

Summer 2000

EVROPAEVM

Review

CHARLES BRINGS
THE MAGIC
OF PRAGUE

After Kosovo –
new research

Leading the
Knowledge
revolution

NATO at 50

Virtual seminar
network unveiled

George Weidenfeld
on My Europe

Hans Tietmeyer
on the EMU

David Robertson
on Human Rights



EVROPAEVM Mission



Oxford



Leiden



Bologna



Bonn



Geneva



Paris



Prague

The Europaeum was founded in 1992 as an association of European universities, with a mission to:

- promote excellence in research and teaching collaboration between the Europaeum partners;
- act as an open academic network, linking the Europaeum partners and other universities and bodies in the pursuit of study;
- serve as a resource for the general support and promotion of European studies;
- function independently in the search for new ideas;
- provide opportunities for the joint pursuit of new pan-European initiatives;
- serve as a high level 'think-tank' exploring new ideas and new roles for universities in the new Learning Age;
- provide a 'pool of talent' to carry out research and inquiry into problems and questions confronting Europe today and tomorrow;
- help train and educate future leaders of a new Europe.

*Je vois avec plaisir qu'il se forme dans l'Europe
une république immense d'esprits cultivés.
La lumière se communique de tous les côtés.*

Voltaire in a letter to Prince Dmitri Alekseevitch Golitsyn

14 August 1767

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Academic Committee gets down to work; Summer School 2000: Bologna and Trento; Joint teaching initiatives; Europaeum link to American Studies; Oxford–Geneva links; Europaeum 2000 Business Plan; Europaeum Chair in Jewish Studies unveiled; Europaeum Certificate launched; Leiden chemists visit Oxford; First Secretary-General appointed; European history centre launched; Festival of Science at Bonn

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From the editor

Welcome to the first edition of a new style *Europaeum Review* which will continue to provide you with news from all the partner institutions of current *Europaeum* activities, but also to extend its remit to reproduce thought-provoking essays and lectures, articles and contributions, linked to *Europaeum* events.

This issue particularly focuses on all the important issue of the Euro – reproducing a lecture by Hans Teitmeyer, unsurprisingly, strongly advocating the Euro, and a short article by James Forder of Oxford, warning of possible negative repercussions. We have also included a thoughtful essay by John Robertson looking at British ambiguities towards the question of Human Rights law.

There is plenty of news to report, beginning with the exciting accession of Charles University to the club, the launch of three new important research collaborations – a new international project investigating the role of European universities in the Knowledge Revolution; a series of exploratory studies linked to the Kosovo Stability Pact, and a new grant scheme to encourage cross-*Europaeum* collaborations. We report on developments at the European Integration Centre at Bonn, and unveil plans for the launch of our own virtual academic seminar network, which we have entitled the **Europaeum Research Communications Network** – a free service which you are all urged to join.

All this, we hope, will encourage debate within, and across, the *Europaeum*, and we hope to receive letters and comments, reacting to ideas expressed in these pages. These can be sent via email to euroinfo@europaeum.ox.ac.uk, or by fax or post. We also welcome comments from others outside the *Europaeum* partners – as we have never operated as an ‘exclusive club’. In the words of our unofficial patron, Voltaire, we stand to extend that ‘cultivated spirit’ represented by the notion of the ‘republic of letters’ right across Europe.

Paul Flather



Europaeum embraces the

The Europaeum has enlarged its membership – expanding eastwards with the arrival, as its seventh member, of Charles University – founded in Prague in 1348 by Charles IV, King of the Romans and Bohemia, and the oldest university in northern central Europe.

Since the fall of Communist rule in 1989, Charles has particularly focussed on re-establishing sound and productive international links. Indeed, Charles University academics have indicated their keenness to use the Europaeum network to explore the key question, both for the Czech Republic and for EU member states, of enlargement of the European Union. Prague has, as its first collaborative step, sent students to participate in the Europaeum Summer School held in Bologna in September on the theme of *European Public Policy and Enlargement*. Czech academics are also very interested in various joint research projects on human rights, NATO political leadership, and Europe-US relations.

Professor Ivan Wilhelm, the Rector of Charles University, has expressed his delight to be “joining such an outstanding group as the Europaeum”, and said he

Charles, one of the oldest universities in Europe, has become the seventh member of the Europaeum, adding energy and a fresh perspective

looked forward to collaborating with such distinguished academic partners. “We have sought out good international partners over the past ten years and have many agreements in place. But we have decided it would be more successful and efficient to develop links on a consortium model – like the Europaeum

association.”

Dr Colin Lucas, Chairman of the Europaeum Council and Vice-Chancellor of Oxford University, welcomed Charles University’s membership: “We have long recognised a need to make the Europaeum truly representative of the new Europe by bringing in a Central European partner. With the arrival of Charles University, we have now achieved this important step.”

Charles University has some 30,000 students and more than 3,000 academic staff. The largest faculties in size are Medicine and Philosophy, each with more than 5,000 students, followed by the faculties of Law and Education.

Bachelor and Masters studies at Charles are organised either as full-time or part-time external studies. Bachelor degrees are normally three-year programmes, while Masters are 4- or 5-year programmes, completed by the submission and defence of a dissertation and a state examination in the subject concerned. There are over 2,700 doctoral students at the University, co-ordinated by a Centre for Doctoral Studies.

Within the Faculty of Social Sciences, some graduate courses in Economics are taught in English, some in International Relations are taught in English and German, and in Politics some are taught in English, French and German. Students in Politics are able to specialise in European Studies.

Joining the Europaeum is seen by Charles as both an important opportunity for further academic development over the years to come, and a suitable parallel to the Czech state and people’s deepening ties with the nations of the European Union.

The move will also bring a fresh aspect to the many current Europaeum activities, the fruits of which are already being felt on this year’s summer schools and on future collaborative research projects, as Dr Paul Flather, the Europaeum’s Secretary General, who worked with Czech dissidents in the 1980s, noted. “There will be much to be gained on all sides”, he said. The perspectives and



The Carolinum as it looked in medieval times



intellectual magic of Prague



The Carolinum – heart of the University – today

debates of the Europaeum will be widened. With Czech participation we also hope to draw in other Central European collaboration, from Poland, Hungary and elsewhere.” Thus, central European participation is being sought after for a conference on the *Role of Intellectuals in Building a new Europe* planned for Bologna next year.

A formal ceremony and dinner to celebrate the occasion of Charles’s accession will be hosted by the Rector of Charles University, Professor Ivan Wilhelm, at the next Europaeum Council meeting, which is to be held in Prague in early October.

The accession ceremony will also be marked by the announcement of several new Europaeum initiatives, as well as a **Europaeum Lecture** on *An idea of Europe: reflections on being European*. to be given by Professor John Burrow, Professor of European Thought at Balliol College, Oxford – a chair founded under the auspices of the Europaeum.

A BRIEF HISTORY OF CHARLES UNIVERSITY

In accordance with usual medieval conceptions, the new university, when founded in 1348, had four faculties – Theology, Law, Medicine and the Arts. Soon after, the university became a focus for intellectual movements of the time, notably those relating to the reform of church and of society, particularly through the activities of the great reformist Jan Hus.

Ever since, the fortunes of the University have always been closely linked to those of the Czech state and people. Thus it suffered greatly during the period of Hussite Wars, with only the Arts Faculty surviving. After the 30 Years War, as a result of re-Catholicisation, Charles was merged with the Jesuit Clementine Academy – founded in the 16th Century as a Catholic counterpoint – in 1654 into the new Universitas Carolo Ferdinandea.

Despite this, Charles remained a centre of education and scholarship, and continued to act as a stimulus for Czech national consciousness. In the mid-18th century, reforms were gradually intro-

duced and, by the end of the century, studies were open to non-Catholics, and German had replaced Latin as the language of instruction.

In 1848, the Year of Revolutions, the University once again found itself at the centre of national democratic and revolutionary upheaval. The subsequent period of absolutist rule under

**Charles University has long
shared and shaped its
nation’s destiny**

Minister Bach saw the repression of the democratic student movement and the dismantling of a whole series of liberal reforms.

The upsurge in Czech national life, science, cultural and political activity during the second half of the 19th Century forced the Vienna government to divide the University, and in 1882 the Carolo-Ferdinandea University was

divided into Czech and German institutions, which operated alongside each other up to 1939.

In the new Czechoslovak State, established in 1918, Charles University achieved a status that reflected its scientific and cultural importance. Indeed, some of the prominent representatives of the new state, including T. G. Masaryk, the first Prime Minister, and later Prime Minister Edvard Benes, were University staff. But the Nazi occupation of 1939 brought this period of growth and prominence to an abrupt and brutal end, with all Czech institutions of higher education closed from November 17th that year, and many students and their teachers interned in concentration camps or executed. After liberation in 1945, the German institution, proclaimed “a University of the Reich” in 1939, was abolished.

A brief period of academic development after 1945 was ended by the



Charles has enjoyed links with Oxford, Bologna, Paris and other older European universities since the medieval days when scholars wandered from one centre of learning and enlightenment to the next. But there have been special links between Oxford and Prague, first arising out of the origins of the Reformation, and embodied through the ideas of the great Oxford reformist, **John Wyclif (1330–1384)** (*above left*) who led the campaign to have the bible translated into English, attacked church corruption and questioned the doctrine of transubstantiation. His teachings are known to have influenced greatly the Czech reformist, **Jan Hus** (*above right*), who was burnt at the stake as a heretic in 1418. Jan Hus fought for the bible to be put in common language, attacked the sexual immorality and corruption of the church, and supported giving all Christians full communion. In the 1980s, when Oxford academics supported Charter 77 and the Czech dissident movement which included many academics linked to Charles, they called their coordinating charity, the Jan Hus Educational Foundation.

Communist take-over in 1948. An Act was passed in 1950 which subjected the University to the authority of the Czech Communist Party, with intellectual criticism of the regime and its ideology strongly discouraged. Faculty staff needed State approval, and the Theology Faculty was completely separated from the University.

Then, as a result of the role played by academics and students during the *Prague Spring* of 1968, a new, and especially painful, wave of purges hit the University in the period of so-called *Normalisation* at the beginning of the 1970s, after the Soviet Invasion to crush the reformist movement headed by Dubcek.

Only after the 1989 Revolution

was there real change, and the full reopening of intellectual life. After the fall of Communist Party rule, democratically elected Academic Senates were re-established within the University and its faculties, and instruction in Theology was again resumed.

Charles University now has a total of 16 faculties: Catholic, Evangelical, and Hussite Theological Faculties, a Law Faculty, a Faculty of Education, five Medical Faculties, a Pharmaceutical Faculty, and Faculties of Philosophy; Natural Sciences; Social Sciences; Mathematics and Physics; and Physical Education and Sport. There is also a Centre for Economic Research and Graduate Education (CERGE). Each faculty has wide, independent, powers

of decision-making and is headed by a Dean who is responsible to the Academic Senate of the Faculty and to the Rector.

The University has continued to build up international academic links throughout the second half of the 20th Century, developing inter-university co-operation agreements with many top west European and US universities as well as with the largest universities in Latin America, Australia and Africa, and, most recently, joining the *Euro-paeum*.

CERGE undertakes all its teaching in English. Doctoral studies are expected to take four years and there is provision for students whose area of study would benefit from a period abroad, to spend a year at an appropriate University in the USA or Western Europe. CERGE has links with the Institute of Advanced Studies, Vienna, Paris I, Free University of Brussels, Warwick, Free University of Berlin and others. It participates in the European Science Foundation Research Network, Enlargement and New Membership of the EU (NEMEU) and in the Economic Policy Institute (EPI) network organised by the Centre for Economic Policy Research in London. It has also taken part in the Phare ACE programme.

Charles University's web pages, in both English and Czech, can be found at www.cuni.cz

Europaeum to study the new Knowledge Revolution

A major new research grant will enable the Europaeum to use its network to study how European universities can lead the change needed in the face of the new Knowledge Revolution. PAUL FLATHER, who co-ordinated the bid, outlines the project

In a world driven by new technologies and constant, rapid, innovation, 'knowledge' is the new capital of the globalised economy. The revolution in communications technology now makes knowledge available in new forms at the press of a button. The discoverers, disseminators and manipulators of knowledge have become the driving force of the modern economy, and the Universities, as key producers of knowledge, have a key role to play – remaining the key instruments of economic development, but also adapting to a world where learning must be lifelong.

At the same time, there are many new knowledge providers in this new world, ranging from company-based 'universities' and other independent groups, through think tanks and document centres, to sponsored advocacy groups. The university, therefore, can no longer rely on its traditional monopoly of advanced knowledge and highly educated people. In order to compete, universities will need to seek out a new public and economic role at the heart of democratic society. Just as the universities adapted to the arrival of the printing press, 500 years ago, so today they must adapt – and indeed are adapting – to a bigger challenge: the information revolution of the 1990s.

Now a major grant provided by a leading German IT and financial services company, DaimlerChrysler Services (debis) AG, has allowed the launch of a *debis Europaeum Project* which will, over the next three years, address the opportunities, conditions and methods that will allow European universities to play a

leading role in this ongoing Knowledge Revolution.

The project will aim to answer three key questions: What are the purposes and future role of the European university in the face of the Knowledge Revolution? What changes must take place to allow these purposes to be fulfilled? And how best can the Universities deliver their new role?

The new *debis Europaeum Project*, which will get underway this autumn, will therefore focus on three different areas: assessing new links and partnerships between business, industry and education; planning for new methods of 'borderless' teaching and research; and self-critically evaluating what European universities need to do in order to retain their world-class reputations; and assessing the new responsibilities of universities to society in this new knowledge driven age.

The projects recommendations will be aimed at universities, at employers, at funding agencies and governments, and above all at society as a whole, driving forward the continuing process of adaptation and change.

To lead this project, an international Advisory Board drawn from the seven Europaeum member institutions, to be chaired by Professor David Marquand, Professor of Politics at Oxford University, is being formed. This Board will be responsible for the overall direction of the project and assessing progress. A

DaimlerChrysler Services (debis) AG, founded in Berlin in 1990, is the global services company in the DaimlerChrysler Group, with some 27,000 employees. Led by Management Board Chairman Dr. Klaus Mangold, debis operates as a global services company in the dynamic business of finance, information and telecommunications services, working from 180 locations in 35 countries. See also www.debis.de



The internet has revolutionised the way people access knowledge.

director, reporting to the Board, will be responsible for the day-to-day running of the project, in conjunction with an Implementation Group of representatives from the key Universities involved.

The Project's first 'Expert Conference' is planned for 2001, to be held in Germany and focusing on the nature of the Knowledge Revolution, including the influence of the internet and computing technology, the arrival of so-called 'industrial universities', and the strategies being used by Universities to respond to these challenges. Through discussing how knowledge is now being produced, disseminated and acquired, questions will be posed on what kind of partnerships Universities need to make and with whom, what kind of new university should be invented today to meet the challenges of an age of globalisation and lifelong learning, and how this 'new' model compares with the existing global leaders.

Research papers, keynote speeches and discussion papers will be published through the Europaeum web pages, so as to be made available to as wide an audience as possible to stimulate and broaden the debate, and the findings, recommendations, case studies and paper will also be published in a final report.

Paul Flather is Secretary General of the Europaeum.



ZEI spreads its research wings

Celebrating its fifth anniversary in 2000, Bonn University's Centre for European Integration Studies (ZEI) continues to broaden the scope of its work and encompass an increasing range of the Political, Legal, Economic, Social and Cultural arising from European Integration.

The Centre for European Integration Studies (ZEI) was launched in 1995 with a significant injection of federal funds given to the University of Bonn in the wake of the transfer from Bonn to Berlin of the capital of the reunited Germany. It has enjoyed rapid growth from the start, with its inaugural lecture series given by 12 ambassadors of Mediterranean states discussing the future of the region, the launch of a Master of European Studies programme in October 1998. It now employs more than 50 academic and professional staff, and a growing reputation for excellence in research and policy advice.

Expert panels are drawn from across Europe to devise strategies and produce recommendations on specific issues to complement the research work of ZEI, which is orientated towards medium and long-term interdisciplinary projects. The aim is to generate policy advice through dialogue between researchers and decision-makers. In addition, high calibre diplomatic, political, media and academic speakers are regularly brought together by ZEI events from research seminars to international conferences.

