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AICGSPOLICYREPORT

**THE LISBON TREATY IN FOCUS:
GERMANY, THE EU, TRANSATLANTIC
RELATIONS, AND BEYOND**

Frances G. Burwell
Ludger Kühnhardt



AT JOHNS HOPKINS UNIVERSITY

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FOREWORD

When the Lisbon Treaty entered into force on 1 December 2009, no one quite knew how this would impact transatlantic relations, how the goals outlined in the treaty would be enacted in the European Union, or how an EU with increasing responsibilities would act toward its neighbors. In the months since, we have seen successes and setbacks: Implementation of the Lisbon Treaty is progressing within the EU with a new President and High Representative already in office, yet transatlantic tensions over the sharing of SWIFT data have called internal EU cooperation into question.

The U.S. and EU are not the only actors responsible for these successes and setbacks; even with the Lisbon Treaty, individual member states continue to play a role. Germany, long a proponent of European integration, remains a crucial player, as seen during the deliberations over the Greek financial crisis. Thus, not only are U.S.-EU relations imperative in solving crises of global importance, but bilateral relations remain important as well.

This Policy Report examines the Lisbon Treaty and discusses what its influence will be not only on the EU, but also on transatlantic relations and the EU's neighborhood. In the first essay, Fran Burwell focuses on the treaty from a foreign policy perspective. She outlines what the Lisbon Treaty does and does not do and how this will affect transatlantic relations and NATO and she discusses the non-foreign policy elements of the treaty that will have implications for the U.S. (including the Charter of Fundamental Rights and the transference of power to the Commission and European Parliament those issues under the umbrella of Freedom, Justice, and Home Affairs). Finally, she offers suggestions for how to make the U.S.-EU dialogue more productive. However, Dr. Burwell also notes that the need for bilateral relations remains. The U.S. will need to continue to engage with individual member states on issues on which a particular state takes the lead, for example, with Germany on concerns pertaining to Russia. Ludger Kühnhardt then turns to the broader picture of the Lisbon Treaty's place in an EU that seeks a global position and better relations with its neighbors. By considering its neighborhood, the EU has sparked an internal reflection on borders, neighborhood policies, and the EU's global presence. Dr. Kühnhardt identifies three aspects of human security and examines the EU's interests as such: the geo-religious dimensions and the EU's relations with Turkey; the geo-demographic dimension and the EU's relations with migrants from Africa and other developing countries; and the geo-economic dimension, pertaining to the EU's economic interactions with the developing world. Both essays discuss the idea of "process" but look beyond to the implications that new EU processes will have for the EU and Germany and its global partners, such as the U.S.

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Best regards,



Jack Janes
Executive Director

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THE LISBON TREATY: AN
EVOLUTIONARY REVOLUTION
IN U.S.-EU RELATIONS

THE LISBON TREATY: AN EVOLUTIONARY REVOLUTION IN U.S.-EU RELATIONS

FRANCES G. BURWELL

For the past six years, the relationship between the United States and the European Union has been overshadowed by the prospects of the Lisbon Treaty. As a result, the U.S.-EU relationship has always been seen in a future tense—that is, someday in the future, the EU will be a unified actor capable of being a strong and effective partner for the United States. The Lisbon Treaty—and its aborted predecessor, the European Constitution—was to change all that. Once Lisbon was in effect, the EU would emerge as an influential foreign policy actor on the world stage.

With the treaty now in effect for nine months, it is time to begin evaluating its impact on transatlantic relations. Implementation of the treaty overall has proven difficult, and that is doubly true for the foreign policy provisions. This was not unexpected: during visits to Brussels prior to the treaty's adoption, EU officials would privately underscore how many bureaucratic and logistical questions were unanswered by the treaty and caution that this was no panacea. But in Washington, the treaty was seen as a turning point: its adoption would alleviate the EU's constant focus on process and make it a more unified and substantive actor. This was partly due to an understandable reluctance among U.S. policymakers to deal with the EU's complexity and to look for something that would make it a more "normal" state. But it was also due to the stress Europeans themselves put on the importance of Lisbon, especially in portraying the passage of the treaty as the remedy for foreign policy disunity.

The result has been a sense of disappointment in Washington. This may be unjustified, as it is based on overly optimistic expectations of the treaty. It should also be acknowledged that the implementation of Lisbon is still far from finished. Indeed, European visitors to Washington now caution that Lisbon will

take several years to implement completely; a statement that contributes to even more cynicism and disappointment in U.S. policy circles. The result has been that the European Union does not easily spring to mind when U.S. policymakers look for effective partners in tackling global challenges.

But this is a short-sighted view. Over time, the Lisbon Treaty has the potential to be revolutionary in its impact on EU foreign policy. But the impact of that revolution is likely to be felt only gradually. Its immediate impact will be on process, primarily within the EU itself, as the members strive to reach consensus and the EU institutions build cooperation. Those changes in process will also affect the EU's relations with its major international partners, mostly in the form and mechanisms of interaction. When it comes to the content of EU foreign policy, however, the treaty will have far less of an effect. Even within the EU, the member states remain likely to dominate foreign policymaking on key issues of importance to them. And even if the EU becomes more unified in its approach, it will not necessarily cooperate more effectively or frequently with the United States and other partners. In sum, while the Lisbon Treaty represents a potential revolution in U.S.-EU relations, it will be slow to take effect and will make its major impact on process. Lisbon will not automatically create greater transatlantic agreement on global challenges. That will happen only if the U.S. and EU foreign policy processes can be made more compatible, but even then, U.S. and European interests may sometimes lead in different directions.

The Lisbon Effect

The process leading up to the Lisbon Treaty has dominated the EU policy arena for almost ten years.

Beginning with the Convention on the Future of Europe and the negotiation of the European Constitution in 2001-2003, the Union has sought to find ways to strengthen joint decision-making, including in the foreign policy field. The rejection of the Constitution by Dutch and French voters, and its subsequent abandonment, led to a major and lengthy crisis of governance in the EU. In 2007, the Lisbon Treaty was agreed, but its rejection by the Irish, who then passed the treaty sixteen months later, ensured that Lisbon remained at the top of the EU agenda. Given this history, it is hardly surprising that many in Europe would see Lisbon's entrance into force in December 2009 as a watershed. Nor is it surprising that the absence of Lisbon would be used to explain EU difficulties in reaching common positions on key foreign policy issues.

In Washington, this focus on Lisbon did little to inspire confidence in the EU as a foreign policy partner. Many in the U.S. policy community would come to see the whole EU-wide debate over the Convention and then Lisbon as a distraction from making tough foreign policy choices. As a consequence, when Lisbon did come into force, many in Washington—as in Europe—were hoping for an immediate change, and underestimated the work that remained to make the treaty's provisions a reality. The appointment of two relatively unknown personalities (at least unknown in Washington) to the new EU leadership and the bargaining that immediately erupted over the size and staffing of the European External Advisory Service (EEAS), quickly demonstrated to Washington decision-makers that the adoption of Lisbon was not simply the end of a lengthy and painful process. It was also the beginning of a new, perhaps equally painful period of EU internal debate and negotiation.

This mismatch between expectations and reality was made worse by an accident of timing. From mid-2008 (just as the Irish rejected the Lisbon Treaty), the U.S. focus was on the presidential election campaign, and little attention was given to U.S.-EU relations, except for scheduled summits and other high-level meetings. After the November election, the new administration began a lengthy transition process. The assistant secretary of state with responsibility for Europe was not in place until mid-May 2009 and many of those with daily responsibility for the rela-

tionship were not settled in until the late summer. The new administration also had to cope immediately with the wars in Afghanistan and Iraq, as well as the global financial crisis. There was little time—or tolerance—for figuring out whether and when the EU might ratify Lisbon and what that might mean. Then, just as the Obama administration appointees settled in, the EU finally ratified Lisbon and began its own transition.

From an American perspective, the lengthy EU post-Lisbon transition did not necessarily exclude Europe as a partner. The new administration came into office very aware of the limits of U.S. unilateral power, and clearly committed to multilateral partnerships. And although the traditional U.S. partnership with Europe was not the only such relationship the Obama administration sought to strengthen, it was among the primary ones. In fact, the Obama administration's emphasis on the war in Afghanistan meant that Europe would be seen as a major partner in the ISAF mission—but it would be NATO Europe rather than the European Union. The financial crisis, and the emphasis on working through the G7/8 and G20, had a similar impact. Although much of the European regulatory response was coordinated through the EU, the major member states were very active players in these multilateral groups, while the European Commission was represented but had a lesser role. For U.S. officials seeking a multilateral response to the global crisis, the main interlocutors were the major national leaders, from China to Germany, with the European Central Bank playing a role when the central bankers gathered.

Thus, by mid-2010 the U.S.-EU relationship was in the doldrums. Overly optimistic expectations of the impact of Lisbon ran into the difficult realities of establishing new institutions and ways of doing business. At the same time, U.S. priorities led to an emphasis on working with Europe through NATO and a few major national governments. The timing of the U.S. and EU transitions ensured that neither would be ready to work with the other at the same time. The result was frustration and skepticism, often focused on Lisbon as a symbol of EU reforms that only seemed to make it an even more complicated institution. Moving away from this frustration and skepticism will require a much clearer understanding of Lisbon; what it does and does not do. Only then can expect-

tations be realistic, and a truly effective partnership develop.

