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CERC International Conference 2005

‘A Bitter Triumph? The Crisis of the European Project in the Aftermath of Enlargement’

**Contemporary Europe Research Centre
Jean Monnet European Centre of Excellence
University of Melbourne
Level 2 234 Queensberry St Carlton**

Day 1 Thursday 1 December

- 8.30 – 9.15** Registration and morning coffee
- 9.15** Opening and welcome: A/Prof Philomena Murray Director CERC
- 9.30** **Keynote Address:** Jean Monnet Lecture
- Prof. Jacques Rupnik, visiting Professor at the College of Europe in Bruges and Research Director at CERI – Foundation National des Sciences Politiques, Paris: *‘The dilemmas of the post-enlargement European Union’*
- 10.30** Morning coffee
- 10:45** **Session 1: The Crisis of the European Project.**
- Chair: Dr Carolyn O’Brien International Relations Office University of Melbourne
- Dr Natalie Doyle, School of Languages, Cultures and Linguistics, Monash University: *‘The significance of the French electorate’s rejection of the constitutional treaty’*
- Mr Gonzalo Villalta Puig, School of Law, Faculty of Law and Management, La Trobe University: *‘Non, Nr, No! Why Europe cannot say no to its constitution?’*
- A/Prof Philomena Murray, Jean Monnet Chair, Director of CERC University of Melbourne: *‘Obstinate or obsolete? Reflections on the European integration project.’*
- 12.15 – 13.00** Lunch (provided)

13.00 – 14.40 Session Two: The European Project and the New Europe

Chair: Prof David Goldsworthy – Monash University/CERC Senior Fellow

Dr Roderick Pitty, Political Science and International Relations, University of Western Australia: *'Russia, the Ukraine and New Europe's 'centre of gravity'*

Dr Carol Strong, Centre for Citizenship and Human Rights, Deakin University/CERC Fellow: *'Should Post-Accession Compliance be expected in Central and Eastern Europe?'*

Dr Robert Horvath, History Department/CERC Deputy Director, University of Melbourne: *'The legacy of East European dissidence and the crisis of the European Project'*

14:45 – 16.00 Session Three: The Implications of EU Enlargement for Australia

Chair and Discussant: A/Prof Donald Maclaren –Faculty of Economics and Commerce, University of Melbourne

Speakers: Margie Adamson – Department of Foreign Affairs and Trade: *'A larger EU: Opportunities and Challenges for Australia'*

A/Prof Philomena Murray – CERC Director, Jean Monnet Chair: *'Expansion of membership, expansion of scope, the European Union and Australia'*

16:00-16:15 Afternoon Tea

16.15 – 18.00 Session Four: The European Project and Security

Chair: Dr Tobias Theiler, School of Politics and International Relations, University College Dublin

Dr Rémy Davison, School of Government, University of Tasmania/CERC Fellow: *'Arm-in-arm? The RRF, EDA and EU security policy'*

Dr Matthew Sussex, School of Government, University of Tasmania: *'Poles Apart: the Visegrad states and EDSP'*

Dr Michális S. Michael - La Trobe University - *'Euro-solution' or 'Euro-partition': EU-ization of the Cyprus Conflict'*

18:00 Conference Reception and launch of Philomena Murray's new book – *'Australia and the European Superpower - Engaging with the European Union'*

19.30 Conference Dinner – Casa Malaya 118 Lygon Street Carlton \$26.50 ph
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November

Day 2 Friday 2 December

9.30- 9.45 Registration

9:45 – 10:45 Session Five: Goethe Institute Lecture

Chair: Renate Elsaesser – Goethe Institute

Prof Dr Volkmar Götze, Universität Göttingen, Institut für Völkerrecht und
Europarecht: *'The Division of Competencies in the EU Constitution'*

10:45 – 11:00 Morning Tea

11:00 – 12:45 Session Six: The Repercussions of Enlargement

Chair: Aleksandar Pavkovic (Sasha) Department of Politics and International
Relations, Macquarie University

A/Prof Stephen Hoadley, Political Studies, University of Auckland: *'The
politics of the Hague Programme and the impact of enlargement'*

Prof Leslie Holmes CERC Deputy Director: *'Central and East European
attitudes towards the EU before and since enlargement'*

Dr Patrick Kimunguyi, CERC Fellow, University of Melbourne: *'Changing
interests in European Union development cooperation: Assessing the Impact
of EU membership and advancing integration'*

12.45 – 13.30 Lunch (provided)

13.30 – 15.10 Session Seven: Does the European Union need a community?

Chair: A/Prof Alison Lewis CERC Deputy Director tbc

Dr David M. Jones, University of Queensland: *'Habermas , German Neuroses
and Europe's post national constellation'*

Prof John Milfull, Centre for European Studies, University of NSW: *'The
Habermas fallacy, or Whatever Happened to Diversity'*

Dr Tobias Theiler, School of Politics and International Relations, University
College Dublin: *'Political legitimacy and constructive ambiguity in the post-
enlargement EU'*

15.10 – 15.30 Afternoon Tea

15.30 – 17.00 Session Eight: Roundtable and Open Discussion

Dr Tobias Thieler
Prof Dr Volkmar Götz
Prof Jaques Rupnik
A/Prof Philomena Murray

17.00 Closing Remarks – Prof Leslie Holmes Deputy Director CERC

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CERC International Conference 2005
Full Conference Program

