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## **Alternatives between Full Membership and Non-membership – Fata Morgana or Silver bullet?**

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# Alternatives between Full Membership and Non-membership – Fata Morgana or Silver bullet?

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## I The problem – which problem?

**Open door:** For many outside the EU and Europe, the long term trend of deepening and widening, that has constituted the dynamics of European integration over decades, is expected to continue. They believe the EU is condemned to take in one neighbour after another irrespective of limits of “communitarisation” and supranational policy-making. Some EU governments and other political actors share this basic view, either because of strategic thinking or fatalism. From this point of view there is no need to enter into a large debate over alternatives to full membership while a demand for a better structuring of the process leading towards membership, i.e. an increase of the transformative power of the EU, is acknowledged.

**Open for alternatives:** More and more voices against the open door approach are heard around the EU. The bumpy road from Maastricht to Lisbon or even back to Nice nurtures reflections on the withering of the long-term trend of deepening.<sup>1</sup> This directly implies a rethinking of the future of enlargement. The new consensus on enlargement with its strong emphasis on *consolidation first* (beware of overstretch!) and *perfect members only* (protect the *acquis!*) who might *one day* (no target dates any more!) join the club was the first step towards a slowing down of the enlargement process and might even become the final act of enlargement politics.<sup>2</sup> From this perspective the EU cannot enlarge forever, so it is necessary or at least helpful (also in terms of legitimacy) to develop new forms of affiliation and cooperation below membership with countries that could apply for membership on the basis of article 49 TEU.<sup>3</sup> Catchwords and slogans (rather than concepts) are: EEA plus, partial or privileged partnership, European Commonwealth, concentric circles etc.

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<sup>1</sup> Deepening is shorthand for the expansion of policy and decision making competencies of the European Union on new policy areas and the strengthening of the competencies of EU institutions, i.e. a process of gradual and formal vertical institutionalisation.

<sup>2</sup> Cf. Commission of the European Communities: Communication from the Commission to the European Parliament and the Council. Enlargement Strategy and Main Challenges 2006 – 2007, COM (2006) 649 final, 8 November 2006.

<sup>3</sup> By common understanding the following 17-18 countries are eligible for a possible EU membership according to article 49 TEU: Albania, Armenia, Azerbaijan, Belarus, Bosnia-Herzegovina, Croatia, Georgia, Iceland, Former Yugoslav Republic of Macedonia, Moldova, Montenegro, Norway, Russia, Serbia, Switzerland, Turkey, Ukraine and potentially Kosovo. Andorra Lichtenstein, Monaco and the Holy See are left out of the list. Out of this list six countries of the Western Balkans and Turkey are already considered as potential members. Six countries plus Russia are covered by the Eastern dimension of the ENP and the Four common spaces policy respectively. Cf. more detailed Graham Avery: An ever-wider Europe? Where will the EU's borders end?, in: Graham Avery et al. (eds.): Challenge Europe, Issue 16, pp. 101-109.

**Open ending:** Currently the EU is neither willing to unanimously say yes to new candidates nor is it prepared to say no and close the door. The official stance is that the ending of the story of enlargement and accession negotiations is open and every thing possible. However, in this transitory period, the EU is already looking for practical ways and means to structure and manage its relations with the countries in its neighbourhood. One is the launch of the ENP as a policy that is distinct from enlargement but ambivalent in its strategic finalité. Others are the multilateral and regional cooperation initiatives and the negotiations on new enhanced agreements, for example, with the Ukraine. Frequently elements are picked from existing arrangements between the EU and third countries in order to discuss and try out their potentials as models or inspirations for new types of affiliation. However, a weakness of this laboratory approach is that it currently highlights the notorious actorness<sup>4</sup> deficits of the EU and hinders it to effectively shape and structure the neighbourhood according to its principles and norms as laid down in the European Security Strategy.

## II Options: bilateral and overarching concepts

Whether classical or new forms of cooperation and integration, the EU has to examine these options, decide upon the preferred arrangements with its neighbours, and then work towards this end. First bilateral and second overarching concepts are discussed below.