Lisbon: What it Does and Does Not Do

The Lisbon Treaty is a truly significant move forward on the path of European integration. Responsibility for more policy areas will move from the member states to the EU institutions, and national governments will have less recourse to a veto to protect their interests. The European Parliament will play a larger role, with its approval required for action across a wide range of policies. New institutional arrangements will be established, giving more prominence to Brussels-based personalities (rather than national leaders) and building stronger ties between the European Commission and Council of Ministers.

But Lisbon by itself will not guarantee greater EU unity in any policy area, and especially not in the difficult realm of foreign policy. Lisbon contains very few specifics in terms of determining the direction of EU policy, beyond broad objectives such as free movement of people, goods, and capital, or the creation of an area of freedom, justice, and security for all EU citizens. The significance of the treaty—as in the previous EU treaties—is in elaborating processes designed to move decisions from the member states to European institutions and reforming those processes so that Union-wide agreement is easier to achieve. In practice, the impact of such changes in actually achieving a more unified policy stance is often indirect and only apparent over the long term.

In the foreign policy realm, the only serious substantive innovations of the Lisbon Treaty are the mutual defense clause, and the solidarity pledge. The first states that:

“If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States. Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States

which are members of it, remains the foundation of their collective defence and the forum for its implementation.” (Title V, Article 42)

The so-called solidarity pledge states that:

“The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States...” (Article 222, Title VII)

In terms of likely reactions to either aggressive attack or a terrorist attack or disaster, these treaty provisions hardly increase EU obligations in any significant way. Most EU members are already members of NATO, and so subject to a very similar mutual defense clause. The idea that other EU states would not respond if Finland, Sweden, Ireland, or Austria were attacked is hardly credible, given their many close ties. Cyprus is the one EU member state with part of its territory subject to foreign military occupation, but Turkey's status as a NATO member makes any outbreak of actual armed conflict extremely unlikely. EU members already cooperate extensively in anti-terrorism, so the solidarity pledge merely underscores this reality and provides a platform for planning joint consequence management.

As far as U.S.-EU relations are concerned, the mutual defense clause and solidarity pledge offer little reason for concern, but also little chance for alleviating continuous tensions over burden-sharing or defense capabilities. NATO is very unlikely to be displaced from its predominant position as the transatlantic military alliance, if for no other reason than that everyone recognizes the value of having the U.S. military centrally engaged. The Lisbon mutual defense clause does provide a basis for a more robust EU effort to develop defense capabilities, and also gives the European Defense Agency legal status within the Union. But there is little indication that European defense budgets will increase in any serious way. In fact, the financial crisis is pushing some defense budgets—including the British and German budgets—in exactly the opposite direction.

Of more consequence is the adoption of the Charter of Fundamental Rights in association with the Lisbon Treaty. Although the Charter has been in existence for a number of years, it has not been rigorously enforced by the EU. This will change under Lisbon, as the Charter gains the status of law. In fact, European Commission Vice President Viviane Reding is often described as “the guardian of the Charter,” with responsibility for ensuring that it becomes a guarantee of citizen rights, similar to the U.S. Bill of Rights. Although this is not, strictly speaking, a foreign policy issue, it is likely to have a very real impact on U.S.-EU relations. Specifically, by guaranteeing the right to privacy, the Charter may make it more difficult for the EU to compromise on data-sharing practices with the United States—something that has already been a source of U.S.-EU tensions.

The Charter is not the only instance in which a non-foreign policy element of the Lisbon Treaty is likely to affect U.S.-EU relations in the future. One of the realities of the U.S.-EU relationship is that it is not just a foreign policy partnership—or even primarily about foreign policy. A brief survey of U.S.-EU disputes—including the visa waiver program; hormone-fed beef; handling of individual data in SWIFT and passenger name records; screening of shipping containers; state subsidies to airplane manufacturers; and many others—amply demonstrates the scope and reach of this relationship. More than any other bilateral partnership, the United States and the EU, along with its member states, are enmeshed in each other’s “domestic” business. Thus, it is important, for example, that the treaty moves most elements of the Freedom, Justice, and Security policy area (formerly known as “Justice and Home Affairs”), away from control primarily by the member states and into the “Community” arena, with a greater role for the Commission and especially the European Parliament. This policy area is central to U.S.-EU cooperation against terrorism, including information sharing and police and judicial cooperation. Lisbon also strengthens EU decision-making in the areas of immigration and asylum policy, and in agriculture. The impact of those shifts on relations with the United States will probably not be apparent until they are felt in practice.

Much of the U.S.-EU relationship is about making the rules governing the two largest economic markets in the world roughly compatible, so that companies can put their investments toward productive activity rather than dealing with two distinct sets of regulations. From consumer and food safety standards to competition policy and financial services regulations, these rules have often been the cause of U.S.-EU disagreements. In Europe, these issues have been addressed increasingly at the EU level, as they are seen as crucial to the creation of the Single Market. The Lisbon Treaty, along with the global financial crisis, has reinforced this trend. Specifically, the treaty has moved all elements of trade policy to be the exclusive purview of the EU; member states will have very little role in this area in the future. Lisbon also moved some major elements of investment policy away from national control into the EU arena. Some elements of investor protection, along with the established bilateral investment treaties (BITs) will remain at the national level, but investment rules, including those restricting ownership or establishing reviews of proposed investment, are likely to move to the EU level. It will take some time to establish the exact division of responsibilities between EU and member states on this issue, and the rivalry that is likely to result may well cause confusion and difficulties in transatlantic investment relations.¹

The movement of key policy areas from the national level to the EU institutions is basically a process issue, as that movement itself does not dictate any particular substantive direction for the policy. When issues move from member states to the EU level, the eventual goal is usually regulatory harmonization, but that could move in any direction, and not necessarily toward greater congruence with the U.S. approach. On matters relating to the Single Market, including trade policy and economic regulation, the EU institutions have generally served as an advocate for greater liberalization as the best way of reaching consensus among the various national regimes. But as U.S.-EU arguments over trade policy suggest, this does not always lead to an EU position that is compatible with U.S. views. Thus, the impact of the Lisbon Treaty on U.S.-EU relations beyond traditional foreign policy issues is likely to be significant, but there is no reason to think that it will automatically lead to a harmonization of U.S. and EU views.

In the foreign policy field, the Lisbon Treaty does introduce some significant institutional innovations. In contrast with the substantive changes of the solidarity pledge and mutual defense clause, these are likely to have a very real impact on the way the EU makes foreign policy, even though that impact will happen over time, rather than immediately. Three main changes are of consequence:

- The creation of a High Representative for Foreign Policy who is also a vice president of the European Commission, effectively unifying the positions held previously by Javier Solana and Benita Ferrero-Waldner;
- The creation of a President of the European Council who can represent that body across a whole range of issues, including foreign policy; and
- The creation of a European External Action Service (EEAS), or diplomatic corps, comprised of Commission officials, Council officials, and diplomats seconded from member states' diplomatic corps.

In the short term, the creation of a High Representative is the most important innovation, especially in terms of presenting the EU as a potential foreign policy partner of the United States. In the past, the U.S. secretary of state had to deal with two EU “foreign ministers”—the high representative and the European Commissioner for External Relations—along with the foreign minister of the rotating presidency country and some of the member state foreign ministers. The two Brussels-based positions were especially problematic, as one represented the will of the member states (who were, and remain, the ultimate decision-makers in foreign and defense policy) but had no significant funds, while the other had access to funds but had little connection to the member states. Those posts are now unified, making the new High Representative/ Vice President (HR/VP) position similar to that of a real foreign minister, including access to resources. The foreign minister of the presidency country no longer chairs the council of ministers format dealing with foreign policy (although s/he does chair the meetings dealing with general EU business). The foreign policy representation at the ministerial level has effectively been streamlined from three positions to one. The United

States and others must still deal with the foreign ministers of the member states, especially on issues key to their specific national interests, but over time these interactions are likely to become even more limited in terms of issues and more as a way to influence EU decision-making, rather than coordinating U.S. and EU actions.

The creation of a European Council president is probably the most ambiguous of these innovations. Although the president chairs the European summits, he does not have real power over the decisions of the twenty-seven heads of state and government. He can certainly seek to control the agenda, persuade, and appeal to the various European leaders, but he has no independent power base. As a result, he is similar to the chair of a board who cannot go beyond the remit provided by the board. Moreover, as this is an entirely new concept within the EU, it will take some time to figure out how it works, its limits, and its strengths. In particular, establishing the appropriate relationship with the Commission president will take some maneuvering and certainly runs the risk of exacerbating bureaucratic tensions between Council and Commission. One fact is clear, however: the European Council president must be a presence on the full range of policies addressed by the Union. Thus, for Herman van Rompuy, who took office at the end of 2009, the priority had to be coordinating the EU response to the global financial crisis. While many in the United States waited for him to establish his foreign policy bona fides, his first concern had to be establishing himself—and his position—within Europe. He will undoubtedly spend much of his time in the future on finances and economics, including the EU's new 2020 agenda for growth and innovation and the looming budget negotiations for the 2014-2021 financial perspective. Still, there will be a need for him to establish his role in foreign policy, especially since the HR/VP for foreign policy reports to both the president of the European Council and the president of the Commission.