**‘A Bitter Triumph? The Crisis of the European Project in the
Aftermath of Enlargement’**

Day 1 Thursday 1 December

- 8.30 – 9.15** Registration and morning coffee
- 9.15** Opening and welcome: A/Prof Philomena Murray Director CERC
- 9.30** **Keynote Address:** Jean Monnet Lecture

Prof. Jacques Rupnik, visiting Professor at the College of Europe in Bruges and Research Director at CERI – Fondation National des Sciences Politiques, Paris: *‘The dilemmas of the post-enlargement European Union’*

Bio: Jacques Rupnik studied History at the Sorbonne and Politics at the Institut d'Etudes Politiques de Paris. He took an M.A in Soviet Studies from Harvard University (1974), and later a Ph.D (History of International Relations) from the Sorbonne (University Paris I). He was a Research Associate at the Russian Research Center at Harvard University 1974-1975, a specialist in Eastern Europe at the BBC World Service 1977-1982 and Professor at the Institut d'Etudes Politiques de Paris 1982-1996. Between 1990 and 1992 he was an adviser to Czech President Vaclav Havel.

Professor Rupnik was Executive Director of the International Commission for the Balkans at the Carnegie Endowment for International Peace 1995-1996 and a Member of Independent International Commission on Kosovo, 1999-2000. Since 1999, he has been visiting Professor at the College of Europe in Bruges and one of the editors of the quarterly *Transeuropéennes*.

His recent publications include: *Les Européens face à l'élargissement. Perceptions, acteurs, enjeux*, (Presses de Sciences Po, 2004.), *L'Europe des*

Vingt-Cinq. 25 cartes pour un jeu complexe, (avec Christian Lequesne), (Autrement, 2004) (nouvelle ed. 2005), *Balkan Diary*, (KACI, 2004), *International Perspectives on the Balkans*, (Canadian Peacekeeping Press, 2003) *The Road to the European Union* (ed) 2003, "America's best friends in Europe: East-Central European perceptions and policies towards the US" in T.Judt and D.Lacorne (eds), *With US or Against US, studies in global anti-americanism*, (Palgrave 2005), "The demise of Balkan nationalism? A sceptical view" in J.Batt (ed) *The Western Balkans: moving on*, (ISS, 2004)

10.30 Morning coffee

Session 1: The Crisis of the European Project in Western Europe

Chair: Dr Carolyn O'Brien International Relations Office University of Melbourne

10.45

Speakers:

- Dr Natalie Doyle, School of Languages, Cultures and Linguistics, Monash University: *'The significance of the French electorate's rejection of the constitutional treaty'*

Abstract: Information is now available on the social profile of the “No” vote to the French referendum on the EU constitutional treaty. Whilst still reflecting the views of traditional opponents of European integration, this vote, it seems, also manifested a new kind of opposition from the young and educated: *pro-European* hostility. Faced with what it perceived as the arrogant assumption by its political elites that to be pro-European could only mean voting “Yes”, the French electorate, as in the presidential elections of 2002, sent a strong message to its political leaders. This message expresses profound dissatisfaction with the failure of French political elites years to address national problems and their tendency to use the European Union to escape responsibility. With the enlargement to 25, a new Europe has been created and the French electorate feels it was not consulted. In this respect, enlargement has revealed an ambivalence that from the start characterized integration, and specifically the structural flaws of monetary union. This has become a central issue for the big countries of France, Germany and Italy, plagued with low economic growth since 2000 but only in France has this issue erupted into public debates and been associated with the demand for more, not less, power for the European Union.

Bio: Natalie Doyle is Director of the Centre for European Studies at Monash university and teaches French studies and European studies. She has published on French politics and on socio-political theory. Her most recent publications are Democracy as socio-cultural project of individual and collective sovereignty (in Thesis Eleven, Number 75, 2003, 71-97), Bourdieu and Capitalism: Virtual Radicalism (in Practising Theory: Pierre Bourdieu and the Field of Cultural Production, University of Delaware Press, 2004,

pp.83-99), *Western Civilization, Christianity and Modernity* (in Budi. A journal of Ideas and Culture, vol. IX , 1/2, 2005). Her current research looks at the question of the historical connection between political and economic modernities in the West European context from a civilizational perspective. It is ultimately concerned with the question of European identity, past, present and future.

Mr Gonzalo Villalta Puig, School of Law, Faculty of Law and Management, La Trobe University: *'Non, Nr, No! Why Europe cannot say no to its constitution?'*

Abstract: Earlier this year, in the aftermath of enlargement, the citizens of France and the Netherlands affirmed the crisis of the European project in their vote against the ratification of the Treaty establishing a Constitution for Europe. In June, days after the French and Dutch referendums, the United Kingdom announced the suspension of its parliamentary ratification process of the Constitution. Meeting as the European Council, the Heads of State and Government of the Member States of the European Union followed suit, adopting a declaration setting an indefinite period of reflection on the question of the Constitution. Rather than address the concerns and worries of citizens, European leaders opted to settle for the status quo framed by the Treaty of Nice, thus leaving the Union divided, confused and condemned to a period of stagnation.

The advancement of the European project necessitates the making of a Constitution for Europe. In a politico-democratic context, Constitutions are universally defined in both functional and formal terms. From a functional perspective, a Constitution is the answer to the democratic calls for political rule to be legitimised and legalised. From a formal perspective, a Constitution is a body of primary norms coming from the people, commanding supremacy over the legal order and capable of amendment by the people only. In the light of this definition, I argue that the European Union is not founded upon a Constitution and that, therefore, it needs one. Functionally, political rule by the Union is illegitimate. It is a case of democratic deficit. Formally, the living Constitution of the Union, the Treaties and the case law whose interaction has the effect of adequately institutionalising and regulating political rule at the Union level, cannot be said to represent a body of primary norms.

