

Dynamics of inclusion and exclusion in the European integration process

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Dynamics of Inclusion and Exclusion in the process of European Integration

Paradoxes prevail within the European continent, which is bordered, re-bordered or de-bordered in various levels, symbolically and physically. Indeed, Europe constitutes a highly interconnected and at the same time a profoundly divided entity, in which there is a struggle between initiative and constraint, inclusion and exclusion, similarities and differences, balances and imbalances, unity and disunity. Manifestations of these paradoxes unravel throughout time, and as they unfold it becomes evident that such dichotomous patterns are persistent at many levels.

This paradoxical blend of the abovementioned dichotomies is abundantly displayed throughout the history of the European integration process. The history of this process reveals dynamics of inclusion and exclusion that happen concurrently and are interconnected. It reveals manifestations of progressive acts, demonstrations of willingness, of initiatives to change reality in a constructive way and to develop integration at the governance, social, political, economic, multilingual, cultural levels. However, simultaneously and contrary to this propulsion for positive progress there has been a series of successive adaptations to the constraints of the past, and therefore retrogressive stances that do not create a solid basis for a constructive European integration, prolonging rather than precipitating the consolidation of such a process.

Within this fusion of opposing forces comes into play the concept of construction, reconstruction or disassembling of borders, inextricably linked to the dichotomy of inclusion and exclusion as borders can be considered or function as barriers or as bridges.

After the end of the Second World War, the creation of a climate of European cooperation favouring union at various levels resulted in the proliferation of strategic partnerships, exclusionary or inclusionary relations. Rivalries of the past were to be overcome through the formation of new alliances. At first, the cooperations that were undertaken were extensions of military alliances formed in the past. The Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence, signed in Brussels on 17 March 1948 by Belgium, France, Luxembourg, the Netherlands and the United Kingdom prolonged the alliance of France, Great Britain and Belgium. Although this Treaty provided exclusively only for the cooperation between the contracting parties, it led however to the creation of an organisation known as the 'Western Union'.

It is interesting to note that these cooperation schemes that were formed in the past either evolved or dissolved later on during the European integration process. At these initial stages, European cooperation was extended with the creation in April 1948 of the Organisation for European Economic Cooperation (OEEC), which was to become the Organisation for Economic Cooperation and Development (OECD). The OEEC was established as a result of intentions that sought the economic recovery of Western Europe, though as emphasized by the OEEC memorandum (1948) this recuperation was expected to be very difficult to accomplish, as a large degree of cooperation in all fields was required by all participating countries. European policy was born shortly afterwards with the creation of the Council of Europe, which stretched to include a wide range of political, technical, social and economic activities.

The initiatives taken for a European conglomeration, paved the way for the creation of membership associations between European States, beginning with Belgium, France, Federal Republic of Germany, Italy, Luxembourg and the Netherlands that agreed to work towards European integration. These first Member States were included in the European Coal and Steel Community (ECSC), which was established by the Treaty of Paris (1951), and thus they became entitled to benefit economically especially from the free movement of coal and steel and the free access to sources of production. Strengthening the foundations of this integration were the Treaties of Rome (1957) that established the European Economic Community (EEC) and the European Atomic Energy Community, known as Euratom (EAEC), Communities which aimed in bringing together these Member States so that the latter could benefit from economic expansion, from a common market and the use and development of nuclear energy respectively.

However, whilst the integration process was underway, the effects of the Cold War, 1947-1991, created drawbacks to it, as rather than facilitating European unity at various levels, persisted at maintaining political fractures which could not be easily healed. The Cold War was a sustained state of post-Second World War tensions between the United States and its Western European allies on the one hand and the USSR and its satellites on the other hand. British Foreign Secretary Ernest Bevin's address to the House of Commons on the 22 January 1948 is a clear example that conveys these tensions, as it condemns the Soviet Union's political ambitions and calls for greater unity amongst the countries of Western Europe. A symbol of these antagonisms, during the Cold War is the Berlin Wall, a symbolic and physical wall dividing populations, excluding them, isolating them, placing restrictions on their freedom of movement. It was a barrier whose construction started in 1961 by the German Democratic Republic and along with the separate and much longer Inner German Border that delineated the border between East and West Germany, symbolised the Iron Curtain that separated Western Europe and the Eastern Bloc for the duration of this War. Demonstrations against the Wall were displayed for example by West Berliners such as Willy Brandt, Chancellor of the Federal Republic of Germany and recipient in 1971 of the Nobel Peace Prize for his efforts to achieve reconciliation between West Germany and the countries of the Soviet bloc. He was active in improving relations between East and West, by encouraging change through a policy of engagement and not of diplomatic and economic isolation of the Eastern countries.