It is no secret that the importance of the posts of HR/VP and President of the European Council was made even more ambiguous—at least in many American eyes—by the appointment of Catherine Ashton and Herman van Rompuy. Neither was well known in Washington, although Ashton had gained a

reputation within Washington economic circles for being effective and constructive during her brief tenure as Trade Commissioner. They each met certain criteria negotiated among the member states, and each had to be acceptable to all twenty-seven members. Both were experienced in building political coalitions in difficult situations (van Rompuy as Belgian prime minister, and Ashton as the Labour peer who steered acceptance of the Lisbon Treaty through the House of Lords). But neither had a high profile or a reputation for garnering headlines—qualities that may have made them even more attractive to European heads of government suddenly nervous about the powers given up under Lisbon. As for naming people who could strengthen the EU's partnership with the United States, most European governments see themselves as having a "special relationship" with Washington and will be reluctant to compromise that, despite what they may say in European meetings.² By all accounts, HR/VP Ashton has quickly built up a strong relationship with Secretary of State Hillary Clinton. Whether that ministerial partnership will lead to concrete actions—rather than simply more frequent phone calls—is far from clear. As for van Rompuy, it will be almost a full year after his appointment in December 2009 when he first meets President Obama officially at the U.S.-EU summit scheduled for November 2010.

The final innovation of the Lisbon Treaty in terms of EU foreign policy process is perhaps the most significant—the creation of the EEAS. This is only vaguely defined in the treaty, but it has been one of the most debated provisions between the member states and the European institutions. Standing up the EEAS involves not only figuring out how to create a diplomatic corps comprised of Commission and Council officials along with diplomats from member states, but also changing Commission delegations around the world into Union delegations. Once it is up and running, the EEAS could become one of the most integrating elements of the Lisbon Treaty. It would do this not by forcing uniform decisions, but by encouraging a common diplomatic culture and providing incentives for national diplomats to pursue a European agenda. In other words, the impact of the EEAS will be felt through process, rather than its advocacy of any particular policy position. As the EEAS takes in member state diplomats for terms of

several years, it will create a cadre of diplomats who have represented the EU and who have moved beyond their national perspective. In time, there will be two types of diplomats in Europe, those who have served in the EEAS and those who have not. More than likely, EEAS service will become a "ticket to be punched" for anyone seeking high positions in national diplomatic services. Especially for many diplomats from small countries, the allure of the EEAS will be overwhelming. To be the EU ambassador even in a middle-ranked country is likely to involve more resources and more status than serving as the Czech ambassador, for example, or even the Dutch ambassador. It may even prove difficult for some EU member states to keep their best people from leaving for the EEAS permanently. Even big countries such as Germany may find key diplomats leaving for the EEAS. While some will view this as extending German influence into the EU, it should be remembered that such influence flows both ways. This may reinforce Germany's traditional emphasis on its interests as European interests, but it may also put diplomats who have served "for Europe" at odds with politicians and others who may seek a more national definition of German foreign policy priorities.

For the United States, this evolution means that, over the long term, many of the European ambassadors in Washington may have served together in the EEAS. European ambassadors around the world—whether representing their individual countries or the EU—will be ever more likely to have represented Europe and to have close colleagues throughout the European diplomatic corps. In Washington, they will continue to represent their national interests vis à vis the United States on bilateral questions, but a more unified stance on European issues is likely to emerge. The first step has already been taken with the appointment of the first EU ambassador, and the assumption by the EU mission of the responsibility for coordinating meetings of all the EU member embassies in Washington. Previously, the head of delegation represented only the European Commission and shared the Washington stage with the ambassador from the rotating presidency, which organized EU-wide coordination meetings in Washington.

Process and the U.S.-EU Partnership

The Lisbon Treaty is primarily about process, but over time, those changes in process could have a significant impact on how—and whether—the EU arrives at a more unified foreign policy. EU policy—regardless of the issue—is rarely unified through sudden reversals by a major member state or cliff-hanger votes in the Council of Ministers. More commonly, a consensus emerges out of the multiple and continuous meetings held by the EU at all levels. Knowing they will see each other at least ten to twelve times per year, EU foreign ministers can strike bargains across multiple issues and meetings. Nor should it be forgotten that within the EU, achieving agreement is often a goal in itself, and this provides a powerful incentive to move toward a consensus position. The building of an EEAS will undoubtedly reinforce this culture, as diplomats move from representing their nations to the EU and back again. Having a Council president who can drive an agenda—without the baggage of representing a member state—is also likely to focus discussions on looking for areas of agreement. The new HR/VP position should play a similar role at the foreign ministers level, and, once an agreement is reached, will provide a focal point for implementation of that consensus.

This “Lisbon-enhanced” process will inevitably affect how the EU deals with its major partners, including the United States. With its political power and resources brought together in an EU “foreign minister,” the EU is likely to have more traditional foreign policy capabilities. But multiple decision-making hubs will remain: European Council, Political and Security Committee, College of Commissioners, and Council of Ministers, plus in some cases the European Parliament. And with greater integration between EU and member state diplomats, informal consensus building could mean decisions are taken before outsiders, including Washington, are aware an item is even on the agenda.

Over the years, the United States has struggled to find ways of interacting with the European Union that would be effective in producing compatible policies. Thanks to the 1995 New Transatlantic Agenda, a rather elaborate and complex set of hierarchical groups has been created, ranging from office

director-level meetings to the U.S.-EU summits. Some of the most effective groups, such as the Financial Markets Regulatory Dialogue, the Policy Dialogue on Borders and Transportation Security, and the Justice Dialogue, have had little to do with traditional foreign policy issues, but rather have focused on resolving various regulatory and other inhibitions to U.S.-EU cooperation in key areas such as financial stability and anti-terrorism. The Obama administration has delayed the holding of the U.S.-EU summit and the Transatlantic Economic Council (although both are now scheduled for fall 2010) partly because of normal scheduling pressures, but also because the summit in particular has little reputation for achieving strategic results.

A few lessons can be drawn from the past fifteen years of U.S.-EU relations. First, a narrow focus on a specific set of issues seems to be the most productive strategy. The Obama administration seems to have recognized this in its creation of an EU-U.S. Energy Council. Second, having the relevant decision-makers involved at the right point is essential; the State Department and DG RELEX are appropriate for coordinating a U.S.-EU dialogue, but on many issues they have neither the expertise nor the power to force a decision. On the Energy Dialogue, for example, the State Department is a relevant partner on energy security issues, but for research and development, the Department of Energy is essential.

As the EU begins to move out of its “post-Lisbon transition,” now is the time to begin thinking about how the U.S.-EU dialogue could be made more productive. Even though much about the impact of Lisbon on EU foreign policy remains unclear, the United States may have a few opportunities to enhance its interaction with the EU. Such “enhancements” should take advantage of the changes in EU process, and should not be based on any assumption that Lisbon will lead automatically to a unified EU policy that is more congruent with U.S. views. The United States should be prepared that any more unified EU policy post-Lisbon could be quite distinct from the U.S. approach on a particular issue. Thus, any enhancements should be designed, first, to ensure greater transparency and communication between the U.S. and EU. The United States should also look for policy areas where the new EU proce-

dures established under Lisbon may provide an opportunity to reach greater accord; these may not necessarily be traditional foreign policy issues.

One major opportunity available in the wake of Lisbon is to enhance relations between the U.S. Congress and the European Parliament. If it is key to bring U.S. and EU decision-makers together, that cannot be done in many issue areas without involving Congress and the Parliament. In the past, both institutions have demonstrated their capacity for disrupting the relationship—Sarbanes-Oxley, 100 percent container screening, and the rejection of the “SWIFT” accord are all examples of legislative actions that caused much misunderstanding and tensions. Under Lisbon, the European Parliament will enjoy expanded powers and responsibilities in many issue areas, including trade, investment, agriculture, and justice and home affairs. EU legislation in these areas will now be subject to European Parliament (EP) approval, as well as agreement by the member state governments. National parliaments will become increasingly irrelevant on these matters, mostly having the obligation to transpose EU regulation into national formats. In addition, the Parliament’s budgetary review authority will give it rudimentary oversight in some foreign policy areas, especially foreign assistance expenditures. In short, the Parliament will now be much more equivalent to the Congress. Early experience with the first post-Lisbon Parliament (which will be in office from 2009 to 2014), indicates that it will be an activist legislature, eager to use its new powers to establish itself as an influential actor in the EU.

European national parliaments, including the Bundestag, may find that the growth of EP power and the strengthening of Congress-European Parliament relations is a mixed blessing. Congressional schedules are already extremely full, and more interaction with the EP may lead to less opportunity for working with national European parliaments. But the reality is that the EP will be an increasingly relevant partner for the Congress, while relations with the national parliaments have rarely included cooperation over legislation.

