

The European Union's Next Nobel Peace Prize

Written by William Phelan

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WILLIAM PHELAN, AUG 5 2013

This is a revised version of a talk given as part of a roundtable panel "Thinking about the European Union as it receives the Nobel Peace Prize" at Trinity College Dublin in November 2012. The author would like to thank Tim Hicks, Koji Kagotani, Gail McElroy, and Michael Wycherley for their participation in the roundtable and comments received.

The occasion of the award of the Nobel Peace Prize to the European Union seems a good time to take a step back from many contemporary academic debates and take a moment to think instead about European integration in the 'big picture'. After all, much current scholarship on the EU focuses on relatively 'micro' issues of European integration – how a particular Regulation was negotiated in Brussels, or whether a particular European Directive was 'transposed' by national parliaments on time or – horror! – late. These are the workaday aspects of the politics of the European Union as it seeks to manage the politics – and particularly the politics of trade, and trade-related externalities – of an integrated Europe.

We can, however, be fairly certain that the Nobel Prize Committee was not moved to make its award because of how European Regulations on the environmental impact of chemicals are negotiated, or even because European Directives are mostly transposed on time. The Prize was an award for the European Union "for the advancement of peace and reconciliation, democracy and human rights in Europe", in the words of the Press Release announcing the award.[1] The Press Release goes on to describe the EU's role in the following context:

The dreadful suffering in World War II demonstrated the need for a new Europe. Over a seventy year period, Germany and France had fought three wars. Today, war between Germany and France is unthinkable. This shows how, through well-aimed efforts and by building up confidence, historical enemies can become close partners.

An award to the EU justified on these ground fits, more or less, with the stipulations of the will of Alfred Nobel, which provided that an award should be made:

to the person [the Nobel Peace Prize Committee has frequently been happy for institutions to be considered 'persons' in this context] who shall have done the most or the best work for fraternity between nations, for the abolition or reduction of standing armies and for the holding and promotion of peace congresses.[2]

Now the Nobel Prize itself is an interesting story all of its own: Alfred Nobel was a Swede, and gave the decisions on all his 'scientific' Prizes to various Swedish scientific academies. But the task of awarding the Peace Prize was given to instead Norway, to be awarded by a 'Committee of Five' chosen by the Norwegian Parliament or *Storting*. [3] It is therefore in essence the "Norwegian Parliament's Peace Prize", and certainly considerations of the Norwegian politics have often been believed to be important in the Committee's decisions. Press reports have suggested, for example, that the current chairman of the Committee, a former prime minister of Norway by the name of Thorbjørn Jagland, is in favor of Norway's entry into the EU. [4]

Not that the Committee of Five chooses the beneficiary of the Prize entirely by itself. A range of people – including national parliamentarians, members of the *Institut de Droit International*, and former recipients of the Peace Prize – are specifically invited to nominate suitable recipients to the Nobel Prize Committee. The list even includes

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“professors of social sciences”. [5] Perhaps there is someone here today who wishes to confess to having nominated the EU for the Peace Prize last year?

As the Press Release went on to state, the Norwegian Nobel Committee has previously offered Prizes in the inter-war years “to persons seeking reconciliation between Germany and France”. [6] In 1926, the Prize was awarded jointly to Aristide Briand of France and Gustav Stresemann of Germany for the Locarno agreements (guaranteeing the Western frontiers of Germany as specified in the Versailles treaties). The following year, the Prize was awarded jointly to French and German pacifists, Ferdinand Buisson and Ludwig Quidde, for their “contributions to Franco-German popular reconciliation”. The Nobel Prize Committee has also made many awards to international organizations, including the Nansen International Office for Refugees in 1938, and repeatedly to various aspects of the United Nations Organization system, including the Office of the United Nations High Commissioner for Refugees in 1954 and again in 1981, the International Labor Organization in 1969, and the United Nations “as such” in 2001. So perhaps it was only a matter of time before the EU both as an initiative for Franco-German conciliation and a prominent international organization was itself awarded the Prize.