During the period (1961-1970), though there were intentions to pursue political unity, at the same time tensions started to escalate as a result of resistances of certain Member States to the ways proposed for achieving this unity. The failure of the implementation of the Fouchet Plan (1961), as a result of the disagreements between the advocates of supranationalism and the supporters of intergovernmentalism, is a demonstration of limitations placed on the political cooperation between Member States, and of the friction of ideas as to how political integration should be achieved. Key protagonists in the drawing up of this plan for European political union were Christian Fouchet, French Ambassador to Denmark and Chairman of the Intergovernmental Committee, and, Charles de Gaulle, President of the French Republic, who in pursuit of the maintenance of French influence proposed an intergovernmental approach for political cooperation. Another event in European integration history that shows competing conceptions as to how political union should be brought about, is the Empty Chair Crisis. In this episode, the impediment posed on the progress of political unification was the boycotting stance adopted by the French delegation which was highly influenced by intergovernmentalist Charles de

Gaulle, who once again played a key role in creating tensions by opposing the potential of supranational powers being extended beyond national borders. Despite these constraints imposed on reaching political agreements, a political cooperation was, nevertheless, achieved thanks to initiatives that resolved the crisis through pursuing the inclusion of the French delegation in the negotiation meetings held in Luxembourg. Aware of the risks of prolonged isolation and its impact on the national economy, this delegation eventually agreed to resume negotiations, to participate in them in order to avoid exclusion from economic benefits. The Luxembourg Compromise (January 1966), that was the fruition of these meetings, was a compromise solution proposed by Pierre Werner, Prime Minister of Luxembourg and President-in-Office of the Council. This compromise, a manifestation of an effort made to create a balance between the national interests of all participating members with the common European interests, indicated that, where a country believed that its national interests might be disadvantageously affected, negotiations had to continue until a universally acceptable compromise was reached.

A few years after these political turmoils and conciliations, what also became part of the integration procedure was the enlargement of the three European Communities (ECSC, EEC, EAEC) with the accession of new Member States for the first time. The United Kingdom joined the European Communities on 1 January 1973, accompanied by Denmark and Ireland; the Norwegian people had voted against accession in a referendum. The accession of new member States to these Communities continued in the 1980s with Greece becoming a member in 1981, and Spain and Portugal acquiring membership in 1986.

The European integration process was to be forged ahead with developments such as the election of the European Parliament (EP) by direct universal suffrage by Community citizens. The Act of 20 September 1976, which was revised once, in 2002, introducing the general principle of proportional representation and other framework provisions for national legislation on the European elections, had given the EP a new legitimacy and authority by introducing this election.

However, a few months after its first direct election in 1979, the EP ran into a serious crisis in its relations with the Council, over the budget for 1980, but this event proved to be a catalyst in a series of changes that would bring about the European Union (EU). The EP, more particularly, through the setting up of an institutional affairs committee with Altiero Spinelli as its coordinating rapporteur, created a major advance providing for the drawing up of a plan for the amendment of the existing Treaties, and by extension for the transfer of new responsibilities in essential fields. Legislative power would come under a system that aimed to create an equilibrium between the EP and the Council. Spinelli played a key role in the re-launching of the operation of the Institutions in the 1980s, by being directly involved, between 1981 and 1984, in the drawing up of a Draft Treaty for the establishment of the EU. This Treaty was adopted by a large majority on 14 February 1984. Previous attempts of the revival of the European integration process were made by, for example, the Belgian Prime Minister Leo Tindemans who was given the task of drawing up a report on the EU. Unlike the latter's attempts, Spinelli's efforts initiated new developments in the integration process including a major increase in the powers of the EP. Spinelli's project provided an impetus for the negotiations that led to the Single European Act of 1986 and the Maastricht Treaty of 1992. This happened with the help of several National parliaments which adopted resolutions approving the Draft Treaty and of French President

François Mitterrand. The importance of this Draft Treaty as a comprehensive and coherent model for the European Union was later on acknowledged by the EP, in its Resolution of 14 June 1990, where it indicates its intention to draw up a draft constitution for the EU, thereby updating the Draft Treaty of 14 February 1984.

On the 14 June 1985, a major modification took place as far as the applicability of de-bordering is concerned for certain member States. More specifically, Robert Goebbels, Luxembourg Junior Minister for Foreign Affairs, signed on that date the agreement on the gradual abolition of checks at the common borders between Belgium, France, the Federal Republic of Germany (FRG), Luxembourg and the Netherlands.

