Dynamics of Inclusion and Exclusion in the European integration process

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The history of European integration is featured by constant exercises of inclusion and exclusion, of construction, dismantling and reconstruction of diverse sets of cores and peripheries around deeply changing actors and governance entities.

Despite the many conflicts entailed in these dynamics, the European integration process has proved successful in radically transforming stumbling blocks of all sorts (walls, prejudices, legal impediments) in stepping stones that have proved useful to progressively build a common future based on convergence, cohesion and solidarity. However, such common ground is not at all exempt of challenges and of sometimes intermittent regressions.

This has been particularly the case of the consolidation of democratic transitions in a variety of candidate countries -once external to the European communities- in parallel to widening processes. Nonetheless, these particular experiences tend to prove that, even if inclusion at the EU level has been a vector of positive change, it is not exempt of constant challenges and reversals to dramatically exclusive realities. Indeed, the fact that many European states –especially in Southern and Eastern Europe- underwent long dictatorships that meant an extreme exclusion from post-war cooperation and integration schemes. Hence, it was very precisely enlargement policy that offered a chance of inclusion that would be later consolidated via deepening trends. In any case, it is important to bear in mind that even such path would include internal exclusions either in the form of evolving conditionality or of a not complete form of cohesion.

The conditions for membership and the procedures for accession have developed in line with the evolving priority issues of a Cold War context over the interval between 1973 and the present and are continuing to do so, mirroring the open questions of a post-Cold War setting, as enlargement remains central to the European agenda. This evolution of enlargement criteria, which were initially created to tackle the British 'conditional application' of 1961, started with the Greek, Spanish and Portuguese accessions, which marked the first time that the Community had to take into account the changing nature of the prospective members from long-established democratic and market economies to recently democratised and economically disadvantaged states.[1] No wonder, therefore, that the negotiating process applied in Spain's EC talks seemingly served as a reference model for the post-1989 rounds of enlargement as evidenced by various European Commission officials in charge of designing the new EU enlargement strategy in that period[2]. Echoing this sentiment, numerous academic publications of the CEECs' accession have shed light on the importance of a comparative analysis with Spain.[3] Such scholarly and policy analysis production has been especially abundant in the case of Poland[4]. Like Warsaw, Madrid aspired to EC/EU membership

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[1] Author interview with Manuel Marín. Madrid, 13.04.2010. http://www.cvce.eu/histoire-orale/unit-content/-/unit/8de6367f-8249-4a7e-9532-f5ac31a0d380/41d10f69-d090-4a9f-9b3f-c014e921e96f

[2] Author interview with the Director of the Directorate B in charge of Candidate Countries. DG Enlargement. European Commission. Brussels, 01.12.2005.

[3] See, for instance Lorena Ruano, *The Common Agricultural Policy and the European Union's Enlargement to Eastern and Central Europe: A Comparison with the Spanish Case*, RSCAS Working Paper, 2003.

[4] See Eugeniusz Górski, *O demokracji w Hiszpanii (1975-1995)*, (Warszawa: Wydawnictwo Instytutu Filozofii i Socjologii PAN, 1997) and Tadeusz Miłkowski, Paweł Machcewicz, *Historia Hiszpanii*, (Wrocław: Zakład Narodowy imienia Ossolińskich-Wydawnictwo, 2009).

as a de-peripheralisation device to consolidate its newly emerged democratic system and carry forward economic modernization. [5] In Spain, the transition to democracy was closely linked to accession to the Community[6]. Indeed, the then recently-elected Spanish government placed huge importance on the linkage between the country's integration to the Community and democratisation. The he Spanish political parties and public opinion unanimously endorsed the country's EEC membership, thus adding legitimacy to the new civilian power within the country. During the accession negotiations, Spanish political leadership sought actively to underpin the country's strategic 'return to Europe', requesting to join the Council of Europe. Accession to such an organisation was perceived in Spain as a symbolic endorsement of the re-emerging democracy. Afterwards, their efforts would also concentrate on NATO. In contrast to the unanimous endorsement of EEC membership, NATO became a highly contested issue across the Spanish political spectrum even after Spain's entry in May 1982.[7] Similarly, CEECs' prospective accession to the EU provided legitimacy to the new political elites, who rediscovered initiatives of CEECs' Europeanists in exile[8] and upheld a willingness to transform the "captive nations"' Cold War narrative into a renewed acknowledgement of their neglected Europeanness. [9] Besides the symbolic nature of such moves, the quest to reintegrate in Western regional and international organisations was a way to expedite socioeconomic transformations as well as political and legal reforms that would consolidate harmonisation and end a long period of isolation.

