sera également européenne là où ces dernières sont réellement européennes ; elle sera cependant encore européenne là où les universités existantes sont nationales. Seule l'Université européenne sera en mesure d'affronter avec quelque chance de succès, certains problèmes de recherches comparées ; elle seule peut offrir une vision d'ensemble de la pensée européenne ; elle peut permettre, entre professeurs et étudiants, des échanges et des contacts non bilatéraux et occasionnels mais multilatéraux et permanents – une sorte de marché commun des idées».

Restent les difficultés de caractère politique. Bien que la déclaration de Bonn sur la coopération culturelle corresponde à une conception passablement différente de l'université supranationale souhaitée par le gouvernement de Rome ce dernier, faisant contre mauvaise fortune bon cœur, prend à l'automne 1961 l'initiative de mettre en œuvre, au plan national, le projet d'université euro-

péenne tout en prenant soin d'y associer ses cinq partenaires. Simultanément, une Conférence intergouvernementale, présidée par l'ambassadeur Cattani, est chargée de s'assurer la participation des autres membres de la Communauté à la vie intellectuelle et au financement de la future université.

Gaetano Martino conduit la délégation italienne (qui comprend également les ambassadeurs Cattani et Bottai) au sein du «Comité chargé de l'organisation de l'université européenne» chargé par le gouvernement italien «de reprendre le projet élaboré précédemment dans le cadre de la Communauté (projet Hirsch) en lui apportant les adaptations, surtout dans les aspects organisation-

Pourtant, durant 1962 et 1963, le projet d'université européenne n'avance pas. A Paris, Bruges ou La Haye on ne cache pas sa satisfaction de voir le projet sabordé du fait des problèmes gouvernementaux italiens et des initiatives tiers-mondistes du maire de Florence Giorgio La Pira.

La période de stase qui caractérise le projet Florence s'explique par les deux conceptions qui divisent la haute administration italienne. La Farnesina (Attilio Cattani, Bruno Bottai) défend le projet esquissé lors de la réunion de Florence le 11 octobre 1961. Les diplomates interprètent la déclaration de Bonn de la manière suivante : les chefs de gouvernement ont confié à l'Italie un rôle



Gaetano Martino, On. Vedovato et Etienne Hirsch, 1961

nels et financiers, qui paraîtraient nécessaires en relation avec le nouveau cadre dans lequel l'université devrait être réalisée».

Bien que le Comité ne tienne qu'une seule réunion, les 11-12 octobre 1961 à Florence, il aboutit à quelques conclusions positives : création de l'Université de Florence par une loi italienne ; élaboration d'une convention définissant la participation intellectuelle et financière des six pays à l'université ainsi créée ; approbation de principe au projet de construction de l'université à réaliser pour l'automne 1962 sur le terrain de Marignolle (villa Tolomei) acquis en mai 1961 par la municipalité de Florence.

d'impulsion pour la création d'une institution bien précise et déjà bien définie dans ses aspects essentiels au moins pour la phase expérimentale. Sur cette base, l'Université européenne devrait se conformer au projet Hirsch, et donc naître comme un institut d'études supérieures et de perfectionnement avec des caractéristiques nouvelles par rapport aux universités traditionnelles (par exemple départements à la place de facultés).

Le ministère de l'Instruction publique se bat au contraire pour transformer l'établissement en une université de plein exercice qui, pour donner satisfaction à Giorgio La Pira, serait ouverte aux étudiants des

pays sous-développés d'Afrique et d'Amérique du Sud. Giorgio La Pira a accueilli avec sympathie l'idée avancée par Boldrini, président du groupe pétrolier et industriel de l'ENI, de créer à Florence un institut universitaire pour les sciences techniques. L'Institut, qui porterait le nom de Istituto Mattei serait ouvert aux étudiants de toute l'Europe et des pays d'Afrique ayant récemment accédé à l'indépendance. L'Institut, financé par la fondation Mattei, pourrait se substituer à l'Université européenne.

Les hésitations manifestées par le gouvernement italien reflètent la lutte engagée autour de l'Université européenne entre d'une part les milieux libéraux ou laïques du Parlement (Martino, Saragat, Malagodi) et la Farnesina (Cattani) et d'autre part les milieux démocrates chrétiens de gauche représentés par Fanfani, la Pira ou Vedovato.

Les premiers s'inquiètent du blocage du projet d'université européenne amendé à Bonn et combattent les idées mises en avant par le maire de Florence. Ils craignent que Fanfani, Bosco et La Pira n'aient l'intention d'abandonner le projet et de créer une université libre, administrée par un consortium fondé dans ce but. Cette université, à vocation mondiale plus qu'européenne serait conçue comme le contre-modèle occidental de «l'Université de l'amitié» existant à Moscou.

