

**OPEN LETTER TO THE CONVENTION ON THE FUTURE OF EUROPE  
FROM ANNE CORBETT AND HYWEL CERI JONES**

***THE PLACE OF EDUCATION AND CULTURE WITHIN THE  
NEW CONSTITUTION***

**3 February 2003**

**EXECUTIVE SUMMARY**

**In view of the critical importance of education and culture in the unity and development of the European Union we urge the Convention on The Future of Europe**

- ?? TO REINFORCE THE COMMON VALUES OF THE EU, BY INTEGRATING THE CHARTER OF FUNDAMENTAL RIGHTS INTO THE TREATY**
- ?? TO REINFORCE THE SOCIAL AND CULTURAL COHESION OF THE EU BY RECOGNISING THE INTEGRAL PLACE OF EDUCATION AND CULTURE IN THE EU WITHIN THE PREAMBLE TO THE DRAFT TREATY**
- ?? TO CONFIRM THE UNION'S COMMITMENT TO COOPERATION IN EDUCATION AND CULTURE BY MAINTAINING THE CONTENT OF ARTICLES 150 AND 151 AND MAKING BOTH SUBJECT TO QMV**
- ?? TO COMBINE ARTICLES 149 AND 150 TO STRESS THE NEED FOR AN INTEGRATED STRATEGY OF LIFE-LONG LEARNING**
- ?? TO BE COHERENT IN SUPPORT OF A COMMUNITY DYNAMIC BY LOCATING EDUCATION AND CULTURE WITHIN THE FRAMEWORK OF 'SHARED COMPETENCES' RATHER THAN IN AN AMBIGUOUS CATEGORY OF 'SUPPORTING ACTIONS'**

**The vision**

A Community without culture is unthinkable. This, we hope, is what the Convention will say unequivocally when it presents its draft Constitution for the European Union. However, there are signs which suggest that the Convention will be urged to say the opposite: that it is unthinkable – or at any rate unreasonable - for the Union to maintain a competence for culture or even for education, the policy sector with which culture is so closely allied.

So why do some influential individuals try to make us believe that culture and education are irrelevant to the vision of the European Union as it develops and expands?

The main argument for playing down, or even abandoning, culture and education as a subsidiary Union competence, relates to the distribution of powers between EU institutions and Member State governments, and the latest attempts to clarify ‘subsidiarity’. However, such reasoning ignores the strong common cultural identity of Europe which exists alongside the rich diversity of languages, history and tradition which we treasure. This common identity has been strongly revived over the last 50 years. Much of it is resumed in the European Convention of Human Rights which the EU’s Member States have signed. That is to say: the peoples of Europe have a shared institutionalised commitment to defend common values – those of human rights, peace, the right of the developing world to self government, and to support for its development, and the growing collective concern for the future of the planet. The EU should now be celebrating this achievement, unique among the world’s institutions, on the eve of its next substantial enlargement embracing 10 new Member States.

We recognise that culture and education are delicate matters for the Union and touch on the heartland of sensitivities about national sovereignty. They are indeed so closely associated with national identity that the policy-making responsibility is widely recognised as ‘belonging’ (and rightly) to the Member State or its constituent regions.

Contrary to conventional belief, the cultural dimension has always been present in the EU, along with the commitment to education which transmits a culture and helps it evolve. When the founding fathers of the then EEC met at Messina in 1955 the case for ‘a Community of the Intelligence’ was made alongside the case for a European Economic Community and the pooling of atomic energy. Far from purposely keeping culture and education out of the Treaty, the Community governments agreed the Community should create what proponents termed ‘the most magnificent’ form of cultural institution created by the European mind’ - a European University.

### **The achievement: the EU’s engagement in education and culture**

The EC, and now the EU, has long played a complementary role to Member States. The Union has been a catalyst for cooperation and collaboration. It was the first European institution to succeed in turning familiar fine thoughts into action on education and culture. It was the EC which developed the consensual institutional framework which effectively supports a vision rooted in individual – not governmental – initiatives in these policy areas. Furthermore this was not by harmonisation. The EU’s influence has come through ideas and incentives.

Out of this ‘bottom up’ framework came the pioneering Erasmus programme for inter-university cooperation and student exchange and a host of other education and training programmes, now incorporated in Socrates and Leonardo. The Erasmus programme has helped more than a million students study in another European university and stimulated, on a voluntary basis, the creation of countless joint European degrees and diplomas in many disciplines which are fully recognised trans-nationally.<sup>1</sup> In 2002 the European Commission published a plan for a worldwide Erasmus programme to link this successful programme with other regions of the world.