Further to significant alterations being made and by extension an important stage in the process of the European integration was the signing on 17 February 1986 of the Single European Act (SEA) which constitutes the first substantial change to the Treaty of Rome. The SEA was ratified by Member States' parliaments during 1986, but because a private citizen had appealed to the Irish courts its entry into force was delayed for six months, until 1 July 1987. It therefore becomes apparent that the inclusion of a single person in the framework of the European integration process created a change in the dynamics of inclusion and exclusion in this process and in this case the exclusion of the implementation of the SEA, even though very briefly, from the European integration evolution.

A crucial de-bordering event which had a direct influence on the European integration process was the fall of the Berlin Wall in 1990. The collapse of this boundary is an episode of the history of European integration that shows that symbolic and physical borders can be dismantled, that initiatives can construct walls and initiatives can deconstruct them, and that initiatives can create inclusion and/or exclusions that may or may not lead to positive changes. The disintegration of this barrier, after a series of political radical changes, led to the reunification of Germany that in turn would potentially facilitate its integration into the EU. In order to integrate a reunified Germany successfully into Europe, it was vital to strengthen the European Community by establishing a European Union which would comprise an Economic and Monetary Union (EMU) and a political union. This was the objective of the Maastricht Treaty of 7 February 1992.

Treaties, including the Maastricht Treaty, are written manifestations of the European integration evolution and significantly affect the latter. Even though signed not all of them are implemented. They make amendments and are subject to amendments. The Treaties themselves and/or their evolution reveal elements of inclusion and exclusion. For example, domains that were previously subject to the third pillar, are referred to in the Treaty on the European Union as one of the groups of powers conferred to the EU, such as asylum, immigration, crossing external borders, measures to combat fraud and customs cooperation. In turn, the Amsterdam Treaty (1997), the Treaty amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts signed in Amsterdam by the Foreign Ministers of the Fifteen, removes from the European Treaties all provisions which the passage of time has rendered void or obsolete, while ensuring that this does not affect the legal effects which derived from them in the past. It also renumbers the Treaty articles. For legal and political reasons the Treaty was signed and submitted for ratification in the form of amendments to the existing Treaties. The European Constitutional Treaty, which introduced numerous innovations such as the possibility of a Member State being able to become excluded from the Union through withdrawal,

even though signed in 2004 by the Heads of State or Government of the 25 Member States in order to establish a Constitution for Europe, did not enter into force as it was not ratified by all the Member States. The negative referendum results in France and the Netherlands concerning the ratification of this Treaty emphasises the crisis within public opinion with regard to Europe. A few years later the Member States agreed on 13 December 2007 to sign the Treaty of Lisbon, the Treaty amending the Treaty on European Union and the Treaty establishing the European Community, and to ratify it. This Treaty changes the existing treaties, excluding certain terms, replacing them with others, includes no additional exclusive competences transferred to the Union, changes the way the Union exercises its existing powers and some new (shared) powers by enhancing citizens' participation and protection, creating a new institutional set-up and modifying the decision-making processes for increased effectiveness and transparency. A higher level of parliamentary examination and democratic accountability is therefore attained.

The exclusion and inclusion dichotomy was widely present in the 1990s and is a phenomenon that still continues to exist. Since then and up until recently, there has been a proliferation of strategic partnerships, exclusionary or inclusionary relations, alliances, cooperations. The presence of this dichotomy has produced, to various degrees, on the one hand, justice, security, cohesion, unity, solidarity, cooperation, equality, tolerance, democracy and, on the other hand, intolerance, opposition, inequality, injustice.

Included into the equation of the European integration process are forces of division but also forces of cohesion, there are therefore contradictory interests including self-interests and common interests. In most cases exclusion is calculated and explicit. This is or has been done in way through the creation of symbolic or physical borders. If borders cannot be crossed for various reasons then this may be associated with exclusion. People who cross borders can become included e.g. in a social, economic, political, or cultural framework etc. They can become insiders rather than outsiders, e.g. nationals rather than non-nationals.

Since the 1990s, poverty and marginalisation have existed, to varying degrees, in all the member States. In the early 1990s, 58 million people were considered to be 'poor', 3 million were homeless and 15 million formally unemployed. And not all people who worked and lived in Europe could have the right to citizenship. It is in the 1990s that eastern European countries were suffering deep economic recession, with high inflation, unemployment and declining incomes.

Certain European political forces, including the emergence of new political forms of democratic representation, new concepts of decision-making within the EU framework, the formation and emergence of new actors, their gatherings and coalitions in the European public sphere have shown initiative to bring about economic prosperity without making exclusions, and to combat marginalisation, the exclusion of minorities, the racism and discrimination against foreign immigrants.