Le 6 décembre 1962 dans un article du *Giornale d'Italia* intitulé «A quando l'Università europea» G. Martino monte au créneau. Contestant les motifs «d'études techniques» avancés quelques jours plus tôt au parlement par le ministre des Affaires étrangères pour justifier les retards apportés à la réalisation de l'Université de Florence, il s'en prend avec vivacité à ce qu'il n'hésite pas à présenter comme le «contre projet La Pira-Bosco-Fanfani», «un projet, dit-il qui n'a pas recueilli le consentement des six pays de la Communauté» et qui a provoqué «l'inertie, la paralysie complète de toute initiative» car, pour Martino l'alternative est entre une institu-

tion culturelle occidentale ouverte certes sur le monde, mais détachée de la Communauté, et l'université intergouvernementale d'un caractère moins ambitieux sans doute, mais facteur d'intégration européenne, bénéficiant de l'appui financier et intellectuel des Six, et disposant de possibilités de développements dans l'avenir.

Fin 1962, début 1963, G. Martino n'a de cesse, par ses interventions dans la presse locale et nationale ou au Parlement européen, d'organiser et d'encourager la résistance contre le projet tiers mondiste de La Pira qui dénature et met en danger la création de l'Université européenne. Les efforts déployés par le Président du Parlement européen sont couronnés de succès, un changement d'attitude s'amorce en juillet 1963. Sous l'effet conjugué des pressions des libéraux italiens et des critiques des milieux communautaires, le nouveau ministre de l'Instruction publique italienne Gui, organise à Florence du 4 au 6 juillet un colloque pour relancer la question de l'Université européenne. Il y fait une déclaration remarquée, précisant que le gouvernement italien est maintenant prêt à consulter ses cinq autres partenaires pour la création de celle-ci. Le 11 septembre 1963 le Conseil des ministres approuve, suite à la proposition du ministre de l'Instruction publique, un projet de loi pour la création de l'Université européenne ayant son siège à Florence.

En dépit de ces succès partiels, l'Université subit au même moment les vicissitudes du plan Fouchet, même si l'excellent rapport du groupe de travail Pescatore sur la coopération culturelle constitue une base de référence pour l'avenir du projet. La tension qui s'ensuit entre De Gaulle et Fanfani et la crise de la «chaise vide» qui éclate à l'été 1965 relègue le projet d'université européenne à l'arrière plan du concert européen. Il restera en sommeil jusqu'à la rencontre des chefs d'Etat et de gouvernement de Rome le 30 mai 1967, peu de jours avant la disparition prématurée de Gaetano, survenue le 21 juillet 1967.

Ainsi, de 1955 à 1965, Gaetano Martino n'a pas ménagé ses efforts en faveur de l'Université européenne. La défense du projet procède de la conviction, ancrée chez l'homme d'Etat italien, que l'Europe unie ne saurait être le résultat des traités qu'il a personnellement contribué à édifier, mais aussi et surtout de la prise de conscience et de la participation de l'opinion publique au processus d'unification. En ce sens on peut rapprocher l'université d'une autre exigence récurrente de l'action européenne de G. Martino : l'élection au suffrage universel direct du Parlement européen.

Dans l'esprit de Gaetano outre que rénover et harmoniser les milieux universitaires eux-mêmes, l'Université européenne devait servir à éveiller les consciences, à renforcer la foi en l'Europe, à désarmer le nationalisme culturel, à promouvoir la coopération spirituelle de la Communauté, à stimuler l'intégration culturelle et intellectuelle nécessaire aux fins de l'unité politique: «L'unité européenne, affirmait Martino, pourra exister seulement dans la mesure où l'Europe elle-même prendra historiquement conscience de constituer, en dépit des différences et des contrastes, une communauté spirituelle. Il en va de même de la nécessité de rassembler et ramasser, au delà des forces économiques, toutes nos forces intellectuelles. Telle est la mission de l'Université européenne.»

ANTONIO ZANARDI LANDI
JEAN-MARIE PALAYRET

Gaetano Martino, Scienzato, Rettore, Statista

Participation de l'IUE au Colloque international de Messine

24-26 novembre 2000

Les 24-26 novembre 2000 s'est tenu à Messine, dans le cadre prestigieux de l'Aula Magna de l'Université, un colloque international dédié à Gaetano Martino, Scienzato, Rettore, Statista à l'occasion du centième anniversaire de sa naissance.

Placé sous l'égide de l'Università degli Studi de Messine et d'un comité scientifique présidé par l'ambassadeur Francesco Fulci et composé de personnalités du monde diplomatique et académique le colloque, qui réunissait des témoins et des universitaires de haut niveau, venus d'horizons divers, a évoqué tour à tour les différentes facettes du médecin, de l'universitaire, du diplomate et de l'homme d'Etat Gaetano Martino.

