

THE EUROPEAN UNION BETWEEN INTEGRATION AND DISINTEGRATION

**- REFLECTIONS ON THE LAST DECADE AND BEYOND -
17-18 MARCH 2016, FRITZ THYSSEN FOUNDATION, COLOGNE**

INTRODUCTION

The Centre of Excellence EUCOPAS was launched in September 2015. The inaugural conference **'THE EUROPEAN UNION BETWEEN INTEGRATION AND DISINTEGRATION'** took place **in Cologne on March 17th and 18th, 2016**. The Conference was jointly organized with THESEUS, a European network of thinkers and actors.

The EUCOPAS-THESEUS conference dealt with a reflection on the past and current crises taking place in and around Europe, and discussed if and how those have been working as catalysts for further institutional, economic or political integration or caused steps of disintegration. It analysed a set of theoretical understandings, concepts, and definitions of the disintegration phenomenon itself as well as possible causalities and interplays between integrative and disintegrative processes. These academic debates took place within an introductory session, four panels and a conclusion. This conference paper summarises the main findings of the respective sessions as well as major arguments made by panellists during their presentations.

After the introductory remarks by Frank Suder (Director of the Fritz Thyssen Foundation Cologne), Jaap de Zwaan (Erasmus University Rotterdam and Secretary General of the Trans European Policy Studies Association), Mirja Schröder (THESEUS Project Manager, University of Cologne), and Wolfgang Wessels (EUCOPAS Academic Coordinator, University of Cologne), the thematic panels followed.

The first panel dealt with the varieties and different types of crises the European Union has dealt with so far in order to set the floor for the following discussions. After creating this thematic fundament, the subsequent panel elaborated on how the institutional architecture of the Union was effected and subject to alteration due to the crises management displayed by the EU. The third panel was dedicated to the external dimension, namely to the challenges the EU is confronted with on its borders: Here, attention was given to developments beyond EU borders and the EU's engagement in solving conflicts. The fourth thematic panel reflected on possible exits of single member states as well as EU fragmentation. The concluding session characterised all discussions taking place in the respective panels as a sign for the need to actively address problems at hand before action was too late, and to redefine theoretical models of European integration to better address processes of differentiation and disintegration.

THE VARIETIES OF EU CRISES – PERCEPTIONS AND REFLECTIONS

Giulia Bonacquisti, Trans European Policy Studies Association (TEPSA), Brussels

The first panel was chaired by Beate Kohler (University of Mannheim) and gathered Hartmut Kaelble (Humboldt University, Berlin), Johannes Pollak (Institute for Advanced Studies, Vienna) and Gaby Umbach (European University Institute, Florence). Wilfried Loth (University Duisburg-Essen) couldn't be present.

The panel was opened by a presentation by Hartmut Kaelble, who proposed a classification of five types of crises having occurred in the history of EU integration. In this context, a crisis was defined as a lack of decision-making by European institutions coupled with a perception of crisis in the European public.

A first type of crisis is limited to a conflict within the European governments, i.e. a lack of decision-making caused by diverging opinions about a given issue, which does not involve substantially the European public (e.g. the 'empty chair' crisis of 1965-66). Secondly, there can be a crisis entailing not only a conflict between governments, but also within the European public. Thirdly, there is a type of crisis entailing a strong conflict between governments and a substantial involvement of the European public, during an economic crisis (e.g. the crisis in the early 1970s). A fourth kind of crisis involves not only European governments and the European public, but also other important international actors, and is rather a 'Western' or 'global' crisis (e.g. the financial crisis 2008-2010). Finally, the last type is the systemic crisis, in which the democratic political system and the economic system itself risk collapsing (e.g. the context right after the end of World War II). In Kaelble's view, the EU is not in the middle of the worst type of the crises that has happened in its history, but rather in the second type.