Spain's decision to apply for EC membership in 1977 posed serious questions on the issue of conditionality within the Community's enlargement policy. The biggest challenge was how to respond to the needs of dependent applicants who could not aspire to a rapid membership but without rebuffing them politically. To further complicate matters, the Spanish application arrived at a time when there was a complete absence of any form of institutionalisation of the criteria of accession; it was more of an informal application of political and economic conditions based on trial and error. Given the fragile state of the recently-emerged democracies in Southern Europe, however, enlargement criteria had more political rather than economic overtones.[10] Conversely, in the case of the Eastward enlargement, after the 1993 Copenhagen criteria had been formally introduced, there would be a much more standardised, albeit lengthier process where economic and administrative considerations could not be ignored for the sake of political ends. For instance, the CEECs would receive the supplementary demand to adjust administrative capacity and judicial structures, following the Madrid European Council Presidency Conclusions in 1995, thus guaranteeing legal transposability.

The EC prospective accession acted as an incentive for the consolidation of internal reforms in the applicant countries. In the Spanish case, the prospect of EEC membership merely reinforced the endogenous reform strategies. However, the EU's mechanisms of stimulus were nonetheless manifest in the CEECs' 'return to Europe', even more since the Union had established formal procedures of monitoring.

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[5] *Interview with Bronislaw Geremek: the Spanish example for the democratic transition in Poland* (Brussels, 11. 06.2008) http://www.cvce.eu/obj/interview_with_bronislaw_geremek_the_spanish_example_for_the_democratic_transition_in_poland_brussels_11_june_2008-en-c7563770-7e51-409a-8b0e-35f02fecb287.html

[6] Author interview with José María Gil-Robles. Madrid, 09.03.2010. http://www.cvce.eu/histoire-orale/unit-content/-/unit/9e7a54b0-4f4d-467a-abcf-5d3307b0f9b6/71657078-37ba-4061-94fc-d5cdbea7d997
[7] Felipe González, *Mi idea de Europa* (Barcelona: RBA, 2010)
[8] *European Movement. CEECs Commission: Resolutions* (20-24. 01.1952) HADOC, 2027. HAEU.
[9] Mouvement Européen. Section PECOs, *Notes sommaires sur la réunion constitutive de la Section d'Études des Pays de l'Est.* Strasbourg, 17.08.1949. ME-875. HAEU.
[10] MAE, Leg. 12557, Exp. 60(E)77-1 'CEE 1977 *Trabajos Preparatorios y negociaciones para la adhesión de España a las Comunidades Europeas. Curso de Negociación* (1), 28. 03. 1977.

Before the introduction of the Copenhagen criteria, another explanation for the growing formalisationof conditionality was the enhanced role the European Commission assumed at the end of the Cold War. Since the early 1990s, the European Commission has been at the forefront of the developments in the enlargement sphere[11], not only in coordinating aid to the CEECs (e.g. PHARE) but also in the negotiation of the Community's accession agreements with the CEECs[12]. The introduction of a series of new instruments (regular reports, monitoring, screening, etc.) successively boosted the Commission's role in following the internal reform of applicant states more closely. Such concentration of competencies in one single Community institution is also explained by the heterogeneity of candidate countries' profiles signing the Europe agreements in the 1990s, especially when the option of a 'big bang' enlargement institutionally became a winning option.

