1. Sovereignty—questions about "yesterday" and "today".

After the tragic events on the 11th of September the security issue became the leading one among all the important problems concerning the country and its citizens. The terror attacks on the Bali Island and disturbances in Fat East have shown that world terrorism is a serious enemy with many faces and does not follow any conventions\(^1\). Beyond any doubt the American events will influence the aspect of the national, international and continental defence system.

The above fact gives birth to a question about defence itself. Which system in particular could possibly counteract the events of that sort? Parallelly, a series of questions about the sovereignty arises. How the new ideas concerning the possibility of creating other than now-existing security systems make impact on the right a country has to exist and function on its own.

Let me focus on the sovereignty issue now and let me start with its encyclopedic definition. As translated from French, it is a state of a national authority of a country of being independent\(^2\) in any relations with other countries and international organizations\(^3\). Furthermore, it could be understood as being independent of any outside influences\(^4\).

Second, the next question arises, that of the possibility for sovereignty not to be decreased in the time of many pacts, compacts and agreements, in the era of EU and the NATO. And if the access to other overnational organisms is not a partial and conscious resignation of a part of that sovereignty, at least.

I will try to find out the answers to the above questions in the moment.


In the history of the modern political thinking and many political ideas we can easily find different visions as for the development of Europe.

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It was France that was the first country which made the attempt to unite and integrate the continent. It was the Napoleon battles in the turn of 18th and 19th centuries that were the significant evidence of it. The further step in that European integration is the perspectives of developing the European Communities, the European Economic Community and finally the European Union. The ideas were different: from the radical systems, those to set a limit on that sovereignty of particular countries, i.e. the European federation which is a unit that takes the role of making any decisions of the country members to the idea of “Europe of Homelands”, that of Charles de Gaulle’s which meant nothing more but forming a confederate union of sovereign countries joined together by an economic agreement. The weak side of the federal conception, much more radical in its form, is as follows: the integration which is a partial limitation to the sovereignty of particular countries could only be a consequence of the process of the economic integration. These changes were to be made parallely. The idea of “Europe of Homelands”, that of Charles de Gaulle’s, became number one. It was than the vision of the development of the Western European System. According to this idea the European Economic Community is a community of countries because only they have the authority and power in both organizing and acting. Thus the focus is on the sovereign countries, individual organisms as parts of the bigger whole, i.e. common Europe. Even Charles de Gaulle suggested the confederation of countries should have been created. This confederation should have had the overnational character. The 70s in France was the period of postgaullism, that was the time when Charles de Gaulle’s vision was getting more and more popular. Georges Pompidou and Valery Giscard d’Estaing were to follow the great French politician. Furthermore François Mitterand as a follower of the eminent politicians continued Charles de Gaulle’s political conception of sovereignty of France in the field of defence and nuclear weapons. He put forward those solutions as for the Western European Union which could allow Western Europe to be ready to be responsible for its defence in the case of the situation the USA is getting less and less involved and interested in the Old Continent. In the conception of Mitterand’s we can find some features of Charles de Gaulle’s idea of “Europe from the Atlantic to the Ural” which is close to the Gorbachev’s vision of “Europe- Common Home”.5

Later the course of events opted for the idea of “Europe of Homelands”. The rule of subsidiarity according to which the Union exists and acts where member countries had not been sufficient, started in Treaty of Maastricht in 1992, put aside the possibility of creating the European federation. It is also Treaty of Amsterdam in 1997 that opted for the idea of “Europe of Homelands” as a possible way for the European Union to develop.

That is Europe being experienced by wars and national battles is now in front of a new challenge to work on integration and build the security system on the Old Continent.

Now it is worth citing the words of the leaders among many politicians dealing with the international politics, according to whose vision of Europe is a vision in which one can successfully find a dilemma touching the issue of the sovereignty of a country.

Relating to the events of the passing years, George W. Bush, the president of the USA said the following words in 2003: “We should build a common home of freedom in which the door is always open to all the Europeans and in which we want to shoulder the responsibilities and fulfil the duties every home is concerned with”6.

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Visiting Poland the same year he added: “Our agreements and treaties should be strong and ready to win a war with the world terrorism […] It is a matter of possibilities and a political will and readiness. To be secure enough in the present world we should require from the European governments to invest into the military forces.” All of this encourages them, i.e. the European governments to form and develop security systems.

The “common problem solving” and the “necessity to invest into common security” should be encouraging to form and develop overnational security systems.