Bio: A former Visiting Fellow at the National Europe Centre, Gonzalo Villalta Puig BA LLB(Hons) GradDipLegPrac(Merit) ANU LLM *Canberra* is a Barrister and Solicitor of the High Courts of Australia and New Zealand and a Solicitor of the Supreme Court of England and Wales. Gonzalo writes extensively and presents regularly on European Union Law.

- A/Prof Philomena Murray, Jean Monnet Chair, Director of CERC University of Melbourne: *"Obstinate or obsolete - Reflections on the European integration project."*

Abstract: The European Integration project has been characterised by triumphs and bitterness. It contained within itself the means to radically alter international and national politics yet it also has been teleological in its tone, messianic in its zeal and forgetful of the citizens. It is advancing an agenda that is very different from its origins while at the same time its current problems and crisis are in part due to the distinctiveness of those very origins. In contradistinction to the argument that the European nation state is obstinate and not obsolete, the paper argues that the European Integration project is in fact obstinate and not obsolete, even in the aftermath of the recent Enlargement.

Bio: Philomena Murray is Associate Professor in the Dept. of Political Science and Director of the Contemporary Europe Research Centre at the University of Melbourne, where she is also Head of the Research Unit on the European Union. She was awarded an honorary Jean Monnet Chair by the European Union in July 2001, the first and only person in Australia to receive this award. The Contemporary Europe Research Centre was designated a Jean Monnet Centre of Excellence in 2004. She obtained her Ph.D. at the European University Institute, Florence (1989), a Diploma in Advanced European Studies at the College of Europe, Bruges (1979) and a BA (Hons) at University College Dublin (1975-78). She was a diplomat, 1984-89, for the Irish Department of Foreign Affairs, in Dublin and Paris, and has also worked in Brussels and Ravenna. She was founder President of the Contemporary European Studies Association of Australia and is Joint Coordinator of European Studies at the University of Melbourne. Her research interests are in European Integration analysis; EU-Australia relations; EU governance and comparative regional integration. She was joint editor of Australian Journal of Political Science, 1996-98 and is a member of several Editorial and International Advisory Boards of international journals.

12.15 – 13.00 Lunch

13.00 – 14.40 Session Two: The European Project and the New Europe

Chair: Prof David Goldsworthy – Monash University/CERC Senior Fellow

Speakers:

- Roderick Pitty, Politics, University of Western Australia: *'Russia, Ukraine and New Europe's 'centre of gravity'*

Abstract: The political crisis over the EU Constitution may have slowed further enlargement but it has not yet stopped this, with Bulgaria and Romania given 'yellow' rather than 'red' cards by the European Commission in June. Even if their entry into the EU is delayed by a year or more, it will have major implications for the new Ukrainian government and its relations with Russia as well as the EU. The Russian view of 'new Europe' is different from the Rumsfeld cliché of January 2003, according to which 'the centre of gravity is shifting to the east' with NATO's expansion. Before the recent enlargement,

one Russian writer saw Europe's 'centre of gravity' as 'shifting westwards', with 'the western core of Europe ... becoming stronger and more consolidated' as the heart of a new, more powerful Europe (Baranovsky 2000: 450). This view was shared by those Americans who advocated encouraging as many referenda on the EU Constitution as possible in order to 'save NATO from Europe' (Cimbalo 2004). Although the EU has refused to give any 'orange' light to eventual Ukrainian membership, NATO may yet expand to include the Ukraine. While the Ukraine may see this as leading towards EU membership, Yushchenko's promise of moving to the heart of Europe is unlikely to be fulfilled. This paper will assess the implications for Russia of the Ukraine joining NATO but not the EU, considering whether the influence of the EU over the Ukraine will decline while American (and perhaps in response even Russian) influence grows. The paper aims to clarify the limits of the geopolitical influence of 'new Europe', understood following Calleo as based on the Western core, in a situation where only the EU, but not NATO, is 'Western rather than pan-European' (Calleo 2003: 349).

Baranovsky, V. 2000 'Russia: a part of Europe or apart from Europe?', *International Affairs* (London), 76(3).

Calleo, D 2003, *Rethinking Europe's Future*, Princeton University Press, 2003.

Cimbalo, J. 2004 'Saving NATO from Europe', *Foreign Affairs*, 86(3).

Bio: Dr Roderic Pitty received a Ph.D in Russian politics from ANU in 1990. He teaches international and European politics at UWA, having worked as a research assistant in the early 1990s on Russian relations with non-Russian areas of the former USSR, and subsequently taught international relations at Sydney, UNSW and Deakin University.

- Dr Carol Strong, Centre for Citizenship and Human Rights, Deakin University: *Should Post-Accession Compliance be expected in Central and Eastern Europe?*

Abstract: The official articulation of the Copenhagen Criteria in June 1993 generated high levels of compliance throughout Central and Eastern Europe to EU demands, at least prior to May 2004. While most analysts interpret the acquiescent responses of CEE elite during this period as the culmination of external governance based on the principles of conditionality, many continue to disagree over both the merits *and* consequences associated with such an approach to social change. The salience of the issue is demonstrated through clear signs that post-accession, the strict compliance previously expected of the CEE may be disappearing. Consider, for example, that Poland began to use the threat of its veto power as a mechanism for political leverage in the EU as early as December 2003, or more constructively that CEE leaders recently offered to forfeit more than €1.5 billion of their own budgetary allocations, if a compromise could be reached in the 2005 EU budget negotiations. With a

focus on the Czech Republic and Poland, this paper makes a timely contribution to the interrelated debates of EU enlargement and the consequences of externally-directed social change, as it explores the contentious question of what happens now that EU membership has been secured.