Wilfried Loth (University Duisburg-Essen), who couldn't be present at the conference, argued in his conference manuscript that crises have already been present at the creation of the EU, and that they remained a constant companion of its development. An EU crisis can be defined as a situation in which the regular functioning of the EU is constrained or even seriously endangered. Most of the past crises could be overcome in the end and resulted in a deepening of European integration. Along this understanding, the present crisis is a combination of a crisis due to a new challenge – the massive rush of refugees from failing states – and a crisis of confidence due to a general mistrust in political elites, an emotional resistance against globalization and a revival of elementary nationalism. Both crises are reinforcing each other. Thereby preventing decisions and implementations on the European level are endangered. According to Loth, it is the combi-

nation of these two types of crises, which makes a productive solution of this current crisis so difficult.

Pollak's intervention focused on the nature of the current crisis, the way of handling it and the crisis perception by the public. To begin with, he argued that the 'crisis' is an intrinsic feature of the EU and of its institutional set-up ('the EU has always been about crisis management').

Pollak drew a distinction between 'wicked' and 'tame' crises. Whilst in the latter the solutions are clear, data are available and mostly uncontested, in the former clear-cut solutions are not possible and only preliminary mitigation can be achieved. This is, according to Pollak, the kind of crisis that the EU faces today. In his view, increasing globalisation and rising complexity of societies will result in a growing number of this kind of crisis. In such a context, he argued, a key to a better handling lies first in the acknowledgement of this trend, and second in transparent democratic processes. Turning to the crisis perception in the European public, Pollak noted that this differs greatly across generations and societies. As a result, it becomes crucial for political scientists to study different crisis perceptions. Finally, Johannes Pollak concluded that the constant violation of EU values in the current crisis and the use of non-democratic means to handle it severely undermine the possibilities of crisis mitigation.

In her presentation, Gaby Umbach presented a comprehensive overview of the different crises the European Union is currently facing simultaneously, focusing on the bias between the EU's crises-related institutional-functional problem-solving capacity (reactions of decision-takers) and the missing social-political integration as reflected in the largely negative crises-related perceptions of European publics. In particular, she mentioned the economic and financial crisis, EU disintegration (i.e. the Brexit debate), and the return of geopolitics in form of the refugee crisis and the international fight against Daesh.

All these crises entailed contestation, (incomplete) politicisation (i.e. the EU is not perceived as a political system that could help solve the crisis), divisions within the public opinion, and the erosion of solidarity between EU member states, but also between EU citizens. Most importantly, it emerges from Umbach's analysis as a common feature of all these crises that there is a perceived lack of means and channels for citizens to actively participate in and provide their input to EU politics; a feature that has paved the way for the rise of populist movements.

Paraphrasing a quote from the EU founding father Jean Monnet, Umbach concluded that European integration can no longer take place 'without [the] people understanding what is happening', and called for reflecting about a re-functionalisation of the EU in the current context in order to overcome block-building politicisation.

During the Q&A session, several participants of the public voiced a less ‘optimistic’ view than that raised by the speakers, pointing at the unprecedented nature of the current crisis (i.e. presence of multiple, internal-external crises). Furthermore, the issue of lacking political integration in the EU was raised, resulting from the assumption that Europe could be bureaucratically integrated in the absence of a substantial political dimension. In this context, it was noted that it becomes increasingly difficult to ‘save’ the EU as we move further away from the big shock that ‘enabled’ European integration (i.e. WWII).

GOVERNING THE EU – THE NATURE OF INTER-INSTITUTIONAL DYNAMICS

Niklas Helwig, The Finnish Institute of International Affairs (FIIA), Helsinki

The second panel was chaired by Lenka Rovna (Charles University Prague), and gathered Jörg Monar (College of Europe, Bruges), Christine Neuhold (Maastricht University), Olivier Rozenberg (Sciences Po Paris) and Philippe de Schoutheete (Egmont Royal Institute for International Relations, Brussels).