One of the most influential debates that took place during the Spanish EC accession and had a lasting impact on the redefinition of the EU accession criteria in the1990s was the issue of democratic promotion as part of the Community's emerging political identity. Indeed, the idea of a *Declaration on Democracy* among the Nine arose in the context of discussing enlargement.[13] Since the applicants contended that Community membership would help them consolidate their regained democratic systems, it seemed reasonable to seize the opportunity to make a declaration on the fundamental principles on which the Community was based. The aim was to clearly put on record the Community's commitment to democratic principles, which could then be echoed in the Acts of Accession of the new member states. Moreover, there was the issue of regression hazard, namely the fear of the regime's relapse to an authoritarian past despite positive signs to the contrary. The risk of democratic overturn became visible during the attempted *coup d'état* in Spain in February 1981.[14] That threat had ideed been addressed in the previous , the *Declaration on Democracy*, whichwas adopted at the European Council of 7-8 April 1978, coinciding with the announcement of the date for the first direct elections of the European Parliament. The *Declaration* was a clear attempt to safeguard democracy from a return to any possible authoritarian trend in EC member states. The text of the declaration ultimately drew heavily on the *Declaration on the European Identity* published by the Foreign Ministers of the Nine in Copenhagen in 1973; it also included references to the Community's *Joint Declaration on Fundamental Rights* adopted under the UK Presidency on 5 April 1977, while the most important breakthrough was the inclusion of the final paragraph where the Nine declared 'that respect for and maintenance of representative democracy and human rights in each member state are indispensable for membership of the European Communities'.[15] Although the Declaration stopped short of offering definitions of democratic rule or proposals for implementing proper

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[11] Christopher Hill, *The Actors in Europe's Foreign Policy* (London: Routledge, 1996), p. 142

[12] As Christopher Hill has carefully researched (Christopher Hill, *op.cit,* 1996) and due to the vertiginous changes towards the end of the Cold War, a key decision was taken during the Western European Summit Meeting in Paris in July 1989 which resulted in giving the European Commission the role of coordinator of the international assistance programme to Poland and Hungary, extended in 1990s to the other CEECs, that is, the so-called PHARE programme. This meant, according to Hill, the achievement of a novel type of legitimacy for the Commission, based on the reception of a mandate from outside the Community. Afterwards, the Commission was also allocated the task of negotiating the Community's agreements with the CEECs, which conferred this institution the added value of a greater political significance in Europe and beyond. These tasks also comprised a determining role in the reunification of Germany via the automatic integration of the former GDR in the EC and the negotiation of Europe Agreements with candidate countries formerly under the communist rule, hence holding an immense shaping power of the future relations of future member states with the Community.

[13] *Declaration on Democracy*, Copenhagen *European Council*, 8 April *1978*, Bulletin EC3-*1978 . http://www.european-council.europa.eu/media/854616/copenhagen_april_1978__eng_.pdf*
[14] Fernando Rodrigo, 'Western Alignment. Spain's security policy', in Gillespie, Richard et al(eds.), *Democratic Spain: reshaping external relations in a changing world* (London and New York: Routledge, 1995), 54-56; Charles Powell, *España en democracia, 1975-2000* (Barcelona: Plaza Janés, 2001)

[15] Meeting of COREPER, Brussels, 22 March 1978, MWE04/8, 63D, UKFCO 30/3874.

democratic practices, thhis crucial *Declaration on Democracy* of April 1978 in the context of the Mediterranean enlargement explicitly refers to what later became one of the main Copenhagen criteria.

Regression hazards in this context were carefully observed by external actors, constituting another point of convergence in Community enlargement experiences: third-country interventions and their influence in reconditioning candidate countries' 'return to Europe'. Indeed, there was a significant debate on the influence of the US in Spain's parallel democratic transition and accession negotiations, especially regarding a direct initiative of the US Congress for the promotion of democratisation in the 1970s[16]. In the case of Eastward enlargement, the promoters of the 'Europe Conference' in 1997 – created to bring EU member states and candidate countries closer via a multilateral forum for political consultation – similarly emphasised the need for keeping the US authorities informed of its evolution following the professedly common objectives of the 'New Transatlantic Partnership and Transatlantic Action Plan'[17]. This influence also extended to the forging of the 'safe haven for the outs' concept and even affected the redrafting of EU enlargement slogans, which were changed to 'peace, prosperity, progress and predictability' in the aftermath of 9/11[18]. Earlier on, however, once it became clear to the European Commission that setting up mere uncompromising Association Agreements with applicant states after the collapse of the Soviet Union was not in the interest of long-term stability on the continent, Eastward enlargement policy had been understood also as a way of bringing the CEECs closer to the EU in order to counterbalance 'an excessive American influence in the region'[19].