Since the passage last fall of the Lisbon Treaty, and the beginning of the European Parliament’s current five-year term, some initial steps toward closer

Congress-EP relations have been taken. Numerous European Parliament delegations have visited Washington, putting forward their own perspectives on issues ranging from civil liberties and privacy to financial services reform. They have sought to establish closer links with their congressional colleagues, largely on an ad hoc basis. In addition, the European Parliament has established a small office in Washington, charged with building stronger Congress-EP relations. These are positive developments, but if the Congress-Parliament link is to be effective, some additional measures should be taken. In particular, this cannot be a one-sided courtship—the U.S. Congress must demonstrate its interest in growing the relationship. For this to happen, there must be a deeper understanding in the Congress of the European Parliament’s role in shaping regulations that impact U.S. companies and citizens. To move in this direction, the following measures should be pursued:

■ As the European Parliament office in Washington takes shape, Congress should strongly consider whether to establish an office in Brussels (which would move to Strasbourg when the Parliament is in session there). Congress should obviously not continue to rely on the U.S. Mission to the EU as its interlocutor with the EP (USEU is obviously, first and foremost, responsible to the State Department). If the only institutionalized presence of the Congress-EP relationship is the Parliament office in Washington, attention will naturally gravitate to issues of concern to the EP (which will have staff to push those forward) with less attention given to Congressional priorities. Of course, Congress cannot establish multiple offices with parliaments around the world. However, a case can be made that the European Parliament, which represents 500 million people producing \$14.5 trillion in GDP, is developing into a unique institution.³ Certainly, in trade, economic, and regulatory policy, the Parliament is establishing a role comparable to Congress. And given the strength of the transatlantic market, Congress should view the European Parliament as its partner in creating the basis for regulations and standards that will drive the global economy. For example, Parliament has been involved in negotiations with the EU member states over a financial reform package, establishing rules on oversight for hedge funds and other financial instruments.

In combination with the financial reform passed in the U.S. Congress, this measure—and the regulations that will flow from both—will define the global financial market for some time to come. This cannot be said of the Indian Parliament or any other, including the German Bundestag.

■ The Transatlantic Legislators' Dialogue should be enhanced. The current co-chairs, Rep. Shelley Berkley and Elmar Brok, should be applauded for bringing new energy to the dialogue. But the TLD has long been hampered because its members are primarily transatlantic generalists. It has certainly been valuable to have the TLD serve as a “champion” of the relationship overall in both legislatures. And there is a continuing need for a forum in which members of Congress and the EP can talk about issues of mutual concern, including the foreign policy issues that have often been the focus of TLD discussions. But this experience has not adequately addressed the need for Congress and the EP to have greater communication and transparency on regulatory issues that reach across the Atlantic. For example, if the Congress undertakes, as anticipated, an effort to update U.S. regulation on chemicals, it should have the opportunity to take into account the EU experience with its REACH regulation. This is not about respecting the EU, but rather because U.S. and European companies that deal with chemicals in both markets (including Dow, BASF, and many others) need compatibility in regulations to reduce their costs. Thus, the TLD should be supplemented by a committee-to-committee structure with an emphasis on non-foreign policy matters. The committee structures of the House of Representatives and the European Parliament are similar, with both covering many of the same topics, such as agriculture, energy, international trade, civil liberties, homeland security, transportation, infrastructure, and research. Regular consultations among the chairs of the related committees in Washington and Brussels could be enormously useful in raising awareness of how the work of the two bodies is connected, and could even assist in setting legislative agendas. Committee-to-committee staff consultations could be even more regular and detailed.

■ The Congress and European Parliament should become an integral part of the TEC and other U.S.-

EU bodies. For the U.S. administration and the European Commission to hold regular consultations on regulatory matters without legislative participation is immensely short-sighted. In effect, it leaves out major decision-makers on these issues on both sides of the Atlantic. Legislative participation in these bodies could be designed in several ways. The appropriate committee chairs, for example, could be full-fledged members of the Energy Council, or they could participate in part of the meeting with a discussion of legislative priorities and attitudes. Legislators could, for example, develop a regular mechanism for identifying pending legislation that might have an extraterritorial impact and that should be examined more closely in the TEC. These same legislators could provide a regular assessment of TEC progress in priority areas and build this into their oversight procedures of relevant regulatory agencies. Having European Commissioners and U.S. Cabinet and White House officials meet regularly to tackle regulatory issues is an enormous step forward. Including legislators in that circle could encourage these two legislative bodies to work together to overcome existing obstacles to the development of an even closer and more prosperous transatlantic economic space. But, giving legislators an integral role in the TEC will not be productive if they see themselves as protectors of existing barriers rather than partners in finding solutions that will further economic growth in both the EU and the U.S. Legislators have proven that they can be part of the problem by creating regulatory difficulties in the U.S.-EU arena. Making them an essential part of these regulatory dialogues could make them part of the solution.

The evolution of the Congress-European Parliament relationship cannot simply rest on process. An enhanced process must lead to the identification of projects on which the Congress and Parliament can work together—or at least compare notes and avoid enacting contradictory legislation. The same must be said for the relationship overall. Even though the Lisbon reforms are primarily about process, they will have little positive impact on U.S.-EU relations unless they lead to an improved ability to address specific issues together. In other words, the post-Lisbon EU decision-making context must offer some new opportunities to work together.

Three policy areas in particular seem ripe for this closer cooperation: trade and investment; justice and home affairs; and development assistance. In all of these areas, Lisbon has enhanced the EU's powers relative to the member states, or given certain actors—such as the Parliament—new powers that it is eager to exercise. To solidify these new powers, the EU must demonstrate that it is in charge of these policy areas and that its actions are at least as credible as those of individual member states. It will thus need to embark on policy projects that both answer a specific need, but also show the relevance and effectiveness of an EU-level response. The question for Washington is whether the United States can use this impulse to enhance EU-level policymaking to create closer transatlantic cooperation. By focusing on issues where the EU has gained new powers and is eager to prove that it can be effective, the U.S. has a greater chance of success.

To this end, the U.S. and the EU should reinvigorate efforts to reduce barriers to bilateral trade and investment. As pointed out above, Lisbon has given the EU exclusive competence over trade policy. Coupled with the fact that Lisbon also gives the EU a “legal personality,” including the ability to sign trade treaties on its own, these steps will reduce the role of the member states in trade to a bare minimum (it is not entirely clear whether member states will still have influence over some limited trade policy issues, such as geographical indicators or audio-visual products). In addition, under Lisbon, trade agreements with other countries will require European Parliament approval without possibility of amendment; an arrangement very similar to the U.S. “fast track” or “trade promotion authority” under which Congress has reviewed such accords in the past. Thus, while the EU institutions now have more control over trade policy, the EU context on trade is both more complicated and political (not unlike the U.S. context). The move of investment policy from member states to the EU level is much more ambiguous, with certain elements staying with the national governments (and the bilateral investment treaties), and others moving into Brussels' purview. But the line between these is very fuzzy and will probably only really be determined in practice. In this environment, Brussels and its various institutions will be looking for ways to establish their dominance of the trade and investment sphere. Thus, the time

may be ripe to undertake two potential initiatives.

First, the negotiation of a U.S.-EU bilateral Free Trade Agreement aimed at eliminating all tariffs and quotas on traded industrial and agricultural products could provide modest economic benefits while reviving support for more liberalized trade. Given that most transatlantic tariffs are low, such an agreement could be achieved relatively quickly. It is likely to enjoy a broader base of domestic political support since the EU has high-wage labor and stringent environmental and labor safeguards. And, since two-thirds of U.S.-EU trade is intra-firm, this agreement would have immediately beneficial effects on investment, profits, and jobs in both Europe and the U.S. Tariffs on agriculture have always been the major problem, but with governments facing pressure to cut budgets (and subsidies) on both sides of the Atlantic, now may be the time to take a bold step forward. Where agricultural tariffs are high, phase-out periods could be longer. Finally, a bilateral U.S.-EU accord has often been seen as a threat to the multilateral process, but we are clearly at a point in the Doha Round where an incentive is needed to move negotiations forward; U.S.-EU accord may provide just that push.

Second, the development of reasonable and compatible guidelines for national security reviews could facilitate the removal of remaining restrictions on foreign ownership of certain investments. The CFIUS process (Committee on Foreign Investment in the U.S.) has no EU equivalent, although several member states do have similar mechanisms. Now is an opportune time to move forward, as the EU will seek a project that can demonstrate its new competence over investment policy. The U.S. and EU should develop guidelines for allowing foreign investment to flourish with reasonable national security safeguards. In time, such guidelines might become a global standard as other countries grapple with the balance between prosperity and security. Perhaps more immediately, they will provide an effective national security review process that would allow restrictions on foreign ownership to be removed in most cases by providing an appropriate review process.

Aside from trade and investment, the policy area affected most significantly by Lisbon has been that of justice and home affairs, or the creation of an area of

freedom, security, and justice in Europe. Prior to Lisbon, EU decisions over internal security, anti-terrorism, judicial cooperation, migration, and other related issues were largely in the purview of the member states. Now, however, decisions will be subject to majority voting in the Council and the Parliament must also approve new legislation and regulations. While Lisbon gave Brussels more power in this area, it did not necessarily streamline decision-making. Instead of one Commission directorate, there are now two: one focused on security and migration, and the other focused on citizen rights and justice. In addition, as mentioned above, the Charter of Fundamental Rights—which now has the force of law—will be a major factor as the EU seeks to harmonize member state approaches.