Au cours de la première session, l'ambassadeur Francesco Paolo Fulci, le professeur Marcello Saija et Piero Pastorelli ont dépeint avec brio et pertinence la personnalité à la fois fiable et tenace de G. Martino et ont retracé les grandes étapes d'une biographie riche en événements de grande portée tant au plan régional que national et international. C'est à ce dernier volet de l'action de l'homme d'Etat messinois qu'a été consacrée la seconde session, Gaetano Martino, Ministro degli Esteri. Les professeurs D. Cameron Walt (London school of Economics) John Harper (John Hopkins University) et F. d'Amoja (Université de Pérouse) ont évoqué l'engagement particulier de G. Martino dans les relations transatlantiques, le professeur A. Oganovic Chubariyan (Académie des Sciences de Russie) s'employant pour sa part à clarifier la vision soviétique sur les développements de l'intégration européenne dont Gaetano Martino fut, lors de la conférence de Messine, l'un des principaux artisans. C'est à ce point cen-

tral de l'action de Gaetano Martino, qui fit de l'Italie le siège des trois conférences de «relance» (Messine, Venise, Rome) qui aboutirent à la signature des traités sur le Marché

politico-social de G. Martino en faveur de sa ville natale qui lui vaut, aujourd'hui encore, l'estime et la reconnaissance de la population messinoise.



Les membres du Comité organisateur de la conférence, ambassadeur Fulci et professeur Saija, durant la session inaugurale,

commun et sur l'Euratom, que se sont attachées les interventions de témoins privilégiés tels le professeur Pierre Bordeaux-Groult, les ambassadeurs Henri Froment-Meurice et Ludovico Incisa di Camerana. Ceux-ci ont rendu compte de l'action souvent décisive de l'homme d'Etat sicilien dans les moments où les négociations marquaient le pas.

Les quatrième et cinquième sessions ont permis de révéler un Gaetano Martino moins connu du grand public. D'éminents spécialistes, comme le prof. F. Tomasello (Presidente della Facoltà di Medicina e chirurgia de l'université de Messine), G. Rotilio (président de l'Istituto della Nutrizione) ont rappelé le rôle pionnier joué par G. Martino dans les domaines de la Physiologie humaine et de la nutrition. D'anciens collègues ont complété ce cadre en évoquant ses fonctions rectorales à l'Université de Messine puis à La Sapienza de Rome. D'autres ont enfin salué l'engage-

ment politico-social de G. Martino en faveur de sa ville natale qui lui vaut, aujourd'hui encore, l'estime et la reconnaissance de la population messinoise. On se plaira à souligner enfin l'importante représentation de l'Institut universitaire européen à cette manifestation académique. Parmi les contributions qui paraîtront dans les Actes de la Conférence figureront en effet celles du Dr. Antonio Zannardi Landi, du Prof. Alan Milward et du Dr. Jean-Marie Palayret. Le secrétaire général de l'Institut a traité du rôle, trop souvent oublié, de Gaetano Martino dans la genèse de l'Institut universitaire européen de Florence, le directeur des Archives historiques a évoqué l'action diplomatique de G. Martino face au tandem franco-allemand dans la négociation des traités de Rome, le directeur du projet de recherche sur l'Intégration européenne a participé à la table ronde consacrée à la «construction européenne au temps de G. Martino» en illustrant le point de vue britannique.

JEAN-MARIE PALAYRET

Newly arrived: Marco Rulent

I was born in Turin, in the north-west of Italy not very far from France. This may explain the French sounding family name. Despite the name I am Italian, or I'd better say I "was" Italian, because at the age of 24 I left this country to do my Computer Science thesis in Geneva. Years later I moved to Paris, and only recently, after 12 years, have I come back to my origins to take up the position of head of the Computing and Information Technology Service (CITS) at the Institute.



Marco Rulent

I am married, with two children 4 and 8 years old, a boy and a girl. My wife, Laura, is a painter, and for this reason is certainly happy to live in a town like Florence where stimuli to her profession are continuously present.

I have a passion for water sports in general. Sailing and diving are certainly the two activities to which I have devoted the major part of my life. Recently I also discovered the pleasure of piloting aeroplanes, but for the moment I just have sporadic experiences thanks to the help of good friends.

As might be expected from my role at the Institute, my background is scientific, specifically oriented to computing. Ever since I was young I have been crazy about any branch of the information technologies. I can still remember myself, as a teenager, reading Scientific American about Cray supercomputers and imagining that such technology would always remain a dream for me.

However, despite my realistic pessimism I always tried never to give up. Sometimes I happened to be unexpectedly rewarded. I was attending high school when one of the first Italian computer science magazines published an article of mine and a program (in a rather cryptic programming language called Reverse Polish Nota-

tion) for a game running on a programmable calculator (personal computers became current only later).

I must say that sometimes fate pushed my career in this direction with certain premonitory signs. At the end of high school, for example, I had the great opportunity of taking the vacation of my life in the USA, as guest of a wonderful family in Philadelphia. One of their friends, knowing my interest in computers, wanted to bring me to his work. He wanted to show me "something" that his colleagues were developing in his company.