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<sup>1</sup> The Erasmus programme was created in 1987 Ref to Council Decision of 15 June 1987 (87/327/EEC) OJ L.166, 25 June 1987

Research on student and academic attitudes consistently finds that the programmes are appreciated above all for the cultural benefits of cooperation and exchange. Individuals become more aware of Europe and of themselves and their national culture. They learn to live and study together with citizens of other European countries.

Culture, in the sense of improvement and education and training, is a key priority in the EU strategy to promote the 'Europe of Knowledge', a concept which derives from the Treaty of Amsterdam 1997, and the 'Lisbon process' launched in 2000, by which the EU has committed itself to drive up quality standards in knowledge-related policy areas. The Council has now agreed to 'benchmarking' and peer reviews of our education and training systems. A complementary strategy for lifelong learning, from cradle to grave, is now a shared objective of EU governments. The Bologna Declaration of 1999, an intergovernmental agreement between 31 European Ministers of Education, has led to work in parallel to create 'a barrier-free common higher education space' by 2010, complementing the EU's research and development strategy.

### **The Treaty framework: present and future**

The founding Treaty of Rome EEC, 1957, made it possible to make education-related action compatible with the freedom of movement of labour and freedom of establishment. This allowed the development of vocational training policies with a general education component, and the agreement that the Community should operate a policy of the mutual recognition of qualifications. The Treaty of Rome, 1957, creating a European Atomic Energy Community, provided for the creation of a university institution – the origin of the European University Institute in Florence.

The Treaty of Maastricht, 1991 was the first Treaty to define specifically a European dimension to education and culture. The Union was given power to act within clear subsidiarity terms. The Treaty frames the Union objective as 'contributing' to education and training of quality' and 'to the flowering of cultures' of the Member States.<sup>2</sup> In the field of education, the Treaty specifically envisages the EU stimulating the 'European dimension' by promoting the teaching and dissemination of the languages of the Member States, by encouraging student and academic mobility and youth exchanges; by promoting cooperation between educational institutions from school to university level, and by encouraging open and distance learning.<sup>3</sup> None of these measures constrain Member State governments. Rather they provide opportunities for individuals and institutions which have been widely appreciated and exploited by them, as well as opportunities for the EU institutions. There is strong evidence to show that they can play a dynamic, and catalytic - as opposed to a regulatory role - in a constructive way.

A rather similar, though weaker, article providing for cultural cooperation on the EU was also introduced at Maastricht, inspired by the example of education.<sup>4</sup> However, whereas the voting procedure on education is by QMV, the voting procedure on culture is by unanimity.

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<sup>2</sup> Article 3(p)

<sup>3</sup> Treaty of European Union, 1991, Article 126, and renumbered by the Treaty of Amsterdam, 1997, Article 150

<sup>4</sup> Treaty of European Union, 1991, Article 128, and renumbered by the Treaty of Amsterdam, 1997, Article 151

The competence agreed at Maastricht for education and culture was subsequently reinforced by the Treaty of Amsterdam in 1997 which made 'the EU determined to promote the development of the highest possible level of knowledge for their peoples through a wide access to education and through its continuous updating'.

We therefore question the idea presented by a Convention Working Group of defining a new (third) category of 'Areas for Supporting Actions' to include areas such as education, training and youth, culture, employment, and research and development. We see no reason, given the clear formulation in the Treaty of subsidiarity principles, why these areas could not fall within the proposed category of 'shared competences'.

In particular, we are concerned by the apparent confusion between the essential need to provide for a legislative base in these areas, without which financing of important 'flagship' programmes (e.g. ERASMUS, R&D) is impossible and the accepted need to ensure that the Union cannot and should not intervene legislatively to harmonise or standardise systems.

The presentation in this way of such a 'mixed bag' of areas so crucial to the harmonious development of the Union will damage the potential support and contribution of many citizens, economic, social and cultural actors. It is no way to connect with the citizens of the Union, and should be firmly rejected by the Convention.

### **The challenge the Convention must meet**

The Convention is committed to connect the Union more effectively with its citizens, whilst also clarifying and simplifying the Treaty.

Educational and cultural cooperation are vital to the dynamics of European integration. Such cooperation provides the most powerful means of enabling young people and citizens of the Union to live, study and work together, to participate directly in European projects and thus forge closer relations between the peoples of the Union. Inter-cultural dialogue and action provide the necessary underpinning to the integration process.