For the United States, this means that U.S.-European cooperation on anti-terrorism and in fighting transnational organized crime will increasingly be focused on the EU-level. Bilateral ties with member states will continue to exist based on traditional relationships, especially in the area of intelligence sharing. But whereas the United States previously negotiated mutual legal assistance treaties with all the member states, in the future this could be consolidated into a U.S.-EU accord. Similarly, U.S. discussions regarding passenger name records, terrorist finance tracking program, and other anti-terrorist data collection programs, which have been focused on the EU-level, will become the norm, but will now have to comply with the Charter's provisions.

As the EU begins the lengthy process of consolidating the approaches of twenty-seven member states, through both harmonization and mutual recognition, the United States may find it advantageous to focus on two elements. First, the EU process, at the best of times, is not very transparent. The United States should push hard for constant dialogue about the impact of creating an "area of freedom, justice, and security." How will the gradual construction of an EU-wide migration policy, including allowances for economic migrants, affect the status of Americans working in Europe? As Europe reduces its internal barriers for people, goods, and money, what will be the impact on governments' ability to track suspicious individuals, cargos, and financial transactions? How will the growth of EU-wide police and judicial coop-

eration—including through such instruments as the European arrest warrant—affect U.S. relations with individual member states, including extradition procedures? If it does not pay attention, the United States could find itself seriously disadvantaged by gradual changes across this whole panoply of "domestic" EU issues. Second, now is the time to negotiate a U.S.-EU arrangement on privacy issues, ranging from anti-terrorism to consumer protection. Before the Charter of Fundamental Rights had the status of law, it was much easier for the European Commission or others to interpret the EU privacy directive in ways that allowed U.S.-EU cooperation on data-sharing. But with strong implementation of the Charter now seen as one way to make the EU resonate with its citizens, such flexibility will be much rarer in the future. Before internal EU discussions push the implementation of the right to privacy into a more difficult direction, an accord with the United States could help ensure that the right to privacy is balanced with the right to security. The EU is likely to be eager to show that it can reach agreement in this area, as it would solidify its position relative to the member states. But this window of opportunity will not last long, and the maturing of EU policy in this area is likely to complicate U.S.-EU cooperation if there is inadequate U.S. consultation.

As for the more traditional foreign policy issues, the biggest innovation of the Lisbon Treaty was the unification of the positions of European Commissioner for External Relations and High Representative for CFSP. The significance of this shift in the short term is not so much the decision-making link that it creates between Council and Commission—although that is important—but the opportunities it creates by bringing EU resources closer to EU foreign policy. In the past, the real center of EU foreign policymaking was the Council of Ministers and the Political and Security Committee, both controlled by the member states and generally operating on unanimity. However, the high representative responsible for carrying out this policy had no access to serious funds. In contrast, the European Commission had its own foreign policy priorities, mostly focused on managing structured relations, providing development assistance, and using trade and access to the Union to build closer relations. The Commission did have considerable resources to use in support of those objectives. The

unified position will now make it much harder for these two EU foreign policy processes to operate in isolation from each other. It will also make it easier for European Commission resources to be deployed to meet the priorities set by the Foreign Affairs Committee of the Council.

Given this shift, one of the areas ripe for U.S.-EU cooperation could be development assistance. The EU, through both the Commission and the member states, is a major donor throughout the world, and a leading actor in the relevant international institutions. Lisbon brings the opportunity to ensure that EU assistance is in line with EU foreign policy priorities. The HR/VP could also use the closer link between the Council and Commission funds to press for greater coordination between EU and member state assistance. The United States is also undertaking a review of the relationship between its own development assistance and foreign policy. Now that the post of USAID administrator is filled, and with Secretary Clinton's Quadrennial Diplomacy and Development Review expected soon, the time is appropriate for asking how changes in U.S. and EU development assistance policies might be coordinated. Specifically, a high-level eminent persons group should review the current status of U.S. and EU development assistance and, without passing judgment on the past, suggest where greater cooperation in the future might be advantageous and how it could be made effective. This effort could encompass humanitarian assistance and disaster response, as well as longer term development support. It could address the issues of policies and representation within the multilateral development institutions, and even examine U.S. and EU approaches to the issues of human rights and corruption as they relate to development assistance. For example, in the wake of the Pakistan floods, the United States has contributed approximately \$345 million and the EU €240 million collectively, €70 million of which was from the Commission (or \$323 million and \$94 million).⁴ But as the floods recede and the extent of the damage, both to humans and to infrastructure, becomes clear, the U.S. and EU must discuss how to collaborate in ensuring that Pakistan—whose stability is critical to the security of both the United States and Europe—can recover. The Lisbon Treaty, by rearranging the established processes, has provided an opportunity

for greater U.S.-EU cooperation in this key policy area.

Finally, in advocating that the United States and EU think constructively about how the process innovations of Lisbon can help build a more effective transatlantic partnership, two caveats are needed. First, the United States must still reach out to the individual member states. Individual bilateral issues will remain, especially with the big members states such as Germany. Even on European issues, the member states will continue to be extremely influential, especially in the Council of Ministers and European Council. In recent years, U.S. efforts in different European capitals have been far more coordinated and aimed at affecting EU decisions. This will have to develop even further, including an even greater awareness of which country may “lead” more within the Union on which issue. Germany, for example, will continue to be a strong influence—if not a dominant one—on EU policy toward Russia and international economic governance. Second, the changes mandated by the Lisbon Treaty, particularly those related to foreign policy, will only become effective as the institutions of the Vice President/High Representative and the EEAS develop. In the meantime, there will continue to be EU disunity on key foreign policy issues, along with much criticism by the member states of EU institutions and personalities. The United States should not expect a sudden revolution, but rather an evolutionary process, with false starts and wrong paths. But in the end, this process of evolution could prove to be a quiet revolution in European foreign policy.

Notes

1 For a thorough discussion of the impact of Lisbon on EU trade and investment policy, see Stephen Woolcock, *The Treaty of Lisbon and the EU as an Actor in International Trade*, ECIPE working paper no. 01/2010, January 2010.

2 For a discussion of member state-EU tensions in relations with the United States, see Nick Witney and Jeremy Shapiro, *Towards a Post-American Europe: A Power Audit of EU-US Relations*, European Council on Foreign Relations, November 2009.

3 The comparable figures for the United States are 310 million in population and \$14.26 trillion in GDP (purchasing power parity).

4 U.S. figures are from the Department of State. EU figures are from an interview with European Commissioner for International Cooperation, Humanitarian Aid, and Crisis Response Kristalina Georgieva on 25 September 2010, available at <<http://www.focus-fen.net/index.php?id=f2420>> (28 September 2010).



ENLARGEMENT,
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AND THE BORDERS
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LUDGER KÜHNHARDT

Borders and Interests, Neighborhood and Spaces

A billboard at Amsterdam's Schiphol Airport said it all: "Some see countries with borders, we see markets with opportunities." This billboard, of course, did not feature a statement by the European Union but the ad of a Dutch bank. Where the private sector in Europe sees opportunities, European politics tends to see borders. The European Union is ambivalent and somewhat incoherent in its global outreach. At times, it claims to be a global actor projecting norms, values, and interests. At other times, it appears hesitant and timid, trying to build barriers between Europe as an island of stability and the large oceans of uncertainty and instability beyond its shores. At times, the European Union sees globalization as an opportunity. At other times, its leaders define globalization as a threat to a somewhat imaginary "European model." The European Union likes to be seen as projecting attraction and inclusivity, but its policies often remain geopolitically incoherent. The European Union indeed is appreciated worldwide as a model of conflict resolution and multi-level governance. Yet the West as a whole—the U.S. as well as the EU—is confronted by emerging powers with mistrust when they claim to define the norms of global governance alone.

Since the 1990s, the European Union has definitively broadened its horizon.¹ It has done so in ways that are reminiscent of the policies of the Portuguese Prince Henry the Navigator in the fifteenth century. His ships sailed along the coast of West Africa; for some time, he remained hesitant to have them move beyond Cape Bojador for fear the earth could be flat and the waters behind the Cape hot as fire. Since the end of the Cold War, the European Union has initiated a vast

array of policy processes related to its neighborhood and beyond: From the Barcelona Process to the Union for the Mediterranean; from the European Neighborhood Policy to the Eastern Partnership, the EU's policies dealing with the peripheries of Europe are framed by the evolving European Security and Defense Policy and its evolution toward a Common Foreign and Security Policy. A complex structure of projects and policy processes has emerged, projecting the European Union's growing presence beyond its borders.