Bio: Dr. Carol Strong is a Research Fellow in the *Centre for Citizenship and Human Rights* (CCHR) at Deakin University (Burwood), where she conducts research in the areas of civil society, social exclusion, and racism against Arab and Muslim Diasporas in Australian and European political discourse. She concurrently holds an Honorary Fellow in the *Contemporary European Research Centre* (CERC) at the University of Melbourne (Parkville), and has accepted a Visiting Fellowship in the National Europe Centre (NEC) at the Australian National University (Canberra). She received her PhD in Political Science from the University of Melbourne in August 2004. External to her academic posts, she is the Vice-President/ Treasurer of the Contemporary European Studies Association of Australia (CESAA).

- Dr Robert Horvath, History Department, University of Melbourne:
'The legacy of East European dissidence and the crisis of the European Project'

Abstract: For many Western European commentators, the pro-US stance of EU-aspirant states during the debate over the Iraq war testified to the cynical realpolitik and servility of post-communist elites in Eastern Central Europe. No sooner were these 'vassals' liberated from the Kremlin's yoke than they rushed to subordinate themselves to the remaining superpower.

This paper argues that such interpretations ignore the enduring influence of East European dissidence. Both on a political and an intellectual level, dissidents played a crucial role in the bitter controversies that divided Europe on the eve of enlargement. Vaclav Havel, the most prominent upholder of the dissident heritage, was a signatory of the 'Letter of the Eight,' which provoked President Chirac's scornful rebuke that East Central European leaders had missed 'a good opportunity to shut up.' Adam Michnik, Gyorgy Konrad, and Bronislaw Geremek all defended the use of force to remove Saddam, and the result was a wave of strident criticism in the West European press. Typical was the invective of the prominent German commentator Christian Semler, who denounced the 'pro-war' stance of former dissidents as a new 'treason of the clerks.'

This acrimony testified to the continuing public role in Eastern Central Europe of a group of public figures who perceived international diplomacy through the prism of their own struggles against totalitarianism. The dissidents empathised with the victims of Saddam's rule. They were receptive to the Bush administration's rhetoric about the interconnection between peace and human rights, which resurrected a key idea of the Helsinki Process. They were

reticent about the peace movement, and outraged by Chirac and Schröder's preparedness to campaign for peace alongside Russia's president Putin, himself engaged in a dirty war in Chechnya.

This controversy became an important dimension of the crisis of the European project. The bitter clashes over Iraq spilled over into the elections for the first post-enlargement president of the European parliament, where Bronislaw Geremek was vilified for his support of the war. Geremek was one of great moral and intellectual figures of European dissent, and an extraordinarily eloquent proponent of the European project. For him, support for the overthrow of Saddam Hussein was bound up with an awareness of Europe's moral responsibility for the emergence of modern totalitarianism. By repudiating Geremek's perspective and by defeating his candidacy, the majority in the parliament deprived the EU of a potent symbol of a European idea that embraced the heritage of East Central European dissent, and that paid more than lip service to the cause of global democracy.

Bio: Dr. Robert Horvath is a postdoctoral research fellow in the Department of History at Melbourne University. He is the author of *The Legacy of Soviet Dissent: Dissidents, Democratisation and Radical Nationalism in Russia*, (Routledge, 2005). He is currently working on a project about the influence of East European dissidents upon the West's 'human rights boom' of the 1970s and 1980s.

14:45 – 16.00 Session Three: The Implications of EU Enlargement for Australia

Chair: A/Prof Donald Maclaren –Faculty of Economics and Commerce
University of Melbourne

Speakers:

Margie Adamson – Department of Foreign Affairs and Trade: '*A larger EU: Opportunities and Challenges for Australia*'

A/Prof Philomena Murray – CERC Director, Jean Monnet Chair: '*Expansion of membership, expansion of scope, the European Union and Australia*'

16:00-16:15 Afternoon Tea

16.15 – 18.00 Session Four: The European Project and Security

Chair: Dr Tobias Theiler, School of Politics and International Relations,
University College Dublin

Speakers:

- Dr Rémy Davison, School of Government, University of Tasmania: '*Arm-in-arm? The RRF, EDA and EU security policy*'

Abstract: This paper discusses the crisis of the European project in the context of the EU's delayed deployment of its Rapid Reaction Force (RRF), a 60,000-strong force which was expected to be operational by 2003. However, in 2002-03, the Iraq war exposed deep divisions between the EU member states on critical areas of international security. The RRF is now expected to be operational by 2007, but political, budgetary and logistical problems are likely to delay the process until 2009-10. The 2004 Enlargement saw 10 new Member countries accede to the EU, many of which were signatories to the 'Vilnius 10' letter, which supported US military intervention in Iraq in 2003. Subsequently, a number of EU Member countries, including Poland and the Czech Republic, provided troop commitments in Iraq. The CEECs joined the 'coalition of the willing' alongside west European EU member states, such as Britain, Spain, Denmark and the Netherlands. Conversely, the French, German and Belgian governments refused to countenance either EU or official NATO involvement in Iraq. The RRF is an integral part of the European Security and Defence Policy (ESDP), but ESDP capabilities have been severely limited by a lack of force availability, logistics support and military assets. Consequently, ESDP operations, such as Bosnia-Herzegovina, Georgia, Macedonia and Congo, have been forced to rely upon NATO assets under the Combined Joint Task Forces (CJTF) agreements.

