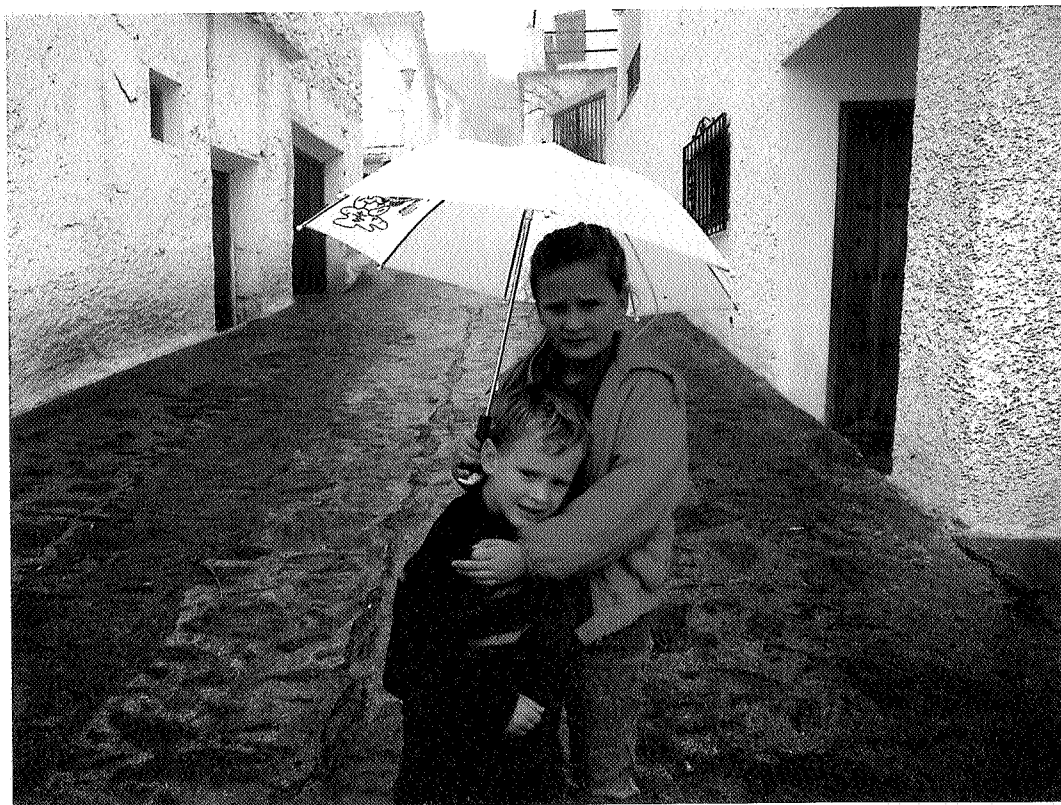


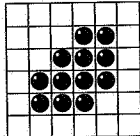
A HUMAN FACE FOR EUROPE



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EUROPEAN DOCUMENTATION



European countries fought for centuries to secure freedoms they now enjoy and, as current events prove, battles for freedom are still on the agenda. It is a burning issue at this very moment in Central and Eastern Europe.

The point of European unification, currently in a particularly active phase, is not just to set up a single market and achieve various other economic and social objectives. The Member States are gradually reaching agreement on a shared vision of a Europe of the future, a vision inspired by the rights of man.

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A human face for Europe

A paper by George de Kerchove d'Exaerde, completed in March 1990

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Introduction

As they always have, human beings aspire with all their might to 'freedom of speech and belief and freedom from fear and want' (preamble to the Universal Declaration of Human Rights).

In East and West, in North and South, citizens with an unshakable belief in the dignity of mankind rise up, defy bans and forge new bonds of solidarity to achieve those freedoms. This is an aspiration which has moved mankind since the beginning of history; it is there on every continent and in all the great religions. Jews and Christians say that man created in the image of God is bound to want to be free as He is. Why would men be slaves when they were born free, asks a companion of the Prophet of Islam. Buddha teaches his disciples the path to Enlightenment by which they may free themselves of earthly illusions, passions and pain.

From the Magna Charta (1215-25) to the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), from the Declaration of the Rights of Man and of the Citizen (1789) to the various constitutions of the European States, the peoples of Europe have shared this aspiration of mankind. Over time they have forged it into something quite specific, whose principles are summed up in the motto of the French Republic: 'Liberty, equality, fraternity'. For centuries, they have striven for a legal system providing more effective protection for the rights of man. Time and again, however, this common heritage has been battered by dissension. Moreover, internal deviations occur.

Individualism distorts liberty to mean complete freedom of action for the self. Collectivism preaches uniformity in the name of equality. Both approaches forget that the dignity of man can only flourish in a democracy.

On the morrow of one of the most deadly fratricidal struggles in our history, the European peoples decided to establish a closer union between themselves. They set up the first Community (the European Coal and Steel Community) in 1951. By successive treaties they considerably reinforced this union, making increasingly explicit references to democracy and respect for human rights (preamble to the Single European Act, 1987).

There can be no denying that Europeans have cleared an area of freedom for themselves — but will it hold together well enough to face up to the challenges of our time?

The freedom of each individual is based on the solidarity of all. If that fails, man is in danger of being stripped of his humanity, turned into a production or consumption unit, reduced to a statistic, maimed by a disfigured environment or forced into a uniform cultural mode.



I — Peoples in search of Union

A united Europe: an old dream

About one thousand years ago, the Carolingian Empire broke up. A multitude of small States, duchies, counties or seigneuries came into being, mostly governed by local potentates. These, jealous of their prerogatives, were always ready to cross swords and were constantly battling for power. Only a few hankered for the past still dreamt of a unified Europe under the Emperor's sceptre or the crosier of the Pope. Each in their own way, the various peoples of Europe were always the first to pay the price for their lords' unending strife. Though they could not see it clearly, they all yearned for a certain balance, not only between entities and nations that were sometimes rivals and sometimes allies, but also between the rulers and the ruled. At the time of the Protestant reform, Christianity, which until then had seemed the ideal ground on which to foster a united Europe, broke into warring factions. More than ever people dreamed of cooperation between nations founded on common rules guaranteeing human rights.

Freedom of movement for traders

Such an aspiration is not a new one. As early as the Middle Ages, there had been pressure for the granting of some basic freedoms. In the politically fragmented Europe of those days, self-sufficiency as an economic principle soon proved its limitations, and trade had been gradually reorganized along the main roads and waterways. Merchants travelled from place to place and their freedom of movement had to be guaranteed.

From the eleventh century, the citizens — at that time known as the burgesses or borough-dwellers — often joined forces at local level to resist their overlords' oppression. Here and there the citizenry did what they could to wrest from them charters guaranteeing their freedoms or even, on occasion, a share in power. At the risk of disappointing those who have a very idealistic idea of Europe and its history, this first emergence of freedom was not primarily a matter of strong principles, it was first and foremost a question of trade, but that is not the important point. The key factor is that the burgesses, officially powerless, but certainly more dynamic and better organized than other sectors

of the population, were able to join forces and curb the arbitrary use of power. In the final analysis, they extended the consensus on which order was based by modifying it in the direction of greater participation. Here is the first appearance of the concept of citizenship, a limited and faltering one in its infancy, of course, one which went on from charter to charter, from the Magna Charta to the Habeas Corpus Act to the Bill of Rights and the 'Cahiers de Doléances', to express with increasing clarity the principles which were enshrined in the French Revolution's Declaration of the Rights of Man.

First faltering steps towards freedom and citizenship

In the countries of southern Europe, where the tradition of Roman written law has remained more of a living force, the burgesses secured recognition of a degree of citizenship more rapidly. In Nîmes, since 1124, local affairs have been decided by a 'Conseil de Prudhommes' elected by universal suffrage. By the end of the twelfth century, many towns in the south of France had acquired fairly democratic institutions and in country areas the peasants had acquired a certain amount of freedom through many emancipation charters. In northern Europe, where common law gave scope for greater abuses of power, the first struggles for liberty were probably more bitter and bloodier. The chroniclers refer to sudden, passing outbursts. History records many social movements, often fomented by those who were denied all rights, who in a sense were outside the law, in other words had no citizenship: there are the well-known episodes of the Pastoureaux, the Tuchiens in Auvergne, the uprisings in Flanders, the Maillotins in Paris and the peasant revolts in the country. These men and women who were denied all rights made their voices heard in the towns of Mainz, Speyer, Metz, Lübeck and elsewhere in the Holy Roman Empire. No one can say whether these riots ultimately served the cause of human rights, for their violence and intolerance were terrifying. All too often they were the product of a wave of desperation, without any real follow-up or coherent expression: human rights cannot be grounded in fear or a dictatorship, albeit of the people; there are no rights without citizenship, in other words without social consensus, even if this requirement apparently seems to delay the advent of more comprehensive rights. Our entire history teaches us that lesson.

The Magna Charta (1215-25), often cited as one of the first European texts on the rights of man, was wrested from King John by barons taking advantage of his weakened authority. On closer inspection, in the light of modern thinking, it is profoundly unequalitarian. It only protects men who are already free. Only merchants are granted the privilege of freedom of movement. It does not provide for any form of representation for the exercise of power other than very indirectly through recognition of the ancient freedoms and customs of the City of London, which are to be extended to the other cities. However imperfect it may appear to us, the Magna Charta is a remarkable document and

constitutes a decisive step forward in that it lays down certain written guarantees regarding the exercise of justice: a fair trial is how we would put it today, a trial where the parties are on an equal footing. It was thus a first step towards equality. To gauge the importance of that first step, it should be recalled that inequality was the norm in feudal, hierarchical society. Even then, the authors of the Magna Charta sensed that some of the liberties granted would necessarily go hand in hand with a modicum of equality, particularly in an area as vital as justice. However, appearances were saved, for this first egalitarian advance was still mashed by the privilege of special jurisdictions on which the various estates depended.

Towards representation of every class in society

It was probably a crowd of peasants who marched into London somewhat later, in 1381, and presented young Richard II with a list of demands. These included a demand for the abolition of villeinage and the elimination of the status of serf. Society as a whole was not yet ready to accept these demands; moreover, increasing rioting and looting had damaged the cause. For lack of a conduit, dialogue became impossible, the leaders were killed and the demands rejected. It was not until the seventeenth century that the way to a form of democracy based on a degree of representation was first staked out. As its name suggests, the 1628 Petition of Rights was no longer a concession by His Majesty. It was addressed to the King by the Lords and Commons assembled in Westminster and sought to protect the rights and liberties of King Charles I's subjects: no taxes could be imposed without the consent of Parliament; no free man could be arrested, dispossessed of his estate or molested without a court order.

The Petition of Rights was expanded in 1679 by the Habeas Corpus Act, a famous enactment laying down detailed procedures and conditions for the deprivation of freedom. Ten years later, the Bill of Rights enshrined the principle of full and free representation of the nation: as the preamble puts it, 'Whereas the Lords Spiritual and Temporal and Commons assembled in Westminster lawfully, fully and freely representing all the estates of the people of this realm'. The principle of modern democracy is clearly defined here: Parliament derives its legitimacy from the fact that it represents the people, more specifically all the estates of the people. To ensure that the laws are actually being respected the Bill of Rights states that parliaments ought to be held frequently, in other words its task will be to ensure respect for citizens' rights. To put in another way, the representation in Parliament of all groups of the population, especially those most vulnerable to encroachment on their fundamental rights, provides the best guarantee that the freedoms enjoyed by all will be respected. No, Parliament indeed could not fulfil its task if the most vulnerable members of the population were not represented.

No genuine progress can be achieved in relation to the freedoms to which we all aspire unless the voices of those in danger of losing them can be heard and even amplified by a parliament.

The French sansculottes: a free, equal and fraternal society

The Age of Enlightenment conferred new dimensions on the rights of man. The principle of equality which was timidly emerging began to gain ground. In 1776 the American Declaration of Independence proclaimed that men were created equal. The French Revolution swept away privilege in the name of equality for all, and to ensure that equality and freedom for all were actually achieved, it declared that the nation stood shoulder to shoulder with its disadvantaged citizens: public assistance is a sacred duty. Society owes a living to unfortunate citizens, either by procuring work for them, or by ensuring that those unable to work have the means of subsistence (1793 Declaration).

This time, the torch was taken up, especially by the intellectuals, who set out in cogent language the aspirations of the third estate, of the men and women hitherto denied any rights who set forth their complaints in innumerable lists of grievances. Unusually, the voices of the perennially forgotten reached the Assembly. From the first days of the Revolution Parisians rose against the King's plan to deprive those paying a poll tax of less than six pounds of the freedom of the city. In a similar vein, Defourny de Villiers presented a list of grievances of the fourth estate: 'Is it necessary', he wrote 'to divide the nation by estate? Perhaps this division could be abolished. It is to be hoped for. If not, a fourth estate must be created, that of the poor day workers, the disabled, the indigent ... The sacred estate of the unfortunate...'

The proposed Declaration of Rights included in the lists of grievances of the third estate of Nemours states that every man is entitled to assistance from other men, or again, that anyone who is feeble-minded, helpless, senile or disabled is entitled to assistance free of charge from other men. Spurred on by the French Revolutionaries, who rapidly spread their ideas to neighbouring countries, the peoples of Europe recognized the indivisible threefold foundation of the rights of man and citizen: liberty, equality and fraternity. This was to be the motto of the French Republic from 1848.