Germany's foreign policy is tightly integrated into these activities and ambitions of the European Union. An independent German policy toward enlargement, neighborhood, or global issues has become almost impossible wherever promoted, invisible wherever activated, and ineffective wherever tried. German foreign policy, by and large, is part of the overall foreign policy coordination and implementation in the EU. While German foreign policy tries to remain an advocate of special issues—most notably promoting coherent relations of the EU with Russia and advocating a more pro-active EU policy toward Central Asia and the Caucasus region—German foreign policy also had to broaden its own horizon as far as the priority interests of its EU partners are concerned, most notably in the context of EU policies toward the Mediterranean. German foreign policy—more often, however, its preferred partners, including the U.S.—had to realize that a German foreign policy priority does not necessarily turn into a joint EU foreign policy priority. The bargaining process in EU policy formulation impacts German foreign policy autonomy, limits autonomous strategies, and preempts autarkic policy operations whenever tried. By and large, German foreign policy has become part and parcel of the

growing regional and global presence of the European Union. It goes without saying that this strategic and operational inter-connectedness is not free from contradictions and bottleneck—as much as it is true for the promotion of single-issues and genuine priorities of other EU member states (i.e., French interests in Africa, the UK's special relationship with the U.S., or Spanish advocacy of a more moderate policy toward Cuba).

The overall effectiveness of the regional and global presence of the European Union has been challenged by the return of globalized power politics outside EU borders. The return of global power politics—reflected in discourses about global power shifts—was faster than the cautious discovery of the EU's external presence. In an altogether unstable, yet emerging multipolar world order, the European Union has become an actor in search of a global role. Its neighborhood policies have become subject to the impact of global challenges beyond these neighborhoods. Sometimes, global issues have taken neighborhood policies of the EU hostage, e.g., the Middle East conflict with its limiting impact on the Union for the Mediterranean.

Against this background, the discourse about the borders of Europe includes two aspects. First, the issue of borders touches on matters of European identity, internal European political will, absorption capacity vis-à-vis new potential member states, and the ambition to project EU capabilities. Second, the extended neighborhood of Europe and the world at-large impact on the internal European reflection about border issues, neighborhood policies, and Europe's global presence. The twain does not always meet: It leaves an almost inevitable gap between the normative ambitions of the EU on the one hand, and the global recognition of the EU's normative and strategic ambitions on the other hand. This is evident in all possible aspects and directions:

■ Toward the east and south of Europe, the issues and strategies discussed by the European Union reflect overlapping and, all too often, inter-blocking approaches. This has often been criticized as far as EU policies toward Russia, the Ukraine, and the Caucasus are concerned (oil and gas versus political dialogue and human rights; strategic aspects versus

good governance). It has also been the center of critique as far as the EU's policies toward Turkey are concerned (normative versus strategic aspects; market and security issues versus human rights and minority issues).

■ To the west of the EU, the application of Iceland has opened a new dimension in Europe's global discovery. On the one hand, it symbolizes the shift in integration rationale from internal European reconciliation to the positioning of Europe in the age of globalization. While the application of Iceland—initiated by the global financial crisis that hit the North Atlantic island nation hard—has brought home to the EU the fact that globalization has ambivalent effects on any of its member states, it has also strengthened the rather parochial position of those who tend to define the European Union as Europe's umbrella of protection against global market forces; sometimes it seems as if “the market” were the new big enemy of Europe's social model.

Among the realities outside the European Union that have the strongest impact on the European Union's search for global presence and interest projection three are the most relevant: the return of “the Russian question”; the ongoing Middle East quagmire; and the uncertainty about the future of Africa. They add to the virtual debate about the “border” between the global market forces and the regional political forces.

Never in history have borders been virgin choices of geography. Borders have always been functions of history which, in turn, is a function of politics. It is in light of this experience that the European Union has entered the global arena by way of introducing a unique dimension to foreign affairs and international relations: the neighborhood concept. It may be impossible to identify any constitution of any country in the world that pays special attention to its immediate neighborhood by turning the relationship into a constitutional matter. When the European Union embarked on its constitution-building process in the first decade of the twenty-first century, exactly this happened: Title VIII, Article I-57 of the aborted Constitutional Treaty of the EU referred to “The Union and its neighbors” in the following words: “The Union shall develop a special relationship with neighboring countries, aiming to establish an area of prosperity

and good neighborliness, founded on the values of the Union and characterized by close and peaceful relations based on cooperation.”² The text uses the term “special relations” as if it were the introduction of some sort of a European Monroe Doctrine. The Treaty of Lisbon, which entered into force on 1 December 2009, reiterated the words of the Constitutional Treaty. Now they were included under Article 8 in Title II “Common Provisions.”³ With the Lisbon Treaty the EU’s Neighborhood Policy has become a matter of primary law in the EU.⁴ While the failed constitution related neighborhood matters to the overall objective of EU enlargement, the Lisbon Treaty decoupled the two issues: neighborhood matters have become matters of “common provisions,” while the issue of enlargement has been relegated to a later stage of the text. In other words: While enlargement fatigue has turned the prospect of further enlargement to the Balkans, to Turkey, and possibly to other eastern European countries into a matter of—almost—enlargement fear, the neighborhood issues have become more prominent without, however, becoming more clear as far as the objectives of this policy sphere are concerned. A basic definition may be as follows: neighborhood is understood as a geographical space aimed at projecting EU interest and projecting Europe’s stability in order to prevent the import of instability into the EU.

The EU’S Neighborhood Policy is based, primarily, on bilateral agreements. As such, the Neighborhood Policy is part of the Common Foreign and Security Policy that remains, by and large, intergovernmental under the Lisbon Treaty.⁵ The European Commission is entitled by the European Council to negotiate bilateral agreements with third parties. Under the new High Commissioner for the Common Foreign and Security Policy, Catherine Ashton, the formulation and implementation of this policy will be attached to the European External Action Service, the EU’s Diplomatic Service, which is currently in the process of being established.

Since 2007, the European Neighborhood Policy includes the “Neighborhood and Partnership Instrument,” which is its financial arm aimed at better serving the special needs and priorities of individual neighboring states of the EU. As this financial instrument of the EU’s Neighborhood Policy is part of the

overall EU budget, the European Parliament is involved in the decision-making and thus the allocation of neighborhood resources. In doing so, the European Parliament can influence strategic priorities of the EU’s Neighborhood Policy which, as a consequence, includes both an intergovernmental and a supranational dimension. This does not make things more transparent and easy to understand, for Europeans and for non-Europeans alike. Inter-locking activities in the EU all too often are in danger of becoming inter-blocking. This is no new experience and yet remains the proper European mechanism to square the circle between twenty-seven established national interests and one emerging European interest.

Between 2007 and 2013, the EU has allocated €11 billion to its Neighborhood Policy. Ninety-five percent of this money is being spent on national and multi-country programs; 5 percent is spent on programs supporting cross-border cooperation among EU neighbors. While the overall EU foreign policy is meant to be represented by the EU High Representative, the European Commission includes an additional commissioner in charge of neighborhood and enlargement issues; the Czech Commissioner Stefan Fühle has been bestowed with this responsibility in the current Barroso II Commission.

All in all, the European discovery of its neighborhood, the linkage with EU enlargement issues, and the contextualization in the overall geopolitical orientation of the European Union has been a matter of less than two decades, as the time-line indicates:

- 1993 Copenhagen Criteria defining the preconditions for EU enlargement (democracy, rule of law, protection of minorities, market economy) and linking them with the absorption capacities of the EU;
- 1995 Barcelona Process (Euro-Mediterranean Partnership);
- 2002 Neighborhood Policy;
- 2003 EU Security Strategy;⁶
- 2004 and 2007 EU Enlargement to Central and

South Eastern Europe as well as Cyprus and Malta;

■ 2007 European Neighborhood and Partnership Instrument;

■ 2009 Union for the Mediterranean and Eastern Partnership.

Four Concepts of Geopolitics for the EU

When the Maastricht Treaty came into force in 1993, the European Community was renamed the European Union. With the Maastricht Treaty, the European Union completed the initial vision of European integration by launching a common currency for its common market; since 2002, the euro is the only currency in a growing number of EU member states—in fifteen in 2010, including Malta. With the Maastricht Treaty, the European Union also started its new rationale for European integration by gradually becoming a global political player; but in 2010, the EU's common foreign and security policy is still incomplete. The geopolitical as well as the internal transformation that has accompanied the past two decades of European integration was enormous. All in all, the European Union has achieved a lot during these past two decades. But its global strategy and foreign policy is still incoherent. The core of the matter when assessing the root causes of this prevailing deficit is as follows: While European integration started in the 1950s as a project of peace and reconciliation, of pooling of sovereignty and taming of national interests, the world surrounding the European Union in 2010 (and certainly well beyond!) is driven by sets of norms, codes of conflict, and forms of pursuing interests that often differ from European self-perceptions. The European Union prefers to be understood as a normative power, yet it is often challenged by the power of external realities that it finds difficult to reconcile with its own set of norms.

Strategically, the European Union's neighborhood policies are torn between different concepts of geopolitics and different strategies of how to implement them. With William Walters one can define four different types of geostrategies that the European Union is trying to practice simultaneously in relation to its near and distant neighbors:

■ The idealistic concept of de-territorializing politics and advancing a borderless sphere of networked, cooperative, and multilateral relations. What shall be achieved inside the European Union is also suggested to be the guiding line for trans-national and international relations in the age of globalization. As borders have been abandoned by and large inside the European Union, many in the EU prefer to perceive the world at large through the same lens of potential borderless-ness. Effective control of frontiers and clashing realities should happen through a wide set of cooperative measures. Joint interests instead of conflicting constellations—this is the mantra of de-territorialized politics.