These arrangements were formalized under the 'Berlin Plus' agreements of 2002. In order to bolster EU armaments production, R&D, and to establish a single market in arms procurement, the EU launched the European Defence Agency (EDA) in mid-2004. The EDA is backed by the Commission Green Paper on defence procurement, and funding for the EDA has been earmarked in the proposed 2007-14 EU General Budget, drafted by the former Prodi Commission. However, the EDA's budget is miniscule compared with, for example, US or Chinese defence procurement budgets. Nevertheless, the EDA's mandate has been viewed with some suspicion by Washington, as the Agency has been charged with a complete reorganization of the EU's defence industries. Although the largest EU defence contractors (BAE Systems (UK); Thales (France) and EADS (European Aeronautic Defence and Space Company) (France/Germany) view the EDA as an opportunity to bolster both EU and global armaments sales, Washington see this as a broad attempt to challenge the US in both armaments technology and worldwide market share. The (currently dormant) EU-China arms deal merely consolidated this view. Critics of the EDA argue that the EU needs to guarantee interoperability with NATO and US equipment, rather than striking out on its own in competition with the US in the defence procurement market.

This paper evaluates the challenges faced by the enlarged EU as it attempts to develop increased defence and security capabilities for out-of-area operations. The EU faces manifold challenges: small defence budgets; a widening capabilities gap between Europe and the US; problems relating to asset interoperability; increasing demand for peacekeeping and rule-of-law operations, both within Europe and out-of-area; and a fractured and still largely nationally-oriented defence public procurement market.

Bio: Dr. Rémy Davison is currently Lecturer in Government at the University of Tasmania, and Research Fellow, CERC. In 1999-2003, he was Lecturer in International Relations and Convenor of the Master of Strategic Studies programme in the School of Politics at La Trobe University. His recent publications include *The New Global Politics of the Asia-Pacific*, co-authored with Michael Connors and Jörn Dosch (Routledge, 2004) and 'French Security After 9/11' in Peter Shearman and Matthew Sussex (eds), *European Security After 9/11* (Ashgate, 2004).

- Matthew Sussex, School of Government, University of Tasmania:
Poles Apart: the Visegrad states and EDSP

Abstract: This paper assesses the post-enlargement crisis in European security politics, and finds that the recent addition of new East European members has complicated attempts to institutionalise a coherent pan-EU approach to issues of vital national interest.

The evolution of a latent European Security and Defence Policy (EDSP) has recently been assisted by the formulation of a European Security Strategy (ESS), a European Defence Agency (EDA), and increased force commitments by member-states to a European corps. Despite being forced – due mainly to a lack of capabilities – to adopt a 'soft-power plus' framework facilitating local and out-of area peacekeeping missions, it has become almost customary to regard the evolution of EDSP as a precondition for the EU to become a supranational security actor. According to this wisdom, a number of European states have come to regard an increased institutionalisation of security policy as central to their interests, producing a collective security approach that supersedes the Cold War system of defensive alliances.

Yet if one accepts the logic of institutional expansion and 'securitization' that underpins much research on European security, the reticence of new member-states to wholeheartedly participate in EDSP is puzzling. Many European security specialists had assumed that former communist states in Eastern Europe (especially the so-called 'Visegrad Four') would fall quickly behind the notion of a European armed force 'for the Europeans'. But, on the contrary, states like Poland and the Czech Republic have articulated a much more independent policy line, which has included participating in US-sponsored 'coalitions of the willing'. Indeed, the Visegrad states' willingness to follow the US lead (rather than the multilateral frameworks of EDSP or the NATO alliance) directly challenges notions that new EU members would seek security under the umbrella of a 'Eurocentric' security organisation.

Bio: Dr. Matthew Sussex is Lecturer in Government at the University of Tasmania. He was previously Lecturer in International Relations at the University of Queensland. His recent publications include *European Security After 9/11*, co-edited with Peter Shearman (Ashgate, 2004).

- Dr Michális S. Michael (La Trobe University) - '*Euro-solution*' or '*Euro-partition*': EU-ization of the Cyprus Conflict'

Abstract: After the initial *Euro-phoria* over Cyprus' accession to the European Union its conflict (and its resolution) constitutes a pivotal test case for the European project's vision of 'peace through unification'. From the EU's prism, the Cyprus conflict throws up a number of challenges that threaten to compound rather than alleviate its 'post-enlargement crisis'. Cyprus' membership challenges the EU in three major ways: (1) as an inter-state conflict that embroils a member-state, whose sovereign territory is (partly) occupied by a candidate state; on this level of analysis, Cyprus links into the whole subject of Turkey's accession and the geo-political/cultural issues that arise (in this context it is not inconceivable to imagine a scenario whereupon an unsuccessful outcome in the Cyprus-Turkey conundrum could see the 'Green Line' that partitions the island become a faultline separating Europe from Turkey – further sharpening the West-Islam divide); (2) as an intra-state ethnic conflict between Greek and Turkish Cypriots, who have been segregated along socio-economic-political lines since 1964 and demographically (since 1974), it throws up questions of political settlement, unification, functionality, the politics of identity – creating/elevating a 3rd identity force capable of effectively confronting, if not negating the conflictual ethno-nationalisms on the island (Europeanization); after the failure of the Annan initiative (1999-2004), the prevailing status quo confronts the EU with two pertinent questions: how does the EU treat the Turkish Cypriot community and their 'non-state' in northern Cyprus? And what is the role of the EU in the Cyprus peace process? Finally, (3) as the union's most eastern frontier, how is Cyprus' inclusion of use/benefit to Europe's relations/role with the (Muslim and non-Muslim) Middle East?