**Association:** Most of the existing or envisaged forms of relations between the EU and third countries, that Brussels defines as neighbours are based on the concept of association. While association is often referred to as a burned out concept, it is alive, flexible and at the top of the list of “special, privileged links with a non-member country which must, at least to a certain extent, take part in the community system”<sup>5</sup>. Its key features are: The political substance, the durability and permanency of the relationship; the approach is bilateral and based on parity as expressed in joint institutions and provisions on settlement of disputes; the parties have reciprocal rights and obligations, take common actions and establish special procedures. With regard to substance, the classical programme of an association covers: establishment of free trade (for industrial goods) and other freedoms constituting the internal market, legislative approximation and harmonisation (of norms and standards), involvement of associated countries in EU policies and other forms of cooperation like political dialogue, joint actions and financial cooperation. Commission president Hallstein is ascribed to having said that association

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<sup>4</sup> Cf. Mathias Jopp/Peter Schlotter: Die Europäische Union – ein kollektiver außenpolitischer Akteur? Theoretische Annäherung und Einführung, in: idem (eds.): Kollektive Außenpolitik – Die Europäische Union als internationaler Akteur, Baden-Baden 2007, pp. 9-30.

<sup>5</sup> EuGH, Case 12/86, Demirel v. Stadt Schwäbisch Gmünd, 1987 ECR 3719, marginal number 9.

can reach from 'free trade plus 1 %' to 'membership minus 1%'.<sup>6</sup> Why is this potential not attractive for and exploited by third countries? First, experience says, that if one expects to get the Mercedes in the not too distant future, he or she will not buy the small car that is waiting just around the corner.<sup>7</sup> Alternatives only work, if the EU makes it clear that accession negotiations will not get started during the lifetime of the next three or so terms of the Commission. Second, the difference between membership and non-membership, even in the case of Norway that tops the pyramid of associations, boils down to the right to sit at the EU table and have the right to take decisions. This accounts for more than Hallstein's 'membership minus 1%' status: A seat at the table is the essence of membership. This limitation within any high quality form of association and its variations is a permanent restriction in terms of procedures and rights but also from the point of selling it as an alternative to membership.

***Ever closer association:*** However, a viable option is to engage neighbours, that are willing and able, in the form of an *ever closer association* built on a partnership for stability and modernisation/reform.<sup>8</sup> It does not include a membership/European perspective. Even if it is only called a "new enhanced agreement", it can gradually include the following elements: A comprehensive bilateral set of joint institutions to run the ever closer association plus a conditional observer status in EU institutions, asymmetrical trade liberalisation, the gradual establishment of a free-trade area with the EU/EEA and gradual integration into the EU internal market, the possibility of association with joint positions and actions in the framework of the CFSP, participation in joint missions and operations, political dialogue and cooperation on border and migration issues (cf. below table 1).

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<sup>6</sup> Quoted after David Phinnmore: Association: Stepping – Stone or Alternative to EU membership?, Sheffield 1999, p. 23.

<sup>7</sup> Paraphrasing Nikolaus Meyer-Landruith [Head of EU Bilateral Relations, Federal Chancellery], in: The Further Enlargement of the EU: threat or opportunity? Report with Evidence, House of Lords European Union Committee, 53<sup>rd</sup> Report of Session 2005-06, London 2006, p. 112.

<sup>8</sup> Cf. Barbara Lippert: Beefing up the ENP: Towards a Modernisation and Stability Partnership, in: The International Spectator 41 (2006): 4, pp. 85-100.

