

**The Miami-Florida European Union Center of Excellence,
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**“Experiences and views of an international lawyer.
The Council of Bars and Law Societies of Europe (CCBE).
The current situation in the European Union”**

by Ramon Mullerat OBE ¹

*[The signatory States are] determined to lay the foundations
of an ever closer union among the peoples of Europe.
Preamble to the Treaty of Rome, which established the EEC on 25 March 1957.*

*The Treaty of Rome was filed at the Quai d'Orsay on August 18, 1951. There
was only one copy. Written in French, it was printed in Dutch vellum, with
German ink by the Imprimerie Nationale de Paris; it was bound in Belgian
parchment, tied with Italian ribbon, and put together with Luxemburg paste.
Monnet had a passion for careful presentations and symbolic details
Merry and Serge Bromberger, Jean Monnet and the United States of Europe,
1968, p. 127.*

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First. What is an international lawyer?

*I am a citizen of the world
Diogenes the Cynic, 4th a B.C.*

- I. Notion. An international law lawyer and an international lawyer
- II. Globalisation and the international lawyer
- III. Elements
- IV. The international lawyer and the international organizations of lawyers (IBA, UIA, AIJA)
- V. What makes a lawyer a good international lawyer
 - International curiosity
 - Being aware of what is happening beyond my courtyard
 - Languages
 - Understanding and respecting other cultures and laws
 - Cross-border practice
 - Participating in international associations and fora
- VI. Some personal experiences

Second. What is the CCBE?

The Council of Bars and Law Societies of Europe (CCBE) is the representative organisation of around 1 million European lawyers through its member bars and law societies from 31 full member countries, and 11 further associate and observer countries.

- I. European lawyers. Main similarities and differences (law, training, practice)
 - Between EU and US lawyers
 - Between lawyers within the EU. Diversity and convergence
 - The European legal professions (judge, solicitors, barristers, advocates, *huissiers*, notaries, registrars, court “procuradores”, others
- II. The CCBE
 - Notion, origins and objectives
 - Membership. Observer members. An association of bars
 - Structure. Presidency, Secretariat, Commissions, Committees
 - Meetings. Plenary, Standing Committees
 - Main achievements
 - i. The CCBE Code of Conduct. From cross-border to domestic
 - ii. The cross-border directives
 - 1. The Service Directive, 1977

2. The Diplomas Directive, 1988
3. The Establishment Directive, 1999
- iii. Others

III. The CCBE's main current challenges include the following:

- Promoting ambitious standards in definition of minimum common procedural rights for suspects and defendants in Europe, in particular as regards right of access to a lawyer and its connection with right to legal aid;
- Upholding confidentiality of lawyer-client communications wherever it is threatened, particularly in anti-money laundering initiatives expected in 2012;
- Warning against reforms brought by bail-out countries under the pressure of ECB-European Commission-IMF 'Troika', which affect the principle of self-regulation of the lawyers' profession;
- Calling for fair participation of lawyers in European judicial training initiatives, on equal footing with judges and prosecutors;
- Advocating mutual recognition of legal acts in Europe (not only to benefit of authentic, ie notarial acts); and
- Monitoring developments around modernisation of Professional Qualifications Directive, and possibly making our concerns heard.

IV. Some personal experiences

Third. What is the European Union (past, present and future)

*L'Europe ne se fera pas d'un coup, ni dans une construction d'ensemble: elle se fera par des réalisations concrètes, créant d'abord une solidarité de fait
 (Europe will not be made at one go, nor in an overall construction: it will be made through concrete achievements that create real solidarity)*

Robert Schuman, Declaration 1950

I. Past

- a. Precedents
- b. Pioneers
- c. Europe: christian-hellenic culture source
- d. The European common identity. Common history, culture and values

II. Present

- a. The founding treaties. Treaty of Lisbon 2009
- b. Members
- c. The institutions
 - i. European Council
 - ii. Commission
 - iii. Parliament
 - iv. Council