In order put forward a specific argument for the purposes of this article, I will make, I hope concisely, the following argument: that it is very hard to establish the EU's specific contribution to peace between France and Germany, or peace in post-war Europe more generally. On the other hand, it is much easier to argue that the EU has made a very particular and distinctive contribution to “fraternity between nations” of another sort, in its creation of a distinctive form of international economic law, a contribution that could have been noted by the Nobel Committee.

When I say that the EU's contribution to peace in Europe is hard to assess, it may be best to separate that question from the question of whether the EU ‘deserved’ to win the Nobel Peace Prize. The award of the Prize to the European Union is clearly well within the tradition of past awards of the Prize, so that is not really the question. The more important question is, to what degree is the existence of the EU a plausible explanation of the peace of post-1945 Europe.

Now, it seems to me that any discussion of this question must start by noting that there is a wide range of competing answers to this question, of which participation of the leading European states in the European Union is only one. Even a cursory list of alternative explanations would include the following:

(a) National policy-makers in both France and Germany have been selected by democratic methods since the early post-war years. On the logic of the widely accepted ‘Democratic Peace’ theory, which argues that two democratic states, whatever their other differences, will not go to war with each other, the democratic basis of domestic regimes in France, Germany, and many other western European states after World War Two, is more than sufficient to explain why war has not broken out between them.[7]

(b) Recent scholarship on the causes of peace has broadened its scope beyond an exclusive focus on the democratic, or undemocratic, nature of national political systems, to investigate the relative explanatory power of democracy, international trade, and – most relevant to discussion of the EU – common membership in international organizations. My understanding of the current findings of this scholarship is that all three aspects can be seen as contributing to peace between states, but that the effect of common membership in international organizations certainly does not overwhelm the other factors.[8]

(c) A very different sort of explanation of peace in post-war Europe is the role of the United States, and its military presence, as a ‘pacifier’ of competitive inter-state relations in Europe, even after the end of the Cold War.[9] On this argument, the United States Army might be said to also deserve an award of the Nobel Peace Prize for its part in making war between Germany and France unthinkable, although we may perhaps understand why it is unlikely to be awarded one.

(d) The “long peace” in Europe has also been attributed to the structure of the Cold War in a variety of different ways, including the relative stability of bipolar power structures, the presence of nuclear weapons, and the incentives for France and Germany to cooperate against (we may say, ‘balance’) the external threat posed by the USSR.[10]

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(e) Finally, in this incomplete list, we should add the argument, associated particularly with John Mueller, that war, like 'dueling', has over time come to be seen as a ridiculous way of resolving disputes between great powers, and policy-makers no longer consider it as a useful tool of statecraft.[11]

We can conclude, therefore, without attempting to prioritize, or disentangle, these various possible explanations of peace in post-1945 Europe, but merely by asserting that the multitude of possible explanations makes it difficult to assess what significant role, if any, the EU has had in this outcome. For many scholars, the common participation of European states in the EU would not be the first, or even the second, variable they would consider in explaining peace in postwar Europe.

Even if the role of the EU in explaining peace between France and Germany is much debated, however, international relations in post-war Europe does contain another distinctive contribution to the peaceable settlement of international disputes, where the specific contribution of the EU is much harder to minimise or reject. That is the international legal system used by the EU member states for the management of the single European market. Most international trade regimes reinforce their dispute settlement institutions with the possibility of inter-state countermeasures, such as retaliatory trade sanctions, as enforcement incentives. Thus the threat of trade sanctions against states that fail to fulfill their treaty obligations is a constant possibility between members of the World Trade Organization (WTO), as well as between the members of many regional trade agreements outside Europe.