"You see," he said, showing a computer rather unusual to me, "we have just developed this new interface. We believe that in future years it will be a valid alternative to the use of keyboards. It works with a different approach to presenting information on the screen: a graphical approach! In this way you may have many working areas that can overlap, but you can focus on one of them and reshape your working layout as you prefer".

Useless to say that I was, for the first time in my life, watching prototypes of a "mouse" and a "window-based" graphical user interface.

Useless also to say that, after visiting these top computer scientists for a few days, I had no doubts, if ever there were any, about the nature of my studies at the university the following year.

The Italian university offered me, among other things, the possibility of gaining a "historical perspective" on my discipline. In the first year of studies, in fact, instead of using terminals or the first workstation models, I had the pleasure of learning structured programming using punched cards and batch compilation, like in the pioneering 60s. The exciting result was that it took 10-15 minutes to correct a semicolon badly placed in a program.

Leaving jokes aside, it was obviously there that I discovered all the fundamentals of information technology, from the more technical to the more philosophical. It was also there that I developed a fascination for how IT principles fit appropriately and may be applied to help understand all the processes of our reality.

Despite all the efforts and good will, my perception of the IT reality was, in this period, rather scholastic. I really started knowing what IT was all about when I had the chance to be offered a traineeship at the European Centre for Nuclear Research (CERN) in Switzerland, and I had the intuition to accept it despite the fact that my studies were not terminated. I say "intuition" because, after all, it was not so obvious that working in a

nuclear research environment instead of a big IT corporation was worth leaving my university for a year.

It may sound funny, but while preparing my departure for this internship I never considered looking at a picture of the site. Obviously I was aware of a number of administrative details, but I just ignored the topology aspect. So when I arrived there I was expecting to see few big edifices. What I actually found was a town of 2000 buildings. After that day I never needed to watch a science fiction movie: I was living “in” science fiction.

The image will always remain in my mind of the complex electronics filling the 100-meter underground tunnel containing the world’s biggest particle accelerators. How can I forget the strange feeling of driving along 27 kilometres of tunnel filled with an endless continuum of cable, LEDs, connectors and pipelines, to reach the areas where the control computers were located? How to forget walking in the countryside, during the early morning, and crossing a 20 cm layer of white fog created by tanks of liquid helium while accessing the area where cryogenic control programs were located? Finally, how to forget one of the fathers of the WWW, who was my supervisor and showed me his browser when it was still running on an ASCII terminal?

Among all these people and technology I could finally see the “Cray” dream made real, along with many others. I was educated to most of the IT notions that I am trying to use today: from entity-relationship to data-flow diagrams, from writing Unix kernels to Motif user interfaces, from networking to distributed databases

The problem in such a technical environment is that there is a tendency to isolate oneself in the technical thoughts; the big picture is lost and you do not have the business approach that an IT specialist should always have. Accordingly after 6 years I decided to change environment for something more market-oriented: Space.

Telecommunications satellites were my event horizon for another six years. EUTELSAT, the European Organization for Satellite Telecommunications, gave me two big opportunities: the personal excitement (or anxiety) of participating in a satellite launch hoping that the software I had helped write would work, and the professional enthusiasm of developing a long experience in project management. That was the opportunity to deal with the big challenge of delivering the right product at the right time. My professional position changed there from actor to co-ordinator: from being the person developing or designing to the one that supervises a team doing it. A person who tries to see the problems arising before they become too big, and has to handle a perpetual compromise between time, money and quality.

There also I had an excellent supervisor, and looking retrospectively, if I were asked what was the greatest professional chance I had up to now, I would reply the competence of my superiors.

With my arrival at the IUE the perspective changed again. The scope of a technical project, although complicated, is normally clearly defined. Here at the Institute, the logistics are complex, due to geographical and architectural constraints. User expectations are very high, and evolve rapidly. A lot of good work has already been done but some links with the past still have to be removed. To cope with all this is the challenge. The need to move the current IT system from being just support infrastructure to something that enhances productivity is the priority. The desire to bring what can be done in a European Institution as an example to others is the dream.

From the IT point of view the history of the Institute is not different from that of many other organizations. In the 70s, mainframe-based corporate IT concentrated computing resources and dictated computing practices and disciplines to their users. In the 80s, users discovered PCs and personal productivity. PCs were wired together to share work and computing resources. The approach revolutionized working practices, but made a mess of corporate computing. Incompatibilities abounded in the miscellany of hardware, software and networks.

In the 90s, the effort to bring coherence to all this came, through recapturing computing enterprises with client/server distributed computing. The attitude was optimistic, driven by the fact that those architectures were constructed from competitively marketed, “open” (nonproprietary) and relatively inexpensive components. But technology alone did not bring the expected return on investment.

Technology alone plays a relatively minor role in a distributed computing environment, without first implementing a large-scale set of disciplines aimed at bringing a reliable, available and serviceable information system.