The research programme is being conducted through seven flexible interdisciplinary research groups, each of which pursues a number of projects simultaneously (see details in boxes).

One of ZEI's newest projects, in collaboration with partners across Europe, including the University of Leiden, focuses on the situation of the **Small States in Europe**, and particularly aims to support these states in the process of accession to the European Union by investigating the particular challenges and issues they face.

Following the collapse of the Berlin Wall, dissolution of the Soviet Union, and the fragmentation of the former Yugoslavia, a total of 22 new states have been created in the last decade, most of which fit the categorisation of 'small states', and of the current 13 candidates for rapid EU entry, nine are small states – a fact which poses not only challenges to these states themselves but also for the organisation in

Research Group I: Institutions and Institutional Development in Europe

This group deals with the wide range of questions relating to processes of consolidation and expansion of the European Union, institutionally and politically. The structure and future development of other European institutions such as the Council of Europe and the OSCE are also subjects of concern for the group.

The 'Constituting the European Union' Research Project Group, an international team of social-scientists and historians from ten EU-Countries, is undertaking a scholarly reflection of the first four enlargement rounds which have taken place after the creation of the EEC 1957.

A 'European Governance' group undertakes basic research into the interrelationship and tensions between national orientations and European perspectives. The group also explores the role of the European Parliament post-Amsterdam, including the implementation of the new co-decision procedure, the revised Rules of Procedure, and the changing dynamics between the Parliament, other EU institutions, and the Parliaments of member states.

Other projects cover the 'Role of Small States', and a 'German-French Study Group' examining the evolving relationship between the two countries and its impact elsewhere.

Research Group II: European Microstructures, Competition and Regulation Policies

Trade, regulation, and competition policy are right at the heart of successful economic integration, and both external trade relations and regulation of biotechnology and genetic engineering are studied by this research group. A particular focus is the relationship between state and self-regulation in environmental and other fields.

The 'European Pharmaceutical Law' group is looking at the regulation of life sciences, markets for pharmaceutical products, genetic engineering and the protection of embryos, genetic patenting, and the protection of intellectual property – as well as European Competition law and Anti-trust law. An 'Institutional Law' project deals with the institutions, procedures and principles of European integration, and the procedural law of the European Court of Justice. A 'Public Competition Law' group examines questions of Public Competition Law from a European law point of view, with special reference to the impact of Aid Law on public enterprises.

The 'Telecommunication Law' group is examining the impact of the deregulation of telecommunication operations and the growth of the Internet, and the 'Traffic Policies' group is dealing with transport development.

adapting to their needs and the changed geopolitical configuration of Europe on the cusp of the new century.

The main activity of this project, coordinated by Romain Kirt, Senior Fellow at ZEI and political adviser in Luxembourg, will be the organisation of four colloquia, the first of which took place in March 2000, to discuss the wide variety of issues raised. Topics will cover security, economic and social implications – namely ethno-nationalism, migration, governability and failing states; the economic survival of small states and regions in a globalizing world; the future of foreign and security policy in small states; and the contributory and membership rights of small states in international organizations.



Research Group III: Macroeconomic Policies and Institutions in Europe

The research group has focused on the introduction of European Monetary Union, in particular on how speculative exchange rate movements could be prevented during the conversion process, through pre-announcement of conversion rates and ensuring the political credibility of these announcements. A second significant part of its work has been contributing to the debate surrounding the development of the institutions and monetary policies of the European Central Bank at its inception.

The 'EMU Monitor' group, consisting of top-level economists from several member countries, critically evaluates the European Central Bank's monetary policy, and reports regularly to the press, facilitating public discussion of the Bank's intentions and measures.

From this and other work, four anthologies and an encyclopaedic reference on the topic of small states is to be produced, to allow future researchers and policy-makers to gain a rapid insight into the subject. Additionally, it is hoped that this project will generate an increasing exchange of experience and information between the small states of Western Europe and those in Central and Eastern Europe.

Another current project examines the effects of the growth of derivatives

Research Group IV: European Labour Markets and Systems of Social Security

High and persistent unemployment has presented an economic challenge to European policy-makers for many years and the task of securing prosperity will doubtless continue to top the agenda for the foreseeable future. Calls for measures targeted at producing greater flexibility in the labour market to reduce unemployment, though vocal, both from the OECD, prominent economists and the media, do not appear to be validated by current research, and therefore this group addresses the relative importance of labour market flexibility in employment policies in Europe.

This group focuses on the flexibility of labour markets in European countries – and in particular how flexibility can be defined and measured – and qualities of wider Employment Policies of both national governments and the Union as a whole.

markets on the monetary transmission process and thus macroeconomic policy particularly the impact of increased opportunities for corporate hedging against interest rate fluctuations. This has been a recent focus of the 'Macroeconomic Policies and Institutions in Europe' research group.

ZEI's research shows that this significantly curtails the credit channel effect of any monetary impulse delivered by the European Central Bank, reducing the efficacy of attempts to undertake short-run stabilisation through discretionary monetary policy and making the short-term impact on investment spending in the real economy of monetary policy less predictable. Two additional effects were

Research Group V: Enlargement of the European Union

This research group has studied the enlargement situation in each state in detail – including, for example, the still-divided island of Cyprus bringing together scholars from both Greece and Turkey with other experts in a workshop titled 'Looking to the Future in Cyprus – EU Relations'.

The research group has also created the 'Parliament's Forum on EU-Accession', bringing together European Commission, European Parliament, national Parliamentarians, private sector and academic experts to inform key actors about the progress and challenges in the ongoing accession process and to exchange experiences in a confidential way. The integration of South-East Europe is also a significant area of research.

found to stem from this, first a disciplining device to underpin the incentives central bankers face to focus on long-run price stability as the goal of monetary policy, and second that the corporate hedging would serve to endogenously remove sources of differential responses to monetary policy across the Euro zone.

Dr Harmut Ihne, Director of ZEI said: "We are very pleased with the progress of the many activities at ZEI

Research Group VI: The Global Role of Europe

The economic research of this group analyses the position of the EU in the wider trade framework of the WTO, and examines EU trade policies with other countries.

The Europe-Asia project within this group studies the political processes linking the two regions, including the ASEM (Asia-Europe meeting) process, in a systematic way, so as to identify the strategic interests Europe has in Asia and Asia has in Europe, while other projects include studying the role of the European Union and its members in Conflict Prevention, at both the regional and global level, including the interrelation of the EU, NATO, WEU and the United Nations.

which was launched a few years back and we are delighted to collaborate with many bodies across Europe – including of course the Europaeum."

For additional information please contact Dr. Harmut Ihne, Director of ZEI, or visit the Centre's website at www.zei.de

Research Group VII: European Identity and the Dialogue of Cultures

The cultural ties between European nations and regions, with Europe's neighbours, and also the wider world are at the heart of shaping a European identity, and at the same time as considering these issues, this research group examines and reviews the applicability of traditional intellectual and philosophical conceptions of learning, communication and culture to the present day.

With the EU-Mediterranean Dialogue (Barcelona Process) the European Union has initiated a new strategic dimension in its evolution. A group looking at 'European Identity and the Dialogue among Cultures' contributes to tackling some of the unresolved aspects of relations with the Southern and Eastern border countries of the Mediterranean.

The character of the encounter between East-Asian cultures and the West will influence the intellectual future more than many other developments among the cultures of our time, and this is the focus of the 'European-Asian Dialogue of Philosophy' project group.



What now after Kosova?



Michael Kaser is Emeritus Professor at St Antony's College, Oxford

The following academics at Europaeum universities have agreed to support the project, either as authors or as monitors/assessors:

Dr Mario Apostolov, Geneva; Prof Stefano Bianchini, Bologna; Prof Richard Clogg, Oxford; Prof Richard Crampton, Oxford; Dr Rilke Dragneva, Leiden; Prof Robert Evans, Oxford; Prof Robert Frank, Paris; Mr Timothy Garton Ash, Oxford; Dr Carsten Giersch, Bonn; Prof Michael Kaser, Oxford; Prof Koen Koch, Leiden; Prof Marie Lavigne, formerly Paris (now Pau); Prof André Liebich, IUHEI, Geneva; Dr Kalypto Nicolaidis, Oxford; Prof Yorgos Rizopoulos, Paris; Prof Norman Scott, IUHEI, Geneva; Prof William Simons, Leiden; Prof Milica Uvalic, Bologna; Prof Thanos Veremis, formerly Oxford (now Athens); and Prof Rob de Wijk, Leiden.

Other involved include Mr Noel Malcolm, formerly Oxford; Prof Maria Todorova, formerly Oxford (now Florida University) and Prof Loukas Tsoukalis, formerly Oxford (now London School of Economics).

A collaborative proposal focussing on the Kosovo Stability Pact, involving academics from all Europaeum partners, has been prepared as the Europaeum's contribution to the Balkan Question. MICHAEL KASER outlines the proposal which he has co-ordinated.

This project has been developed within the spirit of the Europaeum's mission to 'promote the advanced study of the philosophical, political, social, economic, historical, cultural and legal aspects of Europe'.

The project, formally titled *Kosovo: Heterogeneities and Communalities in South East Europe*, envisages contributions from nearly all those disciplines, focussed on the historical and social roots of instability in South East Europe.

The aim is a synthesis for the region within each discipline, such that the heterogeneities and communalities can be exposed and analysed at both domestic and cross-border levels.

As a result of discussions held at the Geneva Institute for International Relations in May, the key outcomes are summarised in the following research projects:

- Conflict over borders: a study of the ways in which the settlements of 1815, 1856, 1913, 1918 and 1945 were arrived at in comparison with the Dayton and Rambouillet procedures and the present ad hoc arrangements in Kosovo.
- Intolerance among religions, Islam and Christianity of both Eastern and Western rites (as in former Yugoslavia), and the experience of tolerance (as in Albania).
- Socio-linguistic differentiation, partly based on such boundaries as the 'je/ije' and the 'ë/â', and deep-rooted cultural influences, including 'heroic' literary traditions to embody nationalist stereotypes.
- The bases and practice of law, including those operative under Ottoman rule, as promoting either democratic or authoritarian rule.
- Social units and inter-relations, including social anthropological analysis of micro-units, such as the Serb zadruga and the Albanian besa, and the sociology of civil society, taking special account of the diminishing proportion of the rural population.
- Demographic trends and population removals, including differential demographic change among ethnic groups and self-redesignation by certain groups, such as Roma.
- The inadequacy of regional economic activity to meet popular expectations, in the light of physical resources (as economic geography) and efficient production and distribution (in economics).
- The impact of physical topography and transport routes and infrastructure, as to both possibilities and current projects, such as the EU 'transport corridors' (including disputes on the predominance of North-South routes, advocated by Greece, and East-West routes, desired by Albania and Bulgaria, with Macedonia wanting both, and between Bulgaria and Romania on Black Sea transfer ports).
- The recent political heritage of political monopolies under communist and workers' parties.

Consultation at the Geneva meeting, and during the UN meetings on South East Europe which preceded it, assured us that this was a novel approach to a fundamental policy problem confronting international and governmental decision-makers. The Europaeum is currently in discussion with agencies and foundations, including the European Commission, to secure support for the project. A pump-priming grant has been awarded under the auspices of the new Europaeum Research Project Groups scheme.



Economic convergence and European Monetary Union

HANS TIETMEYER, then President of the Bundesbank, examines Britain's economic and philosophical convergence with, and future role in, Europe in a lecture he delivered at Oxford University

I

First of all, I should like to express my sincere gratitude for honouring me with your invitation. I am delighted and indeed honoured to be here. Oxford: The University, its colleges and facilities stand, on the one hand, for achievement and competitiveness in the modern world and, on the other, for history, tradition and heritage. They are part of Britain's history and part of its future. And that means – I would quite expressly like to add – that they are also part of Europe's history and its future. Great Britain and Europe are not separate, mutually independent entities – either economically or culturally.

That leads me straightaway to the subject of Europe and its future. I am naturally aware that this country is in the middle of a major process of clarification. How does it perceive its future position in Europe? How can it influence future developments in Europe? And, not least, what are the conditions of, and prospects for, future entry into monetary union?

Like many others in Europe, I am following this process with keen interest. And I have the impression that this debate in the United Kingdom has made significant progress over the past two years. Of course, it is ultimately only the British themselves who can decide how they wish to shape their relations with Europe and European integration. Even so, I do not wish to conceal the fact that I have a great deal of sympathy with the idea of the United Kingdom playing a crucial role in the future development of Europe and of it bringing not only its great traditions but also its criticism and economic performance to bear in a constructive role in Europe and, hopefully, one day also into monetary union.

But that is a prospect on which the United Kingdom – its government, its

parliament and its people – must take its own sovereign decision. I do not presume to be able to offer you advice on that matter. Instead, what I would like to do today is to draw your attention, in particular, to those aspects of monetary union which have played – and, in some cases, are still playing – a major role in our debate in Germany. There will probably be very little of this that is really new to you. However, it might be valuable for you to know the points on which particular emphasis was – and is still being – placed in the German debate. Perhaps there will be some aspects which might provide a stimulating talking point for your own discussion.

II

Let me start with a simple, but fundamental, analysis: What does monetary union mean? What kind of environment does it create? It seems to me that it possesses three essential characteristics: firstly, membership of monetary union implies relinquishing monetary sovereignty. Monetary policy becomes European. Naturally enough, that concerns the level of the official interest rates. But it goes further than that. European monetary policy includes the framework in which monetary policy is conducted, embracing not only its structure and the way in which the central banking system perceives its own role, but also the strategy and instruments used, as well as much else besides. Secondly, the monetary union is designed to last. Entry into it is a road on which there is no turning back. In monetary union, a “trial marriage” is no longer possible. Reversing that decision would entail incalculable economic and political costs. No one ought to place any faith in that being a realistic option. And thirdly, the euro area is unlike every other currency area, which is defined – at least usually – by the area of a single sovereign nation state. There is a single monetary policy for the euro area. However, the other areas of policy, such as budget, tax and social policies, are still largely decentralised. Fiscal policy, in particular, must abide by the rules set down in the Maastricht Treaty and in the supplementary Stability and Growth Pact.



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These three characteristics appear straightforward and self-evident. But they have important implications: One key implication is that the euro area requires lasting economic convergence – convergence in the sense that each single country must be able to keep up with the others on a permanent basis, without recourse to national monetary policy or changes in the exchange rate. That necessity of lasting convergence has to be seen against the backdrop of unrestricted capital movements and supranational monetary policy. A traditional nation state with its own currency has several options available for fostering convergence within its own currency area. There are largely uniform economic and taxation policies to prevent excessive deviations in politically-induced conditions for investment. There is a national budgetary policy which can give financial support to regions which are lagging behind the general trend. And there is a largely similar and similarly funded system of welfare. These are all things which the euro area does not have at a supranational level – or, at least, not to anything like the same extent.

There are some – mainly on the continent – who regret this because it means that economic convergence cannot be created or, at least, actively promoted by a centralised policy. Others – and I suspect that the overwhelming majority of the British people belong to this camp – believe this to be a good thing. Europe should not be a dominant centralised entity, nor should it have an egalitarian public-sector system of adjustment. It should be decentralised, organised on the principles of subsidiarity and geared to competition. Your Prime Minister put this in a nutshell: “Integrate where necessary. Decentralise where possible.” I would add that I have a great deal of sympathy for that position.

However, one also has to see the other side of the coin. One problem remains: how can a politically decentralised monetary union safeguard the necessary lasting convergence of all its member states? Ultimately, there is only one way of doing this. Safeguarding lasting convergence in a politically decentralised monetary union must rest on two pillars: firstly, on each country’s own sustained competitiveness and on each country’s own efforts; and, secondly, on a fundamental willingness to accept certain binding rules and abide by them on a permanent basis. That is the only way in which a monetary union with a decentralised political structure can succeed – not only economically, but also

politically: in other words, without excessive conflict among the participating countries.

III

The competitiveness of each single country is obviously initially one economic condition for a kind of optimum currency area. Basically, an optimum currency area means that, in the longer term, there is no need for adjustment of the nominal exchange rate because other adjustment mechanisms are effective, say, as a result of internal flexibility or a high degree of labour mobility. That is clear in theory. In practice, there is a fundamental problem: how

can the ability to “keep up” be assessed? And how is it possible to safeguard that ability and the willingness to utilise it on a lasting basis? Now, in some way or another, the track record and the basic situation in the countries concerned have to be taken into account. The Maastricht Treaty does that and stipulates convergence criteria for that purpose. These may not have been the final pearl of wisdom in

the strict economic sense, but that should not make us overlook what fundamental pillars the convergence criteria represent in terms of the logic of a politically decentralised currency union.