**Table 1 – Elements of the new type of association agreement for modernisation and stability**

- **Institutions**
  - Association Council, Association Committee, Parliamentary Association Committee
  - Conditional observer-status in EU institutions
  - **Option:** Participation in CONFED Europe
- **Economy and trade**
  - asymmetrical trade liberalisation, eventually to include agricultural commodities and services
  - Option: the gradual establishment of a deep free-trade area with the EU/EEA also covering the regulatory sector and gradual integration into the EU internal market
  - Financial and technical aid packages for economic transformation (economic governance and good governance)
  - Investment aid from the EU and private business for infrastructure projects: transport (especially rail), energy, telecommunication
- **Dialogue and cooperation in foreign and security policy**
  - The possibility of association with joint positions and actions in the framework of the CFSP
  - Participation in joint missions and deployments
  - strengthening cooperation on policies and at operational level
  - Political dialogue: regular meetings at the ministerial level, high officials; also, as necessary: summits, informal meetings (Gymnich-type); participation in CFSP working groups, Political and Security Committee (PSC), EU Military Committee (EUMC)
  - Topics: regional security, crisis management, non-proliferation policy, fighting international terrorism, energy security, illegal migration
- **Internal security**
  - Fighting organised crime
  - Border security
- Immigration policy
- Extradition treaties
- Visa policy
- Cooperation with authorities and EU agencies
- **The promotion of democracy and political dialogue**
  - political conditionality clause
  - intensified dialogue in the framework of association institutions on the topics of good governance, human rights, democracy
  - further topical dialogues specific to various policy fields
  - Support for institutional development, especially in the areas of justice and the judiciary and public administration more generally
  - Expansion of TAIEX and Twinning activities
  - the systematic inclusion of civil society organisations and social partners as both interlocutors and cooperation partners
  - opening EU programmes, especially the Mobility Programme, and simplifying the visa regime for students and continuing learners
- **Aid**

The emphasis should be placed especially on:

  - the improvement of economic and good governance
  - the expansion of infrastructure
  - cross-border cooperation and integration (see CEFTA)
  - regional development in the states.

There is some overlap with the currently negotiated new enhanced agreement. However they are more limited in ambition and scope but could be further developed towards this new type of association agreement. With regard to enhanced or association agreements of the type proposed here, and with regard to strengthening ENP in general, practical progress in three key areas is crucial: better access to the EU internal market, facilitation of mobility and visa-(free) regimes and active engagement in resolution of unresolved/frozen conflicts in the eastern and southern neighbourhood. Therefore, the CFSP and crisis management instruments must be upgraded within the bi- and multilateral strands of ENP. Conflict reduction and resolution and the building of a stable external environment can be regarded as a pre-condition for the internal democratisation and improvement of responsiveness as well as the strengthening of the resonance of the ruling elites towards EU conditionality.<sup>9</sup>

**Partial membership:** Other proposals do not respect the line between ‘in’ and ‘out’, but play with the idea of partial membership. They can be grouped around two basic approaches: either an opting in for outsiders of the EU or an opting out for insiders (members).

While currently only a policy related opt-in without decision-making rights in the strict sense is possible<sup>10</sup>, the EU would certainly have to change the primary law to allow third countries to opt in also in the decision making of EU institutions. The model of *Modular Integration* follows this idea with the specificity to cover old and new members alike. Key elements are: the use of the EEA and its existing institutions as basis; the introduction of flexible, overlapping areas of integration resulting in some kind of partial membership with permanent opt-ins whereby differentiation occurs according to policy (sectoral integration into institutions) and polity (competencies to participate in the Council of Ministers and co-decision rights in the European Parliament).<sup>11</sup>

This scenario for partial membership seems highly unlikely. This does not mean that the EU will not make more intensive use of forms of *differentiated cooperation within* the EU in a functional and pragmatic manner, and occasionally also *outside*.<sup>12</sup>

Therefore an alternative set of proposals shifts the focus towards constructing concentric circles *inside* the EU.<sup>13</sup> The idea is, that countries can become EU members,

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<sup>9</sup> Cf. Ernst-Otto Czempel: Demokratisierung von außen. Vorhaben und Folgen, in: Merkur 58 (2004), pp. 467-479.

<sup>10</sup> See the examples of the European Economic Area (EEA), of Norway or Switzerland, for overviews cf. Barbara Lippert: Teilhabe statt Mitgliedschaft? Die EU und ihre Nachbarn im Osten, in: Osteuropa 57 (2007): 2-3, pp. 69-94, here 83-84.