The Spanish and Central and Eastern European cases are illustrative not only of the evolution of practices in the functioning of enlargement policy but also of the maintenance of mechanics too much dependent on specific contextual factors, like that of a very particular Cold War setting. Since the first enlargement, the Community has presented a defensive structure, with the aim of protecting the existing member states more strongly than the applicants. As Lorena Ruano suggests, 'setting up the procedure for negotiating, with Britain resulted in a creation of a complex, bilateral, multilevel process inside the Community while the applicant and its interests were relegated to the sidelines'.[20]The most obvious obstacle in Spanish-EEC talks was the Community's constraints on recasting its own previous bargains, especially in the dismantling of tariffs, the application of the common agricultural policy and value added tax and the free movement of goods and persons. Regarding EC member states reticence to Spanish accession, the case with France was of particular importance, since it did adopt an obstructionist policy during the Spanish accession negotiations, especially over the agriculture and fisheries dossiers. As the date of the presidential elections approached in 1981, France, originally a proponent of extending the within the Community towards the Mediterranean, was about to present the most obdurate opposition to expanding the boundaries of the Community.[21] In addition, the Danish government threatened to issue a complaint against the 1970 EC trade agreement with Spain if it was not adapted to the new Community resulting from the 1973 enlargement[22]. Such demand for adaptation raised, once again, the issue of how

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[16] Samuel P. Hungtinton, *The Third Wave. Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1992)

[17] European Commission. Brussels, 15.09.1998, DG IA-SCEPTRE/GT D (98) *The European conference. A safe-haven for the "outs"?* By Gerd Tebbe

[18] Speech by Romano Prodi, President of the European Commission, to the European Parliament, *The enlargement*, Strasbourg, 13.11.2001, Speech/01/531

[19] Author interview with the Director of the Negotiations and Pre-accession Directorate of the DG Enlargement. Brussels, 02.02.2004

[20] Lorena Ruano, 'Origins and Implications of the European Union's Enlargement Negotiations Procedure', RSC NO 2002/62, 38.

[21] Roy Jenkins, *European Diary*, 1977-1981 (London: Collins, 1989), pp. 199-200.

[22]MAE, Leg. 15573, Exp 60 (E) 73-5/1976-2, *Texto secreto adjunto al despacho del Embajador Ullastres al Director General de Relaciones Económicas Internacionales del MAE*, Raimundo Bassols, 22 de octubre de 1976.

widening could cause insurmountable imbalances for the deepening of the Community and therefore block its absorption capacity. This issue would be raised again in the 2004 EU enlargement when discussing the establishment of transition periods, especially for labour migration and for environmental policy adaptation. It is important to note, in this respect, that the EC MS fear of massive labour migration from Spain had been mitigated by the fact that it had already happened in the decade of the 1960s[23]. There was also a contrast between the CEECs' outgoing migration during and after the Eastward enlargement process and Spanish labour migration massively returning to Spain in the mid-1970s. This influenced the recreation of the model of industrial relations of European Western democracies and thus served as an initial catalyst for incoming foreign direct investment and external trade.

Taking into account all these considerations, it is clear that the architects of Eastward enlargement in the European Commission did incorporate some, albeit not all the necessary lessons of the EC's Southern enlargement. Nevertheless, there are some unique features of Eastward enlargement that entail a high degree of innovation imposed by a context of radical structural changes in global geopolitical terms, as well as the emergence of the new information-age mindset. As Manuel Marín indicated, "at the beginning of the 1990s key players started to talk about the 'peace dividends' and to say that we were entering a new era, that the future would be completely different…It seemed as if we had managed to find a solution for planet Earth. The old system of Cold War international relations disappeared, the old disputes were replaced, but we realized that the former ideological confrontation was becoming a conflict of identity'[24].

