

THE DEVELOPMENT OF THE EUROPEAN UNION

Research Article

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Abstract

The trend for creation of the European Union has existed very early. Today, what characterizes the unity and identity of the European continent is the result of development and events that happened in the second half of the twentieth century. During that time Europe and the current member states of the European Union, were characterized by division, antagonism, different interests rather than common objectives. Normally, apart from the linguistic, religious and cultural differences, there were also the economic and political differences of the European countries. The relations between Western European countries that are at the same time European Union countries, were based on rivalries, disbelief that led to two world wars in the twentieth century, the first world war during 1913-1918 and the second world war during 1939-1945. In this regard, it is important to emphasize that all international organizations were created shortly after the second world war, including the European Union.

The European Union as an international, regional and supranational organization as well as other international organizations are intergovernmental organizations created by the membership of sovereign states. But, it does not mean that all international organizations enjoy the attribute of subjects in international relations, but organizations established on the basis of international agreements.

It should not be forgotten that the basis for the presentation of the international organizations was the concept of international conventions whose main purpose was to prevent the new wars and the concept of international integration that implies the institutional link between two or more sovereign states.

The European Union as an international organization will continue in the future with new enlargements, joining states will claim to be members of this organization, but always by respecting the determined criteria.

So, it is important to mention the word of a well-known author Folsom who said: "The European Union is like a magnet, the bigger it is, the stronger it gets", which means that the more countries join this organization, the more powerful it becomes.

Key words: European Union, international, treaty, council, members.

Introduction

First of all, it is important to elaborate the notion of the European Union. It is understandably, whether we are talking about a country or an international organization and to be sure to know what was the basis for presentation of this international organization or for the international organizations in general, certainly to know the role of this subject in international law. As it was mentioned earlier, the European Union is an international organization, intergovernmental, regional and supranational organization. Therefore, all international organizations such as the UN, NATO, OSCE and the European Union are intergovernmental organizations, thus created by the membership of sovereign states. It does not mean that all international organizations enjoy the attribute of subject in international relations, but organizations established on the basis of treaties that we will talk later on. It should not be forgotten that the basis for the presentation of the international organizations was the Concept of the International Congresses and the Concept of International Integration. Concerning to the Concept of International Congresses, as is known with European diplomatic history since Westphalia's peace (1648), followed by the Vienna Congress (1815), the Paris Congress (1856), the Berlin Congress (1878), the Ambassador's Conference in London (1913), the Washington Conference (1922), the Paris Conference (1946), where the main purpose was to prevent the new wars. As regards to the Concept of International Integration, it implies the institutional link between two or more sovereign states.¹

The trend of creating the European Union has existed very early. Today, what characterizes the unity and identity of the European continent is the result of development and events that happened in the second half of the twentieth century. During that time Europe and current member states of the European Union, were characterized by division, antagonism, different interests rather than common objectives. Normally, apart from the linguistic, religious and cultural differences, there were also the economic and political differences of the European countries. The relations between Western European countries that are at the same time European Union countries, were based on rivalries, disbelief that led to two world wars of the twentieth century, the first world war during 1913-1918 and the second world war during 1939-1945. In this regard, it is important to emphasize that all international organizations were created shortly after the second world war, including the European Union. The consequences of the second world war in the whole European continent were enormous with a devastated economy, devastated settlements and millions of dead. However, the relations between these countries after the second world war gradually changed as a result of several economic and political factors that enabled the change of countries' positions and the beginning of European cooperation and integration. Some of these factors led to the formation of international organizations that were universally and regionally mentioned at the outset. But the European Union is the only cooperation and integration between member states and it is based on the supranational institution and in the way of introducing the structures and processes of intergovernmental settlements. Supranationalism consists of renouncing part of the members' sovereignty by transferring the authorizations of establishing international forums "*the doctrine of direct effect*". The idea of the creation of the first community of the three European communities, besides Churchill, there were other ideators of the same opinion: Jean Monnet, Robert Schuman, Konrad Adenauer etc.²

¹ Based on: Gruda, Z., "E drejta ndërkombëtare publike" (translated from albanian), Pristina, 2003, pg. 7, 307-341.