<sup>11</sup> Cf. Andreas Maurer/Max Haerder: Alternatives to Full Membership of the EU, in: Johannes Varwick/Kai-Olaf Lang (eds.): European Neighbourhood Policy. Challenges for the EU-Policy Towards the New Neighbours, Opladen/Farmington Hills 2007, pp. 197-218, here 209ff.

<sup>12</sup> Cf. Janis A. Emmanouilidis: Institutional Consequences of Differentiated Integration, CAP Discussion Paper, February 2007.

<sup>13</sup> Cf. *ibid.*

even if they are not willing or not able to participate in the highest or full degree of integration. They have the option to move up (and down again) the different circles/levels of integration. Thus a new status of *second-class (new!) members* would be defined inside the EU. Despite the existing forms of differentiation in the EU of today, there has not yet been a breakthrough or real momentum for anything beyond “enhanced cooperation” or “permanent structured cooperation”. Current provisions (also those in the Lisbon Treaty) aim at building an avant-garde or are a last resort to de-block a stalemate-situation. Like calls for a core-Europe, these provisions shall challenge reluctant governments and players alike (Drohkulisse). But the EU cannot be run on a shock and awe basis by a directoire. Besides the risky political dynamics of establishing different classes of EU members and the myriad of problems (representation and rights in EU institutions, need for a second set of institutions for the B-class, cohesion (second budget?), coordination and management demand that follows from this multiplied complexity),<sup>14</sup> also the legal and judicial dimension deserves attention. In the past the Court of Justice was strict in its ruling not to allow permanent discrimination of member states. One can already interpret the framework for negotiations that the EU agreed upon for accession talks with Croatia and Turkey as indications for this ‘problem-solving’ approach. The negotiation framework mentions permanent safeguards or transition periods concerning areas such as the freedom of movement of persons, structural policies and agriculture.<sup>15</sup>

In this light the substance of a junior-membership<sup>16</sup> will also be difficult to define while the idea of making progress in the relationship visible and highlighting the different qualities of the arrangements should be considered further.

The proposal for an “*extended associated membership*”<sup>17</sup> takes up many of these considerations and presents itself as the silver bullet. It foresees as the core decision the membership in the EEA (which means that a very high level of convergence with the *acquis* has already been achieved), with the exception of the freedom of movement. In addition it is also meant to be a customs union where the associated members have a right of consultation regarding the EU’s position in trade negotiations. The proposal further entails some degree of political integration combined with increased financial and structural funding, in order to boost the attractiveness of this alternative to full membership. On the judicial side a special senate of the European Court of Justice

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<sup>14</sup> Cf. for a long list of institutional considerations Maurer/Haerder: Alternatives to Full Membership of the EU, 2007, op. cit., here pp. 209-213.

<sup>15</sup> Cf. Negotiating Framework for Turkey, Luxemburg, 3 October, especially item 12.

<sup>16</sup> Cf. Franz-Lothar Altmann: EU und Westlicher Balkan. Von Dayton nach Brüssel, SWP-Studie S1, January 2005.

<sup>17</sup> Cf. Wolfgang Quaisser: Alternative EU-Integrationsstrategien für die Türkei und andere Kandidatenländer. Privilegierte Partnerschaft oder „Erweiterte Assoziierte Mitgliedschaft“, Kurzanalysen und Informationen des Osteuropa-Instituts München Nr. 12, March 2004; Wolfgang Quaisser/Steve Wood: Preconditions, Consequences and Integration Alternatives, Forschungsverbund Ost- und Südosteuropa Arbeitspapier Nr. 25, November 2004.

would be responsible to verdict upon matters regarding legal provisions arising from the extended associated membership. It wants to bridge the line but not abolish it by establishing observer status in the Council and the right to be heard, consulted, have the right to speak and have the “opportunity to present positions”<sup>18</sup>. It also proposes enlarged meetings of the European Council in order to decide upon questions of common interest.