This new identity conflict was also related to a new conception of enlargement policy as a legitimating strategy in the midst of a primal debate on the EU's alleged 'democratic deficit', also linked to the demands for increased transparency as a democratic quality indicator for EU governance. Against this backdrop, public opinion perception management became a major concern that completely differentiated the 2004 enlargement talks from previous Community enlargements. It was clear that with all the simultaneous widening and deepening dynamics in motion (e.g. consolidation of a single market, new foundational treaties and plans for a monetary union that never became an economic one) there was a corresponding need to innovate via the creation of a new Directorate General for Enlargement with a dedicated Commissioner since 1999 and of an emergent 'Communication Strategy on enlargement'. Furthermore, it is essential to bear in mind that an economic union could be sustained with only a technocratic elite of believers in an integration project, while an increasingly political union can only survive with the direct support of its citizens. The main difficulty of the 'Communication Strategy on Enlargement' was its contextual detachment, consisting of attempting to transmit the ethos of the fall of the Berlin Wall – entailing reconciliation, reunification and a new beginning – while the duration of the accession negotiations made it impossible to maintain the momentum. This was further complicated by the shift in interest of contemporary EU audiences, increasingly immersed in the upcoming urgencies of a stagnating economic model.

Furthermore, there is the paradox of the Commission privileging an internal communication and debate when it enjoyed an extraordinarily important foreign policy and enlargement monitoring role at the beginning of the 1990s (also when many of the officials in charge of this policy were somehow linked to past diplomatic positions in the CEECs). By contrast, when the Commission did not hold such a major role in the advent of enlargement implementation in 2004, the responsibility of creating political messages and

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[23]Author interview, DG ELAR. Brussels, 01.12.2005, op. cit.
[24] Author interview with Manuel Marín, op. cit.

explanations regarding enlargement was gradually transferred to public relations companies[25], which launched a series of information campaigns that never achieved a two-way communication impact. In addition, another cause of cumulative fatigue, beyond Schimmelfennig's premise of 'rhetorical entrapment'[26], could be the difficulty in delimitating the axiological contours of the European integration process and to specify the Community's eventual final frontiers. The instrumental responses to these fundamental questions make it even more complex to consolidate a 'pan-European' identity that need not be based on a top-down institutional creation in which historical turning points are discursively and politically generated, resulting in enlargement being lived as an invisible historical turning point.

CONCLUSIONS

The invisibility effect of the EU's successive enlargements is also dependent on the degree of actual transformation in the new member states, which should imply an opening-up of commonly extended socioeconomic opportunities and a real democratisation of their political cultures. These changes should be able to wash off the pervasive residue of conventionalised corruption and anti-democratic abuse of previous dictatorships, thus consolidating the quality of democratic European governance.

Conversely, a key question arises: how can the EU make a goal-oriented policy – implying an increasingly technical methodology and precise conditionality criteria – compatible with a longed-for collective dream of inclusion, recognition, welfare, and reconciliation? Indeed, this is the appeal of the EU's widening for any potential candidate country and its population. In this respect, there is an even more challenging premise: How can the EU reconcile club logic with the guarantee of eradicating instrumental inner discriminations and any notions of second-class citizenship? In sum, how can it prevent reinforced harmonisation, via the adoption of the *acquis communautaire* and the incorporation of standardised Community practices, to become a vehicle for a more direct exploitation of formerly incompatible, and thus not fully profitable, third countries and regions?

Last but not least, it is also important to acknowledge the EU's challenging task of articulating the complexity and heterogeneity of successively incorporated multilevel players through the European integration process, progressively transforming conflict into cooperation.

In conclusion, considering that EU enlargement policy has thus far focused on responding to the open questions related to the re-articulation of the geopolitical, social, and mental settings inherited by the Cold War and its uncertain aftermath, it is understandable that the same formula would be very difficult to apply to any reality beyond this framework. Once the 'return to Europe' agenda will be exhausted, there will be a need for a new meaningful and compelling driving force for the EU's external dimension and for the definition of its role in the global arena. Perhaps it could be the notion of 'community' itself. Above all, the EU can be a political and economic community, a community of laws, principles, and norms. It can be a community of interests but it is also a community of values and of common, interactive memories capable of binding key players to the implementation of mutual solidarity, to the aspiration of a shared inclusive identity and to the enhancement of coordinated international cooperation and integration.

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[25] Ogilvy Public Relations Worldwide, Report commanded by DG Enlargement. *Impact Assessment of Calls for Proposals as Implementation Tools of the Enlargement Communication Strategy. Executive Summary*, 10.12. 2005.
[26] Frank Schimmelfennig, 'The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union', *International Organization*, 55:1, 2001, pp. 47-80.