■ The skeptical concept of buffer zones, which are intended to divide chaos and stability inside spheres of inclusion and outside spheres of exclusion. Without generating direct confrontation between the two spheres, the "in-between" spheres are left as indistinct, grey, and undecided. Inter-zones between powers with potentially clashing norms and interests are a soft form of frontier.

■ The aggressive concept of colonial frontier, which is linked to the projection of norms, standards, and interests. This concept includes an element of expansion, which is not necessarily violent. It is inherently linked to the desire of transforming the outside spheres in order to enhance joint stability and mutual advantage.

■ The rigid, static concept of explicit limits, frontiers, and barriers. While the aggressive concept of expansive frontier is ready to engage with the spheres outside the border, the static concept of protective and defensive frontiers draws a clear line in the sand between inside and outside. Relations between inside and outside, at best, can be asymmetric, implying the unchangeable inferiority of the outside sphere.⁷

In pursuing certain elements of all four concepts, the EU is aiming to reconcile contradicting strategies. This situation is worsened by the fact that the EU is also trying to reconcile different modes of governance. This effort in itself produces a tall agenda of internal coordination and conflict, incoherence, and frustration. Scholars such as Jan Zielonka are characterizing the EU as a neo-medieval empire without

a stringent center of power, with loose peripheries, informal modes of projecting norms, and a decentralized implementation of decisions and regulations.⁸ In contrast stands the traditional model of the Westphalian state, a centralized state with the monopoly of sovereignty and power. While the EU never intended to emulate the Westphalian state model, its neo-medieval character is a curse and benefit at the same time: it helps to accommodate the diversity of Europe but it makes coherent common action difficult. This is especially felt in the European Union's dealings with its strategic neighborhoods.

■ The Northern Dimension of the European Union was promoted by the Scandinavian states and Finland. They considered the end of the Cold War an opportunity to explore and tap the resources of the Baltic Sea and, eventually, of the Arctic Circle. The Northern Dimension was designed as an optimistic strategy of cooperative multilateralism.

■ The Eastern Dimension of the European Union was torn between three geopolitical strategies: hope, fear, and uncertainty about the fate of Russia. Cooperation and normative expansionism and new frontiers out of security concern or buffer zones between itself and the newly rising Russian power were combined in the absence of a clear commitment to the “in-between” states, especially Ukraine. The European Union has been adopting elements of all three attitudes in the outlook to its geographic east. The Western energy dependency has helped Russia not only to use a new strategic weapon but to remind the European Union that its development is tied to Russia for better or worse—and that the key to decision-making on energy and other Eastern matters does not simply lie in Brussels.

■ The Southern Dimension of the European Union was initially driven by three unrelated aspects: the concern of the Southern EU countries to counterbalance the eastern orientation of Germany and some other northwestern European states; the desire to build bridges across the Mediterranean, especially to the Maghreb with its strong links to France and the Iberian peninsula; and the hope of turning the fear of importing insecurity (including migration, radical Islam, and poverty) into a new mode of equilibrium and control.⁹

A Case Study: The Union for the Mediterranean

While the EU's Eastern Partnership has gained attention in the U.S. because of its instant importance for the joint Western strategy toward Russia and Eurasia, the Mediterranean perspective of the European Union has found less attention in the U.S. From a German perspective, the EU's Eastern Partnership echoes traditional policy priorities and interests. But since the fall of the Berlin Wall and the beginning of the EU's enlargement policies toward Central and Southeastern European countries, German foreign policy was confronted with the demand of France and other Southern and Southwestern EU partner countries to also look toward the EU's south. Eventually, a balance had to be found between eastward enlargement and Mediterranean orientation. Over time, Germany as much as other north-Alpine EU member states have also increased their interest and focus on Mediterranean issues. The more the EU advanced a coherent Mediterranean policy strategy, the more they have become—in a political sense—littoral countries of the Mediterranean.

As for the EU as a whole, the Mediterranean has returned to the center of attention in EU policy circles, when the “Union for the Mediterranean” was created in 2008. This creation was in the interest of all littoral EU member states and it reflects the importance of the Mediterranean for the future of the EU. In 1995, the “Euro-Mediterranean Partnership” (Barcelona Process) was created. Its inclusive membership turned out to be a strength and weakness alike. Israel sat next to the Arab states around the Mediterranean, including the Palestinian Authority. In a loose way, the “Euro-Mediterranean Partnership” tried to emulate the Conference on Security and Cooperation (CSCE) that was instrumental in managing the decline of the Cold War in Europe. The three thematic “baskets” of the CSCE were a source of inspiration for the Barcelona Process: security; economic and technological cooperation; and the human dimension, including human rights. By 2010, a free trade zone around the Mediterranean was to be implemented—an unrealistic time-line.

The Barcelona Process always was and the Union for the Mediterranean continues to be an incomplete and

incoherent combination of impossible factors: The Mediterranean Partnership remains asymmetric, a partnership among un-equals. Neither the strategic goals nor useful instruments were ever properly defined. They were mostly used in a way in which all partners hardly meant the same, even when using the same words. The Arab states felt blamed by the EU for their political and economic under-performance. At the same time, the EU rejected fully sharing the instruments of Europe's technological progress with the Arab world. The European Union continued to be undecided whether the Mediterranean ought to be a bridge or a barrier, a marketplace of cooperative networking or a security zone of imminent and growing threats. The Barcelona Process was an insufficient toll to initiate solid contributions to the Middle East peace process. Time and again, projects and plans of the Euro-Mediterranean Partnership became hostages of the Middle East conflict.

With the initiation of the Union for the Mediterranean everything should get better, easier, and faster—according to its supporters in the EU, and especially in France where the concept for the Union originated.¹⁰ French President Nicolas Sarkozy was the first to promote the Union for the Mediterranean. He sees it “as the basis for a political, economic and cultural union among strictly equal partners”—these were the words he used when inviting his colleagues to the inaugural summit in June 2008 in Marseille. There, the EU Heads of State and Government, together with their old and new partners from the southern shores of the Mediterranean, proclaimed the Union for the Mediterranean. Now, everything should be better, they promised each other. For most Europeans, it was confusing to see the establishment of yet another union side by side and somewhat interlinked with the European Union.

The Union for the Mediterranean is now planning regular joint conferences among member states on the basis of a rotating presidency somewhat following the European Council. Topics of common interest and concern are easy to identify: energy, security, the fight against terrorism, migration, trade, corruption, organized crime, and human trafficking. The idea of a Mediterranean Investment Bank, following the model of the London-based European Investment Bank, did not materialize. The Secretariat of the Union for the

Mediterranean found its seat in Barcelona, a decision which somewhat pays tribute to the original Barcelona Process. The initial Co-Chairmanship of the Union for the Mediterranean is shared by France and Egypt. Israel and the Palestinian Authority are granted a Vice-Secretary General each (that is two of six Vice-Secretary Generals). The Arab League was accepted as an observer without decision-making powers (it is not clear what sort of decision-making powers the forty-three member states of the Union for the Mediterranean truly have). In the absence of a coherent and convincing joint strategy, consensus-building is vital. Yet, some aspects of the Union for the Mediterranean deserve to be mentioned in more detail:

■ The Union for the Mediterranean includes all EU member states and not only the immediate littoral member states. This decision put to rest a debate President Sarkozy had provoked by suggesting that the Union for the Mediterranean could be a parallel operation beside the European Union. Germany and other EU member states stopped the French president—and thus reinforced the useful fact that all EU member states consider the future of the Mediterranean their genuine and common interest. For better or worse, in the end the Union for the Mediterranean has become the re-vamped prolongation and continuation of the Barcelona Process. But what will happen if one day Israel or Syria (or even the two together) will express the wish to take over the rotating chair of the Union for the Mediterranean?

■ The Union for the Mediterranean intends to gain confidence and reputation through a series of successful and sustainable projects. This includes, for instance, a better use of solar energy and other renewable sources of energy in the region. The initial idea for the Barcelona Process was similar, but it never worked to the general satisfaction: Too many countries were pursuing too many different objectives while all of them invested too few means to implement any of them properly. The test case for the Union for the Mediterranean will be its ability to project relevance and legitimacy through successful projects and actions that are capable of substantially transforming realities in the Mediterranean: from intercultural dialogue (a Euro-Arab Dialogue Center will be established in Malta) to issues of good governance,

from migration to urban planning, from water security to energy, from technology transfer to education perspectives for the young generation.

■ Initially, French President Sarkozy intended the Union for the Mediterranean to be a substitute for Turkish EU membership. Membership negotiations between Turkey and the European Union have been under way since 2005. No matter their slow progress and the tall agenda accompanying this process of steady approximation: The “Union for the Mediterranean” is not going to be the frame to un-do the hopes of EU-enthusiastic Turks or to relieve the fears of Turkophobes in the EU. The Union for the Mediterranean might rather become an ante-chamber to accelerate the EU membership perspective of Turkey, although this is a debatable detail. In any case, Turkey was willing to participate in the Union for the Mediterranean only after its participation was definitely recognized by all EU partners not to be the alternative for Turkish EU membership.