The revolutionary ideal tested by war and industrialization

As always, the battle for the rights of man had not been won once and for all. Revolutionary enthusiasm soon gave place to the Terror: in the name of freedom, people were

imprisoned; in the name of equality, people were tortured and banished; in the name of fraternity, everything was regulated down to the last detail. Despite these excesses, all hope for a juster society was not snuffed out, and when Napoleon's armies overran Europe, paradoxically they lit a spark of liberty in the conquered countries. Thus, when they marched into Venice in 1797, they immediately had the walls of the oldest Jewish ghetto in Europe razed to the ground in the name of equality.

Despite the exertions of the Restoration, things were never quite the same as before, although the ideal of the rights of man was put to a severe test. In the nineteenth century, this ideal had to face a twofold challenge: extreme nationalism and the social upheavals brought about by industrialization.

The peoples of Belgium, Greece and Luxembourg were recognized as nations, while the Italians and Germans worked towards unification. Rivalry between European nations grew and they flew at each other's throats more ruthlessly than ever before. They even exported their quarrels outside the old continent. Clearly the egoism of the nation State outweighed any other consideration. However, the democratic principles proclaimed by the French Revolutionaries were still the inspiration behind the so-called liberal constitutions of these States: the rights of man and citizen made further progress despite war and rivalry.

They made progress, no doubt, but not in the same sense for all. The principle of solidarity was soft-pedalled. The industrializing nations required workers to carry a card and banned strikes and workers' associations in the name of freedom, a concept likely, therefore, to be no more than an illusion for those deprived of the means of exercising the right to it. Here again, citizens refused to allow liberty to remain a minority privilege; they defied prohibitions and banded together to make sure that liberty and equality founded in true solidarity were guaranteed for all.

From the outset these social movements proclaimed their internationalism, which probably made them even more suspect in the eyes of the nation States.

However, they expressed the deep-rooted aspirations of the peoples of Europe. Although accused of lack of patriotism, they were in fact developing areas for active civic involvement as a way of overcoming national antagonisms. They were unable to prevent the bloody conflicts of the first half of this century, but their desperate appeals demonstrate that for citizens who believe in social justice war is not a fatal misfortune. On the morrow of one of the most bloody conflicts in history, the peoples of the United Nations proclaimed the Universal Declaration of Human Rights.¹

¹ Adopted and proclaimed by the United Nations General Assembly in resolution 217 A (III) of 10 December 1948.

European Union: a pledge of active peace and fundamental rights

A fresh impetus was needed to relaunch the concept of human rights that had taken such a beating in the Second World War. Above all a way had to be found to put an end to the rivalry between the nation States which was obstructing the observance of fundamental rights.

The Convention for the Protection of Human Rights and Fundamental Freedoms is probably the most impressive piece of European legislation.² However, with a different approach, more practical and almost discreetly, the Treaty establishing the European Coal and Steel Community (1951), followed by the Treaty of Rome (1957), were a response to the European peoples' aspirations to have their fundamental rights guaranteed, and to do this by means of a daring yet simple plan: to bring the nations together in a single European Community. The objective is ambitious but realistic; a stroke of the pen would not of itself wipe out past antagonisms or ancient rivalries.

Therefore the coming together would have to be gradual. At the outset, the Member States agreed on a common vision of the Europe they would be building, a vision inspired by the rights of man.

It would be free: freedom of movement of goods, persons and services is provided for. Of course, the freedom does not extend very far yet, any more than did the freedom extracted by the trades in the Middle Ages who were the precursors of the struggle for human rights.

It would be egalitarian: freedom of movement implies the abolition of all forms of discrimination between workers based on nationality in the areas falling within the scope of the Treaty. Here again, this may seem a modest point of departure, since it does not prohibit discrimination on other grounds, but it contains, in embryo, the extraordinarily wide scope subsequently given it by the Court of Justice.³

It would be interdependent: achieving progress in all areas equally makes for improved living and working conditions for the workforce and the harmonious development of economic activities throughout the Community.

There are special measures to help some of the more vulnerable categories of workers. Thus, agricultural policy, in which the Community from its earliest years has invested much, is designed to ensure a fair standard of living for the agricultural population.

² Instrument drawn up by the Council of Europe, Rome, 4 November 1950.

³ See Chapter II, Title 2, Section 5.

By enacting competition rules, the Treaty seeks indirectly to protect citizens as consumers. This is, no doubt, far from being an exhaustive catalogue of the forms solidarity might take, but it sets an example and over the years the Community will extend its field of application to cover other citizens on the fringes of development.

Lastly, with several centuries of experience of endeavouring to ensure greater respect for human and civic rights behind it, the Community would be democratic. From the beginning it was equipped with institutions representing the peoples of the Member States: an assembly to hear petitions, which would eventually become a Parliament with the introduction of universal suffrage; a Council having decision-making powers, whose aim is to shape a European union founded on democracy; a Commission appointed to act as guardian of the Treaties and ensure the observance of fundamental rights; and, lastly, a Court of Justice responsible for ensuring compliance with Community law, but which by force of circumstance has developed a body of case-law inspired by human rights. These institutions' roles have evolved and each participates in its own way, and in accordance with its powers, in promoting European unity based on the observance of fundamental rights.

In quest of Europe's soul

Over the ages a united Europe has been the subject of endless discussion, but it was not until after the Second World War that politicians committed themselves to concerted moves towards unification. Whatever reproaches or criticism one might level at it, this process has so far produced a lasting, unequalled peace the like of which has never been seen before. However, there are still enormous challenges facing European Union: will it be sufficiently attuned to its least vocal citizens? Will it always accept that they are entitled to combat — often awkwardly — oppression and arbitrary rule? The fact is that authority and democracy are difficult to yoke together.

With this in mind, the soul of Europe cannot be encapsulated in slogans, ideologies or economic theories. It must be judged by its capacity to listen to the almost inaudible voice of its underprivileged citizens and provide generously for them.

COMMITMENT TO HUMAN RIGHTS

People in the European Community expect to enjoy certain human rights, irrespective of other factors and without consideration of obligations. Over three quarters of the 11 795 adults questioned throughout the Community in a recent opinion survey¹ felt that 10 out of 12 'rights' on a list based on the 1948 United Nations Universal Declaration of Human Rights should always be respected in all circumstances.

While there are significant differences between answers in different countries, a number of similarities are worth noting: most countries give greatest emphasis to equality before the law, the right to work (except Denmark, Germany and the Netherlands), the right to education and the right to privacy. At the other end of the scale least emphasis is given to freedom of association and the right to asylum.

Respondents were shown the following list and asked to say if in general they thought that the rights should 'always be respected under all circumstances, or does it depend on the situation?'

	Always	It depends	No reply	(%) Total
The right to education and training	94	4	2	100
The right to privacy	91	6	3	100
The right to work	90	8	2	100
Equality before the law	87	10	3	100
The right to personal safety and protection	84	11	5	100
Religious freedom and freedom of conscience	83	14	3	100
Freedom of information	82	15	3	100
The right to own property	80	17	3	100
The right of people to their own language and culture	79	18	3	100
Freedom of speech	77	21	2	100
Freedom of association	60	33	7	100
The right to asylum	51	42	7	100

¹ Special Eurobarometer public opinion survey on racism and xenophobia in the European Community, published in Brussels by the Commission of the European Communities, November 1989.

II — The European Community and human rights

1. Texts and declarations

A seemingly modest, yet bold, Treaty ⁴

Let us think about the meaning of a treaty. Generally, it reflects peoples' desire for peace, but also recalls the conflicts which brought it into being. The history of Europe has been full of examples of one-sided treaties imposed by force which have borne within themselves the seeds of new disputes. People laid down their arms because they were exhausted. They had been forced to accept peace and the victor dictated his law. Not a just law, but a law inspired by the power relations existing between the belligerents. They were called treaties when they were only cease-fires. If the balance of power changed, they went back into the melting-pot and barely ended conflicts broke out again. The rationale behind the Treaty of Rome is of a radically different kind: like every treaty, it gives material expression to the universal desire for peace, but it bases that peace on an increasingly close union of peoples who barely the day before had been at war and sets itself the task of eliminating the barriers which divide Europe.

When a State organizes itself on democratic lines, it gives itself a constitution defining the rules of the game by which it agrees to abide. In the Member States these constitutions vary and are informed by this or that vision of society; they are influenced by a wide range of historical traditions or political tendencies; they bear the signs of their times. Some have been redrafted, but all derive from the democratic principles defined by the French Revolution. Broadly speaking these constitutions guarantee equality before the law and the individual liberty of citizens. They organize the exercise of power deriving from the nation (we shall examine this second aspect under Title 2).

⁴ There has been a succession of treaties establishing a number of European Communities: the Treaty establishing the European Coal and Steel Community (signed in Paris on 18 April 1951); the Treaty establishing the European Atomic Energy Community (signed in Rome on 25 March 1957); the Treaty establishing the European Economic Community (signed in Rome on 25 March 1957). To simplify matters and to use the customary terminology, we will refer to the Treaty establishing the European Economic Community as 'the Treaty'. By the same token, we use the term 'the Community' for the Communities established by the three Treaties.

The building of Europe began specifically on 9 May 1950, the date of the Schuman Declaration, made by the French Foreign Minister at a press conference at the Quai d'Orsay.

The now famous declaration, which is a subtle mix of audacity and caution, had been drawn up by Jean Monnet and his team. As soon as Robert Schuman began to speak, the journalists, intrigued by this impromptu press conference, began to prick up their ears: 'It is no longer a question of empty words but of a bold act... France has acted and the consequences of its action may be enormous... France has acted essentially in the interests of peace. So that peace may really have its chance, it is necessary, first of all, that there be a Europe... In this first decisive act, France involves Germany in it. European conditions must be entirely transformed by it. This transformation will open the door to other joint actions which were impossible until this moment.'

Reading of the declaration quickly revealed the revolutionary nature of this proposal addressed 'to all Europeans'. Peace, reconciliation with Germany, an initial step constituting 'the first concrete foundations of a European federation', the opening up to the East, solidarity with Africa... all filling four pages which are still astonishingly relevant in 1990.

The first Community

Despite a certain amount of reluctance the Treaty establishing the European Coal and Steel Community was signed one year later.

The object is clear: to attempt peace together, without ulterior motives, by creating a *de facto* solidarity between the countries of Europe, beginning with France and Germany. The Member States chose two symbolic sectors of the economy of that period — coal and steel — which they merged to put an end to their perennial rivalry. Even today, this seems like a daring step and it is easy to imagine the fierce opposition it provoked a scant six years after the war had ended. This opposition gained the upper hand shortly afterwards when the plan for a European Defence Community was rejected by the French Parliament in 1954. Like history everywhere, the history of Europe is made up of ebbs and flows, hope and mistrust.

The ECSC Treaty, a kind of prototype common market limited to coal and steel, nevertheless proved its worth and offered stimulating prospects for European reconstruction.

The economy as an end in itself

Warned by the setback of 1954, the Member States decided to set up the European Economic Community (1957). To judge from its name, this Community would seem to be somewhat remote from concerns related to human rights. It is not the business of the economy to concern itself with democracy or social justice. However there is an implicit

commitment to this concern. The Member States, after all, came together to improve the living and working conditions of their populations. They declared themselves 'anxious to strengthen the unity of their economies and to ensure their harmonious development by reducing the differences existing between the various regions and the backwardness of the less favoured regions' (preamble to the Treaty). And what about the European Social Fund set up to promote opportunities for employment, followed later by a European Regional Development Fund whose object was to correct the main regional imbalances?

A curious task to set an economic treaty!

In fact, mindful of the 1954 setback, the Treaty's backers were anxious not to frighten away the Member States. The Treaty had to look modest if it was to have the slightest chance of survival.

Things were made to look like a broadening of the Coal and Steel Community. This was less of a shock at the outset to populations of countries still distrustful of those who had only recently been their enemies.

However, setting economic development as a target straightaway triggers a series of questions: what kind of economic development? At what cost? For what purposes? What kind of social policy?

The ECSC Treaty, which was very limited in its aims, had already introduced a social element aimed at achieving proper compliance with the rules of the game. There was no question of charging artificially low prices in the coal and steel industries, which would have distorted competition. The rule is simple and can be easily stated.

The Treaty of Rome provides the basis for far wider economic cooperation and straightaway specifies the aim:

'to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living and closer relations between the States belonging to it' (task of the Community — Article 2).

The economy and the citizen

What we have here, then, is in no way a simple free trade area in which the most dynamic inevitably comes out on top. By adopting the term 'community', the signatory States intended from the beginning to underline the cohesion and the solidarity of the members of the Union. The economic progress which this union is supposed to promote is inherent-

ly linked to social progress, harmonious development and balanced expansion. In other words, the Treaty takes account of the individual citizen viewed as a factor in the economy in the wide sense of the term. Thus, for example, the Community has found itself over the years dealing with highly complex fishing quotas, but also with the working conditions and the specific problems of fishermen.

It has drawn up rules on the size of peas, but also shown itself particularly alive to the sometimes sensitive question of what is to become of farmers. In the name of the principle of freedom of movement, it has promoted the vocational retraining of unemployed workers and concerned itself with finding them jobs, so that freedom of movement is more than just an empty phrase.

To consolidate the right of establishment, it has little by little found itself concerned with education policy. What, after all, would be the point of a right of establishment, if it were indirectly obstructed by making access to a profession dependent on acquiring national diplomas? The Community will thus be obliged to harmonize conditions of access to professions, i.e. it will have to pursue a policy in this field.

