

## Interview with Peter Sutherland

'To be truly Irish we have to be European first'

'We need the European Union to bind us to other people'



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A fervently pro-European Irishman, **Peter Sutherland** has held important political mandates in his country, as well as at the European and international level.

He was appointed Attorney General of Ireland in the governments of Garret FitzGerald, before becoming European Commissioner for Competition in the first Delors Commission (1985-89). He subsequently became Director General of GATT (now WTO).

Peter Sutherland is currently serving as Chairman of BP, of Goldman Sachs International and is the UN Special Representative for Migration.

Aziliz Gouez met him at his house in Dublin, prior to the 2008 Irish referendum on the Lisbon Treaty.

**Aziliz Gouez** is researcher at *Notre Europe*.

Interview conducted during the course of the **'European Works'** project.

## **What made you such a convinced European?**

From a very early stage, as a university student already, I was a committed European. We could see at first hand in this country the enormous suffering created by extreme nationalism which in turn was a reaction to injustice. Nationalism – often combined with religion, as was the case in Northern Ireland – has often led to conflict throughout history. According to one opinion poll I saw years ago the Irish are the proudest people of all; they have the greatest sense of their own nationality. Although I am myself a very passionate Irishman and am very proud of my country I can see the dangers in being too proud of difference.

## **Who were your first ‘mentors’ on the European path?**

I joined the ‘European Movement’ long before Ireland joined the European Community. I had read the *Ventotene Manifesto* of Spinelli and even earlier books by British federalists of the 1930s. I was and am an internationalist. I also became very closely associated with Garrett FitzGerald, who was a European of the first order. I was a Christian Democrat then and still am and the Christian Democrats, in many ways, were the founders of Europe – Schuman, de Gasperi and Adenauer in particular.

But most importantly, my intellectual development goes right back to Daniel O’Connell, a great Irishman of the 19<sup>th</sup> century who was instrumental in achieving Catholic Emancipation in 1829. And one of the first things O’Connell did when that was achieved was to write to the Chief Rabbi to say that he now wanted to work for the Jews. That was the type of person who inspired me. He was in my opinion the first great European in Ireland. And one of the early Europeans who understood that Europe was more than a group of nations, that it was essentially a set of values.

So Europe in Ireland was something that I would have seen in a historic context from Daniel O’Connell and through the ideas of other people like Thomas Kettle, an Irishman who died in the battle of the Somme in 1916 fighting for the freedom of small nations. We did not have conscription in Ireland during the First World War because the British were understandably afraid to enforce it particularly after the rebellion in 1916. But Thomas Kettle joined the war, like some of my own family did, even though they were Irish nationalists, to fight for the freedom of small nations. It was actually something that the leaders of the constitutional Irish nationalist movement encouraged. And in 1910 Thomas

Kettle wrote that to be truly Irish we have to be European first. In other words, we have to break out of an intellectual straightjacket which just saw us as a subpart of the British identity. For lots of reasons we are distinctive but this is not a value judgement on that difference.

## **You studied law: to what extent did that shape the way you envisage European integration?**

The Irish are unique in one respect in the EU and this is not always appreciated. Ireland whilst in the common law tradition is a constitutional democracy. It has a written constitution which is modelled significantly on the American constitution particularly in the sense that the supremacy of the judicial system is key to what we are. We are familiar with a process of law which created the United States and are different from the United Kingdom which prides itself on the supremacy of parliament.

I have therefore always seen the European integration process as something which is fundamentally rooted in law. The supremacy of community law I believe to be the most important aspect of the community method. The essence of the supranational powers of the Union lies in the supremacy of the European Court of Justice – so that governments cannot just trample on their obligations with impunity. Properly functioning, the European Court will force national courts to force national governments to take steps to comply with their legal obligations.