Here comes Tony Blair’s point of view of the situation: “All the countries and regions have already made sure that the problem of globalization has turned economy, security and culture up side down. The security of Europe has been in danger from the outside […] that is why Europe cannot concentrate upon itself but thinks about its position in the world. The task of the European Union is not only to keep and maintain peace and eliminate international conflicts but also to secure the national and strategy interest of all the European countries in the time of new economical and political challenges in the world […] What Europe would we like to have? Which Europe will manage to fulfil the duties of this modern world? First, we need the international unity of the countries, not the federal supercountry. This European supercountry would not have enough legitimacy and it would not be ready to fulfil the global tasks […] The international and defence policy remains the prerogative of the governments and all common decisions will be made together […] What is important for us is to strengthen the defence system of Europe which can allow us to strengthen our role in NATO and act independently if NATO would not decide to act.”

A proper definition of the current situation in Europe is given by Joschka Fischer, the Minister of the Foreign Affairs of Germany: “Europe has to find its own form based upon a compromise between Europe and a national country. What form should it be? Unity of countries? Than the European field is too little. A federal country? This idea is not to be put forward nowadays. I think, there is one possible way- a federation of national countries guaranteeing a real division of sovereignty between the federal field and the national field. This federation allows to act the EU after its enlargement not questioning the natural diversity of the European nations […] It is only the EU that is able to give political answers to the globalization problem. And Europe is also the best bastion protecting from nationalism and xenophobia, and the best guarantee that freedom and democracy will lead to a safe future.”

Fischer does not agree with the conception of the European federation, assuming that it will not be real in the following years. He, however, tells about the federation of the national countries in which the real sovereignty division is guaranteed. This is the division between the federal field and the national field. This definition of the problem shows clearly the modern attitude to the problem of self-existence of countries and nations.

What is worth mentioning is the report of the Independent Work Group formed under the auspices of the Stockholm International Peace Research Institute. Here comes a conclusion: “The defence system should be based upon the mutual reassurance which is a possibility of sovereign countries to cooperate in making decisions concerning the national security.

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7 Bush G.W.: Polska jest obywatelem Europy, przyjacielem Ameryki, przemówienie Prezydenta USA wygłoszone 31 V 2003r. na Wawelu w Krakowie, „Rzeczpospolita”, 2 VI 2003, s.5 (Bush G.W.: Poland is a citizen of Europe, a friend of America, USA president’s speech on 31 V 2003 in the Wawel Castle in Cracow, "Rzeczpospolita", 2 VI 2003, p.5)
8 Blair T.: Starzy przyjaciele w nowej Europie, przemówienie premiera Wielkiej Brytanii na Zamku Królewskim w Warszawie, „Gazeta Wyborcza”, 31 V-1 VI 2003, s.10 (Blair T.: Old friends in New Europe, Prime Minister’s speech on the Royal Castle in Warsaw, "Gazeta Wyborcza", 31 V-1 VI 2003, p.10)
9 Fischer J.: Dlaczego potrzebujemy Europy, przemówienie ministra spraw zagranicznych Niemiec w związku z przyznaniem mu tytułu Człowieka Roku „Gazety Wyborczej”, „Gazeta Wyborcza”, 11-12 V 2002, s.6 (Fischer J.: Why we need Europe, Minister of the Foreign Affairs’ speech, "Gazeta Wyborcza", 11-12 V 2002, p.6)
The law of country self-existence cannot be reduced to the law of secession or the law of the independent nationalization. The law of country self-existence should be understood as taking into consideration both the human rights and the fundamental freedom rights, i.e. the rights to create, consolidate and strengthen the rules of law and the plural democracy as the only acceptable system of governing. The law of country self-existence should be balanced by means of the right to national sovereignty, the right to the territorial integration with secure borders as well as the right to the international peace and security.¹⁰

What was presented in the above text was the necessity to formulate a new issue of sovereignty and self-existence, focusing on keeping certain autonomy of national organisms in the organizations and overnational treaties and agreements.

On the whole, on the basis of the visions and ideas presented above, it is cooperation and integration of the countries that could build and develop the one European security system.

3. The formal and legal acts versus national countries.

The agreements and treaties among countries of the European Communities, ECC and the European Union show properly and clearly the changes in the way of defining national sovereignty.

This is Treaty of Rome, which set the European Community in 1957 and tells us about the citizenship and about the possibilities to make use of the laws and rights the Treaty serves and also to fulfil the duties and responsibilities the citizenship is to take.¹¹ The issue of the citizenship is closely associated with the problems of defence and concerns about the existence and the development of an organism.