In view of the risks of pollution inseparable from economic development, it has gradually come to take a stand on environmental matters and, inevitably, taken a hand in protecting the health of individuals.

Industry and consumption being intimately linked, it has stepped up consumer protection by means of a series of Directives, often of an offputtingly technical nature (rules on preservative agents, additives used in foodstuffs, product safety, etc.) which is nevertheless aimed at quite specific targets.

Furthermore, Europe being traditionally open to the world, the Community has set about promoting the economic and social development of a number of Third World countries with which the Member States maintain special relations.

The Treaty and the legal instruments drawn up by the Council of Europe: a case for teamwork

A closer look shows that the Treaty's primary aim is harmonious development, i.e. a kind of social justice. To do this it mainly uses the highly effective tool of the economy. Is it not simple justice to wish to reduce 'the differences existing between the various regions and the backwardness of the less favoured regions' or 'to preserve and strengthen peace and liberty' (preamble to the Treaty)? The Treaty thus contributes to the cause of justice and subordinates the economy to that cause. It is, of course, an economic treaty. Its title means what it says, but it in no way implies a search for economic expansion as an end in itself. It repudiates unbridled growth, ruthless towards the economically weak, subject

only to its own logic, that of the profit motive, and indifferent to the concerns of the individual.

Seen from this angle, how are we to define the Treaty in relation to the other legal instruments relating to human rights with which the peoples of Europe have endowed themselves?

The Convention for the Protection of Human Rights and Fundamental Freedoms drawn up by the Council of Europe in 1950 recognizes individual rights and freedoms: the right to life, to liberty, to respect for family life and so on. However, it imposes no active obligations on the contracting parties; these are required, rather, to abstain and not to hinder. For example, while every individual has the right to life, a State which allowed its citizens to die of hunger could not be penalized. By the same token, no one may be refused the right to education, but there are still a great many illiterate people and there is no way in which this infringement can be effectively penalized. What, in practice, does the inviolability of the home and correspondence mean for a homeless person? And there are still many homeless people in Europe.

Fundamental rights are thus likely to remain a dead letter for the most disadvantaged among us. In adopting the European Social Charter in 1961, the intention of the signatory Governments, members of the Council of Europe, was to ensure that these rights could be more effectively exercised in practice by improving the standard of living of all the categories of their populations.

The contracting parties look at the individual in his capacity as a worker and commit themselves to action to bring about a number of conditions: the right to work, the right to safety, the right to a fair wage and the right to vocational training.

The Charter obviously supplements the Convention, but because of the lofty obligations it imposes upon them, the member States of the Council of Europe have still not given it really binding force.

Economic development and democracy

The Community, for its part, is working for the same aims as the Convention and the Charter: to achieve a closer union between peoples.

This union very realistically presumes that there should be something in it for everyone, especially — and why not? — something of an economic nature. Without such an advantage, which anyone can readily grasp, the union would remain fragile and, for its continued existence, would require the States involved to display superhuman qualities of abnegation. In other words, it would be just a dream.

So we might well ask: do economics and human rights make such poor bedfellows?

A glance through an atlas will show that, roughly speaking, with a few notable exceptions, democracy and respect for human rights remain the privilege of the economically developed countries. That obviously does not mean that those countries never suffer infringements of fundamental rights, of varying degrees of flagrancy. However, they obviously have greater resources for enforcing respect for the dignity of their citizens than countries overwhelmed by the problems of poverty. In this respect, the dictatorship of poverty is not an empty phrase.

There is no inherent contradiction between the pursuit of an economic aim and respect for civil rights and freedoms.

Furthermore, if this economic aim is itself subordinated to social justice, it broadens the field of human rights, above all the rights of the economically weak, and provides them with concrete ways of exercising their fundamental rights.

The Commission therefore put forward a memorandum recommending accession to the Convention for the Protection of Human Rights and Fundamental Freedoms. It was not a matter of filling a legal vacuum or preventing astute legal quibblings. Far more simply, the Treaty and the Convention, each at its own level and in its own way, contribute to the same justice. In fact there was no contradiction or area of reservation; rather, the two naturally complemented each other without in any way confusing the role and aims of the Council of Europe with those of the Community.

Recession puts the Community to the test

As the 'market' grew, its aim was to be defined with increasing clarity so as to avoid pushing whole economically weak categories of the population onto the sidelines.

At the beginning of the 1970s, the oil crisis threw the existing economic balances into disarray and called social achievements into question. The gaps between the gross domestic products of the Member States of the Community, which had been steadily narrowing, began to widen. Unemployment rose by leaps and bounds and hit some sections of the population harder than others. Had we arrived at the breakdown of a Treaty which was meant to promote harmonious development and balanced expansion?

Some people thought so and accused the Community of powerlessness, if not negligence.

It is commonly held that you only know who your real friends are when you are in trouble. By the same token, the cohesion of a union may be measured in times of crisis when each member has a tendency to retreat cosily within itself, more concerned with clinging onto

the advantages it has won than with seeking justice for all. That is probably the state we were in in the mid-1970s.

The initial enthusiasm had waned. The Community seemed incapable of rising to the challenge of the recession. The solidarity so widely advertised was sorely tried and the public at large exhibited a degree of indifference to 'those Eurocrats in Brussels'.

From an economic crisis to a crisis of identity

However, with the passage of time, that period has proved to be one of prodigious vitality for the Community. There was a need to innovate, to clarify in so many words what brought the peoples of Europe together above and beyond their divergences and to take cognizance of the fundamental unity of their interests. In other words, a European identity with a human face had to be given a recognizable form. It was a matter of the Community's very survival.

Even before the first flurries of the crisis, and almost swimming against the current (Paris, 1972 and Copenhagen, 1973), the Heads of State or Government affirmed the determination of the Member States to 'base the development of their Community on democracy, freedom of opinion, the free movement of people and ideas and participation by their peoples through their freely elected representatives'.

At first sight, these declarations were no solution to the recession gripping Europe and the rest of the world. However, that is too bald an assessment. Admittedly, they brought no immediate solution. While the Heads of State said that economic expansion should first and foremost be geared to reducing disparities in living conditions, the gap widened.

The endless horse-trading between the Member States about their financial contributions to the Community gave it a poor image and seemed in total contradiction to their declarations. The institutions were paralysed and the decision-making process was sapped by the perverse effects of an implicit veto right, introduced in January 1966 to resolve the crisis triggered by General de Gaulle in July 1965 (the 'empty chair' policy).

The combined effects of institutional shortcomings and the oil crisis thus slowed down the plans for building Europe, on which narrow national self-interest and the resulting lack of solidarity and political purpose had a crippling influence.

The European Parliament, elected by universal suffrage for the first time in 1979, did its part to try to get the Community out of its rut. The outcome of its endeavours, initiated by A. Spinelli, was the adoption in February 1984 of a 'draft treaty establishing the European Union'.

However, it was not until the Fontainebleau European Council in June 1984 that the outstanding disputes were settled.

After turning that page, the Heads of State or Government forged ahead to the concept of a 'people's Europe'. An *ad hoc* committee chaired by Mr Adonnino was set up and its proposals were approved by the Milan European Council held in June 1985.

This 'people's Europe', which has gradually acquired a more concrete form, gave the Community a new impetus. It took the wind out of the sails of the sceptics and the pessimists. It even exerted a magnetic influence, since new States joined the Community. What is more, it enabled the Community to extricate itself from the institutional quicksand in which it had become bogged down, to extend its activities to the environment and even to conduct a more coherent foreign policy (Single European Act — 1987).

Some 15 years after the crisis which rocked it to its foundations, the Community — by introducing profound changes — proved capable of showing its determination to continue the task upon which it had embarked, a task whose ultimate aim is 'freedom, equality and social justice' (preamble to the Single Act).

2. The institutions

1. A framework

How are we to define the Community in institutional terms? It is not easy. It is not a 'United States of Europe' with a strong central authority represented by an elected President and a powerful Congress. Nor, on the other hand, is it a vague assemblage of States which delegate certain powers, or a kind of international organization endowed with technical powers. There is no point even in trying to place the Community somewhere between these two extremes. Its essence is far more subtle and rich, given the long history which preceded its setting-up.

The European Community represents an endeavour to become a Union and is thus in a state of constant development. The States which make up the Community came into being out of a variety of traditions and cultures, but have in common a genuine will to democracy and peace. Sometimes divergences arise and the Community gets a rough handling, at others the ranks close because the Member States realize that on their own they are less able to meet the challenges which society throws down to democracy or peace. At such times, there is an advance towards Union.

THE COMMUNITY INSTITUTIONS AND HUMAN RIGHTS

Almost half the people in the Community say they are not satisfied with the European institutions' record on promoting fundamental rights. Rather more than a quarter of the people asked took the opposite view, while a fairly large percentage said they did not know.

Opinions are slightly more positive in Belgium and The Netherlands, where one in three respondents thinks the Community institutions are doing enough.

Here is the question put to a representative sample of public opinion in a Eurobarometer opinion poll and the answers collected:

Question: Do you think the Community institutions are doing enough about protecting human rights, or not?

	<i>All Member States</i>
Doing enough	27%
Not doing enough	48%
Don't know	25%
Total	100%

This development, made up of both advances and retreats, makes it especially hard to analyse the Community's institutions, for the word institution suggests a highly specific, almost rigid, framework, in which everyone knows what he may or may not do and how to do it.

The Community is far from being an area of anarchy but we have to agree that the subtle ways power and jurisdiction are shared out between the Member States and the Community are reflected in complex rules which only a few initiators can grasp.⁵ What kind of majority is required for a decision on an agricultural issue? What precisely is the Single Act going to change? Can one Member State block the whole Community's entire policy on education? Can an Italian living in Belgium vote in European elections in the host

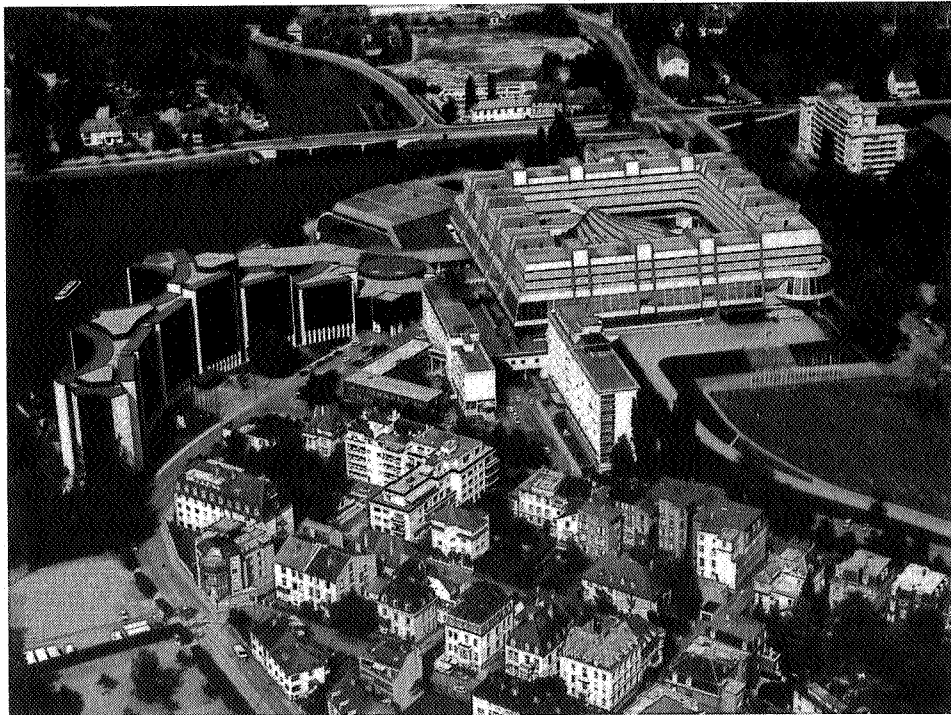
⁵ See Emile Noel: *The institutions of the European Community*, Office for Official Publications of the European Communities.

country? Most European citizens could not give a clear answer to such important questions. We shall examine the Community institutions not from the viewpoint of their respective areas of authority, but from the citizenship angle: how do they provide the inhabitants of the Community with an opportunity to strengthen their sense of citizenship, in other words of playing a greater part in a collective process of development?

2. The European Parliament

At first a modest start had to be made, not omitting any of the intermediate steps. In 1957, a Parliament elected by universal suffrage would have been too much to swallow for many. Imagine a European assembly in direct competition with national parliaments.

The time was not yet ripe for it. An assembly with sufficient authority to voice the aspirations of the individual citizen confronted with the impersonal mechanisms of power therefore had to be devised. However, this assembly could not have any powers which encroached upon the prerogatives of national parliaments. The function of the European



The European Parliament in Strasbourg

Parliament is thus to be independent and representative. It is from this that it derives its legitimacy and, the longer it exists, the more extended is the formal power it wields and, probably, the greater the authority it acquires.

It has given proof of its independence on several occasions. The press has consistently highlighted the disagreements between Parliament and the Council. One need only think of the hold-ups caused by Parliament's votes on the budget. More recently, Parliament took a clear stand on audiovisual policy. The Council decided otherwise. It is worth stressing the independence shown by Parliament, which consciously adopted a position which would not be accepted by the Council.