Walter Hallstein, one of the two great Presidents of the European Commission, once said: *'We don't have divisions, [divisions in the sense of army divisions], all we have is respect for the laws.'* And he was right! The Germans have always been keen to this. Their experience in the war brought a respect for the rule of law which has been a vital element of the European integration. Mrs. Merkel today is a vital part of the future of Europe. I hope she will maintain the tradition.

## **But isn't the institutional structure of the EU – the 'community method' – as equally important as the supremacy of community law?**

Of course the grafting onto that – the independence of the Commission, its exclusive power of initiative, the relationship with the Parliament and the

Council – has also been essential. You would never have succeeded in creating laws to be enforced by the courts if you did not have a community method. But to me the supremacy of community law is the key to European federalism: it is the key to the European method and an essential element in the success of the European Union.

**Do you think that the European institutional construct is strong enough to face such challenges as outbursts of patriotism or racism in the member-states?**

I know that without it we could not face those challenges. With it we have something which has already proved sufficiently durable to withstand challenges. Poverty in other parts of the world creates huge migrant flows and the demographic problems of Europe will induce even more migrant flows. We are going to have to learn to handle that. And we can handle it much better with Europe than without it.

In my experience of the EU, there has always been a majority for reasonable policies. And the reason is that we have a Commission formed of people of different nationalities who are required to seek to do things for the common interest. It is a civil service dedicated to the common good of Europe. So we do have a system which produces policies which are not extreme, which are demonstrably designed to achieve objectives that are desirable and which can resist the temptations of populism.

**What is, in your opinion, the greatest challenge for the future of the European institutional balance?**

Intergovernmentalism is my greatest fear for the future of the EU. In other words, the destruction of Europe will follow the victory of intergovernmentalism over supranationalism. And the real worry has always been how to restrain the arrogance of capitals. Because in the end of the day, it all depends on individuals: if you have a constellation of the wrong type in capitals, you can destroy the whole system. You can destroy it too if the people lose faith in the whole project which they will only do if it is not properly explained or if populist distortions should sway it.

France and Britain to me have been threats to the EU at different times. Although Britain has shown far greater and deeper establishment ambivalence to the

process. The difference between the two is that France has also given some of the great leaders and ideas of European integration: Monnet, Schuman and Delors and the Single Currency – the Euro. But the French have also put back political union for forty or fifty years through the defeat of the Defence Treaty. And then they wrecked the Constitutional Treaty. France contains its own schizophrenia: it pulls the leadership in the right direction and a strong negativism in the wrong direction. Many French people and more particularly many of their politicians are ambivalent about the supranational nature of the EU. They fear a government of judges, but, in the end of the day, law has an essential role, as I have said.

So intergovernmentalism is one good reason why we have to fight to get through the new Treaty. It is not that it is a particularly good Treaty – but it is certainly better than none. Without this Lisbon Treaty things will only be worse and we will be less able to cope with a rapidly changing world. It creates more efficiency and democracy also but I personally would have liked it to go further.

### **Would you say that intergovernmentalism is gaining?**

Since the beginning of the European integration many of us have been concerned that intergovernmentalism is gaining ground. But I am not sure that it really is. Because there are also gains on the other side. The authority of the Commission is intact in many vital areas of the economic activity.

When I came into the Commission in 1985, we had to take a bold step forward under the leadership of Jacques Delors, in the context of the '1992' programme, to confront national breaches of Community law. We used the powers that we had to force open national markets, create the internal market and set up a competition policy which not everybody approved of.

It is a constant battle but in each stage, in each Treaty, we moved a little bit forward, including the Lisbon Treaty, notwithstanding its deficiencies. Bit by bit we are moving forward; bit by bit we are moving into new areas; bit by bit people are recognising that issues like climate change, terrorism, or immigration cannot be dealt with at national level. And the only way that we can get the system functioning is through a supranational method which is the community method, with the Commission at its core.