I am aware of the fact that we Germans, by insisting on a strict interpretation of those criteria, have not always been given a good press internationally in the past. It may also be the case that the debate in Germany did not always take the best possible course, especially when somewhat too much emphasis was being placed on the decimal place in the budgetary policy for the test year, for example. But the key element – taking the convergence criteria seriously – was – and still is – correct. The criteria were, and remain, a test of ability and political will, at least at the time of entry. Basic conditions for passing a test are undoubtedly the abilities to keep the internal value of the currency stable and to maintain the exchange rate without tensions – an exchange rate, moreover, which is determined *a priori* as a central rate, not one which is defined at a later stage. For that reason, the Treaty calls – and, in our opinion, unquestionably calls – for a two-year membership in ERM without tensions.

In this interpretation of convergence – which has determined the German debate – there are two ideas which play a key role: the idea of the permanence of sufficient convergence and the idea that the present and the

‘Europe should not be a dominant centralised entity, nor should it have an egalitarian public-sector system of adjustment . . .’



past are a test of the future ability to stay the pace on a lasting basis.

Perhaps you feel the debate in Germany has a different emphasis from the one here. In the United Kingdom, convergence is sometimes understood more in the sense of convergence in the business cycle. By no means do I wish to disparage that. Naturally enough, I am aware of the current economic background in the United Kingdom. And we do already have this problem in the Euro area at the moment. The cyclical position of Ireland, for instance, is obviously different from that in some countries on the continent. There can be no question at all: if a country believes that it is in its own longer-term interests to enter, it will look for a time which it feels to be opportune. That is no more than an act of human reason.

I would only like to point out that what we have here is a case of the debate being weighted somewhat differently. And, naturally, one has to perceive the backdrop to this: in other words, the fact that the tie which is created is a permanent one. It is not least for this reason that it is right for the British government, in particular, to place repeated stress on the subject of internal flexibility.

I believe that there is unanimity in the debate both in the United Kingdom and in Germany that economic convergence does not imply uniformity.

Firstly: it does not imply uniform structures. It is true that competition – precisely in a monetary union – exerts pressure to find efficient solutions, but they do not have to be the same everywhere. Even in monetary union, there will still be room for different economic traditions and styles. However, the competitiveness of all the participating economies must be ensured on an enduring basis.

Secondly: convergence does not imply uniform policies in all areas. On the contrary: a decentralised monetary union calls on national policy to exercise its own responsibility for maintaining competitive economic structures. In key areas, too, powers can indeed remain with the nation states. Nevertheless, individual approaches, say in the area of taxes, must not lead to distortions on the markets.

Thirdly: convergence least of all implies uniform living conditions or equal prosperity in all the participating countries and regions. It may very well be that the way in which the single market and the single currency work will assist less well-developed regions that face up resolutely to

competition in catching up quickly and sustainably. But that must happen on the basis of competition. There can be no *a priori* guarantee of that.

IV

Lasting economic convergence based primarily on market forces is one fundamental precondition for a politically decentralised monetary union. The second fundamental precondition is that the participating countries agree binding rules for certain areas and are prepared to abide by them on an enduring basis. There are rules of this kind – in addition to the general rules for the single market – principally for budgetary policy, where it has a particular direct relevance to the financial markets.

Some of the rules for budgetary policy are: Firstly, the central banks must not finance the budgets. Secondly, there is a no-bail-out clause. The Community is not liable for the commitments of individual member states. Thirdly, the governments have committed themselves to avoiding excessive deficits and, where they exist, to reducing them immediately. Fourthly, in normal circumstances the deficit should be close to balance.

These rules are not undisputed. Some ask whether the no-bail-out clause is not sufficient. Is the reference to the inherent responsibility of national budgetary policy not enough on its own? In my view, these objections put matters too simply. Firstly, we do not know under what financial market conditions a financial crisis in one EMU country might break out. (To be honest, I hope that is something we shall never learn.) However, we can tell from the recent national financial crises in other regions that systemic risk can easily arise. Or, at least, the argument is advanced that there is the possibility of systemic risk – and who would want to let it come to that? Of course, the markets are aware of that, too. For that reason, there is always likely to be a certain problem of credibility with regard to the no-bail-out clause.

Secondly, it is true that a single currency does not imply the same long-term interest rates for all issuers. Certainly not. The quality of the borrowers and liquidity aspects also play a role. But, naturally, the foreign exchange risk is shared equally by all the participating countries. For that reason alone, there exists an interdependence among the participating countries. And there naturally also exists an interdependence in macroeconomic terms. If the budgets of individual partici-

‘Even in monetary union, there will still be room for different economic traditions and styles . . .’



pating countries – especially the large ones – have excessive recourse to the capital markets, this will obviously be a burden on the other countries. An excessive government deficit eats up private savings. That is a factor which uses up internal capital resources and/or has an impact on the euro's external relations – quite apart from an overburdening of monetary policy as a result of an excessively expansionary fiscal policy.

For these reasons, there is undoubted justification not only for a no-bail-out clause but also for defining limits for the national budget deficit and for the general government debt ratio. I wish that the national budgetary policymakers in the participating countries would perceive these rules not merely as a constraint but also as an opportunity of pursuing a rational policy on a sustained basis. One thing is clear, of course: setting the rules is not enough. The rules also have to be accepted by the countries involved. And they have to be enforced if the need arises. That is not an easy matter, as we learnt only last week in Brussels.

V

The second area in which rules are set is within the framework of monetary policy. One of the key elements of monetary union as provided for in the Maastricht Treaty is, without doubt, the independence of the European Central Bank and of the participating national central banks: in other words, the independence of the Eurosystem. The economic rationale for a central bank which is independent of the instructions, and influence of, political bodies is rooted in the finding that it is generally easier for such a central bank to keep the value of the currency stable on a lasting basis.

That higher degree of monetary stability benefits the economy and society in various ways. It increases planning certainty in the economy, which fosters a culture of long-termism. It makes it easier for enterprises to fund investment decisions in the longer term. That generally results in a stronger long-term orientation in economic decision-making. Incidentally, that was one of the key considerations when the new government gave greater autonomy to the Bank of England two years ago. A stable currency is, at the same time, an element of social policy. It is often precisely those who are not so well off in economic terms who find it difficult – or impossible – to protect themselves against inflation. Finally, money which has a stable value is also a factor of political philosophy. Confidence in the currency is, to some extent, confidence in

the state and its institutions. That is, at least, the case in Germany; partly owing to our experience of galloping inflation in the first half of this century, but also partly on account of the ideas of economists such as Alfred Müller-Armack and Ludwig Erhard, who introduced into German economic policy the leitmotif of the social market economy, with a stable currency as one key element. This economic rationale has now resulted

in a trend towards greater central bank independence outside of Europe as well. That is perhaps also one factor – among others – which helps to explain the high degree of price stability that prevails worldwide at present.

One fundamental objection to central bank independence raises the question of democratic legitimacy. Is a central bank

which is independent of political instructions and influence in keeping with a democracy? I believe that there are two preconditions which have to be fulfilled for an independent central bank to be unquestionably compatible with a democratic system.

Firstly: the assigning of independence and the mandate has to have been arrived at democratically: at the least, by virtue of an implicit consensus and on an explicit foundation provided either by law, a constitution or by a treaty – like that of Maastricht – to which the parliaments have given their consent.

Secondly: the mandate of the independent central bank must be unambiguous. Political value judgements among various competing aims may be made only by those who have acquired direct democratic legitimacy as a result of elections. It is precisely for that purpose that elections give a mandate. The decision-making body of an independent central bank, which is not elected directly, may not make any autonomous value judgements among various competing aims. An overriding objective has to be specified in advance. That is precisely what the Maastricht Treaty does. It specifies the primary objective of price stability. Hence, the independent central bank remains anchored in the democratic structure of the state.

In my view, the limitedness of the central bank's mandate is thus a corollary of its political, democratic and constitutional legitimacy. For that reason alone, I believe that broadening the mandate would lead to problems for the European System of Central Banks. That applies, for example, to the idea of extending the scope of the central bank's mandate beyond price stability to include growth and full

‘... it is generally easier for such a central bank to keep the value of the currency stable on a lasting basis.’



employment as additional objectives. That is quite apart from the fact that I do not perceive any trade-off between those aims – at least in the longer term. Assigning other tasks can also cause difficulties for an independent central bank, however. Assigning sole responsibility for banking supervision or a lender-of-last-resort function, for instance, may give rise to difficulties. Such a plurality of mandates might give rise to a situation in which the independent ECB has to choose among different objectives, say between the objective of stable prices, on the one hand, and the consolidation of individual financial institutions, on the other. Fundamentally, that would be a political value judgement. Therefore, caution – at least – should be exercised in terms of delegating additional tasks to the ECB.

In addition to those two basic preconditions – the democratic assignment of tasks and an unambiguous mandate – tying the independent central bank into a democratic system naturally requires something more: it calls for transparency and accountability. Independent monetary policy cannot and must not be remote from the general public. In saying that, it is essential to distinguish precisely what is meant by transparency. Does transparency mean full disclosure of the deliberations, arguments and motives behind a decision: in other words, transparency of the situation in which a decision is taken? Or does transparency principally aim at disclosure of the process by which a decision is made?

In terms of the transparency of the overall situation in which a decision is taken, the ECB endeavours to do this by a comprehensive disclosure of its judgements and the assessments which determine its decisions. Of course, I do not rule out the possibility of improvement in one respect or another. It is not yet even six months that the ECB has borne responsibility for monetary policy.

We are therefore all still involved in a learning process. Incidentally, I personally would have nothing against also identifying arguments pointing to a decision other than the one that was ultimately taken but which happened to be rejected after taking other arguments into account.

Transparency concerning the internal process of consultation and decision-making is another matter, however. I regard that as problematic since it may ultimately imperil the efficiency of monetary policy decision-making. Why? Firstly, it puts the frankness and confidentiality of the discussion at risk. It can, at least, lead to confidential discussions being shifted to other circles. And that undermines the unity of the

decision-making body. Secondly, it may endanger the credibility and standing of individual members, who are open to argument and, on account of new insights, may alter their position during the discussions. I therefore feel that this second approach to greater public transparency is not without problems. And I also have doubts as to whether it really introduces more clarity and calculability in monetary policy for the markets.

I admit that my reservations also have to do with the idea that the decision-making body should have a feeling of collective responsibility. And that also includes the attempt to seek an internal consensus and demonstrate it externally. Now, it may be that some people find the desire to seek consensus stuffy and old-fashioned. In the final analysis, I believe it is not. Allow me to make a few remarks in this connection: I come from a central bank which – together with its predecessor institution, the *Bank deutscher Länder* – has been independent for over 50 years. During that period, it was necessary to fend off several attacks from the political field. In saying that, it has to be borne in mind that a simple parliamentary majority would have sufficed for a legislative amendment to remove the Bundesbank's independence.

In situations of conflict, an independent central bank needs the support of as broad a segment of public opinion as possible. That will also be the case for the ECB, even though its independence is anchored in the Maastricht Treaty. But to be given that support, a central bank needs more than just a good

record over the longer term. What is also important is that it can demonstrate a minimum degree of unanimity. That applies anyway in the event of a conflict. In that situation, if the central bank gives disparate signals to the outside world, the general public does not know at all what it is actually supposed to be supporting. Admittedly, it is comparatively easy to create unanimity in the event of a conflict. But the central bank's standing with the general public, which is intended to be a protection in the event of a conflict – that is something which it has to have earned and built up beforehand. And it has that standing only if the general public is aware of what the central bank stands for. If the general public asks what the bank's standpoint is, it wants a clear-cut answer and not a response enumerating the various possibilities of position 1, position 2, position 3, and so on. A central bank must be identifiable by its basic stance. That can scarcely be achieved without a minimum of collective awareness.

'Independent monetary policy cannot and must not be remote from the general public . . .'



I fully understand the objection that this must not lead to individual responsibility becoming lost in the decision-making bodies. There is something in that. I wish, however, that critics who have never had to withstand a serious attack on the independence of the central bank would have somewhat more respect for the concepts of consensus and unanimity.

VI

Finally, allow me to indulge in a reflection of a fundamental nature. We are certainly all in agreement that the euro has to be a success. And that is a permanent challenge. Whether the euro becomes a success story is something on which it is impossible to make a final judgement after less than six months. The euro certainly has a great potential. Recent exchange rate movements have not altered that fact.

Clearly, the decline in the Euro's external value has not been good news. We shall study developments carefully. Last year the Governing Council had a serious discussion on that, and it came to the following conclusion which was presented to the press after the meeting by President Duisenberg: "The euro is a currency firmly based on internal price stability and therefore has a clear potential for a stronger external value. Since the start of Stage Three of EMU the euro has become the second most important international currency in the world, and the policy of the Euro system will safeguard its internal purchasing power, thereby also supporting the international role of the euro."

'The answers ... have much to do with convergence in values, in beliefs and in aims ...'

But in making a reasonable assessment of the opportunities and risks inherent in the project of monetary union, we shall maintain a longer-term perspective. In the eyes of future generations, the ultimate test of the success of monetary union will one day consist of three questions: Has monetary union been able to safeguard lasting monetary stability? Have the participating economies coped with the conditions of monetary union? And: has the euro brought the people and peoples of Europe closer together?

The answers to those questions have a lot to do with convergence, although not only with economic convergence in the narrow sense of parallel trends in the hard data on productivity, labour costs, or whatever. It also has much to do with convergence in values, in beliefs and in aims. That is something which cannot be measured mathematically, but it is nevertheless important. I feel that it is precisely this convergence in thinking which has increased over the past few years between the United Kingdom and Germany, with both sides having learnt from each other. That is not intended to be a sixth test for your entry into monetary union, but no harm can come from it either.

This lecture was first delivered in the series *Builders of the Millennium*, in celebration of the 750th anniversary of the foundation of University College, Oxford, on 3 June 1999. Other speakers in the series included Prime Minister Tony Blair, Sir Richard Branson, Professor Stephen Hawking, Sir Vidiadhar Naipaul, President Luciano Violante, and Mr. Rupert Murdoch. We are grateful for permission to reprint the lecture.



The darker side of the Euro

Could the autonomous European Central Bank controlling the Euro produce anti-democratic tendencies which undermine the Europe of liberal democracies? JAMES FORDER warns that it raises questions of political legitimacy.

History will show that the Maastricht Treaty, with its plan for monetary union and central bank independence is where the European Union went wrong. It is a bad Treaty which will harm the European economy and the European ideal.

The fundamental economic problem with any monetary union is that it commits the participants to a common monetary policy. This means that interest rates must be the same in all parts of the Union. The danger this creates is that when economic circumstances differ, it will be impossible to follow good policy in all parts of the Union. Remarkably, and for all the talk of ‘convergence’ that went into planning the Euro, this difficulty is already showing itself. In Germany, output fell at the end of last year, and the country badly needs an economic stimulus. But this is not true of the rest of the Euro zone. Indeed in some parts – Ireland is the outstanding example – the opposite is the case, and interest rates need to be raised. However proficient the European central bank may be in setting interest rates it cannot solve this problem. For the time being, then, unemployment will be higher in Germany than it need be, and similarly inflation will be higher in Ireland than it need be.

To make matters worse, the arrangements of the Maastricht Treaty put policy in the hands of ‘independent’ central bankers, who are specifically prohibited by Article 105 of the Treaty from considering any objective other than price stability, or permitting any democratic influence over policy. Indeed it has already become apparent with the resignation of Oskar Lafontaine that they are happy to see elected representatives of the people forced out of office altogether for opposition to their policy.

It is inevitable that this will lead to the European Central Bank and the financial interests which support its independence and policy to advocate even more strongly ‘labour market flexibility’. ‘Inflexibility’ will be the excuse they offer for the unemployment which is in fact created by their policy. But greater flexibility means very little other than the reduction of workers rights; the worsening of conditions of



employment and lower wages. No doubt these things are favourable to big business and financial power but they are not the themes of the progress for which the European Union once stood.