Parliament derives its independences from its representativeness. Though genuine enough, this was at first very discreet: the Members of the European Parliament were initially appointed with the aid of machinery not involving the direct participation of the individual citizen. However, the individual citizen did play a part in the appointments to the extent that he elected the members of the national parliaments. Over the years, this initial timorousness became blurred. Latent rivalries or earlier distrust gave way to freer cooperation.⁶ The Member States learned to work together. Europe was no longer just the concern of visionaries, financiers and captains of industry long accustomed to a multinational arena, or of highly specialized bureaucrats. It now interested the general public and had become a matter for the peoples of Europe, for questions affecting society as a whole do not stop at national frontiers and States are increasingly interdependent. Policies thus have to be framed on a far broader basis, at European level, or else there is a risk that the Member States will end up with no more than a formal, and illusory, sovereignty. Can a single country, for example, go it alone in attempts to revive its economy or unilaterally decide to announce a devaluation of its currency to a startled world? It could not achieve its aim without prior consultation and the support of the other Member States. In a Eurovision age, could a Member State acting alone conceivably adopt measures in the audiovisual field? Here, the way the Community is going is clear: we are witnessing a strengthening of its authority and powers brought about by the force of events. The part played in this process by the individual citizen needs to be strengthened at the same time, and that is why, since 1979, each citizen of the Community has taken a direct hand in European Parliament elections. A major step has been taken: through their representatives in the European Parliament the citizens of the Community have a direct say in Community decisions. The Members of that Parliament take part in that decision-making process through cooperation procedures. They ask questions, exercise control, bring proceedings for failure to act and may even censure the Commission.⁷

⁶ The Single European Act (1987) introduced a cooperation procedure which increases Parliament's involvement in the decision-making process.

⁷ See page 28, 'The Commission'.

Another remarkable feature of the European Parliament is that, in proportional terms, an individual vote in the smaller Member States carries more weight.

For example, Luxembourg sends six representatives to Parliament, while the French or Germans elect 81. The smaller Member States, those which risk being overshadowed by the larger, are allowed representation out of proportion to the size of their populations. There is more to European democracy than simply obeying the law of numbers. In apportioning seats in Parliament, the intention is to be generous to the smaller Member States which are in danger of being placed in a minority position.

As a representative body and an arena for questioning, the European Parliament today is an outstanding forum of freedom. Less bound by the constraints of power, its Members freely express the aspirations and deepseated fears of the Community's citizens; they translate into political terms the challenges, the advances or difficulties of our societies and no one doubts that their discussions echo down the corridors of power, whether those of the Community or in the Member States. Indeed, we sometimes hear as justification for a difficult decision at national level the argument that the European Parliament takes the view that a particular course should be followed.

Those Heads of State and other leading figures from Community and non-Community countries who have addressed the peoples of Europe from within its portals have rightly recognized the standing which the European Parliament has won through the exercise of its authority.

3. The Council

To achieve the aims set out in the Treaty, the Community has a Council with decision-making powers.

Each Government delegates a member. Here again a democratic balance had to be struck between the Member States with their numerically various populations and differing economic weight. Whatever their size, the Member States take over the presidency of the Council in turn for a period of six months. Even more than equality pure and simple between the Member States, it was respect for their fundamental individuality which prevailed here: the Community wanted to show that it is made up of different States with sensitivities, traditions and cultures all worthy of the fullest respect.

Within the Council the votes of the members are weighted depending on the size of the country they represent: two for Luxembourg, ten for the larger countries, an arrangement which, as in Parliament, is to the advantage of the smaller Member States.

78% PREFER DEMOCRACY

The commitment of the European Community to democracy is confirmed in an opinion survey¹ of 11 795 adults throughout the 12 countries of the EC in October and November 1988, published in November 1989. Over three quarters of those questioned (78%) felt that democracy was the best political system in all circumstances. Only 9% admitted to a preference for dictatorship 'in certain circumstances'. Just over one-tenth (12%) thought that it did not matter if they lived under a democracy or a dictatorship.

This breakdown of answers varies from one country to another. Thus, in Greece and Denmark, nine out of every ten people would always choose democracy. In three countries, on the other hand, more than one in ten of the people questioned believe that dictatorship might be a solution. These are Belgium (11%), Germany (11%) and Italy (13%). Finally, indifference to the type of political system is particularly widespread in Ireland, where it reflects the views of one person out of every four.

Although age and sex seem to have little to do with it, high educational levels (and income), an inclination towards leadership and post-materialistic attitudes go hand in hand with a strong attachment to democracy. A low educational level, low income and limited leadership ratings tend to correspond to a certain degree of indifference regarding the existing political system and a feeling of exclusion.

The willingness to accept totalitarian solutions is to some extent influenced by socio-demographic factors. Two specific cases should be mentioned: on the extreme right there is more willingness to accept such solutions, whereas the reverse is true for post-materialists.

The question posed was: Here are three opinions about political systems. Which one comes closest to your own way of thinking?

	<i>percentage of replies throughout the European Community</i>
Democracy is the best political system in all circumstances	78%
In certain circumstances a dictatorship could be a good thing	9%
Whether we live in a democracy or under a dictatorship makes no difference to people like me	12%
No reply	1%
Total	100%

¹ Special Eurobarometer opinion survey on racism and xenophobia in the European Community, published by the European Commission, Brussels, November 1989.

4. The Commission

While the Council is the direct emanation of the Governments, which each delegate a member, the Commission is made up of Members chosen for their skills, who can be relied upon to display complete independence. Europeans rather than nationals, the Members of the Commission are required to perform their duties in the interests of the Community and may not ask for or receive instructions from the Government of any Member State.

The Treaty places this daunting requirement of independence upon them. Their decisions must be guided by the interests of the Community and not of the Member State from which they come. As the embodiment of the Community's forward momentum, but also its sometimes highly burdensome constraints, they are sometimes hailed when Directives confer some tangible benefit and at others reviled as insensitive technocrats when, in the interests of all, they impose irksome constraints.

Independence is undoubtedly a difficult art in itself. The exercise of independent power is an even more difficult one. For the Commission, exercising its power would be fraught with serious risks if it were not done in most cases in agreement with Parliament and if it did not have its roots in the common determination of the peoples of Europe to achieve union.

5. The Court of Justice

The Court is probably one of the Community's most novel institutions. The Treaty provides for an independent Court which ensures compliance with the rules. The Member States are obliged to bow to its rulings and, where necessary, amend their legislation or internal practices to bring them into line with Community law.

The Court is invested with formidable authority. To play its part properly, it had to be accessible to individuals and not just to the Member States. When a Member State reports breaches or omissions by another Member State, will it always take such a step just to give a boost to the Treaty? Is it not more likely to be prompted by ulterior political motives to which it cannot really admit? Something along the lines of: I shall report so-and-so because I have my eye on his market and he has no effective means of retaliating. On the other hand, I shall keep my mouth shut about so-and-so's shortcomings in return for his not complaining about my irregularities.

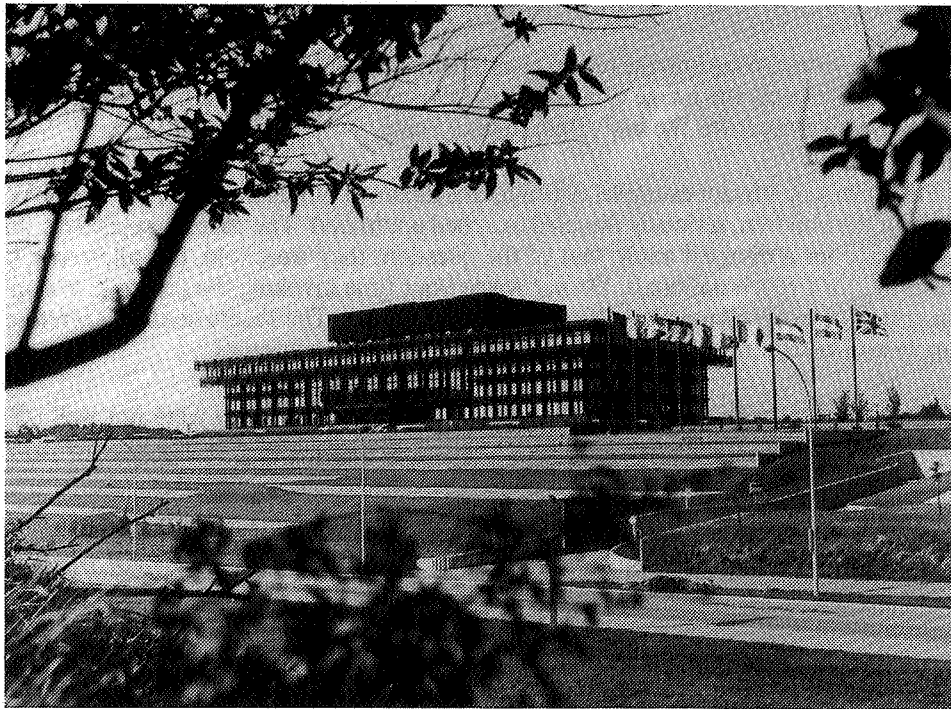
The Court also receives petitions from ordinary citizens, who thus become the prime movers in the legal system established by the Treaty. Far more than the Member States, such people have, through countless applications to the Court, cleared the ground for ongoing development of case-law and thereby an extended interpretation of the Treaty. They have made a major contribution to the harmonization of national laws, and have

helped make effective the principle of freedom of movement for individuals and abolish discrimination based on nationality.

However, the Court soon found itself having to make a fundamental choice: could it limit itself to ensuring compliance with the law in the interpretation and application to the Treaty without explicit reference to human rights?

Certainly, one of the essential aims of the Treaty is the improvement of living conditions in Europe, but in its preamble it says only in an incidental and sketchy manner that such improvement can be achieved only by safeguarding and developing human rights and fundamental freedoms. Was the Court to declare itself not competent if a citizen of the Community complained to it, on grounds of human rights, about the application of the Treaty?

The Court made its choice discreetly and without attracting attention, as befits an independent Bench in a democracy.



The European Court of Justice, at the European Centre in Luxembourg

A disabled war veteran complains that he is obliged to state his identity in order to buy reduced-price 'Christmas butter'. He is told this is because the authorities want to prevent abuses and ensure that only those entitled to this privilege benefit. However, the person in question sees it differently. Having to give his name when others do not, he says, is degrading and humiliating, it conflicts with human dignity and the principle of equality. He complains to the Court, which rules in his favour (*Siauder* judgment, 12 November 1969). The Court's decision, therefore, was that respect for fundamental rights is part of the general principles of the Community which it has a duty to uphold.

A few years later, this principle was clearly stated and the ground invoked was the democratic tradition of the Member States:

'The Court could not uphold measures incompatible with fundamental rights recognized and protected by the Constitutions of the Member States (and with) international treaties for the protection of human rights of which they are signatories' (*Nold v Commission* judgment, 14 May 1974).

Although it went almost unnoticed at the time, except by a few experts, this ruling set a precedent. A few years later, it would no longer seem out of place to the Member States to promote the European Union by basing it on fundamental rights, especially those of freedom, equality and social justice (preamble to the Single European Act—1987).

Far from withdrawing into the role of an inflexible, hair-splitting defender of the Treaty, the Court projects the image of a bold and imaginative pioneer of a Community concerned with respect for the individual human being.

Let us take a significant example. An emigrant Italian family established itself in Lyons. One of the children, seriously disabled, reached adulthood. The parents applied for an allowance for a disabled adult. Out of the question, they were told, this allowance is reserved for French nationals. Do not waste your time invoking the principle of non-discrimination. It will not work. Your son is not a worker. The Treaty does not therefore apply and we can reserve this benefit exclusively for our nationals.

This argument looked unassailable and the Italian migrants, who were not well off, thought they would have to pack up and return to their country of origin in order to be able to live as a family with their disabled son.

They had not reckoned with the Court's determination to give a judgment firmly rooted in respect for human rights and the Treaty, for the parents were workers and clearly covered by the provisions of the Treaty. The withholding of the allowance faced them with the dilemma of either giving up living with their disabled son or leaving France. The first alternative conflicts with the respect for family life guaranteed by the Convention on Human Rights, the second flouts the principle of freedom of movement (*Inzirillo* judgment, 16 December 1976).

6. The Economic and Social Committee

The Community has equipped itself with four institutions (Parliament, the Council, the Commission and the Court)⁸ and with an Economic and Social Committee. The Committee is thus not an institution in quite the same sense as the others, but the purists would be ungracious if they criticized us for discussing the part it plays under the same heading.

In modern democracies, for individual citizens to have any effective influence on decisions other than those of a very local nature is the exception. To make themselves heard, they form professional, trade union, cultural, ecological, religious or other associations. These associations generally provide opportunities for solidarity and active citizenship.

As genuine levers in the democratic process, it is their task to participate in Community decisions without, however, short-circuiting the authority of a Parliament elected by universal suffrage. The Committee was, so to speak, tailored for individuals, agents of economic and social life organized on the lines stated: properly represented, they make up the Committee. Its role is essentially advisory, but, as we know, some of its opinions carry a great deal of weight.

As we look at citizenship confronted with a developing Community a number of questions arise. Do associations other than those of an economic or social character have a proper outlet for their views? Are not the unorganized, the hopelessly isolated, those who are more vulnerable than others, in danger of being forgotten? Should their interests not be defended by representatives of the general interest?