## **You mention new policy fields, such as the environment and immigration. What about the oldest common policy, the CAP?**

People criticize the CAP, particularly the British. The fact is that the original bargain was a bargain between those who wanted an agricultural support system and those who wanted a competitive economic system. The CAP was in many ways badly administrated and badly formulated. But there was an essential core that a lot of Europe were peasant farmers. We were not dealing with huge land mass farms as they have in the US. There was an obligation to keep some sort of social cohesion in our societies and not have all of our countryside people descending on our cities because they could not make a living as farmers.

So I do not view the CAP as an unmitigated evil at all. It has been gradually reformulated. You can argue that it could have gone faster; you can argue that it has in some respects damaged the interests of the poor in other parts of the world. I still think that we need a Common Agricultural Policy – but a reformed one. If you renationalize it you recreate the prospect of borders.

## **As former Director General of the GATT and WTO, do you see a discrepancy between the requirements of a globalising economy and the political way of dealing with issues at national level?**

The danger of protectionism is always greater at a time of recession. The WTO is a negotiating forum and a dispute resolution mechanism. The points that I have already made about the supremacy of law is also key to the way the WTO functions. If Europe or the United States suddenly decide not to care anymore about the dispute resolution mechanism, it will be the end of the authority of the WTO.

I believe that multilateralism has been vital in creating a rule-based system allowing for the integration of countries like China into the global economy. We need structures to help maintain what we have achieved. And I think therefore that it is very dangerous that the WTO could fail. Only when you are rooted in a legal system and a sense of obligation to comply with treaties and agreements, can you withstand the pressure of populist and protectionist philosophies.

## **Was the GATT a further step in your European federalism?**

Yes. I went to the GATT because I saw it as a further step in the process of integration of peoples but at the global level. The WTO however is still basically intergovernmental. A national court would never enforce the judgements of the dispute settlement mechanism against their own government. Monnet himself saw the European integration as a step on the road to a global situation. But it will never be quite the same. I believe that Europeans also share common values.

## **What binds Europeans together?**

We share a large number of policy approaches which even distinguish us from the United States who, in my view, also essentially come from a Christian or, if others prefer, an Enlightenment background. Europeans do not believe in the death penalty. We do not believe in huge differences between rich and poor. We certainly have a much greater belief in multilateralism than the Bush Administration has. We are more advanced in pushing agendas in areas like climate change. We do not appear to believe in the individual to the same extent and perhaps favour more solidarity – gun control, for example, is an aspect of the American individualism that is part of the frontier mentality. It has created a somewhat different collective personality. I am not being anti-American. I am just saying that we are in some respects different and that we share these differences.

To put it shortly, I think that European values are embedded in laws defining rights and duties and obligations. It creates a cement which allows us to come together. Regarding nationalism it should be said that all of the countries of Europe that like to think that they reflect permanent national characteristics that are different from other Europeans are I think deluding themselves. Much of nationalism is a modern creation and so are alleged national characteristics.

## **Do you think that the issue of corporation tax could introduce tension in the Irish relationship with Europe?**

I believe that the Irish position on the corporation tax issue is perfectly defensible, and this is I hope not because I am an Irish person. I believe that we need competition in Europe. And I believe that the attempts that are made from time to time on harmonization of social costs or taxation levels are attempts to



foist other people's uncompetitive structures on ours. I am not worried about our society: our solidarity and overall tax levels are comparable to most other countries, only a bit lower.

I know that we had 17 % unemployment in 1991, that we had civil war in Northern Ireland, and that my people were leaving the country. We were the poorest country in Europe until the Greeks joined in 1981 and then Portugal and Spain in 1986. And I know today that we have 4.3 or 4.4 % of unemployment, we have the third highest GDP *per capita* in the world and we have a favorable budget deficit.

Before 1973, we were impeded in our connection with Europe by our connection with Britain. We had preferential trading arrangements with Britain which made it impossible for Ireland to join the EEC before Great Britain. It would have caused too big a disruption in our trade. We got a lot of money since we joined. But our present success is not because of the structural funds, it is because of the market.