Perhaps even more seriously, the extreme form of central bank independence which has been adopted deprives the people of Europe of any outlet for protest. Their own governments have given up the powers that determine their economic fate, and the new authority which has them may not listen. If the European Union condemns the continent to unemployment and simultaneously gives sanction to the view that power over their future should be removed from the people, it can only promote the resurgence of the far right. This too is already evident – the rise of the National Front in France is clearly associated with their economic failure in the last decade, and neo-Nazi groups are also returning to prominence in Germany.

I deplore the fact that the anti-monetary union case has largely been made by English nationalists and that it is all but impossible to oppose the Maastricht plan without being treated as a xenophobe or backwoods-man. The Maastricht plan is a plan for bad economics and government without legitimacy that led to my writing *Both Sides of the Coin*, to make the case that it is the left, and all those who care for good government and the democratic mandate, who should most oppose the Euro. More than anything else, the Maastricht plan is Europe’s abandonment of its liberal credentials. It concentrates power in the hands of financial interests; it is advocated on the basis of the ease of international business, and ignores the cost to smaller communities and it is the lever which will continue to be used by the advocates both of a far wider neo-liberal agenda and by those who have no regard for basic democratic governance.

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Human Rights – a British perspective

Britain's Human Rights Act comes into force this autumn. Its arrival is already highlighting the deeply ambivalent attitude that the UK, with its common law tradition, has to human rights. Here DAVID ROBERTSON explores these European ambiguities.

I Introductory Points

The British perspective on human rights, if there is such a thing, is best described as deeply ambivalent – ambivalent, but also, with the passing of the Human Rights Act 1998 (HRA) which formally comes into force this autumn, hopefully on the brink of transformation. On the one hand the British judiciary are fond of allusions to the way an Englishman's rights have been protected, since time immemorial, by the common law. Until very recently it was common to find the Law Lords taking great pride in resolving a case where a lower court had made reference to the European Convention on Human Rights (ECHR) entirely on common law principles and, rather smugly, pointing out that their ruling showed the superiority of that common law to such a rigid (and foreign) document. This attitude is characterised by a self-serving version of English legal history of the sort pronounced by Lord Denning, as quoted by a current Law Lord in a modern human rights case:

This is a land in the words of the poet: 'Where a man may speak the things he will. A land of settled government. A land of just and old renown where freedom broadens slowly down from precedent to precedent'.

But it is also a legal system capable of producing decisions like that in *Liversidge v Anderson* where the majority decision was described in one of the few famous dissents of English legal history as 'more executive minded than the executive'. Lord Atkin went on to say:

In this case I have listened to arguments which might have been addressed acceptably to the Court of King's Bench in the time of Charles I. I protest, even if I do it alone, against a strained construction put on words with the effect of giving an uncontrolled power of imprisonment to the minister.

In that case the majority gave a definition of the English constitutional position on rights which is still correct today:

Parliament is supreme. It can enact extraordinary powers of

interfering with personal liberty. If an Act of Parliament is alleged to curtail the liberty of the subject or vest in the executive extraordinary powers of detaining the subject the only question is what is the precise extent of the powers given. . . . In the constitution of this country there are no guaranteed or absolute rights. The safeguard of British liberty is in the good sense of the people and in the system of representative and responsible government which has evolved.

It is important to remember that the passing of the Human Rights Act does not change this position in any way. If the same situation occurred tomorrow the most the Law Lords could do is to issue a declaration that the relevant legislation was not compatible with the rights contained in the HRA, and this declaration would empower, but would not require, the Home Secretary to use a special parliamentary procedure to amend the legislation. In the meantime the regulations would remain fully in force, and Mr Liversidge would remain in detention. This very basic point about the role of Parliamentary sovereignty cannot be too strongly made in any discussion of the UK's perspective on human rights. Indeed the point, obvious though it is, needs especial emphasis nowadays because there has of recent been somewhat of a fashion for doubting it. Although there have been, over the last few years, several occasions when senior judges have raised questions about the doctrine of absolute parliamentary sovereignty in print and in public lectures, it is noteworthy that some of the fiercest attacks on these doubts came from the man who is now Lord Chancellor. The Hobbesian nature of the UK constitution is still very firmly established.

A very good example comes from the very incorporation of the convention in the Human Rights Act. Absolutely no one doubted that fully fledged judicial review, in its American rather than English sense, was not going to be provided, but few perhaps realised how strongly the doctrine that one parliament cannot bind its successor would be taken. The Human Rights Act does not incorporate the whole of the convention; *inter alia*, it specifically does not incorporate Article 6 of the First protocol, which outlaws the death penalty. Britain was one of the first European nations to abandon its own use of the death penalty. There is a very strong majority of members of parliament against the death penalty, and an even stronger majority in the governing party. Yet under considerable pressure during the Commons debate on the HRA the government flatly refused to amend the bill to include article 6, precisely because this would hamper some



future parliament from re-introducing capital punishment. The argument was very odd – most people think that the reason a country enshrines human rights in a constitutional document is, precisely, to prevent future governments trampling on them.

As long as parliamentary sovereignty remains so strongly entrenched in Britain's constitutional consciousness there is no full sense, of course, in which human rights can be secured. Part of the reason parliamentary sovereignty continues to be politically so important, (even amongst those prepared to yield some degree of national sovereignty), is the slightly odd historic alignment of attitudes to judicial control in Britain. In the UK it has been a feature both of the right of the Conservative Party and the left of the Labour party to oppose a judicially enforceable Bill of rights.

The right has opposed this because they have little philosophical attraction to the idea of rights – the mentor of British conservatism remains Edmund Burke, whose views on Tom Paine's *Rights of Man* are well known. But the left has always feared the consequences of judicial involvement in politics, seeing the judiciary as irremediably conservative, and expecting courts to be much more likely to restrict socialism through attachment to rights of property than to champion liberal values. The courts have always been seen as an enemy by the British left, who will point, for example, and with some justice, to judicial interpretation of labour relations legislation, as showing their true nature. Quite apposite to our topic here, Lord Wedderburn, a leading labour lawyer and member of the Labour Party is on record as regarding the incorporation of Article 11 of the convention as 'dangerous in the hands of a British judiciary willing to give as great a latitude to the state as the Strasbourg court, if not more'.

It may be that expectations of majoritarianism in British politics are waning nowadays, along with assumptions about the naturalness of a two party system, but for the foreseeable future there will be strong political reasons to doubt the possibility of diminishing Parliamentary sovereignty. One important test of this aspect will be whether, in the next decade or so, there develops a constitutional convention that a Declaration of Incompatibility between the HRA and other



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Previously published *Europaeum* articles on Human Rights include:
Human Rights and International Protection for Refugees by Dr Reinhard Marx – (*Europaeum News* Volume 3 Issue 1)
Realising Human Rights by Mary Robinson, former President of Ireland and now UNCR – (*Europaeum Annual Report 1997–98*)

legislation always does, in fact, trigger amending legislation. If it does a (very British) form of entrenchment of a Bill of Rights will have emerged *de facto*. We must hope so, because it will never emerge *de jure*.

Our initial comments on the Common Law as 'rights protecting' were based on the admittedly extreme war time problems of detention of suspected alien sympathisers, and it is worth saying that the result in *Wheeler*, where the Denning quote was used, which was a freedom of speech case, is probably the one which the court in Strasbourg would have given. Even more recent examples of freedom of speech rights derived from the common law where the Law Lords have deliberately ignored the Convention can be given; one of them *Derbyshire County Council v Times Newspapers Ltd* involves a very explicit spelling out of the link between

democracy and freedom of speech as powerful as any in the jurisprudence of any constitutional court, the us Supreme Court not excepted. In fact it is characteristic of much human rights litigation in Britain that it is often the rhetoric of rights, rather than the substance, which is missing. I return to this point, because a missing rhetoric is not a trivial matter.

Of course it is true that the UK has a bad record for losing cases in Strasbourg. Just this year in *A v UK* where corporal punishment even by parents was deemed to be in breach of the convention, the state having a duty to ensure such protection where an English jury had found a stepfather not guilty of exceeding 'legitimate chastisement'. This is typical of a situations where not only the protection of a right, but the very recognition that there was a right in question was not available under UK law. Nothing like the result in *McCann* where the security forces were held to have used excessive force in killing three IRA activists on the streets of Gibraltar could possibly have emerged from the UK's own legal system. And in direct contrast to the Law Lords in *Liversidge* there are the string of cases which forced the UK government to enter a derogation to Article 5 so as to detain suspected terrorists without charging them longer than the convention will allow, which, given that the relevant authority was statute based, simply could not be challenged in UK courts. (Nor will similar situations for the foreseeable future, as the derogation is itself built into the Human Rights Act.)

However using The European Court of Human Rights as



a yardstick is not particularly safe. It is less often admitted by those who have campaigned for so long to incorporate the convention into English law that there are plenty of civil rights cases which do go to Strasbourg after failure in the English courts only to receive the same answer. One problem in assessing the human rights capacity of the UK's legal system is that the holy grail of incorporating the convention has exercised so strong an influence on its believers that they have often been massively over optimistic about the likely consequences. It is by no means difficult to find cases where the cry 'If only we could cite the European Convention . . .' has turned out to be hollow. A very good example is the case in which the Civil Service unions challenged a Thatcher government ban on union membership at the Government Communications Head Quarters (The Signals Intelligence service). Counsel for the unions specifically sought to get the Law Lords to apply the convention, and they refused so to do, finding for the government. To the horror of civil rights and union activists the Commission, when faced with the unions' case threw it out as manifestly lacking any proper basis. This question of how much better off British citizens would be were European standards in Human Rights to apply, and how much better of they will be now one version of such a standard will apply is crucial, and I return to it in due course.

II The Problem with the Common Law

If we can separate for a moment two arenas of rights law in the UK, the common law and the law as regards statutes we can get somewhere nearer to understanding British ambivalence on matters of human rights. The common law, so proudly boasted of as rights protecting may at times be capable of living up to its adherents claims, though its successes are chancy and dependant on judicial ideology. More worrying is that though the system may depend on common law for rights protection, all the imperatives of legal development point to the ever shrinking domain of common law and its replacement with statute and codification. Recent common law rights-events have been highly ambiguous in themselves. Two examples suffice, especially as they also demonstrate the potential of Strasbourg jurisprudence as a measure of human rights. One might have thought that the ban on retrospective criminal legislation in the convention would have precluded the conviction of a man for raping his wife given that it had been a widely publicised understanding that, terrible though it might be, there was a lacuna in the law of rape specifically not penalising such an act.

Yet when the Law Lords re-wrote English criminal law on this matter the subsequent application to the Court of Human Rights failed, the argument there being that what looked like retrospective criminalisation was just a foreseeable development of common law. But there at least the English common law had done something which looked like upholding, or creating, a human right. But in the same year the Law Lords held a group of men guilty of assault for engaging in consensual homosexual sado-masochism, the police being unable, for technical reasons, to prosecute them under the Sexual Offences Act. Strasbourg upheld this much criticised assault on Article 8 (and possibly Article 7) under the necessity for protection of public health doctrine. Which decision is characteristic of the common law as protector of human rights?

The real problem with the idea of the common law as protecting 'rights' is that it is untrue to the usually recognised historical logic of the common law, which has never been based on the idea of rights at all. The history of the English common law has been the history of remedies, of solutions crafted for problems faced by the powerful. One practising Barrister with an interest in the application of the HRA to commercial litigation has put it well, talking of an ongoing problem of retrospective legislation in the area of taxation:

The Treasury minister rides out on his fine white horse. He meets a judge riding the other way. These two great personages doff their hats to one another. Out of regard for the dignity of the moment, the Minister refrains from trampling down the miserable taxpayer peasant who clings to the judge's stirrup, momentarily under his protection. I do recognise that, as a matter of fact, this is exactly how all our common law freedoms did grow up, in the interstices between the accommodations of great men, like weeds between paving stones.

The common law has no generative mechanism for grounding rights. Although it is often said in a congratulatory way, the English doctrine is not that men and women have specified rights, but that anything is legal if it is not illegal. This approach has several failings. By itself it is of minimal use against the state, becoming only a strong interpretative rule on ultra vires questions. For example, there is no right of assembly in English law. There is the residual right to go anywhere in whatever company not forbidden by the Public Order Acts. As it happens, these acts are not very restrictive of assembly and protest, and the situation of political protesters is probably worse than in a country which has institutionalised a right of assembly. But as nothing could stop a more

**'The common law can even
deprive people of rights they
might otherwise have.'**



draconian intrusion into this residual freedom to do what is not forbidden.

The doctrine is also obviously weak in protecting citizens against the actions of other private actors except as far as the criminal law can be extended. This public/private distinction in the protection of human rights has been deeply entrenched into the HRA, and is likely to cause many problems. The common law can even deprive people of rights they might otherwise have. For example the right to take an employment dispute to the courts has been denied to, inter alia, university teachers on the grounds that they are employees of traditional charitable foundations whose founders historically were entitled to set up their own internal law as islands floating within the common law. The usual public law remedies of judicial review cannot apply within such special institutions. One need only read the twentieth century history of the ebb and flow in the extent of the law of liability for negligence to see the unwillingness of the judiciary to replace the purity of contact relations with general obligations to be unsurprised that such a legal system would be weak on rights.

But if there are no rights lying prior to the common law, there is, as I say, no theoretical generating mechanism for the recognition of rights inside it. This follows from the way the common law is, to a very large extent, not individualistic in orientation, so that rights, when they are constructed or developed, are largely the product of a systematic concern, not a concern to grant to individuals positions of protection from forces. Thus for example the logic in *Times Newspapers v Derbyshire*, the press freedom case mentioned earlier, has nothing to do with freedom of expression, as it is characterised in the Convention; the case forbids elected bodies to benefit from defamation law on the grounds that it is functionally necessary in a democracy to protect the freedom of the press. As such it is much more like the American orientation to freedom of the press as in the Sullivan case restricting the use of defamation by those who have put themselves into the public arena.

There is nothing wrong with this, either as a decision or as a judicial logic, but it has little to do with human rights in a fundamental sense. Consequently where a press freedom is manifestly 'unnecessary', the merest hint of a state need to suppress it will win in the courts. A classic case was *Brind* where television journalists challenged a government rule forbidding the broadcast of the actual voices of IRA spokesmen – news reports were to use actors to 'voice over' what the spokesman had said. The case is important largely because it was widely believed that a proper application of the European

Convention would have enforced a different decision. Indeed the defeat of the journalists in *Brind* was a major cause of the earlier campaign to incorporate the Convention by a private member's bill in the Lords, the design of which became the HRA.

In fact common law cases which seem to protect human rights, and there are many of them, more than Britain's liberals might think, most often have this character – an individual is protected, as it were, incidentally to protecting a systemic value. I have no space for many examples, but one little known case may suffice in which the English courts showed themselves more rights conscious than, for example, us courts, but, I would argue, for the 'wrong' reasons. This was *Ex Parte Bennett*, where a man wanted on fraud charges in the UK had fled to South Africa from where he could not be extradited. The Metropolitan Police colluded with South African police who agreed to deport him to New Zealand where he was also wanted, via Heathrow airport, not a very natural route, where he was arrested and brought under the jurisdiction of the English courts. The Lords upheld a *Habeas corpus* petition and freed him. Their arguments were entirely to do with preserving comity amongst legal systems and in protecting the reputation of English justice – it was the illegality of the police that concerned their Lordships, not Mr Bennett's rights of freedom of movement.

It should not be thought that I am arguing here that the common law is inherently conservative or that it is insensitive to people's needs. The idea of the law as protector of the weak can still operate very strongly, within a logic of system maintenance. But is human rights really about this type of patrimonial 'protection'? Lord Browne-Wilkinson, now the senior Law lord and a man who will have much to do with the shaping of the impact of the HRA in many way can be seen as a fine example sensitive common law judging. He held against the public law rights of Mr Page in the university teachers case, and has developed a jurisprudence on welfare rights we will come to shortly. But he is also the author of a far-reaching decision protecting married women from losing their homes to banks through foreclosure when the husband has mortgaged it and defaulted. After his ruling in *O'Brien v Barclays Bank* banks are under very strong duties to ensure a wife really understands the risks if she co-signs a mortgage on the matrimonial home. It is doubtful that parliament would ever have legislated so strong a protection; indeed it is doubtful they would ever have noticed a problem.