⁸ We will not in this paper go into the part played by the Court of Auditors, which also participates in the drafting of Community law.

III — The achievements

1. Who has achieved what and for whom?

Bald figures and the knock-on effect

Institutions which have proved flexible over nearly 40 years of history, Treaties which proclaim a democratic ideal in their preamble and countless declarations of principle all add up to a generous, humanistic picture of Europe.

But does the picture stand up to the facts, to the achievements of which the Community can be proud?

There is no easy answer. In 1988, some 1 800 000 jobs were created but 1 000 000 had been lost in 1982. Should these job creation figures be regarded merely as the result of a generally favourable economic situation? Perhaps the Community's special dynamics tend to make the best of a favourable situation and perhaps even create it?

According to some estimates the 1992 single market will create nearly 2 000 000 jobs in Europe — far more, in other words, than all the programmes carried out to combat unemployment to date. The optimists or believers talk about secondary effects and would include the creation of these jobs on the positive side of the balance sheet. Others would keep a strict count of the numbers of unemployed people given jobs in the context of the programmes financed by the Community and would see the situation in a much less glowing light. It is not a question of taking the average of these two points of view or devising subtle criteria for deciding how many points to chalk up to each side. The reality is far more complex. There are, of course, easily quantifiable, specific achievements: how many students took part in the Erasmus project?

How many migrant workers' children have had the opportunity to take up training places provided as a result of a Community initiative? How many adults have successfully attended literacy training courses financed by the Commission?

In isolation, such considerations as these give a narrow view of the situation. On the other hand, to overlook them completely opens the way to a highly subjective interpretation of events and is likely to support the illusion, bolstered by the flattering line taken in official pronouncements, of duty properly discharged.

Thus, the impact of the Erasmus project should not be measured solely by the number of participants. The favoured few — they are a minority of the mass of European students — who have participated have established contacts with foreign universities, they have made friends, they have learnt a foreign language and they have been in contact with a different culture and way of thinking. Looking further than the differences between them, they have thought about what they had in common with the students in their host countries. In other words, they have had an opportunity to experience the diversity of Europe, they will bear witness to it on completion of their studies and will probably give other young people the wish and the courage to try their hands at the same experience. So is it enough just to tot up the numbers? The account these young people give of their experiences clearly has a knock-on effect. Applications are flooding in and there seems to be boundless enthusiasm for the scheme. Evaluating such enthusiasm is difficult, particularly since there were student exchanges well before the Erasmus project. European intellectuals in every age have developed networks which went beyond frontiers. The great merit of this programme, though, is that it recognizes at the highest level the work and the efforts put in by those acquiring an awareness of today's Europe.

Programmes as symbols

Similarly, the impact of training programmes for migrant workers' children or of programmes to combat illiteracy cannot be measured solely in budgetary terms or the number of beneficiaries. The fact that the Community has allocated an appropriation or finances existing projects, even to a modest — some will say inadequate — extent encourages the grass roots to exercise their citizenship more fully. Some of the Community's options or commitments have a symbolic value in this respect. In a Europe where there are sporadic outbursts of distrust or even hostility towards migrants, the Community was duty bound to take a stance, not just in words but by specific action. By encouraging training programmes for young people the Community has shown others the way. It is promoting a tolerant society where each individual has access to culture. Similarly, by funding literacy programmes, the Community is responding at its level to one of society's problems: does democracy exist if some of the population do not have access to even the most elementary knowledge? Can it be said that illiterate men and women are full citizens when they are deprived of one of the most usual means of communication in an industrial society, reading and writing?

The Community does not have any particular competence in this area. However, because freedom of movement of workers implies access to training, the Community carried out some schemes in that area and came up against the problem of illiteracy. It chose not to overlook or discount the fate of the illiterate at a time when the Member States had virtually no machinery to record their numbers. It is not the Community's task to stand in for the Member States and assume their responsibilities. Through these symbolic programmes, inadequate though they are when measured against the scale of the need, it makes a commitment to human rights. Acceptance of illiteracy implies acceptance of

stunted, extremely limited freedom of thought or belief. So it is a matter involving the exercise of human rights.

Limited resources and vast objectives

What resources has the Community at its disposal for implementing such programmes? Of course, it has its own budget, a very limited one given the scale of the need — ECU 7 billion in 1988. These appropriations are, however, to be doubled by 1993. Expressing a budget in absolute figures gives those unfamiliar with public finance a rather abstract idea. Some points of reference are needed. It should be borne in mind that for the time being the Community budget represents no more than 0.9% of Community GDP. In 1993, it will be 1.3%. No miracles can be expected; we may even legitimately marvel at the impact which certain Community achievements do have, considering its modest resources.

We would therefore be deluding ourselves completely if we expected the Community, all on its own, to reduce the disparities between regions and individuals in the Member States, or provide employment, training, education, culture, well-being and a decent environment for all its citizens. However, these are the huge objectives the Member States have set themselves in the Treaties. These are not sectoral Treaties under which Member States pool certain resources to achieve a specific objective. In such cases, evaluating the measures is an easy task. For example, if several Member States organize a common defence system or delegate specific responsibilities to an organization — for example, for health — they make a one-way commitment and the achievements can be precisely assessed by a quantitative method.

This does not apply if the Member States unite to achieve a very broad objective. The elimination of disparities — consider this one objective for the time being — presupposes an extremely wide range of actions.

Experience shows that social justice requires action in every field: listed in random order, these include employment, housing, education, family policy, minimum subsistence level, the environment and access to the courts.

Human rights are indivisible in practice and to overlook a single aspect jeopardizes the whole edifice. The Community has had to invest in many areas. Some have criticized it for lacking a coherent action programme. It gives the impression of scattering its resources to questionable effect when it should be concentrating on certain priority measures. The Community's task is to encourage the exercise of citizenship in every area, not only in some. That is the way it operates. Its way is not to launch enormous, costly and spectacular projects. Even if it would like to do so, lack of resources makes it impossible. So it has opted for a different strategy. First of all, it puts its trust in the ability of individuals and groups. It appeals to their initiative, their drive, their inventiveness, their

sense of solidarity and their familiarity with specific problems, and itself only intervenes to support, encourage, guide or, if necessary, initiate projects which cannot be achieved without joint action. This is the principle of subsidiarity which explicitly underpins all Community projects and achievements.

Partnership

Finally, there is an essential feature of Community achievements which makes them particularly difficult to evaluate: the Commission seeks to develop a genuine partnership between itself and the national, regional or local authorities. Projects are not imposed from on high for the good of one particular region or one category of people. For example, Member States drew up a plan for the years 1989-93 setting priorities for the regions concerned and determining appropriate ways of creating employment (redeveloping disused industrial sites, developing an airport, exploiting the potential for tourism, etc.). This mode of operation in itself develops civic sense at the grass roots and, with Community aid, encourages people to take the initiative. The regions or local communities continue to be the prime movers and are called on to play an active role in their own development and take control of their future. Reducing imbalances does not imply imposing uniformity or applying general-purpose recipes. The philosophy underlying Community programmes is quite different. It seeks to associate citizens or groups of citizens with Community objectives by stimulating local drive and enthusiasm.

With that aim in view, there is a great temptation to support those whose dynamic qualities are already in evidence rather than those who are less able to benefit from the aid. This would give more of a feeling that the money was being put to good use. This is why the Community is at pains to emphasize investment in people first and foremost through training and education programmes.

Partnership requires an exceptional degree of administrative openness and a continuous flow of information.

Remote and underprivileged regions can hardly take advantage of the opportunities if they are unaware of their existence or lose their way in procedural mazes. Everyone knows how difficult it is to present a case and how important contacts are. This only goes to show how great a challenge faces the Community as it strives in all kinds of different ways, particularly by bringing out publications, to achieve the openness without which there can be no real exercise of citizenship. Some maintain that too many documents are published and are ultimately detrimental to transparency. Perhaps they are right. Nevertheless, the Community, like any present-day democracy, is confronted with the constant challenge of providing the information citizens need to assess the risks, form an opinion

and participate in decisions. In the Europe of tomorrow what is to become of those of its citizens who are furthest away from decision-making centres? How involved will these be?

Surely this is the ultimate yardstick of Community achievements?

2. Some areas of achievement

Rather than making a tedious list of the many programmes implemented we have chosen to select a few of the more significant. We have adopted an outline reflecting the classic distinctions drawn in relation to human rights, between civil and political rights as defined by the Convention for the Protection of Human Rights and Fundamental Freedoms on the one hand, and economic and social rights as referred to in the Community Charter of Fundamental Social Rights on the other.

Particular attention has been given to access to learning: in the Europe of tomorrow, and more generally in the world of tomorrow, a citizen is someone who has access to knowledge and culture, whereas in the past, citizenship was limited to property owners. We have also taken account of current trends in citizens' rights.

Living in a city means living in a high-quality environment, exerting influence as a consumer on production patterns and quality. To be a member of European society means, most of all, standing shoulder to shoulder with less favoured regions. Finally, to be a citizen of Europe is to be a citizen of the world. To be true to its historic calling, Europe, the cradle of human rights, has the duty to promote freedom and equality in other parts of the world, particularly where poverty is an obstacle to democracy, where men do not enjoy 'freedom from fear and want' (preamble to the Universal Declaration of Human Rights).

Civil and political rights

'One man one vote.' It was inevitable that this principle of popular representation which gradually made headway in Britain, followed by France and other countries, should be applied in exemplary fashion by the European Parliament. Not until 1976, some 20 years after the first Treaties, did the Council unanimously adopt legislation introducing the election of representatives to the European Parliament by direct universal suffrage. Thus, pursuant to basic democratic principles, Parliament's authority is founded on the will of the European people expressed directly at elections held simultaneously in every Member State. Without this, European democracy would not be credible.

However, there is more to democracy than giving everyone the vote. It is not just a matter of counting ballot papers. It is rooted in individual freedom and equality in practice.

Originally, the Member States defined the area of freedom from the economic standpoint: it concerned freedom of movement for workers, freedom of establishment and freedom to provide services. This freedom of movement did not apply to everyone. It is subject to a prior condition: the pursuit of an occupation. A freedom, even if limited to one area or one category of people, presupposes equality if it is to be effectual. In practice, freedom of movement leads to equal treatment: every citizen of a Member State is entitled to take up an occupation on the same terms as the nationals of a country. He or she is entitled to the same benefits in terms of employment, remuneration and working conditions, and has the same social and fiscal obligations. A number of directives have been adopted to give practical effect to this equality and to halt all forms of indirect discrimination.

Is there any freedom of movement if higher-education qualifications awarded in one Member State are not recognized in another? Is there any equality when men and women are not paid the same for the same work? Surely equality between the sexes is compromised at an early age if boys and girls are not given the same educational opportunities? It is not enough, in other words, merely to proclaim freedom of movement and equality and enshrine these principles in legal enactments for them to become effective. It requires the political determination to carry them through into practice.

The Community adopted measures to secure recognition for higher-education qualifications. It adopted directives codifying freedom of movement for a great many professions. In the health sector, for example, this is now a *fait accompli*. Community action has not been confined to issuing decrees some of which led the Member States to amend their domestic legislation. It has played an active role, particularly with a view to achieving equal treatment for men and women. Old, deeply rooted habits or injustices that have over the years become entrenched as standard practice cannot be swept away simply by promulgating an act. It takes much more. Since the 1980s an action programme has been under way to promote equal opportunities for men and women in the Community.

This programme gives special weight to education for girls, combating unemployment among women and promoting vocational training. This concern for equality has led the Community to take a stance and, where necessary, support action in a number of areas.

For example, let us take a matter of current public concern: AIDS. Let us examine the measures adopted by the Community to eradicate this illness from the standpoint of freedom of movement and equal treatment. It does not entail analysing the resources used to combat the epidemic. These resources come within the scope of the right to health as one of the social and economic rights to be discussed later. Some would like to ban AIDS sufferers from working side by side with other workers. The Community has taken a clear stand on this point, perhaps in conflict with the views of the man in the street: a person must not be discriminated against because he or she has an illness.

The civil and political rights of citizens are not confined to freedom of movement and equal treatment. Recent technology, in particular computerized processing of personal data, poses new threats to individual freedom. The exploitation of these by the authorities, whether of the Member States or of the Community, could well reduce ordinary people's involvement in public affairs and impinge on their private lives. Such technology could lead to the manipulation of individual convictions.

Several countries have reacted already by passing laws to prevent such abuse and ban any encroachment on private life or individual or public liberties. The Community has tended to lag behind in this area although it is a vital one for the future of its peoples. It has as yet taken very little action. The Treaties do not, of course, give any explicit powers in this field. This hardly justifies its timidity, though, if one considers that data processing can be looked at from the point of view of circulation of information, in other words services. Moreover, the Community intends to apply the principle of subsidiarity: it is up to the Member States to adopt the requisite measures. Surely this principle, which, as we have seen, works in favour of partnership and creativity by local and national authorities, might well in this instance be interpreted as a *laissez faire* policy? There are already those who have lodged complaints and wish the Community would clearly define the rules of the game, out of respect for individual freedom.

It would, however, be inaccurate to suggest that absolutely nothing has been done. In 1982, the Parliament adopted a resolution on the protection of the rights of the individual in regard to technological progress in the data processing field. In 1984, it recalled its concern and tossed the ball to the Commission, from which it expected proposals. Lastly, in 1989 it enshrined the protection of personal data in the resolution on the declaration of fundamental rights and liberties. The Commission has been less forthcoming. As far back as 1981, of course, it called on the Member States to ratify the relevant Council of Europe Convention, and then set up an advisory group on legal matters specifically responsible for studying problems connected with data protection.