“Institutionology” – like one panellist named the science – is an essential subject of EU scholars since the beginning of the integration project. It has also been part of the THESEUS project from the start, as the chair of the panel Lenka Rovna reminded the conference participants. In the focus of previous conferences had been the Lisbon Treaty implementation as well as the institutional implications of the economic and financial crisis. With the current development of closing societies and borders, the question of the ability of institutions to withstand, or even lead through, crises is once more on top of the agenda. The panel’s focus on the balance, efficiency and legitimacy of institutions was therefore timely as ever.

Jörg Monar discussed how recent crises shifted the balance between EU institutions. The European Council has been the clear winner. In the moments of crisis, it was crucial to have the national leader at the table as a point of domestic identification. The rise of the European Council did not go to the expense of the European Commission, which proved to be an indispensable institution because of its expertise and moderating role. The Council of Ministers and the European Parliament are the ‘losers’ of the crisis. The Council became more of an implementation body with a diminishing role of previously key bodies such as the COREPER and the General Affairs Council. The European Parliament could not capitalise on the new powers of the Lisbon Treaty, as its substantial legislative work has been pushed aside in public perception by the intergovernmental crisis management. However, one should not forget the link that the European Parliament continues to provide the only direct legitimacy link to EU citizens.

The potential trade-off between efficiency and legitimacy was in the focus of Christine Neuhold's presentation. She discovered a remarkable increase in first reading agreements of the Ordinary Legislative Procedure of the EU. Because of informal trilogues between the European Parliament, Council and Commission, often, only one reading is necessary. While this increases the efficiency of the legislative process, it empowers a small group of about 30 people that conduct the informal talks, leading to questions of accountability and transparency. Oliver Rozenberg pointed out the recent trend of slow legislation. The number of legal acts has fallen in 2009 and since then not recovered. Meanwhile, the time needed for a legislative act has increased from one year (Santer Commission) to almost two years (Barroso II Commission). Different reasons can be considered for this change, one of them being that the crises led to a concentration on few priorities of the Commission. While slow legislation could improve the quality and 'red tape' of legislation, it might also cause a negative development towards informal governance.

Philippe de Schouette picked up the point of a trend towards informal governance. Unorthodox methods became especially relevant in the handling of the Eurozone, where the Euro-Summit and Eurogroup were decisive, yet informal, fora. But also in other cases a move from rule-based governance towards executive decisions, could be observed. The European Central Bank and its monetary policy decisions steer the developments of the economic policies as much as the Commission's decision on national budgets. Institutions adapt to crises like the current ones and develop informal and executive channels of governance.

The discussion concentrated to a large extent on the question of Brexit and the effect of a strong European Council. While some saw the question of a Brexit as an incremental change on a continuum from a now 'semi-detached' to a then 'semi-attached' Britain, others warned that especially for the UK the implications might be bolder in terms of a loss of voice inside the EU. The rise of the European Council was put into question: has it not always been stronger than it appeared to be on paper? Yet, the increasing media attention on the heads of state or government might pile up the pressure on certain member states for solo actions, as it was the case with the German-Turkish deal at the summit in March 2016.

BEYOND EU BORDERS – THE MULTIDIMENSIONALITY OF EU FOREIGN POLICY

Mariam Khotenashvili, Trans European Policy Studies Association (TEPSA), Brussels

The third panel was chaired by Gianni Bonvicini (Istituto Affari Internazionali, Rome) and gathered Katrin Böttger (Institut für Europäische Politik, Berlin), Atila Eralp (Middle East Technical University, Ankara), Christopher Hill (University of Cambridge) and Barbara Lippert (Stiftung Wissenschaft und Politik, Berlin).

The EU's still limited ability to act as a foreign policy actor was discussed in a historical perspective, starting from the European Political Cooperation launched in 1970. As Gianni Bonvicini recalled, the Lisbon Treaty created new hopes by strengthening and communitarising the role of the High Representative, establishing the EEAS, codifying the principle of coherence and enabling permanent structured cooperation in fields such as defence. However, recent crises such as in Libya, Syria and Ukraine cast new doubts on the EU's ability to conduct foreign policy. The European Council has emerged as the strongest institution, but is it fit to govern European foreign and security policy?