The goal for future years will be to implement processes and procedure on every distributed system, regardless of its location, as if it were running in a data centre. On the other hand, to trim costs and maintain system consistency, it will be imperative that IT operate from a centralized data-centre architecture of standardized procedures and practices.

Most users do not understand, and usually couldn’t care less, about their hardware environment, operating system, and network. What they care about is getting the right information at the right time so they can do their job. Future methodology, therefore, will implement “personalized communication”. This means going out and working with users, understanding their needs and requirements so as to effectively run their business. It will mean taking a proactive role in the matter, not hiding behind the glass of the IT technology in the data centre and just reacting to problems.

Busy buzzing with all those BEEs

What to do if an almost defunct committee that has very little to do with the main task of an institution needs to be re-established? You give it a new and catchy, almost sexy name to puzzle people, you allocate the task to the person best versed in the area, then sit back and relax contentedly. This is how a staff member came up with the incredible acronym 4B – standing for body and brain boosting board – and that's the last time we shall use its full name here!

The committee is responsible for anything (not everything) that has to do with culture or extra-curricular activities, sports activities, and anything else that may come to mind.

One of my favourites is capoeira (presently not active; so here's the first appeal for reviving it – reader, beware: more will follow!), which I understand to be a cross between ritual dancing and controlled fighting. This perfectly reflects where 4B stands (or sits, if you will). Another is the annual offer for a few Institute researchers to participate in an international (that's us!) jury judging floats in the wine harvest festivities in Impruneta. And how could one possibly say something about the 4B without mentioning the highly successful "International Heroes and Heroines" – yes! I mean our football teams that travel all over Europe to participate in international (honestly!) university football tournaments.

Some (not all) of these activities naturally cost money, so once in a while a committee meeting is called (the football team's coach is part of the 'standing 4B committee' in this capacity) to discuss which activities can be supported.

The committee does not meet very often, because the other tasks covered by the current coordinator. This is an enormous advantage, as things simply get done if and when they

are suggested (and if there is some money for it). The departments and centres delegate one of their own to attend a meeting when one is announced. All contribute financially to one or several of the committee's more costly enterprises. Without that support, as well as extra assistance from the Secretary's and President's funds, the committee's financial movements would be considerably more limited.

And, you may well ask, where do these funds go? Here is a listing of activities. Basically, as already mentioned, they can be divided into three categories – that Julius Caesar was such a trend-setter ... – culture, sports, and miscellaneous.

Culture

The Institute holds two tickets ["platea"(stalls)] for the chamber music concert series organized by the association Amici della Musica on Saturday afternoons. Any researcher can use one ticket free of charge by contacting the researcher who gathers their requests. This association also organizes concerts on Sunday evenings. Staff and researchers of the Institute are regularly informed by the 4B coordinator about offers for discounted tickets for both events.

Annual art lectures (in English) about Tuscan artists in the Florentine Renaissance are held during the autumn term

Thanks to two active researchers who were singing elsewhere in Florence, the *Institute choir* was revived in mid-1999; it is composed of researchers and staff, and is directed by a professional musician; it recently performed for the High Council; email to coro@iue.it if interested in singing along with CUE!

Concert series: a group of chamber-music lovers organizes Thursday evening concerts approximately

once a month, performed by young artists from all over Europe. They receive more offers than they can accommodate during a busy academic year! Check their updated website for the current programme: www.iue.it/Concerts.html

Dancing group. Very active, especially before the annual Irish Party and Summer Ball - further information on the 5B website (see below)

Drama/theatre group: a group of researchers takes a 'body language' course given by a professional actor

All members of the Institute receive drastic reductions, upon showing their EUI Identity Card, at the ticket office of the Teatro del Maggio Musicale (formerly, Teatro Comunale) for concert, opera and ballet performances (first nights excluded).

Sports

For a current timetable of courses held in the Institute gym, please check the Institute's Website and click on EUI-Internal, top right of your screen. More information about 4B activities can be found on the 5B website (see below).

Basketball: researchers and staff get together arranging their own games; this also applies to anyone who wants to play badminton or tennis.

Cricket: an appeal has been launched; more news in the course of this year.

CUS is the University of Florence sports centre where researchers can register, practice sports and/or follow courses; annual membership is reimbursable through 4B

Football: the Institute has both male and female football teams; they have been invited to participate in international university tournaments, representing the EUI again this year.

Gymnastics: in the “palestra” of the Institute, courses can be followed in stretching, aerobics, and tai-chi. Recently, a group of people have expressed interest in a kung-fu course. Furthermore the gym is equipped with weights, a cyclette, a 2T (also known as ping-pong) table, and other sports equipment. More exercise machines will shortly be purchased;

Horse riding: a speciality of the previous coordinator; further information about this can be found (as is the case for all sports activities) at pp. 50-54 in the Red Guide that all researchers receive on registration. If you don't have this year's copy, please contact the 4B coordinator, who will be happy to send you one.