Social and economic rights

In the course of time, the concept of citizenship has solidified into the famous phrase 'liberty, equality, fraternity'. The forms of government which successfully held sway in Europe in the nineteenth century quietly relegated 'fraternity' to the back row, thereby placing the citizenship of a major part of their populations on a very shaky footing. The initial equation in which man equals citizen was gradually replaced by a more restrictive interpretation: only a property owner is a citizen. The others were deprived of the right to make their voices heard in even the most elementary sense at elections. In their immediate environment they were unable to exert any pressure on decisions which concerned them, the right to strike being proscribed. For them equality and liberty were no more than theory and pipe dreams. Today the concept of fraternity is to be expressed in terms of 'economic and social rights'.

HUMANISM IN ACTION

Poised between alienating, sterile collectivism on the one hand and exuberant and socially intolerable individualism on the other, democratic Europe has been able to keep its balance, in a living humanism which is its alone. We find this search for the best possible solution to the human problems of twentieth-century society in Stockholm, Madrid, Bonn, Oslo, Vienna or Paris.

That is why I am particularly keen to promote the social dimension of the large market: this respect for dialogue between the heads of companies and the trade unions representing the workers, recognition of the role workers play in the company, the improvement of working conditions with regard to hygiene, health and safety, all this is part of a pure European heritage. It will also be reflected in a solemn declaration of social rights and specific measures which have already proved their worth.

That is why I am also mindful of the environment. Just as democratic Europe has managed to keep a balance between man and society, it will have to find the right balance between man and nature, between pillage and aggression.

Jacques Delors
26 September 1989

In our modern societies, to a large extent these rights are given substance in social security, the philosophy and objectives of which were enunciated in the United Kingdom on the morrow of the last war. These rights were defined in global terms in the European Social Charter (1961), to which the Single European Act explicitly refers in its preamble. Much ink has flowed on the subject of social Europe and it still provokes a great deal of argument. Though all are agreed on the need to construct a social Europe, views diverge on how it should be defined. In the eyes of some it should be kept down to the bare minimum, while others cannot imagine a united Europe without a coherent social policy and believe that that is a vital component of it. This is the choice society must make; more specifically, it depends on how integrated the European Union is to be. It cannot be denied that so far the content of workers' social and economic rights has been defined in detail by the Community. There are regulations putting forward working definitions which the Court of Justice tends to interpret broadly. We have already given a few examples of this

in the section on the Court. However, to put it very briefly, legislative action and case-law work towards a twofold aim: first, to broaden the concept of a worker or provider of services to bring it closer to that of a citizen; in other words, a worker is not only someone who works but also someone who seeks work, has worked or is a member of a worker's family; the concept of social security, too, is understood in the broadest sense, and some 'social security benefits' fall within the scope of Regulation (EEC) No 1408/71. For example, under this heading, citizens may not be discriminated against with respect to the statutory minimum wage established in several Member States, on which the Economic and Social Committee conducted a seminar in June 1989.

Apart from legislative action and case-law, the Community has taken action such as that to combat long-term unemployment and promote the occupational integration of young people, which is one of the priorities of the European Social Fund. By promoting such action, the Fund helps to reintegrate workers who have become unfit for work following a prolonged spell of unemployment. Faced with the scale of unemployment, intensified by the recession, hard choices had to be made. The Fund could not respond to the demands made on it. The Community did not have the resources to let it carry out grandiose programmes for all job-seekers. It had to target its resources. It tackled one of the most sensitive and perhaps most intractable problems of unemployment: what sort of future can workers demoralized after a long absence from work look forward to? Will they go on being old-age pensioners before their time until the end of their days? The special attention paid to workers who are the most difficult to get back onto the job market bears witness to the Community's determination to give everyone a chance to help build the future of Europe through their work. Let us have no illusions. Experience has shown that other approaches, or the lack of a deliberate policy, lead to a two-tier Europe. Although officially this view of the future is rejected, there is some doubt whether the measures adopted or action taken so far will make it possible to narrow the gap between well-trained, specially skilled workers who are fully integrated into the labour market and the unemployed who are gradually becoming welfare cases.

This issue is of more concern than ever before and should be extended to include those who are not even regarded as workers. Their claim to citizenship, it must be admitted, is weak. In theory they have no freedom of movement. There can be no question of equal pay for equal work, for the simple reason that they receive no pay at all. Those who are not completely forgotten are thrown onto welfare.

The Community, however, has not been oblivious to the mute aspirations of the millions of men and women — perhaps 3 to 4% of the population — who are to all intents and purposes deprived of citizenship. The oil crisis of 1973, which left a great many people on the poverty line, and the work of a variety of organizations opened its eyes to the existence of these people who have been left, as ever, to their fate. Without delay, the Community set up specific programmes to combat poverty. In 1975 the first programme for the financing of some 20 pilot projects and transnational studies was approved.

A second programme was launched to cover the 1984-85 period: 65 projects, to be cofinanced by the Community, were approved. Similarly, measures to help disabled and elderly people enabled those categories, which are often relegated to a passive role, to exercise their citizens' rights.

Social and economic rights include one which has a direct bearing on the wellbeing of the population in the primary sense of the word: the right to optimum physical and mental health. Here, of course, the Member States are the first in line, as is borne out by the large percentage of the budget each of them devotes to health care. However, the European Community also has a role to play in this area.

Who would have thought that the European Community — which is sometimes accused of being concerned with the economic side to the exclusion of all else — would one day initiate a multiannual programme to combat cancer? The Commission was asked to implement such programmes in 1985 on the initiative of the Heads of State or Government. It concerns the prevention of cancer, public information and education, training of health care workers and the development of research. The ambitious objective laid down by the Committee of Cancer Specialists is to reduce by 15% by the year 2000, through the combined efforts of all those concerned (national governments, NGOs, European institutions, etc.) the number of deaths due to cancer compared with the number that could have been expected in the light of demographic change (ageing of the population) and continuing unhealthy lifestyles (smoking, alcohol, poor food, inadequate preventive measures, etc.). Sceptics will say that it is a drop in the ocean. Perhaps, but it is also an indication of the determination to build a Europe in which there is a place for absolutely everyone.

The right to knowledge and culture

Though initially it tended to be overlooked, this aspect of citizenship is acquiring increasing importance. At the time when the Treaty of Rome was concluded, there was a tendency to minimize such matters. When people talked about education, what they had in mind was the equivalence of diplomas or the reception and schooling of the children of migrant workers, i.e. the prerequisites for the freedom of movement of workers. However, there have been developments since then. While the Community, which is grounded in an economic treaty, initially tackled education in its relation to the economy, since 1976 it has broadened its approach and now increasingly perceives education as an important tool in the building of the caring society it is proclaiming. The aim of the various programmes in the field of education is twofold: on the one hand, all categories of citizens, even those on the outermost fringes, are entitled to adequate basic schooling; endeavours in this area therefore focus on primary education: reading and writing, skills which a sizeable minority of the population have still not properly mastered; on the other hand, all educational institutions provide opportunities for learning European citizenship, consisting as it does of tolerance and respect for cultural values. It will thus be a question of encouraging student exchanges between the Member States.

Contrary to what was generally held until recently, illiteracy is far from having disappeared in Europe. There are illiterates, even though there has never been a serious statistical survey of them and even though they are not referred to in political discussions. In 1980, at a time when the existence of illiterates was still widely unrecognized, the Community took up the issue and in 1982 Parliament adopted a resolution on illiteracy. The following year, the Commission took an interest in a number of on-the-spot projects in five Member States and subsequently adopted 17 pilot projects aimed at fighting illiteracy and poor performance at school, especially among the children of migrant workers.

In absolute terms, the Community contribution remains extremely modest and inadequate. However, the Community's approach to the problem shows up the active part which citizens can join in playing in a field which is related to human rights: at the beginning, citizens' groups working on projects in the field alerted the Community to the injustice suffered by these men and women deprived of access to elementary knowledge. In its own way and with its limited resources, the Community swiftly rose to the challenge and the contribution it has made has gone a very long way to reminding the world at large that there are illiterate people concealed in their midst in countries where education has been statutory for several generations. Here too, attempts to involve the general public have paid off and, now that a few years have passed since the first projects were carried out, ordinary people in Europe are once again becoming aware that one of the fundamental requirements of a democratic society is the right of each individual to an education enabling him to play a useful part in a free society.

We have already referred to the Erasmus programme, whereby students can follow part of their course at a university in another Member State, so as to acquire greater familiarity with another language and another culture. The Comett programme, on the other hand, is designed to improve cooperation between the universities and industry, which are still very often too isolated from each other. The Lingua programme (Council Decision of 28 July 1989) contributes to the same aims by encouraging foreign language teaching.

Some might accuse the Community of being overgenerous to academics who are already well served when it comes to education. That would be to overlook the 'Youth for Europe' action programme (Council Decision of 16 June 1988). A budget of ECU 15 million was earmarked for this programme during the period from 1989 to 1991. Its primary purpose is to encourage the participation of those young people who experience the greatest difficulties in being included in existing programmes of exchanges between the Member States and it induces them to show initiative in playing an active part in the organization of such exchanges. Furthermore, particular attention is being given to those regions where there are usually few opportunities in this field.

Why is the Community attaching increasing importance to education? This concern was in the first instance an off-shoot of an economic treaty establishing the freedom of movement of workers: with Europe's economic future at stake, young people have to be trained

to build up that integrated economy. However, there is more to it than that. Access to knowledge is the prerequisite for participation by the individual citizen in public affairs. This has prompted a discussion not merely about technical know-how or in-depth specialization, but about culture and the European identity of tomorrow. The point of education is to encourage the full flowering of the human personality, while promoting understanding, tolerance and friendship between nations, especially those which have banded together in the European Community. This is the aim which underlies the programmes referred to. By implementing these programmes, however modest — though significant — they may be, the Community has of late triggered a process of thorough-going consideration of the meaning of education and, on an even wider scale, of European culture. For example, employers and trade unions have taken cognizance of this major challenge and placed it on the agenda for their industrial relations. The work to be accomplished admittedly remains immense, but an impetus has been given to a process which, on the cultural plane, will have the effect of giving people a greater say in their own affairs, i.e. of enhancing the sense of citizenship of each and every European.

Autonomy and cultural identity are aspects of human rights which too often go unrecognized, as though we failed to see the storm clouds on the horizon. There would surely be no freedom of thought and conscience or freedom to display one's convictions if thought and conscience were systematically forced into a standard mould put out unremittingly by the mass media. The only beliefs left would be the sanitized type put across by productions which put money before artistic considerations.

During the last war, Europe went through the sorry experience of seeing the extraordinary impact which the mass media used for propaganda purposes can have on entire populations, although at that time communications were extremely primitive compared with today's sophisticated technologies. In the post-war period, the Member States laid down rules for the audiovisual sector on their territories so as to guarantee freedom of opinion. At present, in the light of technical developments, the rules need to be defined on a broader basis to be effective. The Commission is aware of this vital issue and has suggested that the audiovisual sector be organized and that the production and distribution of European material be given a boost. This is not unhealthy cultural chauvinism, but a necessity: a basis for a cultural identity has to be built. Thus, for example, in 1988 European production in the field of animated films accounted for only 8% of world production, the Japanese and Americans having acquired the lion's share. Though thought up and designed in Europe, animated films are made elsewhere.

Media 92 constitutes a full-blown plan to revive the European audiovisual industry in the fields of film production, distribution and financing and the training of young producers. The programme's economic objectives have been clearly defined: the development of these industries must be fostered by making Community investment act as a shot in the arm; producing and distributing more efficiently as an end in itself is not the point. It is also, and above all, a matter of using increased Community cooperation to fend off the danger of a creeping cultural asphyxia. For lack of living audiovisual expression, the

individual cultures of the Member States, especially those couched in a language which is not widely spoken, are in danger of becoming locked into a sterile ghetto.

So there are two sides to Media 92. It does not stop at the frontiers of the Twelve, but also provides opportunities for other countries, such as Switzerland and Austria. Furthermore, under the evocative title of the Babel (Broadcasting across the barriers of European language) programme, it promotes the dissemination of audiovisual work in Europe by giving priority to projects involving the less widely spoken languages. The purpose of Media 92, which is neither a ploy for practising undercover protectionism nor a centralized administrative system, is to promote an audiovisual industry capable of expressing and reinforcing the cultural identity of Europe's peoples.

That is the aim of the Media programme. Parliament has also taken up the issue and press coverage of its discussions demonstrates the general public's interest in the question. This is not in fact a sudden outbreak of interest or a tardy awakening of awareness. From university to nursery school, from parents' associations to senior citizens' groups, there can be few who have not raised the question of whether television is a force for stultification or an instrument of culture.

Consumer protection

At first sight consumption and human rights each go their own way and have nothing to do with each other. In one case, we are trying to get our money's worth. In the other, we are addressing the issue of respect for fundamental principles. In fact, experience shows that there is an interaction. We cannot disregard the individual citizen in his dimension as a consumer. Furthermore, a treaty which sets out to improve the standard of living and well-being of the general public must allow for consumer protection. What would become of the quality of life of the individual citizen if economic growth were an end in itself?