² Based on: Davkova-Siljanovska, G., Treneska, R., Trendafilova, T., "Doracak për dhënien e provimit profesional dhe të praktikantit" (translated from albanian), Skopje, 2014, p. 316-317.

The European Union is based on the rule of law. This means that every action taken by the EU is founded on treaties that have been approved voluntarily and democratically by all EU member states. For example, if a policy is not cited in a treaty, the Commission cannot propose a law in that field. A treaty is a binding agreement between EU member states. It sets out EU objectives, rules for EU institutions, how decisions are made and the relationship between the EU and its member countries. Treaties are amended to make the EU more efficient and transparent, to prepare for new member states and to introduce new areas of cooperation - such as the single currency.

The main treaties of the European Union are: Treaty of Paris, Treaty of Rome, Treaty of Maastricht, Treaty of Amsterdam, Treaty of Nice and Treaty of Lisbon.¹

The foundation stone of the European Union was laid by the then French Foreign Minister Robert Schuman in his declaration of 9 May 1950, in which he put forward the plan he had developed with Jean Monnet to bring Europe's coal and steel industries together to form a European Coal and Steel Community. This would, he declared, constitute a historic initiative for an "organized and vital Europe", which was "essential for civilization" and without which the "*peace of the world could not be maintained*". The "*Schuman Plan*" finally became a reality with the conclusion of the founding Treaty of the European Coal and Steel Community (ECSC) by the six founding States (Belgium, Germany, France, Italy, Luxembourg and the Netherlands) on 18 April 1951 in Paris (Treaty of Paris) and its entry into force on 23 July 1952. This Community was established for a period of 50 years, and was "*integrated*" into the European Community when its founding Treaty expired on 23 July 2002.²

The Treaty of Rome was signed on 25 March 1957 and entered into force on 1 January 1958. With this treaty was established the European Economic Community (EEC) and the European Atomic Energy Community (EUROATOM). With this treaty were laid the foundations for economic integration based on the idea of four freedoms: Freedom of movement of people, goods, services and capital. The purpose was to establish a common market by removing customs duties and quantitative restrictions on trade (free trade zone) by establishing Common Foreign and Common Customs (Customs Union and Common Commercial Policy) and prohibiting practices aimed at the prevention of free competition through member states. Customs duties were lifted in 1968, while the common agricultural policy was established in 1962. With the Treaty of Rome these institutions were established: instead of the High Power, were formed commissions (from appointed functionaries), with political authorization, but with less force in making decisions; the Council of Ministers as core body of decision-making, Assembly, instead of the Joint Assembly which on 1979, in contrast to the Joint Assembly, consisted of directly elected representatives (parliamentarians) of member states, rather than delegates from national parliaments. The Assembly had advisory and limited oversight force and the Court of Justice, with the power to defend itself fairly in the application and interpretation of the Agreements. However, with the Convention of 1957, it was decided that the Assembly and the Court of Justice of the three communities should serve as joint institutions. The Single European Act was signed in 1986 and entered into force in 1987 which introduced some amendments to the Treaty establishing the European Union (the Paris Agreement and the two Rome Agreements), and was given a boost to the new development and further integration of member countries. By this act the new fields of politics, research and technological development, the establishment

¹ https://europa.eu/european-union/law/treaties_en

² Borchardt, K.D., "The ABC of European Union law", 2010, pg. 11, 12.

of the internal market or otherwise called the Single European Market were formally incorporated, by the end of 1992 as a special and important objective.¹

Treaty of Maastricht was signed on 7 February 1992 and entered into force on 1 November 1993. Since, from the heading of this treaty especially on the normative part the notion “*European Economic Community (EEC)*”, was replaced with the notion “*European Union*”. There were two aims of the Treaty of Maastricht: the first one, was the completion of the European economic integration process and the establishment of a European political integration. The main Institutions that were responsible for decision were: the European Council, the Council of Ministers, the European Commission, the European Parliament, the Court of Justice and the the Court of Auditors.²