This comes close to what some might think of when using the term “*privileged partnership*”<sup>19</sup>. It is for countries that are, like Turkey well advanced, also in their link with the EU (FTA plus customs union plus membership perspective/negotiations). As with proposals for a “EEA plus” the basic problem lies in the deficits of the neighbours to effectively take part in such an area. This is also one of the impediments to building a Neighbourhood Economic Community.<sup>20</sup>

**Interim conclusion:** It all leads to the observation, that the decision to find a specific, privileged relationship with the EU more attractive than to become a member and thus to accept one of the alternative arrangements is a decision that can be taken only by the third country itself. It is very difficult, if not impossible, for the EU to offer something that is fully equivalent to membership from the point of view of aspirants. This problem cannot be overcome. However from the EU’s point of view, the search for options that come close to functional equivalents to membership is still crucial in order to ensure stability and democratisation in neighbouring countries.

On this background the EU should make it easier for third countries to accept the in-between state and to swallow the message that the EU does in the foreseeable future not engage in an enlargement policy vis-à-vis the Eastern neighbours.

**Confed Europe:** Here the proposal for a pan-European confederation (of tasks) comes in.<sup>21</sup> This *Confed Europe* consists of the following considerations and elements: The EU as a whole and those of its neighbouring states in the east (including, potentially Russia<sup>22</sup>) that are associated with the EU via a new type of association (see above) would create a common forum to deal with issues of mutual interest in a comprehensive and multilateral way. Confed Europe should have lightweight institutions with decision-making procedures of its own. It would entail a political and people-to-people dimension, an economic dimension and a security dimension facilitating cooperation on issues of

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<sup>18</sup> Quaisser/Wood: Preconditions, Consequences and Integration Alternatives, 2004, op. cit., p. 51.

<sup>19</sup> For an overview cf. Maurer/Haerder: Alternatives to Full Membership of the EU, 2007, op. cit., pp. 204-206.

<sup>20</sup> The Commission slipped this term and concept in a communication on ENP while it was not taken up by the Council. Cf. Commission of the European Communities: Communication from the Commission to the Council and the European Parliament. On Strengthening the European Neighbourhood Policy, COM (2006) 726 final, p. 5.

<sup>21</sup> Cf. Barbara Lippert: Assoziierung plus gesamteuropäische Aufgabenkonföderation: Plädoyer für eine selbstbewusste EU-Nachbarschaftspolitik, in: *Integration*, 29 (2006): 2, pp. 149-157.

<sup>22</sup> Probably also open for EFTA countries and candidate countries.

common interest such as energy safety, infrastructure, good governance and migration. Confed Europe aims at creating a potentially permanent alternative to EU membership and to initiate a process that leads to common institutions and increased cooperation. Starting as a political forum it would have to develop its ambition of forming something like a security or political community<sup>23</sup> (see below). The confederation would seek cooperation with institutions like NATO, OSCE, Council of Europe and also with other forms of multilateral regional cooperation such as the Barcelona Process and Black Sea Economic Cooperation. It would thus form a part of the EU's ambition to strengthen effective multilateralism and set standards for globalisation and the rules and norms of global governance. Under the common roof of the ENP the multilateral Euro-Mediterranean Partnership (which is currently itself being upgraded and further institutionalised to the "Union for the Mediterranean") on the one hand and Confed Europe on the other could be complementing elements for a stable institutional architecture for the wider European continent.

The ENP approach fits in well with the concept of a pluralistic security community as defined by Karl W. Deutsch in the late 1950s. It aims at a political community that provides security, prosperity, mobility and also power.<sup>24</sup> It is consistent with the EU's interest in relations with the neighbours, as Commissioner Ferrero-Waldner recently noted: "[The] ENP is a central priority of the EU. It is a strategic policy, which aims at the stability, security and prosperity of the common neighbourhood to which we all belong. It is based on a privileged relationship through which we draw our partners closer and closer, building upon common commitments and shares values."<sup>25</sup>