Yet the language of the case has nothing to do with rights, and it is suffused with an awareness of the need to craft



an answer which will not damage the needs of the economy for investment funds in an era where so much potential investment is tied up in domestic property. It is, in fact, a classic operation of what the common law does instead of recognising rights – it maximises the justice of a contract system. The real problem of the English common law for human rights is that the intellectual premises suffuse all judicial thinking, so that in the arena where rights might more plausibly enter judicial thinking they have little chance. That is, the public law is operated, under the doctrine of parliamentary supremacy, by those who do not naturally think of individual rights at all.

III Statutory Rights and Rights in Public Law

British citizens of course have many rights – all countries are flooded with rights if by this we mean, simply, legally enforceable entitlements. Indeed there used to be a caricature in English fiction of the truculent working class troublemaker whose cry was ‘You can’t push me around like that – I know me rights!’ But the rights in question would be the ad hoc creations of statute. In some areas it must be insisted that fundamental rights in the UK are very well protected by statutes which are enthusiastically enforced by the judiciary. Indeed in two areas at least, freedom from discrimination on grounds of sex or race, there is better protection than that provided by the ECHR, given that Article 14 is parasitic on the earlier articles which do not themselves provide for a fight to employment, perhaps the major single area of discrimination. As both acts prohibit indirect discrimination, as well as direct, and both operate objective tests rather than intentionality tests, which points are missing from Strasbourg jurisprudence, there is no problem in these areas for UK citizens as long as the statutes remain in force.

One at least, the Sex Discrimination Act, is effectively entrenched by European Union legislation and decisions of the ECJ. The Race Relations Act is probably an example of something one has to come to terms with dealing with a country without a formally written constitution. In such a country much depends on the working of shadowy ‘Constitutional Conventions’, rules that are understood by all political actors as ‘the rules of the game’ though being completely non justiciable. I would argue that it would amount to a breach of a constitutional convention seriously to weaken the scope of the Race Relations Act nowadays. Though it should be said that the Race Relations Act is actually the second passed by Parliament. The first act was so

emasculated by unsympathetic judicial interpretation that the government found it necessary to replace it with a more robust act. It has been suggested that the judiciary found this a very cautionary experience, and were therefore all the more determined to interpret the subsequent gender protections in the Sex Discrimination Act in expansionist and liberal ways.

This is where the problem lies when considering human rights in the UK. So much, too much, depends on judicial interpretation. Of course the scope of fights in any system is dependent on judicial creativity and liberalism. In the end what is to count as a breach of a right to marry and found a family will depend on whether judges regard same-sex relations as equivalent to heterosexual pairings, and at bottom this can only be a moral judgement. But there is a crucial difference between demarcating the boundaries of a right when no one doubts that the core of the right has a fundamental existence in a legal system, and interpreting entitlements and protections granted, optionally, by a legislature. This is in part what I meant earlier by saying that, even if it was often the rhetoric rather than the substance of rights that was missing in England, rhetoric matters. Where rights are not fundamental parts of the legal system, any clash between convenience and entitlement is at risk to being resolved in favour of convenience. And where there is a doctrine of parliamentary sovereignty, this tendency becomes a matter of interpretative principle such that any act which, *inter alia*, grants individuals entitlements will be interpreted so as to maximise the efficiency of the act overall, ‘to make the act work’, as one often hears in English judicial argument, to further the goal attainment of any institution set up by the act.

The entitlements the act may give to individuals become something more like desirable goals to be achieved if possible, rather than undeniable rights. Where, furthermore, as in the UK there is a complete fusion of the executive and legislative along with a doctrine of parliamentary sovereignty, the executive comes to be the beneficiary of this balance in favour of statute-efficiency. The judiciary assume the executive to be well intentioned and to be trying hard to achieve the social purposes of the act in question. The judges defer continually to the better judgement of the executive, conscious always of the problems, especially financial problems, that the executive faces in a complex world. I am talking about an approach to the area of discretion, or to what the European Court of Human Rights has called a ‘margin of appreciation’.

The European Convention is written in such a way as to take account of the problems created by the rights in recognises. So, for example, Article 11, after providing for



the rights of freedom of association and peaceful assembly, does include a limiting term. 'No restrictions shall be placed on the exercise of these rights other than such as . . . are necessary in a democratic society in the interests of national security. . .'. What I am trying to describe is an approach which would re-write Article 11 so that it read as follows: 'Freedom of assembly and association are desirable things and the authorities must try to grant them as much as possible taking into account all the other desirable things and consequent problems they face.' I shall shortly give some examples of this orientation at work. Furthermore, given that any formulation that is not absolute grants some discretion to the authorities, the UK courts will be very unwilling indeed to form any judgement on the exercise of the discretion. Far from an American style 'strict scrutiny', much of the work of English courts barely reaches the level of requiring a 'rational connection' test of executive action.

This latter point is well known, and has indeed been the subject of consideration by the European Court of Human Rights several times, with rather mixed results. The problem is the doctrine of judicial review in UK law, which applies the well known *Wednesbury* Rationality test to questions of executive discretion. A huge amount has been written on this doctrine, much of it in judicial opinions, and this is no place to go into it in detail. Essentially the test is that a minister or other public authority to whom executive discretion is granted by a statute, and who is not acting *ultra vires* can only be checked by a court if his decision is so odd as be one that no rational decision maker could make. Above all it requires that the court not make a substantive decision itself, however strongly it feels the minister's judgement is wrong, morally or otherwise.

The problem the ECHR has faced is whether Article 13's requirements that there shall be an effective remedy before a national authority is satisfied by recourse to UK courts operating by the *Wednesbury* principle. On at least one occasion, dealing with prisoners' rights, the Court has found that an appeal to an English court, which could only check that the Home Secretary's decisions were in keeping with *Wednesbury* standards did not constitute an adequate protection under Article 13. In another case the rights of asylum seekers came into question because of the role of the Home Secretary and the limited review possible by courts which would apply *Wednesbury*.

The UK government cited several cases where the courts had been able to protect asylum seekers using the idea of a decision so extreme that a rational Home Secretary could not

come to it. These were found by the Strasbourg Court to show that the UK system was adequate under Article 13. But the cases, especially the only one to go to the Law Lords, *Bugdaycay*, were very hard fought and tremendously dependant on the extreme fact situations. Indeed *Bugdaycay* was one of four similar appeals heard together, and it is very hard to find any legal difference between the one where the Lords did overturn the Home Secretary and the three where they did not, except for the especially outrageous facts of the one success. All I can do is to respectfully dissent from their judgement. And, to make my point, I shall briefly describe a more recent case, which at least equally well demonstrates the extent and nature of rights protection under the current UK understanding of public law controls.

In *ex parte Abdi* a refugee from Somalia had arrived in the UK from a third country and asked for asylum. The Home Office wanted to extradite him. They could not send him back to Somalia because there was no doubt that he would indeed be in serious danger of persecution there. But he could be extradited to the third country, Spain, on the grounds that he had not availed himself of the chance to ask for asylum there, and Spain could be expected to live up to its international law obligations not to deport him back to Somalia. His case was judged by the Home Office to qualify for the status of a 'Without Foundation' claim, and subject to a special fast track process under the Asylum and Immigrations Appeals Act 1993. The Special Adjudicators under the act who hear such fast track appeals were expected to accept the Home Secretary's bald statement that:

The Secretary of State on the basis of his knowledge of the immigration policies and practices of Spain, and on previous experiences of returning passengers to Spain, has no reason to believe that, in the circumstances of your particular case, the authorities there would not comply with their obligations under the Convention.

Abdi appealed to the High Court on the grounds that the Home Secretary must be under some obligation of disclosure to provide the Special Adjudicators with the evidence on which he based his decision, because otherwise they were quite unable to form a judgement on the admissibility of his deportation – they had no information of their own. This was upheld by the High Court, which quashed the Home Secretary's order. But the High Court was overruled by the Court of Appeal, with one powerful dissent, and the Court of Appeal was upheld by the Law Lords, again with a very powerful dissent.



'... statutes are seen as institution creating rather than rights protecting.'

The argument throughout was one of convenience – the essence of the 1993 Act was speed, because unless an asylum seeker was very rapidly sent back to the third party country, that country itself might refuse to take him, forcing the English to grant the asylum claim. The majority of the House refused to interpret the act, as they perfectly well could have, as requiring at least some disclosure by the Home Secretary – for them no rules of natural justice required more than the bald assertion by the Home Secretary that he knew what he was talking about. (What actually triggered the cases was that the High Court Judge happened privately to have read an Amnesty International report suggesting Spain was far from following its international law obligations in such cases.) For the Lords the expediency of the act was enough. I leave it open to this audience to decide just how many Articles of the European Convention were probably broken in Mr Abdi's case.

One can never say whether specific cases are typical or not of a legal system but I suggest that *Abdi* is at least as typical of the English approach to the protection of Human Rights as any cases tending the same way. The point is very simple – all Mr Abdi could rely on was a grudging statutory entitlement, and not a right. There was plenty of common law material that could have been used, indeed was used, in the dissenting judgements, including a powerful dictum from Lord Bridge in *Bugdaycay* itself. Mr Abdi was just unlucky. But it is a form of bad luck much more likely where rights are seen as existing, if at all, in the context of executive discretion. I need to give some further examples to help demonstrate what I mean by saying that, because the rhetoric of rights is missing, the very thought processes of the judiciary tend towards administrative convenience, or systemic values. I cannot simply amass case after case to 'prove' my point – the following two examples, drawn from different areas of public law are meant only as clarifying examples.

One of the points I have sought to make is that statutes are seen as institution creating rather than rights protecting. One set of statutes which has caused endless appeals to the court system are the various Housing Acts by which successive UK governments have tried to deal with the social problem of homelessness. These acts impose duties on Local Authorities to provide housing for those who are 'unintentionally' homeless. As can be imagined Local Authorities short of funds make every possible effort to find that those who apply to them are homeless through their own fault.

The courts nearly always find for the Local Authorities. One case that demonstrates how far the authorities are

allowed to go is that of Ferdous Begum, a 24-year-old deaf and dumb Bangladeshi women who came to the UK with her family. She was only able to communicate with members of her own family through a private sign language they had developed together. The family could not find housing, and asked Tower Hamlets London borough Council for housing. The father was found to be intentionally homeless because he had left Bangladesh where he and his family did have somewhere to live.

So Ferdous Begum applied in her own right for housing. The act itself requires housing to be provided for an applicant and those who could naturally be expected to live with the applicant, which in this case would mean her family – the whole point of the act is to prevent families being broken up. The Local Authority refused to handle the case on its merits. They argued instead that Ferdous Begum, who inevitably had to make the application through her father, being otherwise unable to communicate, simply did not constitute an applicant at all because of this, and they were not obliged to even receive an application, let alone grant it. She won, not only in the High Court, but in an unanimous Court of Appeal. The Law Lords however allowed the local authority's appeal under the *Wednesbury* doctrine that for them to find otherwise involved holding that the authority's decision was irrational. But, according to the Lords, it was not '*Wednesbury* irrational', not a decision a rational local authority simply could not come to. As ever, there were heartfelt acknowledgements both of the sadness of Ferdous Begum's situation, but also of the great difficulties faced by hard pressed housing authorities.

My point in citing the case is that the essence of the judgement was (1) that the act must be interpreted to give the authorities maximum leeway to handle their difficult problem, but also (2) that it was all right to do so because other legislation existed to ensure that Ferdous Begum herself was not left without shelter. But that other legislation, which would provide some form of special needs housing for her as a seriously disabled person would not provide a home for her and her family. In other words a utilitarian decision was made as opposed to recognising that the acts were effectively about providing the infrastructure for something like the Article 8 right to respect for private and family life. Without doubt something like an Article 13 right was also denied, because allowing the local authority not even to adjudicate, but instead to deem no application to have been made at all is a long way from providing a remedy. And if an article 8 right was denied, so was the article 14 right not to be discriminated



against. Of course the UK does not have a duty to provide homes – no one could read that into the Convention. But the UK parliament had actually set out to do something like that. Yet the application of the housing scheme simply cannot be seen as providing a statutory right – it does no more than suggest to local authorities what they should be doing.

This approach to statutory obligations runs through most judicial interpretation of the ‘institution creating’ statutes on which the British citizen has to rely. My final example comes from a group of appeals against local authorities as social welfare and education agencies. Known as *X and others* the case involved (1) a situation where a child was wrongly taken into care by a local authority (2) a situation where a child should have been taken into care and was wrongly not so treated (3) two cases where children with special educational needs were placed instead in ordinary schools not adequate for their needs and (4) a case where a child who could have been educated in an ordinary school was allowed only a place in a special needs school. In other words *X and others* is a sample of the daily inefficiencies of local authorities as agents for entitlement granting social programmes. In all five cases the parents tried to sue for damages in negligence because of failures properly to carry out statutory duties. In a single opinion, by Lord Browne-Wilkinson, it was held that such cases could not be allowed to succeed because for courts to entertain them would involve the courts making substantive decisions in areas where statutes granted discretion to executive agencies.

As none of the decisions were *Wednesbury* unreasonable, such involvement was unacceptable. But several other grounds were addressed, the most important being that, as a matter of public policy, such agencies must not be subject to the inconvenience and strain of having to worry about possible negligence actions which might distract them from fully utilising their executive discretion according to their own best judgement. What really stands out however is Lord Browne-Wilkinson’s vision of the nature of such statutes. He makes clear the way he simply does not think in terms of individual rights in his judicial activities in at least two places in his judgement:

Although regulatory or welfare legislation affecting a particular area of activity does in fact provide protection to those individuals particularly affected by that activity, the legislation is not to be treated as being passed for the benefit of those individuals but for the benefits of society in general.

And, in his summing up:

. . . the courts should hesitate long before imposing a common law duty of care in the exercise of discretionary powers or duties conferred by Parliament for social welfare purposes. The aim of . . . [the act] was to provide, for the benefit of society as a whole, an administrative machinery to help one disadvantaged section of society.

These really are remarkable conceptions of the nature of statutory entitlements. An extremely powerful critique of this decision by Jane Davis notes that while the European Convention was never apparently cited in argument, both Articles 8 and 13 and Article 2 of the 1st Protocol were almost certainly breached. Article 13 was breached not only by the very fact that the authorities were held to be immune, but by the existence of weak internal appeals tribunals for the Education system which were unable to deliver justice.

Even if one wanted to argue that statutory rights are not human rights as generally conceived, the performance of UK courts in the sorts of cases discussed here is relevant as displaying the general attitudes of the judiciary. It is this overall attitude that characterises at least the public law activities of UK judges, and, I strongly believe, the common law activities, and it is this that I mean by suggesting that our legal system does not conceive of rights at all, however benevolent it may be. Much of this orientation will have to change if the Human Rights Act is to work, and we have been assured by the Lord Chancellor that it is precisely in order to create a rights-based jurisprudence that the act has been brought forth. I will leave only one question hanging to indicate my doubts about the future. If we are really to see a change in the UK’s orientation to rights, why has the government refused to incorporate Article 13? Actually there is no mystery. The Lord Chancellor in the House of Lords and the Home Secretary in the Commons were clear when challenged on this matter. Article 13 is omitted because it might otherwise encourage judges to fashion new remedies unknown to the UK legal system. But this is where we came in, because the whole strength of the common law lies in its history as a set of remedies created to solve problems. So I’ll stop on another question. Why has the government refused to set up a Human Rights Commission, equivalent to the Equal Opportunities Commission, and similar to the one in existence in Northern Ireland?

My Europe, my Germany – a personal view



The future for Europe depends on a shared vision, particularly linking the three great countries of Germany, France, and Britain.

GEORGE WEIDENFELD outlines his personal vision.

I was very reassured earlier this evening by our Chairman but also very challenged. Reassured that I am not supposed to give a formal academic lecture – more a *causerie*, shall we say, a *causerie de lundi*. And partly, also, I feel very challenged. Because an invitation, a licence to speak, about “Germany, My Germany”, is of course a challenge to self-indulgence, to reminiscing, to talking about one’s subjective views on a theme which has really dominated my life, for better, for worse, and with which I am preoccupied, and which fascinates me.