Bio: Dr Michális S. Michael, BA, MA (Syd), PhD (LaT) is a Research Fellow/Lecturer in politics at La Trobe University. His research areas are in: international relations; conflict resolution; conflict prevention; Greece-Turkey-Cyprus; foreign policy formation; inter-ethnic, inter-cultural and inter-religious civilization dialogue; United Nations; peacemaking and peacebuilding. He has written extensively on the Cyprus conflict, including *Negotiating History: Resolving the Cyprus Conflict* (I.B.Tauris, 2006 – forthcoming), and *Cyprus in the Modern World* (co-ed., Vaniyas Press, 2005).

18:00 Conference Reception and launch of Philomena Murray's new book – 'Australia and the European Superpower - Engaging with the European Union'

19.30 Conference Dinner – Casa Malaya 118 Lygon Street Carlton \$26.50 ph Vegetarian choices available RSVP cerc@cerc.unimelb.edu.au by 28th November

Day 2 Friday 2 December

9.30- 9.45 Registration

9:45 – 10:45 Session Five: Goethe Institute Lecture

Chair: Renate Elsaesser – Goethe Institute

Prof Dr Volkmar Götze, Universität Göttingen, Institut für Völkerrecht und Europarecht: *'The Division of Competencies in the EU Constitution'*

Abstract: The division of competencies between the European Union and the Member States seems to have played a prominent role in the creation of the Constitutional Treaty.

The Declaration on the Future of the Union (Nice, 2001) names as the first issue for the progression of the integration process “how to establish and monitor a more precise delimitation of powers between the European Union and the Member States, reflecting the principle of subsidiarity.” The Declaration of the summit of Laeken (2001) repeated this political commitment. The Declaration listed a “better division and definition of competence in Europe” as the first task of the European Convention.

This paper attempts to cut through the veil of political integration rhetoric. The formulations of Nice and Laeken regarding competency delimitation were the result of demands made for the most part by Germany, and in particular the member states of the German Federal Republic, the Länder. These demands had already been made three times at the main revision conferences (Maastricht, Amsterdam, Nice) and each time they were postponed. Although Germany pursued the political interests of its Länder, its only achievement was the acceptance of the principle of subsidiarity, which although it sets a clear, political signal, does not lead to a strict, effective and constitutional limitation of competencies.

The conduct of the Constitutional Convention did not confirm expectations that the issue of division of competencies would be treated as one of the most important topics at the European level. The political mainstream at the Convention desired that the competency provisions remain “flexible”. This desire of the majority of the “Fathers of the Convention” for flexibility overrode demands for a clearer delimitation of competencies. The expansion of Union competencies continued, much as it had before at the earlier revision conferences in Amsterdam, Maastricht and Nice.

Based on the results of the Constitutional Convention, this paper questions the idea that there is an actual division of competencies between the Union and the Member States. The current and future Constitutions of the European Union do not set up any barriers between the competencies of the Union and those of the Member States.

The European Union and its Member States act within a system where there is a maximum linkage of politics (Politikverflechtung). The Constitution of the Union does not grant the Member States any areas over which they have a secure competence and into which the organs of the Union cannot interfere. There are almost no areas that for constitutional reasons are completely

beyond the reach of the European Union. For these reasons the British Government of Tony Blair has focused on the voting procedures in the Council of Ministers.

Tony Blair insists on unanimity:... “in national areas of vital interest, such as tax, social security, defence, key areas of criminal procedural law and the system of own resources (the EU’s revenue mechanism).”

With this approach the British Government demonstrates how the principle of unanimity can be used to secure national competencies.

Biography: Professor Dr. Volkmar Götz is currently Professor Emeritus of Public Law at Georg-August-Universität, Göttingen in Germany. He served on the Supreme Court of Justice for Lower Saxony for 28 years and in 1998 was appointed Jean Monnet Professor of European Law. Between 1991 and 1993 he was a member of the Commission for Restructuring the Faculty of Law of the Universität Halle (Sachsen-Anhalt, formerly part of the German Democratic Republic) and from 1987 to 1991 he was Gust Professor at the University of Nanjing giving lectures on European Communities law.

10:45 – 11:00 Morning Tea

11:00 – 12:45 Session Six: The Repercussions of Enlargement

Chair: Aleksandar Pavkovic (Sasha) Department of Politics and International Relations, Macquarie University

Speakers:

- A/Prof Stephen Hoadley, Political Studies, University of Auckland:
'The politics of the Hague Programme and the impact of enlargement'

Abstract: Approved by the European Council only six months after Enlargement, The Hague Programme is an omnibus plan to create a common European space of freedom, security, and justice. Its ten chapters encompass not only migration, asylum and border control policies but also administration of justice, law enforcement and counter-terrorism. It thus consolidates most Pillar Three issues. While giving lip service to the benefits of commonality, EU member governments have moved at different speeds to implement The Hague Programme, not least in order to privilege national priorities and ease domestic political pressures. Enlargement has made the Programme more urgent but at the same time slowed its realisation. And NGOs have criticised the potential of aspects of The Hague Programme to violate international human rights standards. This paper traces the motives that led to the drafting and adoption of The Hague Programme, assesses its current achievements in light of Enlargement, and identifies the political obstacles that are likely to prevent its full execution.