Such initiatives have led to the creation of mechanisms, such as pre-accession or neighbourhood ones, so as to overcome the difficulties accumulated by the inclusion/exclusion dichotomy. Aids to these difficulties were to be given for example through individual or collective initiatives that promoted the implementation of aid programmes. One of these programmes was the PHARE programme, part of a pre-accession strategy, it was a pre-accession instrument, which was extended to all the countries of Central and Eastern Europe (CEECs). It comprised financial assistance for economic restructuring and

private investment, as well as export credits and guarantees. Since applications for accession to the EU started to be made by the CEECs in the mid-1990s, the PHARE programme mainly aimed to support candidate countries in the process of adopting and implementing the Community acquis and in preparing them for the management of the Structural Funds and for the consolidation of democratic regimes. Additionally, during the pre-accession preparatory stage specific links with the CEECs, and more specifically the 'Europe Agreements', arrangements for association were adopted to benefit these countries. The implementation of these Association Agreements would depend on the progress made with regard to human rights, multiparty democracy and economic liberalisation. Each of these bilateral agreements was managed by a Joint Council composed of delegations from the EU Member States and from the country in question. The aim of 'Europe Agreements' was to prepare for the eventual accession of the CEECs to the EU. As part of the management of Community aid to Central and Eastern Europe, the European Bank for Reconstruction and Development (EBRD) was established on 15 April 1991. It was made responsible for the granting of loans for productive investment in the CEECs, which, in turn, were committed to applying the principles of multiparty democracy and the market economy and to promoting private and entrepreneurial initiative. For the period 2007–2013, the EU established new external aid instruments. PHARE and the other pre-accession instruments (ISPA and SAPARD) were replaced by the IPA (Instrument for Pre-Accession Assistance). The CARDS neighbourhood programme, which aimed to provide Community assistance to the countries of South-Eastern Europe so that they might participate in the process of stabilisation and association with the EU, was also absorbed by the IPA. As EU candidate countries, Turkey, Croatia and the former Yugoslav Republic of Macedonia, along with the potential candidate countries (Western Balkans), benefit from the IPA. The European Neighbourhood and Partnership Instrument (ENPI) replaced the Tacis and MEDA neighbourhood instruments in 2007.

The enlargement process, inextricably linked to the European integration process, and by extension to the phenomenon of inclusion and exclusion, has also been underway throughout the 1990s and up until recently. In the 1990s the EU paid particular attention to CEECs and to Mediterranean countries which were not Community members (MNCs). In the East, the EU intended to include Albania, Bulgaria, Romania, Slovenia, Croatia, Hungary, the Czech and Slovak republics, Poland and the Baltic republics. In the Mediterranean the intention was to include Morocco, Algeria, Tunisia, Egypt, Lebanon, Israel and Turkey. On 1 January 1995, Austria, Finland and Sweden were the new additions to the European Union, bringing the number of Member States to 15, while on 1 May 2004, the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia were added to the European Union, bringing the number of Member States to 25. On 1 January 2007, the accession of Bulgaria and Romania to the EU, brought the number of Member States to 27. Prior to the accession of these States, certain prerequisites, and in particular the Copenhagen accession criteria – democracy, constitutionalism, market economy etc. had to be fulfilled that were to determine their inclusion or exclusion from membership. More precisely, the Copenhagen European Council (21–22 June 1993) confirmed that the countries that held associate membership might become full members of the EU, provided that they fulfilled the precise economic and political criteria: 'stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the

obligations of membership including adherence to the aims of political, economic and monetary union.’

The relationship between inclusion and exclusion, has also featured in the sphere of international security, in the framework of the organisation on a European level of security that has developed since the Cold War divisions. Enduring forms of exclusion within this framework have remained. The enlargement of the EU from six to 27 members is thus not only of interest for the integration of the member states but also for the character of the European security community. The 2004/2007 enlargement of the EU reflects a structural change of the European security order.

In more recent times, the European integration process increasingly presents challenges for the member States of the EU specially suffering the effects of the debt crisis. The EU cohesion objectives seem to clash with current austerity measures that generate new regulative frameworks (or the lack of thereof) contributing to the emergence of new types of exclusion, contradicting the enhancement of social mobility and the consolidation of a European social model.

In conclusion, inclusion and exclusion seem to be inherent to the path of European integration and if we would like to understand the nature of the challenges to transform walls into bridges, it will be certainly fruitful to look at a case that epitomises such paradoxical tension and its subsequent resolution, as it is the case of Cyprus, bitterly divided into two communities whose struggles and stalemates reset the European Union integration achievements to square one.