Katrin Böttger highlighted the inter-relation of problems the EU is facing with Ukraine, the Migration crisis, Syria and Libya. This multidimensionality leads the EU to face several red lines whichever way it is turning to solve one of these crises. In addition, unrelated elements such as the effects of the migration crisis and visa freedom for Ukraine are mixed up by the media. In her presentation, Katrin Böttger analysed the EU's role in each of the four crises and illustrated that the formal and perceived role of the EU regularly differ. She underlined that while the EU is not always a formal problem solver in the frontline, it plays an important role in coordinating member states foreign policy and in implementing a wide variety of concrete instruments in the medium term.

Atila Eralp put the EU-Turkey relationship in the global context of an emerging multipolar system with a rising amount of regional actors and a gradual decline of the West. The relationship is now more clearly turning into a partnership, but one in which Turkey is getting the upper hand and the EU is in a more dependent position. The EU is unwillingly strengthening the executive branch and de facto institutionalising a presidential system in Turkey through this kind of relationship. The EU can regain its leverage and strengthen freedoms in Turkey by using the tools of the accession process.

Christopher Hill noted that Europeans have reconciled themselves with a regional rather than global role but that their neighbourhood is still in flames. The new ENP is based on a more pragmatic approach, but we have to shape foreign policy, not just talk about it. Europe must not

abandon its principles and norms, but there is a need of clearer transposition into actual foreign policy action, using Europe's notably strong civilian instruments. The Iran negotiations serve as an example of success. Flexible solidarity is needed; unilateral Member State actions do not achieve best results. Pressing practical priorities are to strengthen the Syrian peace process, build up a common position on Turkey beyond the migration urgency, stabilise Libya, develop a truly common asylum policy and get other states and regions to recognize that managing migration is also their responsibility.

For Barbara Lippert, the refugee crisis revealed the lack of a common perception across the EU28: Member States define themselves as transit countries, final destinations, etc., and the problem becomes compartmentalised rather than properly addressed. The EU-Turkey relationship has been inconsistent and ambiguous for decades, partly on purpose. The EU's comparative advantage should be to build lasting partnerships and frameworks but it has not invested adequately in countries like Lebanon or Jordan. Geopolitics are back, but it is not an option to out-source problems to the US or Turkey. Europe should move towards more collective and shared decision-making, but this is hampered by internal realpolitik, with some states being more equal than others.

The discussion further highlighted the relative weakness of the EU's institutional players: The President of the European Council and the High Representative still heavily depend on the intersection of 28 Member States' positions and lack substantial foreign policy resources. The European Council is developing but there is a limit to how far it can pull things together and it remains doubtful whether foreign policy can actually be conducted from such a high level. A further point made was that Russia is actively exploiting the weakness of European foreign policy, undermining EU association policy, promoting volatility inside many Member States and pitting them against each other. The present context enables Russia to act as an effective spoiler of European integration.

EXIT STRATEGIES – MODELLING PATTERNS OF EU DISINTEGRATION

Nicole Koenig, Jacques Delors Institute, Berlin

The fourth panel was chaired by Geoffrey Edwards (University of Cambridge) and gathered Brigid Laffan (European University Institute, Florence), Frank Schimmelfennig (Swiss Federal Institute of Technology, Zurich) and Funda Tekin (Institut für Europäische Politik, Centre international de formation européenne, Berlin).

To understand patterns of disintegration, it is useful to review those of differentiated integration. Frank Schimmelfennig pointed out that EU primary law has been subject to growing differentiation since the 1990s. This does not mean that we are faced with an ever-looser Union. To the contrary, differentiation has become a legitimate tool of integration, as it has permitted core groups of member states to pursue deeper integration while allowing others to join at a later stage. Over time, centripetal effects have prevailed, as illustrated, for instance, by the expanding Eurozone and Schengen membership.