### **And the American investments...**

But the American investments came because we had access to the European single market. It is not a coincidence that the 1992 project was followed by a success in Ireland. And the decision that we were going into the Euro also did help Ireland greatly. But it was actually a political and almost an emotional statement of our commitment to Europe: Britain said no and we said yes! That was a very clear statement of where we stood. Here we were, accepting the Maastricht *criteria* which inhibited us in Keynesian approaches of spending money to solve problems – at a time when a type of war was raging in Northern Ireland. We had huge unemployment, huge debts, everything was screaming at us to spend money, borrow money, do anything to keep people working. We went the other way. This was a courageous decision.

### **Is the Irish relation to Europe getting closer to the British attitude of 'semi-detachment'?**

No. The figures in Eurobarometer are as high as they ever were. 83% of the Irish people think that the EU is a good thing. It is 29 % in Britain. But we do suffer because we are open to the British media. The British tabloid newspapers, the

Murdoch newspapers, are sold here in huge numbers, particularly to workers. They are very anti-European.

## **Do you see the Irish identity as one at the confluence of Britain, America and continental Europe?**

Absolutely not! We have very close connections with the United States. Over forty million American people describe themselves as Irish Americans. The Irish have, historically, massively identified with the American left-wing, the Democrats. On the Republican side, Ronald Reagan visited the village where his family came from, a little place called Ballyporeen, near Tipperary.

But the Irish people do not believe in the free market system in quite the same way as Americans. No party perceived as “neo liberal” in economic terms has ever survived here. Parties generally try to occupy the central ground because they know well that even if they believe in the market creating efficiency – which I do – this can create a neo liberalist impression. What is portrayed (sometimes with justification) as brutal American capitalism is not popular in this country although much of this caricaturing of the US is unfair.

So I would say that the idea of community – the solidarity, the national agreements between employers and employees, and so on – which is very much a left rather than a right-wing approach, is the key to what the Irish seem to like. We are definitely ‘Brussels’ and not ‘Boston’ in terms of philosophy and economics.

## **And culturally?**

Culturally, it is difficult for a little offshore island off another island. Half of the time we are claiming that the best of English speaking culture in modern times – Wilde, Joyce, Shaw – is Irish. And the other half of the time we are saying that our culture is in some way radically different.

Now, look at this painting: it is by Jack Yeats, for some the greatest Irish painter, brother of the great Irish poet, William Butler Yeats. The man with a cap in the foreground is the writer. He is surrounded by people who symbolize ideas which Ireland had been preoccupied with over the years. On the left is a United Irishman in his uniform. Next to him is a woman in green with a sail. Then a young mother in a black shawl, a woman of the people, with her child. To the

right is a lady wearing a mantilla and a man dressed as a Toreador. Further back, an old man grins by the water. There seems to be a figure of a donkey or a horse in the background. Writing, leaving Ireland, fighting, etc. – that is about the complexity of this place. It summarizes perfectly the confusion in what we are.

**It seems that the links that the Irish have had with continental Europe at the time of the ‘Wild Geese’ are much less present in the Irish consciousness than the history of the emigration to America...**

It is a pity that people in Ireland often do not know more about these connections with Europe. Many of the great names in wine in France, Spain or Portugal come from Irish exile families – Lynch, Barton, and Hennessy. Many of the great generals in European armies were Irish; a lot of them fought for France, Spain or Austria. But a generation or two down, those people became French or Spanish-speaking – the connection was lost in most cases although retained for centuries in other cases.

**Do you think that the Poles and other Eastern Europeans who are currently working in Ireland will have an impact on the way your country is integrating with continental Europe? These would have been unexpected links some 15 years ago...**

I think that many Poles will probably go back to Poland in due course and we will feel sorry when they do so... They fit in here. We see them as being like the Irish – stuck between Russia and Germany, they have been devoured from time to time and also they come from a Catholic tradition.

I do not know whether the links that are currently being created will last when they return. But I know that we need the structures that have given them the freedom to come here and which allow us to go and live in another country. We need the European Union to bind us to other people.