This commitment to educational and cultural cooperation is even more necessary as the Union now moves to further enlargement. Putting the premium on the human dimension of the integration process is essential. The active support of citizens - let alone their votes - will simply not be captured by a narrow view of the Union's mission and values. The engagement of future generations in shaping the future of Europe needs more, not less, cooperation and the Community method has proved its effectiveness in this regard.

Investment in education and training, and in innovation and research, are at the heart of the Lisbon agenda, to develop the best knowledge-based economy and society in the world by the year 2010. They underpin the distinctive European model of society and provide the crucial bridge to ensure balanced economic and social development of the Union, and its cohesion.

We therefore urge the Convention to seize the opportunity to confirm the importance of the human dimension of the development of the Union, and to give new energy to the Union's actions to promote educational and cultural cooperation.

This is a much better ‘real-world’ approach. It recognises the dynamic role of the Union in securing effective cooperation. It allows the Union institutions to develop incentive policies and multiply good practices, through networking and joint projects and at the same time it safeguards fully the primary responsibility of the Member States in these fields.

### **Proposals to the Convention**

In this context we make the following proposals to the Convention:

**(1) TO REINFORCE THE COMMON VALUES OF THE EU, BY INTEGRATING THE CHARTER OF FUNDAMENTAL RIGHTS INTO THE TREATY**

The Charter of Fundamental Rights should be incorporated into the first part of the new Treaty, and the shared values it expresses should feature in the Preamble so as to communicate clearly to all citizens the overall mission and purpose of the Union.

**(2) TO REINFORCE THE SOCIAL AND CULTURAL COHESION OF THE EU BY RECOGNISING THE INTEGRAL PLACE OF EDUCATION AND CULTURE IN THE EU WITHIN THE PREAMBLE TO THE DRAFT TREATY**

The Preamble to the new Treaty should include explicit reference to the forging of closer relations between the peoples of the Union (as in the Treaty of Rome) and refer to the vital contribution of educational and cultural cooperation to European integration and to economic and social cohesion of the Union, whilst reaffirming the need to both promote and protect the diversity of cultures.

**(3) TO CONFIRM THE UNION’S COMMITMENT TO COOPERATION IN EDUCATION AND CULTURE BY MAINTAINING THE CONTENT OF ARTICLES 150 AND 151 AND MAKING BOTH SUBJECT TO QMV**

The Convention should ensure that the present content of Articles 150 and 151 is fully incorporated in the draft Treaty under preparation. Both these articles specify clearly what the Union can and cannot do. The notion of any harmonisation or standardisation of systems is rightly banned. These two articles are in practice good examples of the application of subsidiarity in the Treaty and provide a sufficient guarantee that they could both in future be decided on the basis of qualified majority vote (QMV). For cultural cooperation, the present Article 151 requires unanimity. If this is maintained, it would torpedo the prospect of any effective cultural cooperation in a Union of 25. The application of QMV would also bring the added advantage in the field of culture that the European Parliament would be able to play its rightful role in the co-decision arrangements on this subject.

**(4) TO COMBINE ARTICLES 149 AND 150 TO STRESS THE NEED FOR AN INTEGRATED STRATEGY OF LIFE-LONG LEARNING**

The current Articles 149 and 150 (education and vocational training) should be presented in a single article so as to stress their interdependence in promoting a strategy of life-long learning and to avoid the now widely recognised artificial distinction between education and

training. Such an approach can help give further impetus to the achievement of the Lisbon agenda.

- (5) TO BE COHERENT IN SUPPORT OF A COMMUNITY DYNAMIC BY LOCATING EDUCATION AND CULTURE WITHIN THE FRAMEWORK OF ‘SHARED COMPETENCES’ RATHER THAN IN AN AMBIGUOUS CATEGORY OF ‘SUPPORTING ACTIONS’.**

## **Conclusion**

Clarification and simplification are necessary goals for Treaty revision. But revision must not destroy a vision or an experience. To settle the issue of education and culture within the Union simply in the institutional terms of levels of competence would be a retrograde step. Experience within the EU teaches us that the Union has a valuable function to play. The style of policies which it has developed not only perform the instrumental task of developing skills. First and foremost they develop understanding. If, thanks to these education and cultural policies, a significant number of individuals develop a much greater awareness of what unites and what distinguishes the people of Europe, the EU will be contributing to its long-term stability. May the Convention seize this opportunity!

### *About the authors:*

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