- d. Legal system (primary, secondary legislation)
- e. Courts of Justice. The European Court of Justice, Court of First Instance
- f. Fundamental rights. The Charter
- g. Justice and home affairs
- h. Foreign relations
- i. Economy
 - i. Internal market
 - ii. Competition
 - iii. Monetary union. The Euro
 - iv. Financial supervision
 - v. Energy
 - vi. Infrastructure
 - vii. Agriculture
 - viii. Unemployment 10, 4% (Germany 5, 5; Spain 22%)
- j. European integration: one work in progress. The integration factors
- k. European citizenship. Schengen
- l. The Union for the Mediterranean (UfM)

III. Future

- a. The EU. A union not completed
- b. Crisis of debt or crisis of values
- c. Deepening or enlarging. This was the question. A stronger EU or a smaller one?
- d. The roots and consequences of euroscepticism
- e. Is there a common interest in the EU?
- f. The different speeds. What kind of federalism for Europe?
- g. Davos: The seeds of dystopia or society in a repressive and controlled state. Abusing technology and humans individually and collectively coping, or not being able to properly cope with technology that has progressed far more rapidly than humanity's spiritual evolution (as in *Brave New World, Nineteen Eighty-Four, Hunger Games*).

IV. The economic crisis: origins, motives and solutions

- a. Origins
 - i. Previous world modern crisis (Latin-American crisis 1980, Asian crisis 1997)
 - ii. Capitalism in crisis. Can capitalism solve the world's problems
 - iii. Is the eurozone (17 countries) the source of a threat of an economic meltdown?
 - iv. The 16-countries eurozone debt crisis. The eurozone as the backbone of the EU. The overhang of accumulated government and private-sector debt. The reckless borrowing at cheap interest rates in the zone
 - v. UK out and against eurozone and against proposed tax on financial transactions
- b. Causes
 - i. Easy credit conditions and encouraging irresponsible high-risk lending and borrowing practices;
 - ii. External trade imbalances;
 - iii. Real-estate property bubbles;

- iv. Disregard for the balance of payments in the union
- v. Slow growth economic conditions;
- vi. Fiscal policy related to government revenues and expenses;
- vii. bailout troubled banking industries and private bondholders, assuming private debt burdens or socializing losses
- c. Solutions
 - i. EU emergency measures
 - 1. European Financial Stability Facility (EFSF)
 - 2. European Financial Stabilization Mechanism (EFSM)
 - 3. Brussels agreement and aftermath
 - ii. What the banks have done and what they should do. ECB interventions acting as lender of last resort to banking systems (and governments?)
 - iii. Reform and recovery. The dilemma: to curtail or to grow
 - iv. Eurozone dismembering (throwing the weakest) <-> union of transferences (rejected by Germany)
 - v. European fiscal union and revision of the Lisbon Treaty
 - vi. Brussels summit 31-1-12. Treaty on fiscal discipline to enforce budget limits for Euro and to generate jobs and growth. Six-pack rules (near automatic sanctions against governments that fail to bring budget deficits in line with EU norms)
 - vii. The German leadership

Fourth. Miscellaneous chiaroscuro conclusions

- I. Let us look at the problems in perspective
 - o Individual have their critical periods (adolescence, puberty, 40s crisis, retirement crisis)
 - o Crisis in the US history (200 years): revolution 1775, independence 1776, civil war 1849, world war 1919, great depression 1929, cold war 1950, Bay of Pigs invasion, segregation
 - o Crisis in the EU history (50 years): treaties 1945, France rejecting UK, 10 countries enlargement, Balkans wars.

II. Too big to fall?

- III. Some optimistic views
 - o Europe the cradle of Western civilization
 - o The world needs European values (and market)

IV. Vaclav Havel, President of Czech Republic (+11-12- 2011) a great European politician whose vision and wit embraced not just the art of the possible but of the impossible too.

"His peaceful resistance shook the foundations of an empire, exposed the emptiness of a repressive ideology, and proved that moral leadership is more powerful than any weapon. ... He also embodied the aspirations of half a continent that had been cut off by the Iron Curtain, and helped unleash tides of history that led to a united and democratic Europe."

President Barack Obama.