As far back as 1972, the Heads of State pointed out that economic growth was not an end in itself. The following year, the Community proposed a full-blown code of consumers' rights. By this stage it was not just a matter of adopting technical measures one after another to protect the consumer in specific fields (dyeing agents, preservatives, pharmaceutical products and so on). The new approach was radically different: the consumer is no longer regarded as a mere purchaser and user of products and services who can be manipulated to a greater or lesser degree. He is no longer just someone who needs to be protected, but a person who has a right to information; above all, he is able to influence the decisions which affect him directly or indirectly as a consumer. In 1973, a Consumers' Consultative Committee was set up, a committee which has in the mean time issued no fewer than 130 opinions for the Commission's attention.

The Community's role in the field of consumer protection cannot be judged solely from the number of opinions issued by the Committee or the number of legislative provisions dealing with foodstuffs intended for human consumption, agricultural products or products which are not foodstuffs. These measures have had a knock-on effect which has been greatly amplified by a key principle of Community policy in this field: consumer information. It is not the primary aim of that policy to ban, to require, to monitor or to penalize, even though it sometimes takes that form. Its main aim is to enable the consumer to obtain information about the characteristics of goods offered for sale, to make informed choices and, if necessary, to claim compensation for damages due to a product purchased. Protection for consumers is thus an offshoot of reinforcing their citizenship.

The environment

There can be no doubt that the environment concerns us all. More than in other fields, respect for the collective quality of life depends on each and every one of us standing together. That respect is everybody's business and there is a natural temptation to play it down, especially when economic conditions are tense. Over the past few years, there has been a long succession of ecological disasters: radioactive pollution caused by accidents in nuclear power stations, pollution of the sea by wrecked tankers or the dumping of wastes, pollution of the atmosphere, lakes, rivers and ground water, acid rain, and chemical or industrial pollution of all kinds. This impairment of the industrial environment is like a debt which has to be paid.

Europe, and not just the territory of the Community, has a remarkable tradition of sustaining a balance between man and nature. For several centuries, the population has occupied all the rural space available. However, that balance remains fragile and precarious. At any moment, it may be jeopardized by ill-considered industrialization, irresponsible habits of consumption, an accelerated flight from the land or uncoordinated urbanization. Mastery of the environment presupposes increased responsibility on the part of each and every one of us. The polluter pays, as the time-honoured expression has it. Negligence by a single individual may damage the environment elsewhere without that individual having to suffer from the damage he has caused. The pollution of rivers and seas is a classic example. Respect for the quality of life therefore means, first and foremost, being a partner in a model for society based in the final analysis on respect for human beings. It is thus pre-eminently a matter of cohesion, interdependence or shared responsibility at European — and even more so — world level.

The initial Treaties have little to say about protection of the environment. Only the Treaty establishing the European Atomic Energy Community refers to it under the heading of 'Health and safety'. It imposes basic standards on the Member States, provides for inspections and, in the event of infringements, allows for actions to be brought before the Court of Justice. The fact is that, once one is aware of the hazards to human beings caused by ionizing radiation, one is entitled to say that such protection was necessary and to be sur-

prised that similar provisions were not included in the other Treaties, the economic objectives of which are not without impact on the environment. Since the 1970s, however, the Community has been showing a concern for the environment, and in 1985 it specified the aims of an environmental policy. By adopting the Single European Act (1987), which defined its powers in the environmental field, it has given itself the wherewithal to carry out that policy.

The principles embodied in that policy are based on common sense: prevent rather than repair; make the polluter responsible and take the environment into account in all policy decisions. Faced with habits and requirements differing widely from one Member State to another in the field of environmental protection, the Community was obliged to make some choices. Should the Community set high standards for protection or, taking the opposite tack, go for the lowest common denominator? Article 18 of the Single European Act gives a clear answer: the Commission, in its proposals concerning health, safety, environmental protection and consumer protection, will take as base a high level of protection. If the Council adopts such a measure, a Member State may none the less feel it necessary to apply national provisions, but only on grounds of important national requirements such as public order, public safety or protection at the workplace. However, the Commission has the last word, for it is the Commission which, after verification, may confirm the provision in question. In other words, a high level of protection is becoming the rule, a low level the exception.

Here too, the Community was reluctant to impose from above, by passing directives, standards which some find excessive. The rules governing vehicle exhaust gases are an illustration of the great difficulties faced in trying to set a standard acceptable to all, especially if major economic interests are at stake. The general public, therefore, had to be made aware of the major challenge involved. In 1985, the Council decided to hold a European Environment Year (March 1987-March 1988). The aim was simple: to persuade rather than compel, to appeal to the critical sense and creativity of citizens rather than increase the checks on them. In sponsoring information campaigns and backing model projects and operations in the field, the Community's intention is to increase awareness and spur its citizens to join in the search for solutions. Pollution does not stop at frontiers and it was important that this wider partnership should not be confined to the Member States.

Thus, the Single Act explicitly provided for arrangements for cooperation with non-Community countries and with international organizations.

A Europe of economic and social cohesion

The preamble to the Treaty of Rome stressed that the harmonious development of the Member States' economies entailed reducing the differences between the various regions. The preamble to the Single Act affirms that democracy is based upon freedom, equality and social justice.

At the Western Economic Summit held in Paris from 14 to 16 July 1989, the Community, through the President of the Commission, stated its conviction that all human beings should behave towards each other in a spirit of brotherhood. What is the practical expression of this solidarity or brotherhood, which is made more necessary by the prospect of the frontier-free Europe of 1992? There are major differences between the richest and the most disadvantaged regions of the Community since it was enlarged by the accession of Greece in 1981 and of Spain and Portugal in 1986. Expressed in terms of purchasing power and GNP, the differences are of the order of 1 to 5. The number of unemployed is five times higher on average in the 25 poorest regions of the Community than in the 25 richest.

The aim of the Community — the very word 'community', chosen by the founders, already implies an option for a particular type of society — has always been to help its weakest regions or groups to overcome their specific handicaps. The Treaty of Rome introduced cooperation in the field of economic and monetary policy. In adopting the Single Act, the Community took a further step. It embarked upon a policy of economic and social cohesion which it intends to put into effect through the structural Funds (the Guidance Section of the European Agricultural Guidance and Guarantee Fund, the European Social Fund and the European Regional Development Fund), the European Investment Bank and the other existing financial instruments. In 1988, these structural Funds had ECU 7 000 million at their disposal and their budget is to be doubled by 1993.

Economic and social cohesion — the two aspects are inseparable — means narrowing the gaps between rich and poor regions. The poor regions are to make swifter progress than the rich. If they fail to do so, freedom of movement for workers will in practice mask a forced, mass exodus to more dynamic regions, many of which are already densely populated, and will endanger the environment in both sets of regions.

If the Community neglects its less favoured regions or its fringe categories, the whole structure is likely to become unstable and whole groups of people will be relegated to the status of second-class citizens, in sharp contrast to the democratic ideals enunciated in the Treaties.

Europe as a partner

Since the Universal Declaration of 1948, the topic of human rights has undoubtedly become one of the major components of international politics. The democracies — and not only the ones in Europe — tend to favour relations with those countries which proclaim the same ideals as their own or to boycott those which openly flout the elementary rights of their citizens.

South Africa's policy of apartheid has been the target of countless condemnations, and even on occasion, of sanctions, the effects of which, it must be admitted, are difficult to

assess. In 1989, the Community stepped up its cooperation with Poland and Hungary, which are in the process of restoring democracy. On the other hand, it suspended relations with Romania because of the flagrant violations of human rights in that country. It unanimously condemned the repression by China in the summer of 1989 of demonstrators calling for a more democratic system of government. Pious words or a genuine determination to spread human rights ideals throughout the world?

Here again, the question is a hard one to resolve and Europe, the cradle of human rights, finds itself face to face with a historic challenge. Over the centuries, Europe has hammered out a particular notion of democracy, a vision of a society respecting individual rights, which has had a major influence on other countries in all the continents. Has it been more successful here than in others? Put this way, the question is only of limited interest. First of all, it is not a matter of handing out 'political Oscars' or pointing at the shortcomings of others. Within the Community itself, despite major efforts, imbalances persist and whole categories of people are in danger of being pushed onto the sidelines and relegated to second-class citizenship. A democracy is in a constant state of evolution and cannot, by definition, take as its foundation the exclusion of some of its citizens. At international level, the democratic ideals which the Community proclaims, could not — without becoming a travesty — be based on external imbalances, such as an economic imbalance between Third World and industrialized countries.

The harmonious development which Europe aspires to achieve within its own frontiers implies solidarity with all nations and, as a matter of priority, with the poorest nations. This gives an idea of the magnitude of the challenge, which cannot be met simply with a few hackneyed nostrums, a few declarations of principle, a few condemnations of attacks on human rights or a few aid programmes, however generously they may be funded. Nevertheless, the unequivocal condemnations of apartheid by the Community are vital. And they will carry all the more weight if they are delivered with a single voice. Just as vital are the Community programmes to promote education and training for black South Africans (1988: ECU 20 million), the aid programmes for refugees in various continents (1987: ECU 123 million) or the cooperation agreements such as the Fourth Lomé Convention, which refers explicitly to respect for human rights. However essential they may be, these measures clearly still do not go far enough, as witness the ever-widening gap between the rich countries and the poor. However, they are a sign of an increased awareness in Europe of its universal mission, just as with human rights, not in a relationship of force or domination anymore but in a spirit of cooperation. In the eyes of the world, Europe will be either the Europe of human rights or nothing at all.

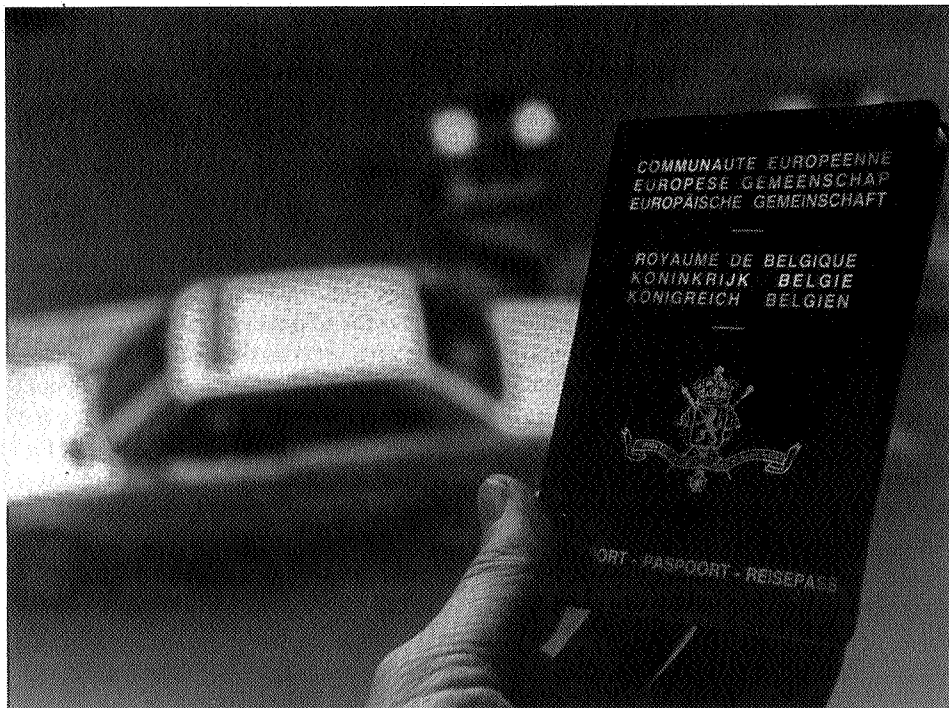
Such is the soul of the 'European house', to use Mr Gorbachev's ambiguous phrase. Neither fortress nor hotel open to all comers, it might, rather, be compared to a shining beacon or a haven of hope for those millions and millions of members of the human race in thrall to terror and poverty. A Europe of human rights such as this does not define itself in terms of power grounded in armed supremacy or economic domination. It radiates an

authority based on its determination to promote economic and social progress and to introduce improved living conditions amid greater freedom.

A people's Europe

A flag, a passport, an anthem, are these just silly gimmicks or symbols of the banding together of peoples committed to democracy and peace?

Quite undoubtedly, in the European Community solidarity between the Member States has replaced the rivalries of yesteryear. There can never be any substitute for this achievement, of course, but has the Community managed to carry its aims of freedom, equality and social justice right through? Is the citizenship it proclaims only for workers? Will it extend it resolutely to all? To people who do not work, to people who live in Europe but are not nationals of one of the Member States? To those who, through lack of education, have no access to its culture?



A European passport, the symbol of European citizenship

Up to what point will Europeans be able to exercise this citizenship? A Parliament elected by universal suffrage, easy access to the Court of Justice, a right of petition, active representation by professional, consumer or other organizations, programmes aimed at reducing inequalities in various fields, these are areas in which citizenship may be exercised. From the Treaty of Rome to the Single Act, the development of the Community makes it possible to say that we have more than the mere trappings of citizenship. However, this evolving citizenship faces a multiplicity of challenges. Will it be able to stand up to power? Will it be inventive and questioning enough to hold in check the technocratic temptations which the Community will inevitably face? With the democratic tradition of the peoples of Europe we can undoubtedly look to the future with confidence: they will not be content with a gimcrack citizenship limited to a few small areas. Where freedoms are threatened, bonds of brotherhood broken or discrimination introduced, they will band together and raise their voices in defence of human rights.