In the Single European Act in 1986 we can find the following: “The Sides regard the cooperation, as for the problem of the European security, the important way to establish and develop the autonomy of European countries in the foreign policy. The Sides are ready to coordinate their positions as for the political issues and economic security aspects.¹²

The problems are also shown in the light of Treaty of Maastricht in 1992, that is i.e. “member countries inform and consult each other it the European Council forum as for the policy and security system”.¹³ What is more: “Common Foreign and Security Policy deals with the problem with the security of the Union, including the defence policy which can successfully lead to the common defence”.¹⁴

All the above are clearly stated in Treaty of Amsterdam in 1997: “The Sides are ready to carry out the common foreign and the defence policy forming the common defence policy that could lead in the future to the common defence, as decided by the European Parliament.

¹² See: Jednolity Akt Europejski z 1986r. (tłumaczenie robocze), pkt. 6a), Ministerstwo Spraw Zagranicznych RP, opracowanie multimedialne, http://www.msz.gov.pl (Single European Act)
All of this undoubtedly strengthens the European autonomy and independence to introduce peace, security and progress in Europe and in the world. In this Treaty we can also find very important information about the “protection of common values, of the basic interests, of independence and of integrity of the Union” [the integrity of the Union is a new purpose here-from the author] and about “the building of security of the Union” [former “of the Union and its member countries” -from the author]. Thanks to this Treaty of Amsterdam a new instrument of the European security policy appeared for the first time. They were the common strategies concerning the above problems which the European Council is to introduce. The new concept presented by Treaty of Amsterdam was a possibility of constructive withdrawal of a vote which could enable the European Union to act without a country not being interested in a particular action and which at the same time could agree with anything that reinforces the cooperation in the II pillar, i.e. Common Foreign and Security Policy.

The introduction of Common Foreign and Security Policy by Treaty of Amsterdam gives evidence of the future tendency to make changes in the coordinational work in the II pillar into the cooperation of the integrational character in the I pillar which concerns the European Communities.

Treaty of Nice in 2001 gives a precise schedule of the actions, those to strengthen the security system of Europe: “The European Union reaches at getting quick operational ability”. To conclude: “It is the policy of the Union which does not change the character of the security and defence policy of member countries. The politics of the Union appreciates the obligations of some of the member countries, those given by the North Atlantic Treaty Organization according to which the common defence policy is being carried out in NATO”.

As for the project of the European Constitution, it is clearly stated in the article 5 that the Union respects the national autonomy of the member countries. The article 9 describes the role of subsidiarity and the article 42- the clause of solidarity according to which the Union and its countries help one another in case of terror attacks and natural disasters.

All the above treat the problem of the European security as the most significant.

The meeting of the countries belonging to the European Community Defence formed in 1952 held on the 27 of October 1970 presented a set of rules and possible ways the European Political Co-operation put down in the Single European Act in 1986 when the Common Foreign and Security Policy was held.
This evolution presents the growing institutionalisation of acting in the field of the overnational activities.

The same with the European Security and Defence Identity conception which deals with the greater responsibility for the defence of the country. It was for the first time formulated in the Declaration of the country members of the Western European Union as for the role of WEU and its relations with the European Union and NATO held in Maastricht on the 10th of December 1991 during the summit meeting of the European Communities. The aim consequently and further more was to work out the common defence policy in the field of the EU which could lead to common defence.\(^22\)

4. A country-at present and tomorrow.

To conclude, a national country seen as a self-governing and independent unit carrying out its own foreign and defence policy is no longer an organism on the international stage. What influenced such a situation was the terror attacks in New York on the 11th of September 2001.

The forming of the overnational system of security in Europe is a necessity at present neglecting the nationalistic tendencies of particular countries on the Old Continent. This process is of great importance to all those, for whom keeping the values of the European civilization matters much.

The common declaration of 22 countries of NATO and of the Organization Treaty of Warsaw held in Paris on the 19th of November 1990 tells us about the following: “The security is not to be divided and security of every country is closely associated with the security of all the countries […]”\(^23\).

Javier Solana, EU High Representative: “The European Union is not creating an European army; it is not forcing countries to deploy their armed forces against their will; and it is not undermining the Atlantic Alliance. We are creating a pool of military resources ready and able to undertake EU-led crisis management operations.”\(^24\).

Such a way of thinking about the European security helps us to keep hope that the countries of the Old Continent with the member countries of the European Union in particular will do their best to stop the international terrorism giving up their own sovereignty, if necessary.

Literature


\(^22\) Parzymies S.: Europejska Tożsamość…, s.11-17 (Parzymies S.: European Security…, p.11-17)


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