Confed Europe principally follows the idea of a pluralistic security community which requires: (1) the *compatibility of major values*<sup>26</sup>, including a basic ideology like democracy and the rule of law; (2) *mutual responsiveness*: defined as the capacity of the governments and politically relevant strata of the participating countries to respond to one another's messages, needs, and actions quickly, adequately and without the resort to violence; (3) *mutual predictability* of relevant aspects of one another's political, economic, and social behaviour.<sup>27</sup> In our context of ENP the compatibility of basic values is still weak and responsiveness to actions of a partner as well as the mutual predictability of behaviour is only in the making and must be enhanced by the EU through injecting its strategies for Europeanisation. An important message of Deutsch's analysis is that you can have a meaningful and effective security community below the level of membership, i.e. an amalgamated/integrated community like the EU. This is

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<sup>23</sup> On the model of a pluralistic security community, see Karl W. Deutsch et. al.: Political Community and the North Atlantic Area, Princeton 1957, pp. 65-69.

<sup>24</sup> Ibid.

<sup>25</sup> Benita Ferrero-Waldner: Perspectives of the European Neighbourhood Policy, Speech at the Parliamentary conference on the "European Neighbourhood Policy East", SPEECH/08/306, Brussels, 5 June 2008.

<sup>26</sup> Defined as those which seem to be of major importance in the domestic politics of the units concerned.

<sup>27</sup> Cf. Karl W. Deutsch: The Analysis of International Relations, Englewood Cliffs 1968, pp. 244-245.

neither new nor original but worth to be reconsidered! In a more restrictive and less ambitious approach the overarching arrangement Confed Europe would be targeted to specific tasks and sectors only. This selective and issue oriented approach would then translate into *regime-building*.<sup>28</sup> It is encouraging that additional conditions and resources that are helpful for the even higher level of an amalgamated (or in other word integrated) security community<sup>29</sup>, are provided by the EU and could be projected to some extent in the neighbourhood: a distinct way of life,<sup>30</sup> superior economic growth, expectation to joint economic reward, wide range of mutual transactions.<sup>31</sup> It is with regard to these, that the EU as the magnet of the Confed Europe attracts most of its neighbours.

While the bilateral association relations that vary in scope, quality and intensity of integration and cooperation, are mostly about the projection of the EU's *acquis*, the focus of Confed Europe is on the building of a (political) security community and common actions and understanding. Confed Europe takes up the strong demand of the neighbours (including Russia) for recognition: to be treated as equals and to demonstrate that they belong to "Europe". Therefore, it is not a training camp for becoming a member of the EU and thus not a pre-stage to membership. In this it differs from proposals for a *European Commonwealth* that wants to be everything at the same time: a buffer, a pre-stage for membership and an extension of the EU without accession.<sup>32</sup> Confed Europe by contrast intends to foster a (self-) reorganisation of the East including probably Russia, alongside but interlinked with the EU.<sup>33</sup> Their right to apply for EU membership is not abolished but not explicitly encouraged. To clarify this point: The Eastern neighbourhood of today would not be treated as a region<sup>34</sup>, and Confed Europe would not be a forum for inter-regional cooperation (see the EU's group

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<sup>28</sup> International regimes are defined as "principles, norms, rules and decision-making procedures around which actor expectations converge in a given issue-area", Stephen D. Krasner: Structural causes and regime consequences: regimes as intervening variables, in: International Organization, 36 (1982): 2, pp. 185-205, here p. 185.

<sup>29</sup> For a definition and for the background conditions cf. Deutsch et al.: Political Community and the North Atlantic Area, Princeton 1957, op. cit., p. 46-59.

<sup>30</sup> Defined as a "set of socially accepted values and of institutional means for their pursuit and attainment, and a set of established or emerging habits of behaviour corresponding to them", *ibid.*, p. 48.

<sup>31</sup> Cf. Deutsch: The Analysis of International Relations, Englewood Cliffs 1968, op. cit., p. 243.