Now, I must also say that the motto of this cycle “Germany, My Germany” in some ways only partly fits me, because I was born in Austria. On both my parents’ side I come from the Northern, Eastern and Southern parts of the old Austro-Hungarian Monarchy. I was brought up after the War. I was brought up in the German language. My first encounters with culture, the great excitement of encountering the world of art, literature and music, were German. And yet I had had a dual upbringing in the sense of also having had a traditional Jewish upbringing, but there was nothing mutually exclusive about it in those days.

And to me, Germany meant a great deal. Let me say that there is a great difference between people who were brought up in the 1920s and those in the 1930s in Austria. They have a very different attitude. You see, when you speak to somebody like Ernst Gombrich – who is 13 years older than I am – whose formative years, the most exciting creative, interesting days, were in the 1920s, then this is quite a different experience compared with somebody who was brought up in the grey, twilight and rather gloomy days of the 1930s in Central Europe.

In the 1920s, Austria was culturally really alive. There was an intellectual *Bildungsbürgertum*, the non-Jews and Jews found it not too difficult to work together, there was synergy and symbiosis. Of course anti-Semitism existed, but not in a virulent form. On the whole, it was a free and open society. There was no censorship by the Government, there was plenty of political freedom.

In the 1930s, it was all very different. So, the possibility of my talking about having lived in, and inhaled the Austro-

German culture, is very limited. In my primary school, I remember the centenary of Beethoven’s and Schubert’s deaths in 1927–1928 dominated the whole year. One of those wonderful, exciting experiences that one could not then quite comprehend and fully understand – but which left indelible memories.

The 1930s were quite different. In a curious way, also, we felt German in the sense that we lived in *Deutsch-österreich*; Austria was not held to be viable. The majority of the political class wanted an *Anschluß* to a democratic Germany. *Der große Bruder*, the big brother, was Germany. For a young man who sympathised with the Socialist Party – at the great march past on the first of May, there on the platform were the leaders of the Social Democratic Party in the uniform of the Reichsbanner – Germany, the German stage, German film, German culture, played a very dominant part in our lives.

Then, of course, when I was only 13 or 14, the Nazis came to power in Germany. But up to the last moment, there was nothing inevitable about Nazism’s triumph.

That brings me to one of the themes I want to discuss. This question of Black and White, this dangerous Manichean way of looking at Germany, in fact looking at any other nation too; the Black and White, and the reading of history from back to front. This determinist idea that, because something terrible happened between 1933 and 1945, it had to happen. It had to happen exactly that way. That every strain in German history inexorably and logically led to the Third Reich and to the Holocaust. That is not true. Of course there are in every nation different strains. And some strains are bad strains, terrible strains . . . others are good strains. There is hardly ever such a thing in history as an inexorably logical sequence of historical development.

That great new biography of Hitler by Ian Kershaw documents so compellingly the evitability of Hitler coming to power. Of course, any betting man in 1930 and 1931 would have said that the Weimar Democracy would not endure. There were too many forces stacked up against it. But there could have been an authoritarian Government, a government of *militaires*, a government under the auspices of Hindenburg with Papen, and Schleicher or anybody else of this hue. Up to the last moment, Hitler had the luck of surviving, having already lost an election just before the seizure of power. And then you know the whole story already. I only say this because looking at history back to front is very, very dangerous.

But back to Austria and one’s attitude to Germany. Of course, when the *Anschluß* came, I shared a fate with so many

others, a familiar fate. My father was put in jail. I finished a year's study at the University and then emigrated to England where I have remained ever since.

During the War I was very lucky in having spent the whole of the War, and indeed a year afterwards as well, at the BBC. The BBC, to which I owe everything in my life, and where I had the opportunity of studying Germany day by day, hour by hour, the output of German radio, German press, various other sources, intelligence information that came my way. Then I became a commentator. And I also started – part of my work was to start – a daily news digest in the German language culled from, extrapolated from a huge output of the German radio, to explain something about the morale in Germany, what the Germans thought. But between the lines, between the sounds of various political talks, news bulletins, programmes, *Wunschkonzerte*, you could sense what really was going on in Germany. That would then of course be compared with other sources, and out of it came some policy statements. A policy of directives for propaganda for the BBC and other forums. And I was fascinated by this constant contact with Germany.

When, immediately after the War, I started my publishing firm, it was quite clear that I took the opportunity of continuing this interest in Germany. And by studying the Germans at first hand, almost from day one, travelling in Germany, making friends, seeing things with my own eyes, my curiosity was omnivorous, and my feeling was very strange. Strangely enough, it so happened that I first went to Germany, and only two and a half years later went to Austria.

II

Now how to cope with this huge amount of impressions, thoughts, feelings, in some orderly way. Well, I would like to perhaps deal with this under four headings. and they are very inter-related.

1. How do the Germans see themselves?
2. How do they think we see them?
3. How do they see us? and
4. How do we, or should we, see them?

Now, these are four very distinct criteria. They intermingle from time to time, but they are very different. And as I said, the very first thing that I realised was that on close inspection, the surface of the moon is very different from how

it appears without an astronomical tool. It's all so complicated. There is not a single issue that is straightforward and easy. And I began to realise that quantification, superficial collective judgement, is completely wrong. There is not a single issue that is not complex when it comes to the German situation. The Germans know it too. And that makes the debate and the introspection, the self-absorbed dialogue of Germans among themselves so interesting, so complex.

When our Chairman talked about the controversy between Bubis, Walser, Herr von Dohnanyi, Reich-Ranicki, the issues they discuss now are more or less the same issues that were discussed over the last 40–50 years. The information available has not greatly changed. Of course, more and more information about the Nazi period has come forward through the Stasi, through Soviet archives, through various monographic researches by German and foreign academics, but basically the main issues and events were always known and quite adequately documented.

But what is interesting in this debate and in this soul-searching of the Germans is why and when, and where and how various issues suddenly emerge and become more important than others. And who is it who is interested, and makes these issues suddenly become alive? Is it generational? Is it regional? It's very interesting. And that is a very important test of really trying to understand what is happening with the German psyche.

Every single issue is interesting. My first visits, of course, tried to satisfy a certain obvious curiosity. I wanted to know what happened to those missing members of my family. And I got quite a lot of information from neighbours, from others, from official authorities. And some of the news I had heard confirmed my worst expectations. But I will not go into those because that literature is vast, and I have neither more nor less to say than many other people in my position.

Of course, I also noticed and came across first-hand examples of great civil courage, bravery. My father's secretary, for instance, and her family risked their lives to do certain things for us. A small example: on the first of May 1938 in our apartment house where we were, I think, the only Jewish tenants, the family of an Austrian civil servant was asked by the block warden to hoist the Swastika flag. He refused. A month later, he was arrested. He lost his job. That is civic courage!

Most of the other people in this house were not exactly anti Nazi, but certainly not sympathisers. In this particular

'But up to the last moment, there was nothing inevitable about Nazism's triumph.'



Helmut Kohl, then Chancellor of Germany, congratulates Lord Weidenfeld on his election as an Honorary Senator of Rheinische Friedrich-Wilhelms-Universität, Bonn (1996), watched by Europaem Secretary-General, Paul Flather.

house, they had to do it; they had families to support. So I came across, very early, the dilemmas and the problems.

The question of German guilt, and the specificity of German guilt, and the specificity of the horrors of the Third Reich, is of course one of the most vexing questions which is central to the debate which started immediately after the War, took shape, more academic and intellectual shape, and orderly shape, in the so-called *Historikerstreit*, and is now, through the *Goldhagen* and post *Goldhagen* debate again brought to the fore by what we now call the *Walser-Bubis* controversy.

The reasons why I think we are now suddenly once again talking so much about it are manifold. On the one hand, German historians, not only in Germany, and not only in the United States or Britain, but particularly in what used to be Occupied Europe, notably in France, have unearthed terrible things about their own countries, and of the degree of collaboration, complicity, or even unnecessary zeal in supporting the Nazi policies, collaborating with gusto. That was certainly the case in France. So let's not forget that the parliament that voted for Pétain's emergency powers is the same parliament that voted in the Popular Front. That the intelligentsia right of centre in France, with the exception of the Gaullist minority, were collaborators, some of them with great conviction. The Left, the extreme Left, at one time of course were allies of the Russians.

So you see, the European picture also was more complex than we thought. And what was also interesting about the debate centring on the *Goldhagen* book was a generational gap. When *Goldhagen* wrote a book, which, in my own view, is not particularly original – other people like Christopher Browning have written in great detail about the things that he describes – is too rhetorical and slightly hysterical in style. But it had one very important effect: it, because of its great acclaim, did again bring up the debate and brought it down to the younger generation. And this was of great interest. People of my generation in Germany, mostly liberal Germans, like Countess Dönnhoff, who is somewhat older but still she is certainly of the same generation, they were rather embarrassed about the book. They thought it was not timely. 'Why bring it all up again?' and also took offence at some of the contents and the style.

But the young generation endorsed it. The young generation in Germany, and again I cannot quantify and give you percentages, but I can only judge it by the fact that

when the German publisher brought *Goldhagen* over, they hired rooms with a capacity of 300 or 400, and in fact they would have needed room for 2000–3000. They were all young people. And the echo, the resonance of the young was: yes, it had to be said. How could our grandparents, our parents have done what they have done? And why did they not act otherwise? Of course, there were others who thought differently – the

endorsement of *Goldhagen* by the younger generation was a very interesting phenomenon.

The early period after the War – and here again I go back to my own personal experience in looking for books, for manuscripts, for authors – was marked, and I am speaking now of the Fifties up to the early Sixties, by a selective amnesia. That is to say people didn't like to talk about the period too much. There were countless monographs; books came out all the time. But basically, the schools, the curricula of schools, were very patchy as far as recent history and specially 20th century German history was concerned. Because somehow this kind of determinist retrospective view of all German history being bad, you see, had the effect that there was a lack of interest. People didn't read history. There weren't great historians at the time. A young generation of historians only came really to the fore in the Sixties.

Some of the earliest great books of history were Joachim Fest's two books on the Third Reich, *The Faces of the Third Reich*, and the Hitler biography which still remains a very important book. And interest in contemporary history only began to flare up mightily later in the Seventies, and then led to the *Historikerstreit*.

The specificity of the Holocaust is another problem. Of course it was specific in the sense that no other regime has been so thorough in its cradle-to-grave persecution of a particular minority. Undoubtedly, there have been terrible transgressions against minorities throughout history. And I don't have to go much further than to ask you to read the current newspapers to see what's happening in the Balkans, not to speak of Africa.

But, the specificity of Hitler's brand of extermination has become also a great bone of contention. What are we to do with this particular truth? What does it mean? Does it mean that it sends an eternal curse on Germany? Does it mean that it is something which is to be a warning to all human beings, a warning against inhumanity?

The Jewish world has been – and partly still is – divided on how to interpret this fact. Let me say straight away that, when David Ben Gurion shook hands with Konrad Adenauer in the Waldorf Astoria in 1961, he said ‘We do not visit the sins of the fathers on the son or the grandson. It’s against our tradition, and we want to be on terms of peace and friendship’. And that has remained the official and generally accepted line of the Government of Israel and all thinking Israelis.

American Jewry is a special case. It’s very interesting, the further away you are from the scene of the tragedy, the more superficial or slightly distorted your views are. There is a much greater sense of reconciliation or desire to work together among Jews in Europe, particularly in Germany, than there is, for instance, in America. And that’s for various reasons:

For once, it is ignorance of facts. I am speaking of the masses. I am not speaking of the academic elite. And also, subconsciously or even unconsciously, a sense of guilt. Because American Jewry could have done and should have done much more in the 1930s when European Jewry and German Jewry were threatened. The help, the understanding, the compassion shown was somewhat defective. And as a kind of subconscious over-compensation of guilt, feelings are today much stronger and apparently implacable. Although here too I think we will see change.

I say this because of what Germany has achieved in the last 50 years – with regard to the extensive German-Jewish dialogue. Germany celebrates 50 years of the Bonn Republic, to my mind by far the most positive and glorious chapter of a thousand years of German history. Why? Because in those 50 years the Germans have not only effected an economic miracle, but also a political and human miracle of transforming a fractured society into a functioning democracy which is second to none in that it can boast a moderate and sane political class.

You see, we are still worried when we read about graffiti, or excesses, transgressions by punks, or neo-Nazis here and there, mainly in East Germany, but let us look very solidly and soberly at the facts. Germany has got the largest number of immigrants in Europe. It is the immigration country No.1.

France is another important immigration country, a target for North African immigrants. But look at France, where you have now not one but two extreme right-wing parties which, although they might weaken each other, still in

the aggregate probably represent about 20% or 25% of the French electorate. And in Germany, you do not have a single neo-Nazi in the Federal parliament. That is a major achievement. And it’s a great achievement which I think should be recognised and appreciated.

Because, you see, what I believe to be very important – and this is really more about how Germans think we see them – they should get the recognition and appreciation for having effected this enormous transformation, amounting almost to

a mutation of the national character. And I think it’s very important that there should not be this dismissive attitude which existed, and still exists, in the British tabloid press, and in other countries, about the new German society.

I was, two nights ago, in Berlin and had the privilege of attending the opening ceremony of a Jewish Museum by the famous American-Jewish architect, the son of a holocaust survivor, Libeskind. It’s a remarkable architectural achievement. But what was so interesting was the empathy and friendliness of the hundreds and thou-

sands of people who went through. And that group of people who stayed for dinner. And the Chancellor made a great point in his speech of emphasising the continuity of the friendship, of the friendly feelings between Germans and Jews that started with Adenauer, was further enriched by Schmidt and Brandt, and culminated in the era of Weizsäcker and Kohl.

And this continuity under the new regime of Reds and Greens is a genuine one. And I believe it is very important that we should acknowledge this. I am not now confining myself to the issue of German and Jew, I am talking about Britain and Germany, Europe and Germany, the Western world and Germany. Germany has a very important role and mission to play. And Berlin is the vibrant, emerging great capital city, not only of Europe’s largest state, but one of the very big power centres that will possibly be able to link West and East.

And it is interesting that there have been two great social occasions in Berlin in the last few weeks. And spontaneously, all the Berliners I saw, said ‘You know, we are now, again, a great world city’.

The last time it was Steven Spielberg who came, and 650 people fêted him at a dinner when he promised to send the *Shoah* Archives to Berlin where they would find a permanent resting place.

And the second time was the opening of the Museum.

‘. . . Germans have not only effected an economic miracle, but also a political and human miracle of transforming a fractured society into a functioning democracy . . .’

And it was an event. It was an event which was not only devoted to the cause of German-Jewish reconciliation, but it was also an event which showed that Berlin was a metropolitan, cosmopolitan town again, and that that component, the Jewish component, helped to make it that metropolitan, cosmopolitan centre. And that feeling, that reaction, came to me, not from Jewish friends but spontaneously from German friends in many walks of life.

And I believe that it is very important that Britain, France and Germany, the three great countries, who have so much in common, not least that they all suffered from a lacerated psyche, from the terrible human and material losses in World

**‘ . . . Britain, France and Germany,
the three great countries, . . . the
great bridge-builders of Europe.’**

War II – Britain lost an Empire, France had to admit that she had been defeated twice, and Germany had to start from scratch, from the ashes. Those three are also the great European cultures who would not in any way wish to impose their will on others, but be the great bridge-builders of Europe.

I hope that these three countries will work together closely and that Germany’s particular mission will be – and in that she should be supported and be seen to be supported – to be a great power in which pragmatic humanism is the dominant force. And to work for that should be for all of us a lofty aspiration.

This talk was first delivered as part of the *Germany, My Germany* lecture series at the Goethe-Institut in London, and we are grateful for their permission to reproduce it here.



Lord Weidenfeld is a ‘founding father’ of the Europaeum. He is a member of the Europaeum Founders’ Council, Honorary Fellow of St. Peter’s College and St. Anne’s College, Oxford.

Born in Vienna, he left Austria for England in 1938. During World War II he worked with the BBC Overseas Service and in 1945 he founded the publishing firm, Weidenfeld & Nicolson, with Nigel

Nicolson. In 1949 he became Political Advisor and Chef de Cabinet in Israel to Dr Chaim Weizmann, before returning to Britain and publishing.

He has published works of many important international historians and biographers, and the memoirs of some of the most eminent politicians of his generation, including General de Gaulle, Dr Konrad Adenauer, Harold Wilson, Golda Meir, President Johnson, Moshe Dayan, Dr Henry Kissinger and Shimon Peres.