Rowing: an appeal has been launched for rowers to come forward; we will keep you informed of developments

Skiing: the Abetone slopes are favourites with the Institute population, and people organize their own trips.

Swimming: EUI researchers may claim partial reimbursement (Lit. 20,000/ 10.33, on an annual basis) from the “4B” Committee for swimming Nov/May at one of the communal (not private!) pools. Please hand in your ticket plus a copy of your Institute identity card to the Academic Service.

Volleyball: regular training sessions will start in March on an indoor court; an email will be sent later next month.

Yoga: a popular course within our community, it is held in the palestra.

Miscellaneous

This is the “anything goes” section where 4B is sent information about all kind of activities and events in and around the Institute and Florence. Samples circulated last year include announcements about an international students piano competition (in Utrecht, the Netherlands); about theatre performances at the



The International Heroes with their sponsors

Sesto Fiorentino Teatro della Limonaia; about discounts offered by a local shoe-shop; about concerts at the Scuola di Musica – and this is quite a normal cross-section.

The information is distributed by email and followed up, where appropriate and so requested to the coordinator, by paper copies.

As every respectable committee should, 4B has its own Website, which took some time to set up. It will soon be updated thanks to one of the researchers offering his good services (vielen Dank) – until then, apologies if you find information dating back to 1999...

Prior to the Website becoming a fact of everyday life, a 4B bulletin was published and distributed, appropriately called “the 5B” (Bulletin of the 4B – got it?). It was written by the coordinator at that time with the help of a researcher. The researcher left to carry on his life outside the Institute, and later that coordinator did the same, leaving the present coordinator in the position of trying to re-activate a paper version of the 5B. This did not work out, but – on condition that the website is regularly updated – the website does.

Address: http://www.iue.it/General/5B/5B_fm.html

Dear Reader: send us your comments, send us reports about activities (whether or not organized by the Institute or 4B), and if it is pertinent to the 4/5B we will gladly publish it on the website. Maintenance

of the website is carried out by those assisting the webmaster, and profound thanks are due to them.

So if you want a list of things to do in your spare time (didn't know that you had any, really) why not visit the 5B website. Or, if you would like to organize something in the way of sports or culture, or if you have any information in the area of culture, or indeed if you have any questions that you'd like answered (I did warn you, didn't I, reader?!) please contact the 4/5B coordinator by sending an email to beatris.de-hartogh@iue.it.

We hope that this short description has whetted your appetite. So from all of us, cultural and sportive eager beavers, have a good year.

THE 6TH B (EATRIJS DE HARTOGH)



Dr Maria Tofarides and Kevin Shanahan are happy to announce the birth of Julia on 7 October 2000

Where are they now?

Achille Accolti Gil

aka '001'

L'Europa della mia infanzia era un quadro seicentesco, che giaceva abbandonato, per chissà quale vicenda ereditaria, nella rimessa delle carrozze della casa di campagna dei miei nonni, in Puglia. La tela che, di anno in anno, spariva scoprendo sempre più ampi spazi di trama



nuda, rappresentava, ovviamente, una procace fanciulla, discinta quel che basta, che se ne stava, con aria non troppo terrorizzata, in groppa ad un toro.

Forse è stata la modesta emozione erotica che il quadro suscitava in me l'inconscia ragione che mi ha fatto sempre guardare all'Europa con particolare simpatia.

L'immagine dell'Europa degli anni seguenti, è, invece, associata a due vittorie in concorsi scolastici per un tema, appunto, sull'Europa. Il senso di quello che scrivevo (e per il quale, vorosimilmente, ricevetti i premi) era il messaggio che il "Ratto d'Europa" della mia infanzia mi aveva trasmesso: il trionfo della forza sulla bellezza e sulla grazia. L'America era il toro che rapiva questa Europa ormai debole ed incapace di esprimere quelle centralità, prima di tutto della cultura umanistica, che l'aveva fatta grande nel passato.

I premi furono quasi la prova che la mia sensazione che il "ratto d'Europa" per opera dell'America fosse davvero fondata: ricevetti un dizionario di inglese la prima volta e il "Don Chisciotte" la seconda. Quest'ultimo mi sembrò più che un sorriso di compatimento ad un ragazzo illuso, una rinuncia da parte degli esaminatori.

Non che fossi un antiamericano, anzi: subivo moltissimo il fascino del "sogno americano", alimmentato anche da un soggiorno in un college del Connecticut. Tuttavia, se apprezzavo questa forza vitale, amavo soprattutto la patina di eleganza e di equilibrio che i millenni avevano dato alla cultura d'Europa. Guardavo non solo i capolavori dell'architettura rinascimentale, ma anche la sobria compostezza del paesaggio toscano, mo-

dificato dall'uomo (un tempo) con profonda armonia. Leggevo la stupenda biografia di Guicciardini scritta in una lingua incomparabile da Roberto Ridolfi e non mi rassegnavo a constatare la decadenza dell'Italia: continuavo a credere e a sperare che qualcosa, che poteva venire solo dall'esterno, la spingesse ad un cambiamento, a superare quelle pastoie che potevano essere rassicuranti solo per chi era senza speranza.