<sup>32</sup> Cf. the contribution from the Greek MEP Ioannis M. Varvitsiotis: Das Commonwealth Europas, in: Frankfurter Allgemeine Zeitung, 4 August 2007. The term is also used but not defined in the draft report on the EU's enlargement strategy of MEP Elmar Brok (Draft Report on the Commission's 2007 enlargement strategy paper, European Parliament, Committee on Foreign Affairs, 2007/2271(INI), 3 March 2008).

<sup>33</sup> Confed Europe might be suspected as a Trojan horse for traditional Soviet/Russian attempts to divide the US and the EU. See also President Medvedev's ideas for a pan European summit (or even pact) and his reference to the Helsinki-process in his Berlin speech (5 June 2008), accessible under: [http://kremlin.ru/eng/speeches/2008/06/05/2203\\_type82912type82914type84779\\_202153.shtml](http://kremlin.ru/eng/speeches/2008/06/05/2203_type82912type82914type84779_202153.shtml) (last accessed: 30 June 2008).

<sup>34</sup> Cf. the interpretation of the Polish-Swedish initiative of an Eastern Partnership as a „Eastern Union“, as analogous to the Union for the Mediterranean, cf. Mr. Brok sees Eastern Partnership as Alternative to Accession of Eastern Neighbours – Criticism of Bulgaria and Romania, in: Agence Europe, 29 May 2008.

to group relationships and dialogues<sup>35</sup>). Rather the example of the CSCE process could be referred to in terms of the learning process, the ‘form follows function’ approach and the ambition to generate path dependencies and also with regard to its composition (collective representation of the EU, individual membership of European non EU-countries which share equal status).

Another proposal understands the *European Commonwealth* as a link between the EU and the eastern and Mediterranean countries through a common economic area (without participation in the monetary union) as well as through areas of freedom, security and justice, of external security and of education, research etc.<sup>36</sup> It reminds one of the EU’s four common spaces approach with Russia. Still, the institutional and legal link with the EU is unclear as are the decision-making rights and procedures because it shall rule out participation in EU institutions and free movement of persons. The seat of this *European Commonwealth* is proposed for Istanbul. This type of Commonwealth partly overlaps with the concept of an extended associated membership.

While the Union for the Mediterranean, and the Barcelona process it builds upon have a clear region building dimension the absence of regionalism and inter-regionalism<sup>37</sup> in the EU’s policy towards the east is striking and needs overhaul. The Confed Europe proposal as well as other emerging regional and multilateral frameworks and projects might lead to interlinked networks of smaller subregions that could add up to wider functional and political spaces in a world of continents.

### III Conclusions

It is assumed that the long-term trend of deepening and widening is withering away as long as no major external shocks shatter the EU. In particular the assessment wins support that the EU system has reached a level of saturation and that the basics of its “constitution” are almost completed. Whatever the future may hold, compared with the past the EU has run out of big integration projects and goals. It does not seem that the perspective of future enlargements – the next frontier – is a source to push the dynamics and agenda of integration. The EU already has a state like agenda and is a unique hybrid system that interlinks states with a supranational level

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<sup>35</sup> Cf. Nicole Alecu de Flers/Elfriede Regelsberger: The EU and Inter-regional Cooperation, in: Christopher Hill/Michael Smith (eds.): International Relations and the European Union, Oxford/New York 2005, pp. 317-342.

<sup>36</sup> Cf. Andreas-Renatus Hartmann: Für ein europäisches Commonwealth, in: Frankfurter Allgemeine Zeitung, 7 May 2008. Hartmann is responsible for foreign, security and defence policy in the secretariat of the EPP-group in the European Parliament.

<sup>37</sup> Cf. Karen E. Smith: The EU and Central and Eastern Europe: The Absence of Inter-regionalism, in: Fredrik Soderbaum/Luk Van Langenhove (eds.): The EU as a Global Player: The Politics of Interregionalism, London 2007, pp. 99-116 and Egbert Jahn: Ausdehnung und Überdehnung. Von der Integrationskonkurrenz zum Ende der europäischen Integrationsfähigkeit, in: Osteuropa 57 (2007): 2-3, pp. 35-55, here pp. 54-55.