A British citizen since 1946, he has been twice honoured for his work in Britain, first through a knighthood and secondly through a peerage in 1976.

Among other appointments he is Chairman of Weidenfeld & Nicolson; a Director of Hollinger International; Chairman, Board of Governors, Ben Gurion University of the Negev; Member of the South Bank Board, London; Governor of Tel-Aviv University; and Governor of the Weizmann Institute.



ACADEMIC COMMITTEE GETS DOWN TO WORK

In line with the reforms of the Europaeum structure agreed at the 1999 Europaeum Council, a new Europaeum Academic Committee, consisting of two academic representatives from each partner university, has been established. Its first meeting was held in Geneva, hosted by the Graduate Institute of International Studies, on April 3rd.

The meeting was, by all accounts, very successful, with many important policy initiatives to do with the proposed Europaeum Certificate, the current Summer School projects, the new Europaeum Research Project Groups and, above all, the new Europaeum 2000 Business Plan, all successfully agreed. The next meeting is set

for late autumn, and the next full meeting will take place in Paris in April 2001.

Professor Hubert Kempf, Professor of Economic Science at Paris I, who was elected Chairman for the next two years, said the committee had shown itself ready to its task. "Academic Policy matters can now be discussed in a warm and frank atmosphere, allowing the Europaeum partners to agree new initiatives while recognising their different structures, timetables, organisation and needs".

Thanks were given to Professor Peter Tschopp, Director of the Graduate Institute of International Studies, for its hosting of the event, and to Dr Paul Flather for preparation of all the policy papers.

SUMMER SCHOOL 2000: BOLOGNA AND TRENTO

This year, some 30 Europaeum students are taking part in a Summer School at the new Forli campus in Bologna, focusing on European Public Policy and Enlargement.

The programme involves a different public policy theme each day, all linked to various background questions, including the likely impact of Enlargement on these policy areas. The topics being covered are: the system of public policies of the EU; Economic and Monetary Union; social policies and the structural funds; environmental policy; and finally, agricultural policy.

Among the academics and policy-makers lined up to take on these subjects were: Nicolas Moussis and Emilio Dalmonte of the European Commission; Andrea Manzella, a Member of Italian Senate and Professor of Constitutional Law; Giovanni Verga, Economist at the University of Parma; Francesca Fauri, Andrea Segrè, Giuliana Laschi and Elisabetta Gualmini all from the University of Bologna; Marco Lossani of the Catholic University, Milano; and Angela Liberatore of the European Commission.

The Bologna organisers have also developed a link with the nearby University of Trento which will allow the students to stay on for a second week, all supported by the University of Trento, to follow up the Summer School discussions. This second week focuses on the 'Europeanisation Of National Politics', with topics including: Problems and perspectives of Europeanisation, The actors of European Governance, Public Expenditure and National Foreign Policies, New Scenarios of Representation in the EU, and European Citizenship.

The academics involved are Riccardo Scartezzini, Giorgio Giraudi, Paolo Rosa, Gaspare Nevola, Sergio Fabbrini and Giovanni Guzzetta all from the University of Trento; Mark Gilbert from Bath University; Carlo Ruzza from Essex

Members of the Academic Committee

Paris I representatives:

Chairman Professor Hubert Kempf (EUREQua, Economics Department)
Professor Etienne Picard (Cabinet de la Présidence)

Leiden representatives:

Professor Hank Dekker (Professor of Political Science)
Professor Herman Phillipse (Professor of European Philosophy)

Bonn representatives:

Professor Dr Wolfram Kinzig, (Evangelisch-Theologisches Department)
Professor Christian Koenig, (Economics Department)

Bologna representatives:

Professor Tiziano Bonazzi, (Dipartimento di Politica, Istituzioni, Storia)
Professor Carlo Guarnieri (Dipartimento di Organizzazione e Sistema Politico)

Geneva representatives:

Professor Pierre du Bois (Department of Politics)
Professor Vera Gowlland (Department of Law)

Prague representatives:

Professor Lubo Tichy (Department of European Law)
Professor Vladimir Beòàèek (Institute of Economic Studies)

Oxford representatives:

Professor Guy Goodwin-Gill (Professor of International Refugee Law)
Professor Robert Evans (Regius Professor of Modern History)
Secretary Dr Paul Flather, Secretary-General, The Europaeum



University; Ton Notermans from the European University Institute, Florence; Lorenza Sebesta from Bologna University; and Simona Piattoni from Tromsø University, Norway.



What the Institute will look like

JOINT TEACHING INITIATIVES

The Academic Committee confirmed that it regards Europaeum teaching modules and initiatives as a significant element of the Europaeum's plan of work. Three active joint teaching initiatives are projected for the coming year.

These are: the module on the 'Economics of European Integration' which will run again at Paris I from Easter 2001 for undergraduates and graduates (the former mostly being French students); a Programme on 'European Political Thought and Institutions', to be run at Bologna University in January 2001 linked to Oxford and Leiden; and a Programme on European Community Law to be launched at Geneva, this autumn, linked to Oxford.

Other initiatives are being actively considered, including a major 'post-masters' programme in European Business Culture linking Oxford and Leiden, due to be launched in autumn 2001, which would allow students to spend one term at Leiden, one term at Oxford, and one term in science training with a major European company. The Academic Committee is also considering ideas for a Europaeum MA Masters Programme.

EUROPAEUM LINK TO AMERICAN STUDIES

A new Oxford Institute which will play an active role in American Studies both nationally and internationally, and will be working with the Europaeum to promote excellence in this field throughout Europe.

Professor Alan Ryan, Director of the Rothermere American Institute and Warden of New College, explains: "We want to offer scholars, intellectuals, policy-makers and figures in public life from Oxford, the United States and the rest of the world, the chance to work together and exchange ideas."

"Working with academic partners from a range of disciplines across Oxford and from universities in Europe and North America, we look forward to drawing together the best elements of their complementary cultures in an international centre of excellence."

Dr Paul Flather, the Europaeum's Secretary-General said: "Many academics at Europaeum institutions have already indicated their keenness to study links between the US and Europe – surely one of the key questions of our time. Collaborating with the new Institute will offer them an important opportunity."

The Institute will be housed in a modernist building, designed by Kohn Pedersen Fox, using traditional Oxford materials of Bath stone, oak and zinc, and

Oxford University's new Rothermere American Institute, which is due to open later this year, aims to cover all aspects of American Studies and further public understanding of the United States, and will serve as an international centre of excellence for the interdisciplinary study of the United States.

It is named after the late Vere Harmsworth, third Viscount Rothermere, who gave substantial support, along with the Rhodes Trust in Oxford, to the £13million project until his death last year. It will build on the extensive historical links that Oxford has with North America, merging current expertise and resources such as the holdings on the continent's history, politics and government which are currently kept in the Bodleian Library and at Rhodes House.

New Europaeum research grant scheme launched

The Europaeum has launched an important new scheme, designed to encourage collaborative research across the network. Academics at Europaeum partner institutions have been invited to submit bids to support projects which involve working with fellow academics at one, or more, partner institutions.

Successful bids will receive a pump-priming grant of £1,500 to enable a project launch or project development, which should, in turn, lead to further grant bids. In the first round, six specific bids on a variety of topics are currently being considered by the new Advisory Panel of the Europaeum Research Project Groups Scheme.

The subjects, which ranged widely, include: The Churches and the Family in Western European Society; Financial integration and the future of the International Monetary System; The Kosovo Stability Pact and the future of the Balkans; Unilateral Action without Security Council authorisation but within the Framework of Collective Security; a study of European identity: Reason, Science and Law; and Comparisons of European State-aid Law.

It is now proposed to hold further rounds for the scheme. Full details of the scheme and bidding arrangements are available from the Secretariat, or on the web site at <http://www.europaeum.org/erpg/>



adjacent to Mansfield College, whose Principal is Professor David Marquand, also Chairman of the Oxford Europaeum Group.

The Rothermere American Institute's web address is www.rai.ox.ac.uk

EUROPAEUM 2000 BUSINESS PLAN

A draft Business Plan was produced by the Secretary-General in February and circulated widely for discussion and comment among representatives of the Europaeum partners, on the Management Committee, the Academic Committee, and local institutional committees. This plan has now been endorsed by Europaeum Council with due amendments.

The plan, the first ever adopted by the Europaeum, outlines the agreed targets and goals for Phase III of the development of the Europaeum, including opening up the network to new subject areas and to new collaborators; exploring links with the Europaeum Commission; pursuing research on the role of the Europaeum in the current transformation of European higher education; promoting research collaboration; and reviewing collaborative teaching programmes.

It also outlines a process for implementation of new initiatives, and a detailed set of aims for each of the next three years. This will form the working plan for the Europaeum, to be revised year-on-year.

The key aims of the Europaeum will be to continue to promote excellence in academic links in research and teaching collaboration between the Europaeum partners; to develop further its role as an open academic network linking the Europaeum partners and other bodies as deemed appropriate; to serve as a resource for the general support and promotion of European studies within each partner institution; to function

independently in the spirit of university institutions not bound simply by the agendas of other institutions in Europe; to provide opportunities for the joint pursuit of new pan-European initiatives linking the partner institutions and other bodies; to serve as a high level 'think-tank' exploring new ideas and new roles for universities in the new Learning Age; and to serve as a 'pool of talent' to carry out research and inquiry into problems and questions confronting Europe today and tomorrow.

The specified policies for the next few years will be to open up the network to new subject areas and collaborators; to promote and refine collaborative research and teaching programmes; explore links with the European Commission; and to generate fresh rewards for membership of the association.

OXFORD-GENEVA LINKS

Under the auspices of the generous Pierre Keller benefaction, specifically to promote academic links between the University of Oxford and the Graduate Institute of International Studies, a new student exchange linking Geneva and Oxford is being launched this autumn.

An Oxford graduate will spend time carrying out research and study in Geneva, while a Geneva graduate will do the same at Oxford, both institutions having agreed a reciprocal 'fee waiver' to extend the value of the Keller bursaries. This exchange scheme is set to last for each of the next three years.

It has also been agreed that the first of four planned annual **Europaeum Lectures** lining the two Europaeum Partners will begin in Geneva, with the first lecture to be given by Professor Ian Brownlie QC, the distinguished international lawyer and former Professor of International Relations at Oxford, who will speak on matters relating to international interventions, in Geneva probably in January 2001. The second Europaeum Lecture in



Professor Ian Brownlie QC

the series will take place in the autumn next year in Oxford.

There have also been productive discussions involving Professor Vera Gowlland (Geneva) and Professor Guy Goodwin-Gill (Oxford) with the expectation of a joint Europaeum Research Project Group being established, as well as a common Europaeum teaching programme in International Refugee Law, to take place in Geneva in from this Autumn.

Further details of the exchange scheme are available from the Oxford and Geneva contacts.

EUROPAEUM CHAIR IN JEWISH STUDIES

A new Europaeum Visiting Professorship focussing on Jewish Studies is established at the University of Oxford from this autumn with generous support from the Bertelsmann Foundation.

This new visiting chair, to be called the Bertelsmann Foundation Europaeum Visiting Professorship in Jewish History and Politics, will be awarded each year to a distinguished scholar in the field who will be required to deliver a series of lectures and seminars, including at least one major Europaeum Lecture.

The post holders are expected to make a significant contribution to the study of 20th Century Jewish history in general. Topics could include: the long-term impact of the Holocaust on Jewish social-political life, especially in Israel; the impact of this on Israel's relations with its



neighbours; the impact of the collapse of the Soviet Union on the changing status of European Jewry – particularly the resulting release of pent-up cultural and religious anti-Semitism in Eastern Europe and the possibility of tightening ties spreading this westwards; the role of memory in the political consciousness of Western Jewry and the impact of the destruction of Jewish communal life in Europe upon Jewish self-identity and conserved heritage; and the comparative low profile of British Jews, relative to American or French communities, given their traditional level of security in Britain.

Professor David Marquand, Principal of Mansfield College and Chair of the Oxford Europaeum Group, expressed his delight at the new post, which will be associated with Mansfield: “The ability to transcend national perspectives and empathise with a variety of national cultures will be an essential quality for tomorrow’s European decision makers, and therefore central to the Europaeum’s mission, and this new post will be a great contribution to this.”

“This post has been a long held hope of Lord Weidenfeld and I am delighted we and the Bertelsmann Foundation have made the new post possible.”

Oxford already has a number of recognised Visiting Professorships associated with the Europaeum, including those in European and Comparative Literature, European and Comparative Law, Open Studies, and the History of Ideas. This new Visiting Professorship will complement this existing subject range, and enrich the academic life of the University and the Europaeum.

EUROPAEUM CERTIFICATE

The introduction of a Europaeum Certificate, to be awarded to individual students who had completed a recognised academic activity within the Europaeum network, alongside the award of their

Looking ahead at the last Council Meeting



Paul Flather

The Chairman of the Europaeum Council, Dr Colin Lucas, Vice-Chancellor of Oxford University (*right*), shares some thoughts with Lord Jenkins, a former President of the European Commission, and Chancellor of Oxford (*centre*) and Professor William Wagenaar, Rector of Leiden University (*left*), at the reception in Wadham College Gardens during last year’s Council meeting in Oxford.

degrees from their host university institution, was endorsed by the Academic Committee at its meeting on 3rd April, 2000.

The aim of the new Certificates is to introduce a universal award to be used flexibly across a wide range of Europaeum activities.

This new Certificate will raise Europaeum visibility; provide students with an additional award of value; and provide an incentive to promote Europaeum collaboration.

Those qualifying will include:

- Doctoral students who spend at least four months working with an academic supervisor from another Europaeum partner institution;
- Graduate students participating in a Europaeum Summer School complet-

ing an essay of sufficient standard linked to the theme of the Summer School;

- Graduate students taking part in a Europaeum joint programme and spending at least 150 hours in academic study;
- Undergraduate students taking part in a Europaeum joint programme and spending at least 200 hours in academic study.

Each Europaeum Certificate will specify the particular activity that the student had followed allowing many different types of activity to be recognised. The Chair of Europaeum Academic Committee, currently Professor Hubert Kempf of Paris I, will sign each certificate, and the Academic Committee will give final



approval to for the awarding of the Certificate.

The first Certificates are expected to be awarded in April 2001, to successful participants at the Europaem 'Economics of European Integration' module.

LEIDEN CHEMISTS VISIT OXFORD

A group of more than 20 Chemistry students from Leiden University spent a day on an exchange visit to the University of Oxford Department of Chemistry last autumn. The visit received some support from the Europaem, and it is hoped future such visits will take place between Europaem science groups.

FIRST SECRETARY-GENERAL APPOINTED

As part of its structural review, the Europaem has appointed its first Secretary-General to coordinate the association's work and to help prepare the association for the next stage of development into the 21st Century.

Dr Paul Flather, who has served as Oxford's representative on the former Steering Group and as Honorary Treasurer, took up the post earlier this year. He brings to the post experience of having worked in Central Europe both in the 1980s, when he worked in support of the dissident movement, particularly in the former Czechoslovakia, and in the 1990s when he served as the founding Chief Executive and Secretary-General of the new Central European University, set up by George Soros as a model 'open institution' following the collapse of the Iron Curtain and fall of Communism in the region in 1989.

Dr Flather also brings his five years of experience as the former Director of External Relations for the University of Oxford, where he was responsible, among



Dr Paul Flather

other things, for the University's international relations, including its links with the Europaem.

As a journalist and broadcaster, he has worked for the BBC, Times Newspapers, and *New Statesman*, and written for many other publications including *The Economist*, *The Sunday Times* and *The Times of India*. He has long been involved with education as a correspondent, as a governor of many schools, youth clubs, colleges and universities, and as an elected member of the Inner London Education Authority where he chaired the Further and Higher Education Subcommittee during the late 1980s.

He completed his doctorate at Oxford on contemporary Indian politics, and has written widely on education, Indian matters and research policy. Dr Flather is currently working on a book on Indian politics.

Professor David Marquand, Chairman of the Appointments Committee and of the Oxford Europaem Group, said: "We are delighted to be able to have Paul as our first Secretary-General. The number of new initiatives launched this year is testimony to his energy and commitment to the future of the Europaem."