Finally — and this final dimension is perhaps the most controversial of all — does this people's Europe really want to be a partner in a more just world economic order? Speeches on this subject are encouraging, but the action taken is less so. The Third Lomé Convention, the drafting of Lomé IV, the reduction of Third World debt and the various aid programmes go some way towards a response likely to help those peoples over whose heads hangs the threat of the dictatorship of poverty, but Europe could undeniably make a larger contribution. Its credibility depends on it. A form of European citizenship turned in on itself and based, in the final analysis, on the imbalances which sustain it would be inconceivable. A people's Europe can only be a partner. Then, and only then, will the flag, the passport and the anthem be symbols of a meeting of minds.

IV — Tomorrow's Europe

A past with a call on the future

'Europe — a rich past but an uncertain future' is the headline observers might use for the recent debate to determine the Community's future. Thus 1992, the objective which is on everyone's lips, seems to mean different things depending on who is talking, particularly when it comes to the impact of the social dimension, which is vital for some and incidental for others. Fiscal harmonization, which naturally has to underpin economic cohesion, remains a problem and is likely to be a difficult obstacle to overcome. We have seen all the work that has gone into organizing a European audiovisual area, but success is still a long way off and, let us not deceive ourselves, there are those who are very hesitant about it, object to its being set up or favour special interests. However, this is a debate which is vital to the future of Europe and, although it is a difficult one, it is evidence of the extraordinary vitality of Community democracy. It is founded on consensus, which is by its very nature a slow and laborious mode of operation but is stimulating in this instance.

After nearly 40 years of existence, far from reaching a state of paralysis, far from becoming bogged down in sterile talk or falling back on inglorious compromises, the Community is starting on a new adventure bringing together 320 million Europeans in a common cause. It is counting on cooperation between the Member States in the field of foreign policy, whereas so often in the past a discordant voice was heard from one or other Member State. It confers legitimacy on its authority by basing it on freedom, equality and social justice. It is reforming its institutions to enable them to exercise their powers on terms that are more in keeping with the Community interests and the wishes of European peoples electing their Members of Parliament by universal suffrage. It has advertised its goal of economic and social cohesion, it has stated clearly that protection of the environment will have an impact on its other policies. Such is the challenge of the 1987 Single European Act.

What emboldened the Community to take up such a challenge? Quite simply, it has always counted, and continues to count, on the active civic-mindedness of its inhabitants, on their ability and determination to participate in shaping the future of Europe, on their belief in democracy and their sense of cultural identity. Thus, in spite of differences and disparities, the Community has been able to speed up the pace and complete the work

FREEDOM OR EQUALITY

Citizens of the 12 Member States of the European Community are equally divided on whether freedom or equality is more important in life. Faced with a clear choice of whether they preferred freedom or equality, 44%¹ of the 11 795 adults questioned throughout the European Community in a recent opinion survey opted for freedom and 44% opted for equality.

The survey asked people to say which of two statements came closest to their own opinion. The statements were:

- (1) 'I find that both freedom and equality are important. But if I were to make up my mind for one or the other, I would consider personal freedom more important, that is, everyone can live in freedom and develop without hindrance.'
- (2) 'Certainly both freedom and equality are important. But if I were to make up my mind for one or the other, I would consider equality more important, that is, that nobody is underprivileged and that social class differences are not so strong.'

44% of those questioned agreed with the first statement
44% agreed with the second statement
8% did not agree with either statement
4% did not reply

100%

¹ Special Eurobarometer opinion survey on racism and xenophobia in the European Community, published by the European Commission, Brussels, in November 1989.

initiated on the basis of the original Treaties, precisely because it has been able to mobilize the people of Europe around what they fundamentally share in common: democracy based on respect for the human person, with as its corollary all the demands that such a democracy entails.

Because the Community is a statement of this democratic will inherent in the tradition and aspirations of Europeans, it has over the years forged a degree of economic cohesion,

not inspired by an abstract ideal, but by a realistic need: how to make the most of Community resources if entire regions are equipped with inadequate infrastructure or obsolete industrial structures. How can the general standard of living be raised if large numbers of workers remain unemployed? How to avoid human and economic waste threatening both farmers who are over-equipped and in debt and those who use archaic and loss-making production methods. In a word, the Community is counting on economic and social cohesion to alleviate and ward off the adverse effects of deregulation, which would harm everyone's interests. Even before the Single European Act was adopted, Community cohesion stood the test of the recession when people were tempted to draw in their horns and safeguard their established rights regardless of the difficulties of others. Thanks to that cohesion, Europe is now able to seize the opportunity of newly emerging economic recovery with both hands and create new jobs. The integration which is to come about in the single market will, as we have seen, lead to an increase in employment and go some way towards supplying a response to the major challenge of the last decade: unemployment affecting millions of workers.

In the final analysis the Europe which has decided by common action to secure the economic and social progress of the Member States refers more and more explicitly to a concept of civilization. It is not a vague and abstract concept historians or sociologists vainly seek to define. The Community has acceded to the Convention for the Protection of Human Rights and Fundamental Freedoms, and the preamble to the Single European Act states that democracy is founded on 'freedom, equality and social justice'.

Europe, in other words, is not looking for a type of democracy reducible to simple, more-or-less qualified-majority rules whereby the greatest number could impose its views on the minority. It is not simply a question of arithmetic. It is based on respect for human rights, in the last analysis, that is, on respect for the human being. By seeking a form of union defined in these terms, the peoples of Europe have placed those at the helm of the Community under very strict constraints. In operational terms, they have set a course which will promote 'recognition of the inherent dignity and the equal and inalienable rights of all members of the human family' (first recital of the Universal Declaration of Human Rights).

1992: a goal we must all work towards

In the immediate future, the question is how to implement the Single European Act. The Community set itself a deadline: 1992. It is a rather short period of time in which to implement and make a success of the Single European Act, in its entirety. If one aspect is overlooked, cracks will appear elsewhere and the whole enterprise will be put at risk.

The success of European integration is vital, for it will make freedom of movement for workers still more effective, bring Member States' economies still closer together and eliminate the physical barriers still dividing Europe. On its success depends the form which citizenship is to take in the years to come. Here are two examples in two areas on the face of it fairly remote from the question of human rights: monetary cooperation and the harmonization of technical standards. In the first example, far more is at stake than big business. The discipline of the European monetary system accepted by the Member States has made for greater stability. The increased cooperation which the Commission hopes to see will increase security in the face of erratically fluctuating currencies. This security is part of a wider security, namely security of employment dependent on economic continuity.

The second example illustrates the often unexpected complexity of the efforts that have to be made by the Community to eliminate hidden but real obstacles to the single market. Standardization has a direct impact on consumer protection. Thus, are the agrifoodstuffs standards to be changed in the light of financial concerns or in consumers' interests? A requirement for a high level of protection is laid down in the Single European Act but



Jacques Delors, President of the EC Commission, encouraging young people to demonstrate for their European future

that does not resolve all the problems. In fact, it may even raise more questions than it answers, since exactly what protection means will have to be precisely defined. This question, like many others which are to give the single market its shape, is a widely debated one on which the interested parties, especially consumer associations, will have to make their views heard. Setting up the single market is not primarily the concern of technicians whose task is to give effect to orders from on high. The main role of the technicians, sometimes unflatteringly described as 'Eurocrats', is not to take over the decision-making process or perpetuate its obscurity under the cover of technical complexity. Their job is to make the process intelligible, highlight what is at stake, underline the repercussions and make sure that everyone has their say in the debate which will determine the future of us all. The large internal market really is everyone's business—workers, managers, trade unions, financiers, teachers, artists and associations of every kind.

Without contributions from them, there is a risk of creating imbalances or introducing types of deregulation which would be detrimental to all. The danger then would be that it might only work in the interests of the most dynamic elements while reducing everyone else to a state of passive dependency.

A common economic and social area

As a goal, 1992 encompasses more than just a single market. It is emerging as a common economic and social area, as a prelude to European Union. Before discussing the social aspect, an inseparable adjunct to the economic aspect, it should be borne in mind that this is a common area whose purpose is to strengthen economic unity while ensuring harmonious development, particularly by reducing the gap between the various regions and helping the least-privileged make up for time lost.

The area in question cannot therefore be likened to a free trade area, even one including a provision for financial transfers designed to rectify the most striking imbalances. To establish the common area, the Community is counting on the creativity and initiative of the regions, particularly the least privileged. The task of the latter is to make a novel and special contribution to common development with help from all parties. Faithful to its original guidelines, the Community is committed to a process of increasing solidarity. In 1993, ECU 13 billion will be available for this purpose. At the same time, it is appealing to the civic sense of each and everyone of us by opting for the partnership approach.

If the wager is to be won, it must of course extend to the social dimension, since human rights are indivisible. This is clearly spelt out in the preamble to the body of the Single European Act. This aspect of the question will inevitably shake up many entrenched at-

titudes, which perhaps accounts for the reluctance apparent in certain quarters. But that is the price that has to be paid if human rights are to be respected.

The social dimension covers many different fields. In the previous chapters, we referred to some that have been the subject of what are now traditional forms of intervention by the Community. These include combating long-term unemployment, measures to encourage worker mobility, the integration of young people into employment, vocational training, especially in new information technologies (the Eurotecnet programme), safety and health at work and job creation. However, 1992 opens up a radically new prospect: the Member States plan to adopt a 'Community Charter of Fundamental Social Rights' and in 1989 the Commission presented a preliminary draft of the Charter. How much of the preliminary draft will be accepted? Its adoption is likely to involve a great deal of argument and confrontation. The Charter will alarm those who will be forced to give up some of their cherished practices; its inherent timidity and possible limitations are bound to disappoint some others who will condemn the flaws in an instrument arrived at by consensus. The fact is that the issues at stake in this future Charter are vital for us all. It will serve as a yardstick for the European concept of society, that of a society based on social dialogue where an individual's rights at work are protected.

The Treaty of Rome defined the guiding principles, made freedom of movement the foundation of the Community and extended the common market to agriculture and trade in agricultural produce. Over the years, the scope of these principles and of freedom of movement was spelt out in more detail. The trends outlined in previous chapters have shown that gradually, in the manner of the impressionist painters, but in counterpoint, the outlines of European citizenship are emerging. By adopting a Charter of Fundamental Social Rights, the Community confirms the central place the citizen holds in the European society of tomorrow: the citizen will have a sheaf of rights which place real obligations on the Community and the Member States.

Every citizen of the European Community will now be 'entitled to freedom of movement, to adequate social protection ... every person will be entitled to freedom of choice and the exercise of an occupation. Every citizen on reaching retirement age will be entitled to a minimum income', not simply 'freedom of movement for workers shall be secured. The Member States shall seek to promote improvements especially at the workplace to protect the safety and health of workers ... The Council shall implement a common vocational training programme', and so on.

Europe, a civilization

This people's Europe, whose outlines have been growing clearer and clearer since the Single European Act, will be made up of dialogue, solidarity and partnership.

Dialogue, because it will stimulate the civic sense of each individual, without which Europe would seem inflexible, empty and cumbersome. European Union is not being built solely because it has to be, to maintain Europe's standing in the world as best as it can, as though that standing were measured solely in terms of commercial, financial or industrial power. Dialogue with all, a particularly laborious process when it comes to society's rejects, whose silent experience never reaches the ears of others. It is up to Europe to use its imagination and devise representative forums which balance and complement one another: national assemblies and a European Parliament which do not overshadow each other. A constant concern for information and decentralization, so that even isolated citizens can express themselves and we can each take control over our environment as part of a group.

Solidarity, for dialogue involves culture and education, without which an empty silence, disregarded by all, will continue to surround any attempt by the more disadvantaged regions and sections of the population to voice their aspirations, a silence which may suddenly turn into a riotous clamour that shatters the quiet complacency of others. A Europe of solidarity, too, when the balance of the environment is threatened by population drain from rural areas, reckless urbanization or irresponsible industrial practices which the European Environmental Agency is to bring to a stop.

And, finally, a Europe of partnership, for the environment has no regard for political frontiers, as was amply demonstrated by the Chernobyl disaster. European partnership implies cooperation on foreign policy, and the way the Community as such has supported the countries in Central and Eastern Europe as they move towards democracy is a sign of that new approach.

Paradoxically, Europe, a continent which proclaims peace as an ideal, has stockpiled to east and west one of the most imposing military arsenals on the planet, as if peace could be achieved by firing off cannon shots or nuclear warheads. Force or the balance of power cannot be a basis for peace. It must be rooted in partnership and justice. Despite some very real effort, partnership with Third World countries is still a lame affair, for a look at the figures will show a net transfer of USD 40 billion from the poor countries to the rich countries in 1988 on top of the deficit of previous years. As the world's largest trading group the European Community has a special responsibility here, one which it intends to shoulder. It therefore intends to become involved, as a member, in international organizations like the FAO. It is making further commitments to the developing countries and has concluded a new Lomé Convention with the ACP states (the countries of Africa, the Caribbean and the Pacific). It focuses special aid on Southern Africa: it is stepping up its food aid, strengthening its ties with Latin America and developing relations with Central Africa and Southern and South-East Asia.

If Europe is fully committed to this threefold challenge, if it enters the fray wholeheartedly, constantly returning to the charge to make sure it succeeds, it will gain in authority and stature. It will be playing its part in the work of civilization and enabling everyone, not just Europeans, to be active citizens of tomorrow's world.

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