International legal obligations are therefore often backed by the threat, and sometimes practice, of inter-state coercion in the form of trade retaliation. Indeed the workings of such trade sanctions-based international dispute settlement systems, above all that of the WTO, are among the commonest objects of study in contemporary trade politics.[12]

The EU, however, rules out any use of trade sanctions or similar reprisals between its member states. Indeed, if you were to try to describe what is special about the EU's dispute settlement system in only one sentence, you could do much worse than the statement, the European legal order imposes demanding trade (and other!) obligations on the EU member states but rejects the inter-state retaliation mechanisms so central to ordinary international trade regimes. As the European Court of Justice's Advocate General Léger stated in 1995, "Nothing is more alien to Community law than the idea of a measure of retaliation ... proper to classical public international law".[13]

And, as Léger's statement makes clear, by breaking with such mechanisms, the EU has broken with very long-standing principles of international law, because by rejecting the possibility of reciprocal reprisals between its member states, it rejects what is widely recognized as international law's most effective sanction. So the EU's new form of international economic law may be considered, for this precise reason, a striking contribution to the settlement of international disputes, perhaps even a world historical novelty.[14] The EU as a whole continues to make use of threats of trade retaliation in its trade disputes with states outside the EU, such as the US, but forbids any use of such mechanisms between EU member states.

Unlike the role of the EU in promoting peace between its member states, the usual explanations that draw on widely acknowledged changes in domestic political structure or great power politics in postwar Europe have little power to compete with the role of the EU institutions in producing this remarkable dispute settlement system. Democratic states, for example, are not averse to making use of retaliation in trade disputes. Intense trading relationships, or common memberships in international organizations, certainly do not do away with the need for such mechanisms. Furthermore, it seems unlikely the development of the EU's distinctive form of international economic law can be very directly connected with the continued presence of the United States armed forces in Europe, the presence of nuclear weapons, or other aspects of the military balance of power. Finally, the use of threats of inter-state retaliation in trade politics and dispute resolution can hardly be said to be falling out of international fashion.

So we can conclude that the Nobel Prize Committee appears to have missed an opportunity to identify what is most distinctive about the EU and its contribution to "fraternity among nations". We do know, however, that the Nobel Peace Prize Committee sometimes gives the same institution the Prize more than once, singling out different contributions on different occasions, and that it is open to awarding the Peace Prize in acknowledgment of

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developments in international law.[15] So perhaps there is room for the EU, or maybe the European Court of Justice in particular, to be awarded another, *second* Nobel Peace Prize in the coming years. Any “professors of social science” here with us today are reminded that nominations for the Peace Prize are due to the Norwegian Nobel Committee by 1 February every year.

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William Phelan is Assistant Professor of Political Science at Trinity College Dublin. Email: phelanw@tcd.ie.

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[1] http://www.nobelprize.org/nobel_prizes/peace/laureates/2012/press.html

[2] http://www.nobelprize.org/alfred_nobel/will/short_testamente.html

[3] e.g. T Gray, *Champions of peace : the story of Alfred Nobel, the Peace Prize and the laureates* (Paddington P., London 1976); J Nordlinger, *Peace, They Say: A History of the Nobel Prize, the most famous and controversial Prize in the World* (Encounter Books, 2012)

[4] An interview with Jagland about the consequences of a possible exit from the EU by Great Britain is perhaps indicative of some of his opinions: <http://skynews.skypressoffice.co.uk/newstranscripts/murnaghan-270113-interview-thorbjorn-jagland-secretary-general-council-europe>

[5] http://www.nobelprize.org/nobel_prizes/peace/nomination/

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[6] For a list of laureates, see http://www.nobelprize.org/nobel_prizes/peace/laureates/

[7] E.g. MW Doyle, 'Liberalism in World Politics' (1986) 80 (4) *American Political Science Review* 1151-116; B Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World* (Princeton University Press, Princeton 1995)

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[12] e.g. C Davis, *Why Adjudicate? Enforcing Trade Rules in the WTO* (Princeton University Press, Princeton NJ 2012)

[13] Opinion of Advocate General Léger delivered on 20 June 1995 in the case C-5/94 *Hedley Lomas*. The leading case on European law's rejection of 'self-help' retaliation behaviors by the EU member states is *Commission v. Luxembourg & Belgium*, European Court of Justice Decision 90&91/63, one of the most important in the development of European law.

[14] W Phelan, 'What is *Sui Generis* about the European Union? Costly International Cooperation in a Self-Contained Regime' (2012) 14 *International Studies Review* 367-385

[15] The *Institut de Droit International* was awarded the Peace Prize in 1904, for example.

About the author:

William Phelan is Assistant Professor of Political Science at Trinity College Dublin. Email: phelanw@tcd.ie