The post is part-time, two days a week. A new Europaem Secretariat office has also been set up in Oxford, based at 99 Banbury Road.

See the *Contacts* section for full contact details for the Secretariat.

EUROPEAN HISTORY CENTRE LAUNCHED

Historians at Oxford have created a new centre which will aim to coordinate and promote the study of European history across the University. The new Oxford European History centre also aims to extend the range and number of international links of Oxford historians and raise funds for graduate awards for European history scholars.

Professor Robert Evans, the Regius Professor of Modern History at Oxford, and a member of the Oxford Europaem Group, one of the key figures behind the centre, said he looked forward to developing fresh academic links with all the Europaem partners.

"The centre will act as a focus for European history which is becoming more important and ever more popular at Oxford," he said. "We plan to use the Europaem to locate new research partners, to attract first class research students to Oxford, and to serve as a network for sending out our students for fieldwork."

One of the research topics being pursued is a comparative study of the impact of the Second World War on different European countries.

THOUSANDS FLOCK TO FESTIVAL OF SCIENCE

Bonn staged a very successful international day and night science event, linked to the Europaem, in June, financed mainly from Federal funds.

The *Wissenschaftsnacht* (Night of Science) event, which focused on the 'Global Brain and the evolution of Knowledge and Action', mixed lectures, talks, hands-on participatory events, and science and technology demonstrations, attracting more than 10,000 visitors for the duration of the events.

A full report will be published in the next edition of *Europaem Review*.



Theology partnership set to expand

For more than 20 years, the Theology Faculties from the Universities of Bonn and Oxford have run joint seminars for faculty members and students, alternately in each university. As JOHN BARTON explains, this programme is set for expansion now that it is linked to the Europaeum

Theology is a very different discipline in Britain and Germany. Oxford has traditionally been strong in biblical studies and historical theology, with specialists and research students in patristics (the theology of the first few Christian centuries) and medieval and Reformation studies. It also has a strong interest in the philosophy of religion, from the standpoint of Anglo-Saxon analytical philosophy, and more recently has developed a concern for the direction of the study of 'religion' as a cultural and psychological phenomenon. Bonn's strengths have lain in the realm of 'systematic theology' – the attempt to synthesize the whole of religious thought through a (continental) philosophical system, a concern little found in English theology, though commoner in Scotland.

In the last few seminars, researchers, especially graduate students, have been invited to present their own work-in-progress without too much attempt to subordinate everything to a theme, and the different concerns of the two faculties have been illustrated strikingly. The contact between two different conceptions of what the subject is about has led to a lot of hard but fruitful dialogue, as well as to unexpected alliances across the divide.

Theology is a much more important subject in German universities than in British ones, and the Bonn faculty, small by German standards, is several times larger than Oxford's. It has been valuable for Oxford students to experience theo-

logy as a more major academic subject than it appears on this side of the North Sea. At the same time, Bonn students are fascinated by a theology faculty such as Oxford's, which is not tied to a particular church, and in which most undergraduate and graduate students are not candidates for ordination, as they are overwhelmingly in Bonn. The intellectual climate of the two faculties is instructively different.

For the last 12 years there has been a student exchange scheme between Bonn and Oxford theologians, arranged through St John's College. One St John's theologian, usually an undergraduate, spends a year in Bonn, living in one of the student residences run by the Theology Faculty, and one Bonn student follows an approved course of study at St John's. Participants have often gone on to achieve a First in the Theology. This year's Bonn student was about to start writing her doctoral dissertation, and was able to consult widely among our senior members in preparation for that.

While maintaining all these links at their present level, the participants on both sides are eager to develop further types of collaboration. Recently established links with the Theological Research Institute in Leiden open up the possibility of future conferences involving more than



Professor John Barton is Regius Professor of the Interpretation of Holy Scripture and a Fellow of Oriel College Oxford. He is a member of the Oxford Europaeum Group.

one of our Europaeum partners in theological research; while a number of Theology Faculty members in Oxford are concerned with the kind of ethical and social issues that would make the involvement of theologians in wider Europaeum projects a natural development. Religion has been, for both good and ill, a major force in European history, and a faculty which has a tradition of the non-partisan study of religion ought to be able to contribute to discussions of our common future.

The following academics are currently involved in the Oxford–Bonn Theology partnership:

Professor Dr Gerhard Sauter, Professor of Systematic Theology, Bonn
 Professor Dr Karl-Heinz zur Muhler, Professor of Church History, Bonn
 Professor Dr Michael Wolter, Professor of New Testament Studies, Bonn
 Professor Dr Horst Seebass, Professor of Old Testament Studies, Bonn
 Professor Dr Manfred Kinzig (Protestant Faculty), Professor of Patristic Theology, Bonn
 Professor Dr Wohlmuth (Catholic Faculty), Professor of Systematic Theology, Bonn
 Revd Professor John Barton, Regius Professor of the Interpretation of Holy Scripture, Oxford
 Revd Professor Keith Ward, Regius Professor of Divinity, Oxford
 Revd Robert Morgan, Reader in New Testament Theology, Oxford
 Professor John Webster, Professor of Systematic Theology, Oxford
 Revd Canon Trevor Williams, Lecturer in Systematic Theology and Chaplain of Trinity College, Oxford



Virtual seminars point way to future academic links

A new network will link, via the Internet, groups of doctoral students, and their supervisors, working on particular academic topics in various disciplines. This will allow not only doctoral students to communicate with colleagues interested in their theme of work, but also interaction between students and supervisors, and indeed students will be able to interact with supervisors from the many different institutions across the Europaeum, thereby providing a wider variety of different academic reactions and interpretations to enrich their research work, and provoke fresh debate.

The new *Europaeum Research and Communication Network*, designed and prepared by the Centre for European Integrations studies (ZEI) at Bonn, is now ready for launch.

Professor Christian Koenig of ZEI explains the potential of the new ECRN: "The network will allow researchers drawn from across the Europaeum to exchange ideas, seek out different perspectives, and collaborate on research goals, in a simple but dramatic way. Furthermore, comments and exchanges will be built up and stored on a database under each academic topic."

The ECRN will also allow references, articles, clippings, and even student dissertations, articles and other contributions, to be stored on the same database, accessible to all those in the particular research group.

Supervisors of doctoral theses at the Europaeum universities and doctoral students who are to be nominated by their supervisors are all eligible to become members of the new network. The Europaeum Network Team at the ZEI will give participants their own user name and password. Members may choose whether to make their work 'public' or not, and only registered members of the network have access to the online full-text database and forums.

To become a member of the net-

A new network is set to link Europaeum academics and students in a series of virtual seminars. This heralds a breakthrough in academic collaboration.

work, please fill in and return the enclosed registration form. Student's forms must be counter-signed by their supervisor.

This network can be developed extensively, enabling a substantial body of information and knowledge related to

each topic of discussion to be built up, with the only maintenance costs required being a network manager. "I hope this network will be seen as a major development in the work of the Europaeum. It will be a considerable step towards fulfilling the vision of a 'university without walls'." Dr Paul Flather, the Europaeum Secretary General added.

The Europaeum Research and Communication Network can be found at www.europaeum.net

The registration form can also be downloaded as an Adobe Acrobat File from www.europaeum.org/ercnreg.pdf

ECRN USER GUIDE

Once you login to the www.europaeum.net site by using your personal Login/Password combination, you will get to the main site that is divided into two parts, with the navigation table on the left and the content on the right. The links on the navigation table allow you to browse through the different tools provided to support everyone participating in this joint venture.

Search Site: Here you can scan the whole variety of various information formats and contents offered on the Europaeum site by running either a text search-engine or other tools that work on information categories.

Text-Search: At the top of this section you can choose text types in which the machine will look for a single keyword or a combination of keywords that you enter in the white space below the table. Please select one of the offered ways of matching and sorting the results before you initiate the search.

Literature-Search: This area allows a search in the Europaeum literature database that consists of all public entries in the members' lists of literature relating to their work.

Keyword-Search: This area allows a search in a list of keywords related to member's work. Every student has the opportunity to create a list of keywords for their own work.

Member-Search: Here you can run a search for members, resulting in a list of links to further information on those members who match your specified personal data.

Info: This section offers information concerning the Europaeum. Selecting 'more' presents complete info.

Members: Here you find a complete list of all ECRN members. The name link provides a contact via email, and the keyword 'more' leads to all the public information and texts of the chosen member.

Glossary: The glossary provides a set of written glossary entries by members, in order to complete the description of their focus and to make discussion consistent.

Forum: In the forum you can participate in different discussions or even start one by posting your question/opinion. Several sub-forums group the debates according to main interests/fields of study offer different portals.

Database: The students' database offers memory space and facilities for a dissertation and its development, such as up/download of texts, running lists of literature, administrating keyword-lists or keeping the overview by using a diary in form of a point-in-progress-file. Each user can choose whether to set his work on 'public' or not. If offered, other members can download her/his full texts for offline reading.

Personal Settings: Here the personal settings of every member can be updated by her/himself (except for some main data). Updating is done dynamically, and so data can be checked immediately.



European security in focus



The 1999 Europaeum Summer School held at Paris I last year assembled about 50 participants, both graduate students and academics from all Europaeum partner universities. Prof. Robert Frank, the organiser from Paris I, and his wonderful organising team could not have hoped for a better setting, in the very heart of Paris.

It will remain memorable to its participants not only for the timely topic, the relaxed and collegiate atmosphere, and the frank discussions, but also for its beautiful feel as Paris greeted us with all its charms: dazzling hot September sun, a beautiful location close to the Pantheon by the majestic cathedral of Notre-Dame, and countless opportunities to indulge in French cuisine. Far beyond their responsibilities, the student organisers made time to introduce us to the hidden corners of Paris, and maintained the high standards of hospitality at Europaeum events.

1999 provided a particularly good inspiration for the Summer School: the celebration of ten years after the fall of the Berlin wall marking the end of the Cold War, as well as 50 years of NATO history, gave a natural starting point for reflection on *Europe et l'OTAN: Quelle sécurité pour les Européens?*. It seemed symbolic to discuss this question in Paris, the original seat of NATO.

An impressive list of participants included former Dutch Defence Minister, Professor J. J. C. Voorhoeve; the head of the Budapest Institute for International Relations, Professor Andras Balogh; Professor Victor-Yves Ghébal from Geneva and many others.

Oxford was represented by five women. Anne Deighton from Wolfson College gave the first talk on Europe and NATO during the Cold War. Her notion of an American 'glass ceiling', keeping the Europeans from reaching a real breakthrough in a common European security and defence sparked a first lively discussion among students and academics. Participants enjoyed playing the *advocatus diaboli* and defending the US position.

What role can an enlarged NATO play in the future of European security? As JOSEPHINE WALLAT, one of the participants at the 1999 student Summer School in Paris, reports, fresh questions were raised after the Kosovo intervention.

Throughout the four days, the NATO air campaign over Kosovo featured prominently in the discussions, making it almost impossible to keep to the original schedule, which foresaw a discussion on the Balkans, with particular emphasis on both the Bosnia and the Kosovo cases, only on day two. Mr Voorhoeve, with his intimate knowledge of these events, described the difficult response and painful decision-making processes inside European governments and institutions following the Yugoslav break-up and the deteriorating situation in Bosnia. Professor Ghebali, with his long-standing involvement in the Organisation for Security and Co-operation in Europe (OSCE), gave a broad and historical picture of the Kosovo problem. He took us back many centuries to the historical roots, almost unknown in the West, which had made the Kosovo the focus of desire by Serbia and Albania alike. He argued persuasively against a simplistic view, and pointed out the many contradictions in the historical cohabitation of Serbs and Albanians in this disputed area.

Early on in the event, it was suggested student input be formalised by introducing student working groups. Despite the limited time over lunch to establish joint student positions on topics such as the legality of the NATO intervention in Kosovo, the relationship between domestic and foreign policy, enlargement of Europe and so on, students contributed with some unusual viewpoints. This provoked the more 'realist' F. A. M. Alting von Geusau to

comment on what he perceived to be some sense of 'youthful idealism'. The dynamic dialogue between students and academics proved one of the greatest benefits of the summer school.

A key presentation was made by the UK's deputy representative at NATO, who gave an inside view of the NATO intervention in Kosovo, turning light on some of the background – for example, reasons why the campaign appeared to take so long, and why the intervention took the form and timing that it did.

The accession of Poland, Hungary and the Czech Republic to the North Atlantic Alliance in March 1999 made the enlargement discussion on day three particularly topical. Andras Balogh provided a very thoughtful presentation on the Central European perspective on enlargement over the last ten years, which was complemented by F. A. M. Alting von Geusau's reflection on the Partnership for Peace process and the position of Russia. The following discussion was made particularly lively by some student contributions, including an excellent French presentation on Mitterrand's European confederation project of the early 1990s.

The concluding day of the summer school focused on the future of a European security and defence identity. In his talk, the French diplomat, Mr Zipper-Fabiani, took us back to the controversial opening question; what role can a common European security and defence play, what is the institutional framework for Europe with all its different security organisations of EU, NATO, OSCE, etc. going to be, and what are the most recent plans for the future of the WEU? All were questions which defied simple answers.

The 1999 Europaeum summer school proved very stimulating and a wonderful opportunity, in particular for students, to meet and exchange a great number of prominent academics and other students working in related fields.

Josephine Wallat is a graduate student at Merton College, currently researching in Prague.

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EVROPAEVM Diary

September 2000

Bologna and Trento Politics Summer School

The “European Public Policy and Enlargement” summer school runs September 4th–9th at Forli Campus in Bologna, followed by “Europeanisation of National Politics” from September 11th–15th at Trento University (see page 29)

Oxford Theology Summer School

The “Church as Politeia” Summer School runs September 16th–18th at Christ Church College, Oxford

October 2000

Council Meeting

The Europaeum Council meets in Prague on October 6th. This also will mark the formal accession of Charles University into the Europaeum.

- The Council will receive the Europaeum 2000 Business Plan for the years 2000–2003.
 - Arrangements for the new *debis Europaeum Project*, examining the future of the European University and its role in leading change, will be announced.
 - A dinner will be hosted by the Rector of Charles University, Professor Ing Ivan Wilhelm, in honour of the visit of the Council.
 - The new Europaeum Certificate will be launched.
 - The first Europaeum Research Project Group winners will be announced..
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Europaeum Lecture

A lecture will be given on “*An idea of Europe: reflections on being European*”, by Professor John Burrow, Europaeum

Professor of European Thought and Fellow of Balliol College, University of Oxford.

debis Europaeum Project

The new Advisory Board will hold its first meeting to further develop the project plan.

Academic Committee

The committee, with two representatives from each partner institution, will hold a second meeting to continue discussions on the various new projects underway, including the new Europaeum Certificate, the new Research Groups, and proposed new teaching programmes.

November 2000

Europaeum Lecture

A public lecture given by Mr. John Temple-Lang of the European Commission, on “*The European Commission and the European Parliament: an uncertain relationship*”, at 5pm on November 17th, at Mansfield College, Oxford – to be followed by a reception.

Research Project Groups

November 30th is the closing date for the next round of applications – please submit applications to the Secretariat.

December 2000

Management Committee

The Management Committee will meet at a mutually convenient time and venue to be agreed upon at the October meeting.

January 2001

Europaeum Lecture

Professor Ian Brownlie QC will lecture

under the Oxford-Geneva Europaeum link programme at the Geneva Graduate Institute of International Studies.

April 2001

Europaeum Conference

An international conference focussing on ‘*Telecommunications, the Internet, and Learning*’ is planned for the University of Bonn.

Europaeum Conference

An international conference at Bologna University on the *Role of Intellectuals in Building a new Europe for the 21st Century* – involving representatives from leading European intellectual journals. For more information please contact the organiser, Professor Paolo Pombeni.

Europaeum Economics Module

The Europaeum ‘Economics of European Integration’ Module at Paris opens its third year. This year the first Europaeum Certificates will be awarded to all successful participants.

Academic Committee

A meeting of the Academic Committee, under the Chairmanship of Professor Hubert Kempf, will be held in Paris.

Summer 2001

Europaeum Conference

The first of the *debis Europaeum Project* international expert conferences, *New Visions for European Universities*, linked to the theme of new partnerships will be staged, probably in Germany. The project is investigating how European universities will lead the Knowledge Revolution (see page 5).