Bio: Stephen Hoadley is Associate Professor of Political Studies at the University of Auckland. He specializes in foreign policy studies with attention to New Zealand, Australia, Pacific Asia, the United States and Europe. His recent books include *New Zealand United States Relations: Friends No Longer Allies* (NZIIA: 2000), *Negotiating Free Trade: the Zealand-Singapore CEP Agreement* (NZIIA: 2002), *New Zealand and France: Politics, Diplomacy and Dispute Management* (NZIIA: 2005) and *Asian Security Reassessed* (ISEAS: forthcoming). His current research focuses on the European Union's foreign, security and migration policies and Europe's growing links with Asia.

- Prof Leslie Holmes, CERC Deputy Directory and Political Science University of Melbourne: '*Central and East European attitudes towards the EU before and since enlargement*'

Bio: Leslie Holmes is a Professor of Political Science at the University of Melbourne. His major publications include *Post-Communism* (1997), *The End of Communist Power: Anti-Corruption Campaigns and Legitimation Crisis* (1993), *Politics in the Communist World* (1986), and *The Policy Process in Communist States* (1981).

His current research interests are corruption in post-communist systems, and comparative analysis of the transition to post-communism, with a focus on democratisation. Concerning the latter, he is completing, together with Prof. John Dryzek (Political Science, University of Melbourne), a major transnational study of democratisation in Central and Eastern Europe.

Leslie Holmes has acted as consultant for the World Bank, Transparency International, the Refugee Review Tribunal, and SBS. He was elected President of ICCEES (the International Council for Central and East European Studies) in July 2000, and is a Fellow of the Academy of Social Sciences in Australia.

- Patrick Kimunguyi, Contemporary Europe Research Centre, University of Melbourne: '*Changing interests in European Union development cooperation: Assessing the Impact of EU membership and advancing integration*'

Abstract: This paper examines the two main lines of developments within the European Union that have affected the geographical scope of, political priority for, and substantive orientation of, its development cooperation policy. They are respectively: the changes in EU membership over time and the ever-advancing European integration process. These two processes functioned both as incentives and as restraining factors for the elaboration of EU development cooperation policy and programmes. The paper demonstrates that their overall impact on development policy has been significant, especially in the post-Cold War era. In particular, the prospects of expansion in EU membership, Constituent Treaty changes, the Common Foreign and security Policy as well

as the pressure to increase accountability, transparency and efficiency, have diluted the EU's interest in development cooperation with the South.

Bio: Patrick Kimunguyi has Masters and PhD degrees from the Institute of International Relations at the University of Warsaw. He is a specialist in European Union development co-operation and aid policy toward African, Caribbean and Pacific Developing Countries.

12.45 – 13.30 Lunch

13.30 – 15.10 Session Seven: The Possibilities and Pitfalls of Constructing a Polity in the European Union

Chair: A/Prof Alison Lewis CERC Deputy Director tbc

Speakers:

- Dr David M. Jones, University of Queensland: *'Habermas , German Neuroses and Europe's post national constellation'*

Abstract: What we've got here, is a failure to communicate," thus the camp boss addresses the eponymous hero of Stuart Rosenberg's 1967 movie *Cool Hand Luke*, after yet another failed attempt to escape from prison. Jürgen Habermas, Germany's leading public intellectual would endorse Boss Godfrey's insight, but not his response, which in Luke's case entailed more physical punishment. Those of a Habermasian disposition prefer instead more and more equal, communication. Indeed, Habermas' most recent pronouncements on Europe and the globe's current difficulties- from burgeoning inequality, and environmental degradation to the Iraq war and transnational terrorism - indicate that all these problems would be best addressed through a process of uncoerced communication. Rational deliberation, Habermas maintains, would lead to agreement on a set of universal norms that all parties could accept and follow. Their application, moreover, could be mediated through a reformed United Nations that resembles a parliament of world citizens. Given his historicist understanding of a progressively evolving global cosmopolitanism, Habermas regards the events of 9/11, although 'monstrous', the inexorable consequence of 'the spiral of violence (that) begins as a spiral of distorted communication'. Habermas further contends that the 'hegemonic' and 'unilateral' intervention of the United States and its coalition partners in Iraq is cause of further miscommunication, injustice and escalating global violence. How we might wonder did Emeritus Professor Habermas come to such a curious understanding of the character of national and international politics and why are voluminous writings regarded with both reverence and relevance not only amongst left leaning practitioners of the social sciences from Aberystwyth to Zurich and Boston to Brisbane but also by the German Foreign Minister and the new bureaucratic class that manages the process of European integration?

This paper explores the strange marriage between a pedantic German academic idealism and the delusion of Eurocratic elite concerning 'an emerging global public sphere (and) a new universalist order' of world citizens and its implications for what some in Europe contend will be the basis of a post national constellation.

Bio: Dr Martin Jones is on the editorial board of *Studies in Conflict and Terrorism*. He has held a Ford Foundation/IDSS grant to examine non traditional security (1999) in the Asia Pacific and consultancies with the former Protective Security and Coordination Centre of the Attorney General's Office (2001) and Roar Film in conjunction with Film Australia (2004).

