

## The emergence of a European legal order

**MISHAL HUSAIN:**In the beginning was a vision, long before British stories of rampant bureaucracy and bendy cucumbers. European history was littered with human rights abuses and tortuous conflicts between nation states. After the Second World War European leaders were determined to ensure a more harmonious future. Their idea involved two levels of protection, one for the individual, the other for the nation state. This film shows how that idea became today's reality of two separate institutions, the European Union and the European Court of Human Rights.

As the allies moved into the concentration camps they were shocked to discover abuses of human rights that many would not have believed possible. Continental Europe lay in ruins, alongside the physical destruction lay economic hardship. Out of this desperate situation arose a new sense of idealism, a desire by individuals and states for a new Europe where war could never happen again.

**WINSTON CHURCHILL:**We cannot aim at anything less than the union of Europe as a whole. And we look forward with confidence to the day when that union will be achieved.

**MISHAL HUSAIN:**Churchill's audience was the Council of Europe, a new organisation bringing together leaders from key European countries. Its mission was to safeguard peace and prosperity throughout Europe through protection of human rights and promotion of cultural diversity. It would be the first step towards what Churchill would call a United States of Europe.

In 1950 the Council of Europe signed its first treaty, the European Convention on Human Rights. Its aim was to protect the individual rights of all European citizens. Nine years later the European Court of Human Rights was established to act as final arbiter on cases covered by the Convention. Now the court is housed in a purpose-built building designed by the British architect, Richard Rogers. His design embodies a glass reception area that emphasises the court's accessibility to everyone. Inside the main courtroom, the carpet shows the twelve stars of the original Council of Europe. The stars are also the emblem of the European Union, whose foundations were laid by the same post-war idealists.

**VOICE ON ARCHIVE FOOTAGE:**France's foreign minister Robert Schumann is the author of the bold, imaginative plan which bears his name. It is the key to the future of Europe - economic as well as political.

**MISHAL HUSAIN:**The Schumann Plan led to the formation of the European Coal and Steel Community in 1951. The ECSC was the first European institution to take aspects of economic control away from individual member states. Its direct descendent is today's European Commission. It's a bit like a civil service for Europe and is the only body that can put forward new European legislation. But no law can be passed without the approval of the Council of Ministers, a specially set up body of ministers from each member state.

**NICK CLEGG, MEP:**At the end of the day for anything to become law, the Council of Ministers have to formally adopt legislation. Euro-sceptics often pretend that Brussels can impose things on us, but that's largely nonsense because everything that emanates out of Brussels is agreed to by ministers. Very occasionally they might have a vote and people might be outvoted. But the vast majority of cases there is a consensus reached in the Council of Ministers.

**MISHAL HUSAIN:**Most legislation is also passed by the only directly elected body in the European Union, the Europe Parliament. The Parliament has considerable influence and growing powers. It can block the appointment of individual commissioners and it has the last word on the EU annual budget.

**PAULINE GREEN, MEP:**The Parliament has grown in status and in influence, particularly over the last five years. For instance now we are able to decide in co-decision with the council. There is still much more to go I think, because the Europe Parliament is the only democratically elected part of the institution.

**NICK CLEGG, MEP:**So we have, we have a real role here in scrutinising and keeping the executive in check and in being powerful legislators and yet we are not, yet at least, in possession of the political credibility that a parliament should possess, and that is a real problem.

**MISHAL HUSAIN:**It may be that the post-war political and economic idealism will never be fully realised. Not least because the European Parliament and the European Commission are in many people's view at odds with the sovereign powers of the EU's member states. But at the individual level, realisation of the post-war ideals has seen much greater success.

The European Convention on Human Rights now protects more than 800 million citizens, refugees and other individuals who live on European soil. In the second film in Unit 5 we'll be looking at how European laws are made, and later in the course we'll be exploring some landmark rulings of the European Court of Human Rights.