Treaty of Amsterdam was **signed** on 2 October 1997 **and entered into force** on 1 May 1999. Treaty of Amsterdam defined five main goals: employment and citizenship within the union, remove all obstacles to freedom of movement and strengthen security and fight crime within the union, the European Union to be influential in world affairs, the institutional structure should have the effect of extending the union and strengthening the concept of the European Union citizen.³

Treaty of Nice **was signed** on 26 February 2001 **and entered into force** on 1 February 2003. Further development came in the form of the also with the Treaty of Nice. The aim was to preserve the EU’s capacity for effective action in a Union enlarged from 15 to 27 or more members. The treaty was therefore focused on institutional reforms and, compared with previous reforms, the political will to deepen European integration in Nice was relatively weak.⁴

Treaty of Lisbon was signed on 13 December 2007 and entered into force on 1 December 2009. The purpose of this treaty is: to make the EU more democratic, more efficient and able to address global problems better, such as climate change, with one voice. In this treaty the main changes are: more power for the European Parliament, change of voting procedures in the Council, citizens’ initiative, a permanent president of the European Council, a new High Representative for Foreign Affairs, a new EU diplomatic service. The Lisbon treaty clarifies which powers belong to the EU, belong to EU member countries, are shared.⁵ The Treaty of Lisbon also abandons the EU’s ‘three pillars. The first pillar, consisting essentially of the single market and the EC policies, is merged with the second pillar, consisting of the common foreign and security policy, and the third pillar, covering police and judicial cooperation in criminal matters. However, the special procedures relating to the common foreign and security policy, including European defense, remain in force; the Intergovernmental Conference declarations attached to the Treaty underline the special nature of this policy area and the particular responsibilities of the Member States in this respect.⁶ It is important to be mentioned that the Lisbon Treaty was signed but never ratified.⁷

¹ Davkova-Siljanovska, G., Treneska, R., Trendafilova, T., Doracak për dhënien e provimit profesional dhe të praktikantit” (translated from albanian), Skopje, 2014 p. 318-320.

² Reka, B., & Sela, Y., “Hyrje në të drejtën e Unionit Evropian”, translated from albanian, Tetovo, 2007, pg. 89-90.

³ Ibid, pg. 92.

⁴ Borchardt, K.D., “The ABC of European Union law”, 2010, pg. 12.

⁵ https://europa.eu/european-union/law/treaties_en

⁶ Borchardt, K.D., “The ABC of European Union law”, 2010, pg. 16.

⁷ https://europa.eu/european-union/law/treaties_en

Instead of ending

From all that we elaborated on the main topic “The Development of the European Union”, we can conclude that we talked for an international organization. Thus, the European Union is an international organization of regional and supranational character.

We think that this international organization will continue in the future with further enlargements, which means that the European Union will not remain with current member states from 27 countries that are now recognized, but will continue with new enlargements, including the states which also pretend to be member states of the European Union.

And in the end, it is important to mention the word of a well known author Folsom who said “*The European Union is like a magnet, the bigger it is, the stronger it gets*”, which means if more countries join, the European Union will be strengthened more and more, but always by fulfilling certain criteria.

References:

1. Borchardt, Klaus Dieter, “The ABC of European Union law”, 2010;
2. Davkova-Siljanovska, Gordana, Treneska, Renata, Trendafilova, Tatjana “Doracak për dhënien e provimit profesional dhe të praktikantit” (translated from albanian), Skopje, 2014;
3. Gruda, Zejnulla “E drejta ndërkombëtare publike” (translated from albanian),”, 2003;
4. Reka, Blerim, & Sela, Ylber, “Hyrje në të drejtën e Unionit Evropian” (translated from albanian), Tetovo, 2007;
5. https://europa.eu/european-union/law/treaties_en