(Verbundsystem/multilevel). If the EU continues with enlargement up to Turkey and Azerbaijan it will likely turn (fall back) into an empire that loses the key features of the current polity as a Community and Union. State-like, the EU might well define its limits as a political project (see the failure of a constitutional treaty) but also in terms of its members.

Moreover, enlargement or membership respectively as the *double catch all solution* loses supporters.<sup>38</sup> Over five rounds of enlargement candidates preferred this strategy because they could use the membership goal as a key incentive for modernisation and recently as a programme for comprehensive political and economic transformation. From the point of view of the EU ‘enlargement’ was the preferred solution because it ensured a smooth and maximum convergence of third countries with the *acquis* while giving the “club” of incumbent members a free hand to decide on (limited) adaptation of the EU system. It can be argued that this double catch all strategy needs a two-fold successor strategy: On the enlargement front, the novel European Neighbourhood Policy (ENP) is already a laboratory to develop and test alternatives to membership, i.e. Europeanisation without institutionalisation and membership.<sup>39</sup> On the internal EU front, debates pop up on allowing more differentiation with regard to the legislative cycle and decision making as ways to cope with increased heterogeneity.<sup>40</sup> However, as was discussed above, differentiated integration might well increase as a mode of policy-making. But, like the *fata morgana* of partial membership for substandard new members, it is not the panacea to deal with an ever larger EU.

Turning to the alternatives, the author of this paper favours as a bilateral approach to make maximum use of the possibilities of an ever closer association for modernisation and stability. The negotiations on enhanced agreements with the Ukraine and upgraded contractual relationships with Morocco and Israel are important occasions to make progress. These are the most important building blocks of a strengthened and better targeted ENP that offers besides an ever closer association also complementary (sub-)regional and multilateral extensions (like Black Sea Synergy, the Northern dimension, the Eastern partnership and the Barcelona process: Union for the Mediterranean). The EU wants to be surrounded by a ring of friends but it also needs to inject more

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<sup>38</sup> For a more detailed reasoning cf. Barbara Lippert: *The Big easy? Growth, differentiation and dynamics of EU-enlargement policy 1973-2007*, in: Udo Diedrichs/Anne Faber/Funda Tekin/Gaby Umbach (eds.): *Europe reloaded: Differentiation or Fusion*, Baden-Baden 2008, forthcoming.

<sup>39</sup> Cf. Barbara Lippert: *The Discussion on EU Neighbourhood Policy – Concepts, Reform Proposals and National Positions*, Berlin/Bonn 2007, accessible under: <http://library.fes.de/pdf-files/id/04737.pdf> (last accessed: 3 June 2008); idem: *European neighbourhood policy : many reservations - some progress - uncertain prospects*, Berlin/Bonn 2008, accessible under: <http://library.fes.de/pdf-files/id/ipa/05426.pdf> (last accessed: 3 June 2008).

<sup>40</sup> Cf. Andreas Maurer: *Alternativen denken! Die Mitgliedschaftspolitik der Europäischen Union vor dem Hintergrund der Beziehungen zur Türkei*, SWP-Aktuell 2007/A 36, Berlin 2007; Kai-Olaf Lang/Daniela Schwarzer: *Argumente für eine neue Erweiterungsstrategie – die Diskussion über die Aufnahmefähigkeit der EU*, in: *integration* 30 (2007): 2, pp. 117-128; Anne Faber: *Die Weiterentwicklung der Europäischen Union: Vertiefung versus Erweiterung?*, in: *integration*, 30 (2007): 2, pp. 103-116.

multilateralism into ENP and address unresolved conflicts (see above) to foster friendship and intensive mutual transactions (see pluralistic security community) among the 'friends' surrounding the EU. These efforts should be accompanied by a political umbrella arrangement, i.e. the gradual establishment of a Confed Europe as a security (political) community of the EU with eastern countries, and probably with Russia as well. Its added value would lie in the recognition of European countries outside the EU as European actors within a shared political area. It would thus contribute to the reconstruction of the West.