We are now facing new tendencies of differentiated disintegration. Brigid Laffan underlined the need to distinguish formal disintegration from internal fracturing. The trend towards formal disintegration, namely the withdrawal of a member state from the Union or some of its constituent parts (such as the Eurozone or Schengen), can be interpreted in light of Hirschman's typology, which distinguishes exit, voice and loyalty. In the past, the member states tended to voice their discontent with the EU rather than demonstrate it through a costlier and riskier exit strategy. However, in light of the EU's growing domestic contestation and the formalisation of the exit clause in the Lisbon Treaty, member states such as the UK have come to consider the exit option. Simultaneously, the EU is facing internal fracturing. The political situation in Hungary or Poland is clearly undermining the EU's value basis. Meanwhile, the rise of right- and left-wing populism is threatening democratic politics and the member states' governance capacity. To analyse these developments within and across member states, EU scholars ought to shift their attention from "multi-level governance" to "multi-level politics" and engage more with comparative politics.

Current tendencies of disintegration could have dangerous consequences for the EU. First, they might have a contagion effect and trigger gradual disintegration. "Differentiation cascades" could produce an EU of multiple speeds and cores, which would put the Union's institutional and legal uniformity at risk. Second, systemic shocks could lead to institutional unravelling. For instance, a 'Grexit' would mark the end of the Monetary Union by transforming it into a system of pegged currencies. Third, the power balance among the member states would shift, leading to new poli-

cy imbalances. In the case of a 'Brexit', for instance, the EU would lose a key driver behind liberalisation of the Single Market.

Notwithstanding these risks, Funda Tekin argued that patterns of disintegration in the form of a 'Brexit' could represent an opportunity for further deepening and push the EU to rethink its black or white approach to the membership question. She suggested offering an 'associate membership' to those that want to leave the Union and those, such as Turkey, that are waiting to join. Nevertheless, she questioned whether associate members would accept a status as 'decision-takers' and to what extent an associate membership can serve a basis for effective EU conditionality. To sum up in the words of Brigid Laffan: cooperation within (and with) the EU has never been both more necessary *and* more difficult.

QUO VADIS? THE EUROPEAN UNION BETWEEN INTEGRATION AND DISINTEGRATION

David Schäfer, London School of Economics and Political Science (LSE)

The conference came to an end with the concluding remarks by Wolfgang Wessels (University of Cologne) and Iain Begg (London School of Economics and Political Science).

Both of them placed the conference's single topics in the big picture of European integration. A commonality between both presentations was the emphasis on the crisis-stricken environment European integration takes place in nowadays. Iain Begg established an analogy between the EU's crisis and a personal crisis. The phases one goes through are largely the same: denial is followed by anger and later depression; this leads to a cautious testing of new solutions, which will finally be accepted at the end of a long process. Begg argued that at the current stage it is not yet clear in which direction the EU is going to develop. Deepening and Widening do no longer go hand in hand. Instead, the crisis could, for instance, also lead to a shallowing of the EU. The high extent of differentiation within the EU also shows that the deepening of the EU has taken place at very different speeds. A further deepening seems unlikely for some members, while others and especially the Eurozone face strong pressures to rework their institutional framework in the direction of more Europe. There is no clear trend neither in the widening nor narrowing dimension of the EU. A potential Brexit is the clearest sign that the EU's membership could be narrowing. The experiences in recent years have shown that considering only deepening or widening without their respective counterparts pointing in the opposite direction no longer grasps the dynamics of EU integration.

Wolfgang Wessels gave an equally bleak outlook of the EU's current state of affairs. The EU was described as being in the midst of a fundamental crisis, being far more severe than many other

crises in the past. Examples that feature prominently, such as the empty chair crisis, were not nearly as far-reaching as the current challenges. Wessels offered an interest take on potential solutions by stressing the role of external federators which, beginning with Stalin, have played a vital role in the history European integration. He argued that the rather pessimistic scenario of EU integration also poses new challenges for the academic community. Disintegration is poorly theorized in the area of European studies and requires a future research agenda. This leaves us waiting eagerly for the next conference in Cologne to find an answer on that question.