Poi, terminata l'università, i contatti con Nicola Catalano, uno fra i primi Giudici della Corte di Giustizia, avvocato insigne ed europeista convinto ed acceso, alimentarono ancor di più speranze e passioni.

Infine, quello che per me sembrava l'ingresso nell'Utopia: l'ammissione all'Istituto Universitario Europeo



(non si osò parlare, all'atto della fondazione, di Università Europea): la possibilità di accedere ad un mondo finalmente senza barriere. Il primo, vero, passo in una Europa rinata.

Eravamo agli inizi: come ad ogni innamorato, qualche delusione non mancò, non tutto fu rose e fiori, ma i fiori furono comunque molti.

Gli amori, anche se passati, coinvolgono sempre un po' i sentimenti. Mi son lasciato prendere la mano e non ho, quindi, ancora raccontato cosa faccio: sono un avvocato con studio a Firenze ed uno dei docenti di Diritto dell'Unione Europea nella Facoltà di Scienze Politiche a Siena. Da quest'anno sono anche il Console onorario del Portogallo a Firenze; un onore, appunto, che spero di meritare da parte di un Paese che amo e che non ha mai cessato di guardare oltre il mare.

Where are they now?

Letizia Paoli

... Finally I have left! I have left a city where I have been “too long”: Firenze! Not that I did not enjoy my stay at the European University Institute. On the contrary: it was personally and professionally a highly stimulating time. An experience I would not have liked to miss. But being born less than twenty kilometres away from Florence and having lived most of my life there, after my thesis defence in June 1997 I just wanted to move out of Italy. During my time at the Institute, I often envied my foreign colleagues, for whom the EUI really represented the start of a new phase in life. After completing my Ph.D., I was therefore determined to go abroad.

Had I not had a German boyfriend, I would have certainly tried to find a job in Britain or the United States: most probably in the latter country, as I had studied at Georgetown University in Washington DC and had many contacts there. But for the sake of our relationship, I looked for a position in Germany. As my German was until a few years ago very, very poor (my boyfriend and I used to speak English together), I had to rely on scholarships at first. Even before completing my thesis, I had obtained two grants to work, first, at the Universität Gießen, and, then, at the Universität Tübingen (where my boyfriend and now husband lives and where I began my ongoing struggle with the German language). During the fall of 1997 I experienced the thrill of working in an international organization. In fact, I served as consultant to the United Nations Office for Drug Control and Crime Prevention in Vienna. Enough to decide to go back to the academic world! Thanks to a Marie Curie post-doc fellowship, in February 1998 I started work at the Department of Criminology of the Max Planck Institute for Foreign and International Criminal Law in Freiburg, and have remained there ever since.

Paradoxically, the very Italian topic of my dissertation – what is more



Letizia Paoli

typically Italian than the Mafia? – helped me obtain my current position. Had I specialized in Max Weber or Georg Simmel, most German sociologists would (rightly!) have thought that they knew better and hardly needed a non-German-speaking Italian researcher. But having studied organized crime and illegal markets in Italy, I had specific skills to sell. My reputation was, moreover, strengthened by the three years that I had spent in the early 1990s in Rome, working as a consultant at the Italian Ministry of the Interior. Time was also on my side. Long regarded as an issue that concerned a limited number of nations, during the last fifteen years organized crime has been recognized as a truly international phenomenon. It has attracted the attention of international organizations as well as of State institutions and the general public in many countries that previously did not consider themselves touched by this problem. Hence, in Germany as in most other European countries, there were both interest and money to fund research in my field.

The result is that I am studying the Italian Mafia and other illegal phenomena in Europe from the peaceful hills of the Black Forest. Though it may be surprising, I have

been profiting from my location. Paradoxical as it may seem, I believe that I fully understood the peculiarities of the Italian Mafia phenomenon only after I had moved out of Italy and had begun to compare it with other forms of crime. And at the Max Planck Institute (a research institution with about seventy staff members, loosely affiliated with the local university), I have been co-ordinating several international research projects. Over the last two years, in particular, I have been in charge of a project on organized crime in Italy, Germany, and Spain, financed by the Falcone Committee of the European Union, one on illegal drug markets in Frankfurt and Milan, funded by the European Monitoring Centre for Drugs and Drug Addiction in Lisbon, and one on illegal drug trade in Russia, commissioned by the United Nations Office for Drug Control and Crime Prevention.

