

# FOREWORD

The celebration of the 50<sup>th</sup> anniversary of the signing of the Treaty of Rome on 25 March 1957 is a significant event in world history. This publication is part of that celebration.

The Victoria University of Wellington Law Review, the *Revue Juridique Polynésienne*, and the New Zealand Association of Comparative Law have joined forces to publish a book of essays relating to law aspects of the European Union. The authors are all authorities in their areas and each provides a special perspective on the topic discussed. They have contributed to this collection of essays not only in fulfilment of an academic publication endeavour or out of personal interest, but also with a view to fulfilling the strategic aspirations of the sponsoring institutions.

The Victoria University Wellington Law Review is the well-established journal of the Law Faculty of the Victoria University of Wellington and in this instance provides evidence of the commitment of that Faculty to matters of public and international law interest – the Capital City Campus role. The University of French Polynesia and the Association de Législation Comparée des Pays du Pacifique have a similar commitment to international matters with a particular emphasis on those relating to the South Pacific and the French South Pacific. The New Zealand Association of Comparative Law is a natural sponsor for a collection such as this; it is a common law based institution interested in matters European and, by virtue of location, law in the South Pacific.

This book has been published to celebrate the birthday of the European Union. The creation of the European Economic Community and related institutions by the Treaty of Rome represented the first steps on what was often a difficult and tortuous path to what we today call the European Union. Many of these steps are referred to in the book and consequences analysed but what is clear is that, if Europe had not come together in the EEC, we surely would have repeated the disasters of the past which, for the world in an atomic age, would have been even more grave than what had preceded.

It is interesting to note, given the history involved, that it was Winston Churchill who first took what is considered by many as the first step towards European integration in the post-war period when he famously called for "a kind of United States of Europe".

I should just like to quote a few lines from Churchill's speech:

I am now going to say something that will astonish you. The first step in the recreation of the European family must be a partnership between France and Germany. In this way only can France recover the moral and cultural leadership of Europe. There can be no revival of Europe without a spiritually great France and a spiritually great Germany. The structure of the United States of Europe will be such as to make the material strength of a single State less important. Small nations will count as much as large ones and gain their honour by a contribution to the common cause.

Today, what Churchill thought would "astonish" his audience in 1946, has turned into the European Union.

The true architect of the EU structure was, of course, Robert Schuman, France's Foreign Minister, whose declaration on 9 May 1950 (written for him by Jean Monnet, a French administrator) first proposed the concept of a 'European federation'. Schuman understood that it was the lack of a united Europe which had too often led to conflict. He declared:

Through the consolidation of basic production and the institution of a new High Authority, whose decisions will bind France, Germany and the other countries that join, this proposal represents the first concrete step towards a European federation, imperative for the preservation of peace.

The Treaty of Rome itself affirmed in its preamble that signatory States were "determined to lay the foundations of an ever closer union among the peoples of Europe". In this way, they specifically affirmed the political objective of a progressive political integration.

In fact, the brand new institution created by the Rome Treaty was a customs union. As a consequence, the EEC was colloquially known as "The Common Market" and by July 1968 all tariffs among the EEC States had been abrogated. At the same time, a common tariff was established for all products coming from third countries- not the best news I'm afraid for New Zealanders! A process was put in motion by the Treaty of Rome in which progressive economic integration was paving the way to the long term objective, a political union.

The first important step in the creation of today's EU, therefore, had at its heart the aim of unifying Europe so that it would never again be the cradle of a world war. In the intervening years since the Schuman declaration and the subsequent Treaty of Rome, the EU has grown to comprise 27 Member States with a population greater than that of the United States and Russia together and is the world's largest trading bloc. It also happens to be New Zealand's second largest trading partner and its largest market for agricultural exports.

An anniversary not only gives an opportunity to look backwards but, more importantly, to look forward to a future where shared principles are applied in practice in our attempts to build upon our mutual commitment to the common values of democracy and human rights, rule of law, good governance, market economy principles and sustainable development. It is clear that we face many daunting challenges which will require that we commit ourselves to the long-haul. Creating functioning civil societies will be a slow and sometimes thankless task (current difficulties in the Pacific immediately spring to mind).

We must be prepared to accept that even free and fair democratic processes will not always produce comfortable results. We have seen this in Iraq and Palestine and elsewhere. We must respect these democratic choices. At the same time we have every right to expect that international commitments and obligations be respected and built upon by new leaderships.

It is also essential that we ourselves maintain the very highest standards in observance of the rule of law and respect for fundamental human rights. We must continue to hold ourselves to the very highest standard and to insist that even unintentional breaches of these standards must be condemned and eradicated. In particular our efforts in the fight against terrorism must live up to the standards which we have set for ourselves. Otherwise we undermine the very foundations of our value-based democracies.

There are, of course, many other challenges which threaten our way of life and which require that we all work together if we are not to be condemned to failure. These include climate change, bilateral and multilateral trade issues, security of energy supplies and common security. We continue to witness the development of a global community of democratic forces, each with its own characteristics and its own special features. Each with positive examples to set – and lessons to learn. As this community spreads, those blind spots, where tyranny, corruption, poverty and intolerance still hold sway are gradually diminishing. This is the real meaning of what some describe as a multi-polar world. Not a world of competing power blocs and antagonistic alliances but a world in which influence, prosperity and the burden of international responsibility is shared. The EU is and will remain, a key driver of this progressive global community and New Zealand has proved itself a dependable ally in these endeavours.

The EU's success in creating a true single market and common standards of justice and respect for human rights for all its citizens is well known but, as a number of the essays in the book point out, not yet totally realised. In fact, given the nature of the process, it most likely will never be complete - there is always more to do and scope for improvement. Also, as the Union matures, we will bring to bear on the world stage the full weight that our economic power and population size warrant. In our foreign policy we share many of our core values and policies with New Zealand. We believe that preventing conflicts is not only a moral imperative, but also considerably less costly in the long run. We will continue to adopt a multilateral approach in our international relations and continue to support the UN system as the guarantor of international law and the arbiter of international peace and security.

I was invited to write a Foreword for this collection. I readily agreed and am delighted to be associated with this initiative. I extend my congratulations to all involved with this publication and I commend it to a wide readership.

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