- Prof John Milfull, Centre for European Studies, University of NSW:
'The Habermas fallacy, or Whatever Happened to Diversity'

Abstract: Jürgen Habermas proposed “constitutional patriotism” as the panacea which would protect both Germany and its European partners from the bogey of a reunited and vastly strengthened new Germany embracing the old nationalism, detaching itself from NATO and making a new pact with the devil (the Soviet Union, about to disappear from the stage of history!). It was

the wrong answer to the wrong question, at the wrong time: in retrospect, the anti-German paranoia of the Wende years seems simply absurd. Germany emerged a great deal weaker, not stronger, from unification; a defection to the “East” was about as likely as an alliance between Australia and North Korea, and Habermas’s remedy was pitifully inept. Constitutions, whose primary function is to enshrine the rights and responsibilities of the citizens of a state, seldom inspire a higher pulse rate and any real enthusiasm. Unless they are manifestos proposing and legitimating revolutionary change in the here and now, they are more often an attempt to codify “world’s best practice” in governance and human rights, and have a necessary tendency towards “universalisation”: the rights we affirm for ourselves should ideally be available to all others.

In Germany, the old provisional constitution of the Federal Republic was imposed on the acceding East German States in a kind of internal colonisation; the recent EU constitutional treaty is simply a gradualist development and codification of existing practice. I want to argue that the EU has consistently confused the highly desirable goal of European citizenship with attempts to develop a so-called “European identity”, and that the latter is a dangerous mirage which obscures the essential challenge of the European project: to accommodate the rich and vibrant diversity of European cultures within a shared and affirmed citizenship and a powerful social market economy capable of protecting this diversity (diversity and poverty are dangerous companions). The rejection of the constitutional treaty in the French and Dutch referenda was not primarily a rejection of the constitution, or a protest against Polish or potential Turkish economic migration, nor was it “anti-Europe”; it was above all a protest against the one-sided emphasis on “economic modernisation” Anglo-style and the increasing embitterment at the EU’s failure to represent and protect diversity.

While it is obviously true that the EU must remain “competitive” within the world economy to afford the kind of social security and harmony it has advocated in the past, it will lead to catastrophe if the competitiveness is achieved at the expense of precisely those features which have made it attractive to joining states. Seen in this light, the constitutional exercise was a major strategic error which “closed off” the future rather than opening out new perspectives. It replicated the Habermas fallacy by asking the wrong question at the wrong time, in a way that was from the beginning always more likely to provoke irritation and boredom than enthusiasm. The task will now be to regain this lost impetus before mounting disillusionment with the realities of EU membership leads to serious instability and frustration, especially in East Central Europe. What was the point of surrendering an independence only recently regained for a long and difficult engagement with the EU if the only wedding gift was an “economic modernisation” which left 80% of the population worse off?

Bio: John Milfull is Professor of European Studies and Director of the Centre for European Studies at the University of New South Wales. His main research interests are the German-Jewish experience, the literary construction

of gender roles, literature and society in the German Democratic Republic, and the process and impact of German unification.

- Dr Tobias Theiler, School of Politics and International Relations, University College Dublin: *Political legitimacy and constructive ambiguity in the post-enlargement EU*

Abstract: Like previous crises, the EU's post-enlargement malaise is often attributed to its lack of perceived legitimacy and its failure to attract popular identifications. To counteract this, EU policy makers have increasingly tried to promote unified "European" values and symbols around which popular identifications could crystallize. To the same end, the ill-fated EU constitution sought to pin down the EU's normative, institutional and legal framework more sharply and unambiguously. Yet in reality broad-based agreement on what the EU "is" (and should be) was unachievable as far back as its founding days, and it has turned out to be even more elusive in a post-enlargement EU of twenty-five members with vastly differing social, cultural and historical backgrounds. Accordingly, different national electorates have opposed (or favoured) the proposed EU constitution for very different reasons. Moreover, EU attempts to cultivate transnational deliberative processes during the constitution's drafting stages largely stumbled over the far-reaching absence of a Europe-wide public sphere at the mass level, compounded by linguistic barriers. A more realistic strategy for the EU would be rooted in its earlier legacy of "constructive ambiguity." Historically, the EU fared best when it remained sufficiently diffuse, flexible and ambiguous to accommodate divergent national expectations, allowing its member populations to define their "Europes" in different ways. After its ill-fated constitutional venture the EU seems to be reverting to this more pragmatic stance. However, this harbours many challenges in its own right: the need to reconcile competing national aspirations without seeking to homogenise them, and the need for EU institutions to limit their visibility and intrusiveness so as not to overburden social, political and psychological capacities for adjustment in the member states.

Bio: Tobias Theiler is a lecturer in the School of Politics and International Relations at University College Dublin. His research focuses on the social-psychological aspects of international relations, in particular regional integration. Recent publications include *Political Symbolism and European Integration* (Manchester University Press 2005); "The Origins of Euroscepticism in German-Speaking Switzerland" (*European Journal of Political Research* 2004); and "Societal Security and Social Psychology" (*Review of International Studies* 2003).

15.10 – 15.30 Afternoon Tea

15.30 – 17.00 **Session Eight: Roundtable and Open Discussion**

Dr Tobias Thieler
Prof Dr Volkmar Götz
Prof Jaques Rupnik

A/Prof Philomena Murray

17.00 Closing Remarks –Prof Leslie Holmes Deputy Director CERC

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