Though distracted by many other matters, I am now beginning to work at my Habilitation: a kind of second, larger Ph.D. that German academics (and ahimé! also non-German residents) have to go through if they hope to become a professor. My Habilitationsvater will be Bernd Giesen, who also supervised my thesis at the EUI and now teaches at the University of Konstanz. Since the fall of 1999 I have been regularly going there and giving seminars in my *Ausländerdeutsch*. Though the students seem to understand me (...deutsche Sprach', schwierige Sprach'!), thank God, I can write my Habilitationsschrift in English!

But language difficulties aside, I can hardly complain about the development of my post-EUI career. The formula prescribed by the title of a mediocre, but very successful, Italian book seems so far to work: “Và dove ti porta il cuore!”

Where are they now? Stefano Guzzini & Anna Leander

After nearly six years at the EUI, we left Fiesole in 1994 for our first destination, Budapest. We shipped the things we had and drove with our old VW towards Hungary about which we knew close to nothing. On the way we had an over-night stop in Innsbruck, where Bernhard Rudisch (LIM from EUI) lives with his family, including at the time two, now four, wonderful children. We moved into a charming flat that our new employer, the Central European University (CEU), had organised for us. During the first year, Anna was finishing her thesis, enjoying Budapest—and expecting a baby. Before Miro was born in April 1995, we decided to finally marry – a decision necessary to cope with the remarkable admin-



istrative hurdles for dual citizens, unmarried couples and their children, if 'abroad'. The marriage took place in the Italian Embassy in Budapest which was the one and only place where we could actually marry at that point in time (that would be a story too long to tell). Since then, we have had a second child, Alva, born 24 December 1997. For the blood laws of our countries of origin, our children have now four citizenships (D, F, I, S), whatever that means.

Until July 2000, we were both teaching at the CEU which is an international university, financed mainly by George Soros. Originally the CEU offered MA degrees, but it now also offers MPhils and PhDs. At the CEU, students from East/Central Europe are offered opportunities similar (and partly inspired by) to those at the Badia: a full scholarship and an interesting environment with students, staff and visiting scholars from around the world. Anna was teaching International Political Economy for the Political Science Department and also Turkish Politics in the Southeast European Studies Programme. Stefano got a joint appointment in Political Science and in International Relations & European Studies (IRES) where he taught IR theory and foreign policy analysis/security studies. For two years, Stefano was Acting Head of the IRES programme (now department).

We enjoyed living and working in Budapest. Although the language is not exactly easy (and Stefano never managed it), the town and even more the people in it are very interesting. Indeed, by the end of our six years, Budapest and Hungary have become second homes to us and the 'region' so familiar that it is hard to remember that only a few years ago they were virtually blank spots on our mental maps. We also had the pleasure of introducing it to those of our former colleagues from the EUI who came to visit us. Also work-wise our time in Hungary has been very important. Discussing and teaching highly selected and motivated students with rich 'personal life stories' has been a very enriching and endearing experience. Moreover, we were fortunate enough to travel to many countries of East/Central Europe, albeit never long enough, for lectures and selection procedures. In fact, it is difficult to imagine a more interesting teaching environment, not even at the EUI. So we miss our work, students and colleagues and do our best to keep contact with them. Since September 2000—on leave from the CEU, but not sure to return—we are living closer to the Swedish part of our family. Both of us were lucky enough to get positions at the Copenhagen Peace Research Institute (COPRI). Anna works in a research programme called 'Global Governance and



Peace', Stefano in one on 'European Security'. These are pure research positions, but we were also offered visiting lecturer positions at the University of Copenhagen. We are living close to the French School which our children attend. Again, we enjoy the flexibility of the new job, which leaves more time for our children—and for friends who would like to come visiting us.

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Fellowships

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Welfare and Employment in a United Europe



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Giuseppe Bertola/Tito Boeri/
Giuseppe Nicoletti (eds), *Welfare
and Employment in a United
Europe - A Study for the
Fondazione Rodolfo Debenedetti*,
The MIT Press, Cambridge MA
USA, 2001, pp 291
.....

Over the last twenty years, fifteen Western European nations have removed most barriers to trade and migration, as well as most forms of national discrimination in economic and social exchange. Some have also given up their national currency and their ability to conduct independent monetary and fiscal policy. Opinion on the future of structural reform in the European Union tends to fall into two camps. One side argues that the single market and monetary union will make it more difficult to carry out badly needed structural reforms. The other side contends that, as monetary policy is decided elsewhere,

countries will have more resources to concentrate on structural concerns.

Welfare and Employment in a United Europe takes a nuanced approach to the issues. Unusual for an edited volume, it consists of two long studies – each written by a group of economists working in four different countries of the European Union - followed by commentary. The first study suggests that social reform can be achieved without strengthening European Union institutions and should entail limited international redistribution. The second suggests that, although liberalization of product and labor markets offers substantial benefits, there is no guarantee that the European Monetary Union will result in fewer product market restrictions of less employment protection.

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