■ In the final analysis, the Union for the Mediterranean is the rhetoric prolongation of the Euro-Mediterranean Partnership. The main dilemma of the Mediterranean cannot be transcended by this Union or any other asymmetric constellation: The integrated and powerful European Union is encountering an incoherent, weak, and un-integrated group of individual partner countries on the southern shores of the Mediterranean. While the European Union has begun bi-regional negotiations with various regional groupings across the globe, such as MERCOSUR, the Union for the Mediterranean cannot become such a bi-regional or inter-regional mechanism. In the absence of a regional grouping on the southern shores of the Mediterranean, the Union at best can be a loose frame to advance pragmatically through cooperative projects. Optimists hope that the Union for the Mediterranean can pragmatically contribute to easing tensions of which the overall region is so loaded.

■ At best, the Union for the Mediterranean can become a focused regional component of the European Neighborhood Policy, overcoming its incoherent character. In the meantime, the EU has granted budget resources to implement the European Neighborhood Policy, aimed at exporting stability and norms while generating an overall atmosphere of

cooperation and cordial neighborhood. A Union of equal partners looks different.

The wise former President of Malta, Guido de Marco, has spoken of a Euro-Mediterranean “forma mentis,” which should evolve in reaction to the common Mediterranean heritage, no matter all current divisions.¹¹ With the Union for the Mediterranean, the cultural notion of a “forma mentis” is broadened by an open chapter of gradually developing common interests. In the years to come, this chapter will be written amidst the mixed atmosphere of skepticism and fear that has accompanied the initiation of the Union for the Mediterranean. It has to stand the test of the new age of globality.

Challenges in the Eastern Mediterranean

Against this background, the European perception of the Eastern Mediterranean is particularly vexed. Also here, the EU is torn between normative aspirations and the indecisiveness of its multiple geostrategies. Traditional interests of individual EU member states add another component to the difficult process of policy-formulation. While the European Union is unanimously convinced about the need to promote peace in the Middle East, it is less clear about how to reconcile values and interests in order to achieve a fair and lasting peace for the region.

On their individual perceptions of the role of Israel, EU member states can easily split, especially when it comes to the judgment of the proportionality of certain Israeli actions against the terrorism that threatens Israel's existence. The same, of course, holds true with regard to European perceptions of individual Arab countries, especially in the context of good governance, democracy, and the problem of radical Islam. Also here, European actors can have incoherent opinions and strategic suggestions as to how to proceed. These political splits that can easily be detected across the European Union reflect split opinions across the European society. In this regard, they are the normal expression of pluralistic democracy, exacerbated by the complex web of EU multi-level governance. As a consequence, however, it is sometimes easy to criticize individual EU member states for not being impartial, while the European Union as a whole is trying to project this image of the

impartiality of an honest mediator in the Middle East.

Most troubling for the European Union in its Middle East policy is the relationship between security and democracy. Given the Middle East conundrum, it can easily produce contradictory actions that are intrinsically contrary to what the EU believes in. In Europe, the notion of security as a zero-sum game has been replaced by the concept of security as a win-win constellation. In Europe, strong confidence in democracy is coupled with high sensitivity about the potential of enemies to democracy that may use and abuse democratic means. Given these attitudes, the Middle East often remains a black box of European minds and a permanent state of emergency for European policymakers. All the more, it is a remarkable fact that, in the meantime, the European Union as a member of the Quartet has been recognized as a strategic political player across the Middle East and on the global scene.

In 2010, at the time of writing this paper, the two traditionally most important actors of the Middle East are sitting at separate ends of the table: While the Obama administration wants a speedy return to negotiating a two-state solution, Israel is weaker than ever and split internally. At the same time, the paralysis of the Palestinian Authority is another deplorable fact while the Arab states are more united in defining what they do not want than in implementing common objectives. This could be Europe's hour, but it would require the European Union as a whole to project itself as more than an honest broker to revitalize the peace process. The EU would need to become much more pro-active—a hope that will hardly materialize while Europe is busy struggling with the worst global financial and economic crisis in decades. A more pro-active European Union would need to project at least the following elements of a coherent strategy for Middle East peace:

- Upgrade the position of a Special Envoy of the Quartet and convince the Quartet partners to give the Special Envoy a more pro-active role than Tony Blair has ever gained.

- Initiate some sort of a "Madrid II" conference with sustainable and detailed follow-up meetings that can lead into a "Camp David II" negotiation process.

- Guarantee impartiality and the strictest commitment to non-violence and proportionality while cautiously and gradually paving the ground for an inclusive process of communication and eventual negotiation, which evidently cannot turn its back on the reality of the existence of Hamas.

In the eastern Mediterranean, the European Union is inevitably confronted with forces it has not been comfortable with for a long time. This includes Syria and, in different countries, radical Islam in various forms. While on the issue of Syria, France and other key players on the European political turf have begun a policy of engagement, this is not yet the case with regard to European approaches to radical Islamic forces in the region, including Hamas in the Palestinian Territories. For strategic reasons, the European Union is promoting the gradual opening of Syria, hoping for an ever fuller cooperation of Syria and its gradual inclusion as a country of normalcy into the regional and global architecture. While initially the Syria question had been a normative one for most of the EU actors, it has increasingly been replaced by a more or less pragmatic strategic attitude: Syria is no longer an evil country but it has become an unavoidable component for any sustainable peace in the Middle East. This shift from normative rejection to strategic engagement has even reached the normative spheres in the European Union. In 2008, the Grand Mufti of Aleppo was the first religious leader to address the European Parliament at the beginning of its Year of Intercultural Dialogue.

As far as radical Islamic groups are concerned, the issue is not only strategic but also normative. While these groups might represent truly local sentiments, the European Union perceives them as largely anti-democratic in their objectives. The European concept of social and political pluralism and the double-headed concept of freedom of religion as it prevails in Europe today (as the freedom to practice religion and as the freedom to refrain from being religious) are not compatible with the political and religious objectives of radical Islam. For the time being, the European Union has not been willing to conceptualize any reasonable strategy of how to cope with radical Islam beyond the police and security strategy that applies to fighting terrorism. Eventually, the most plausible strategy might be a combination of deter-

rence and engagement as far as the political encounter with Islamic thinking and its political representation is concerned.

This approach is not without danger, given the extreme forces among Islamic groups that resort to violence as a means of political struggle. With them, hardly any dialogue is conceivable and only the instruments of policing, deterrence, and legal judgment can apply. But it will be inevitable for Europe at some point to draw the fine lines between violent Islamic radicalism, which will always be repudiated, and Islamic radicalism with whose representatives a conditioned dialogue can bear reasonable fruits. But for now, neither on principle nor in any coherent detail has any concept or strategy been discussed in Europe that could lead—officially or unofficially—to an encounter, let alone dialogue with forces representing radical Islam. Even in the academic sphere of Europe, the issue has been met with cautious helplessness. The European Union remains bound by the contradiction of approaching the Middle East through a normative lens on the one hand and a strategic lens on the other.

The Cyprus Conundrum

The Eastern Mediterranean usually attracts attention in the U.S. because of the importance of Turkey. While the EU has organized an ever closer approximation of Turkey to the structures of European integration since the early 1960s, it has fallen short of recognizing Turkey as a full member state. U.S. support of Turkish application has time and again turned counterproductive in the internal EU debate on Turkey. For the time being, Turkey has not only been recognized as a candidate country by the EU, but has been negotiating Turkish EU membership since 2005, with Turkey and the EU working through a lengthy list of thirty-seven “chapters” that cover all relevant policy areas as represented by the acquired EU law, the *acquis communautaire*. As much as it seems unlikely at this point that a speedy result of membership negotiations can be found, it is also unlikely that either side will properly stop the negotiation process. Under these conditions of factual stalemate, it remains imperative to continue the reform process in Turkey—a value in its own right for the modernization of that country—and strengthen

ties between Turkey and the EU.

The Eastern Mediterranean is not only an area of troubling controversies that exists outside the EU. Since 2004, the Cyprus conundrum is right at the heart of Europe. Here, the EU's geostrategic indecisiveness has encountered and reinforced the most interlocked dichotomy possible: While the Republic of Cyprus has become a member of the European Union, the quest of the Turkish Cypriots to implement the Annan Plan was rejected by the Greek Cypriots in the name of their European perspective. On Cyprus, the EU's mix of following four different geostrategies at the same time has generated a particularly frustrating situation.

The European Union could only overcome this self-imposed impasse by transforming its contradictory geostrategies into a coherent single one. This would mean creating symmetric relations with all parties to the conflict by accepting Turkey as an EU member. As long as many in the EU hope that EU membership negotiations with Turkey will not lead to membership, the EU cannot expect Turkey to hope that moving on Cyprus will lead to a better reputation or even to faster EU membership. As long as the Republic of Cyprus can insist on unanimity in EU foreign policymaking, the EU as a whole can hardly become an honest broker in the process of resolving the Cyprus issue. And yet, in past years, the European Union has moved more than anybody else—but only in one direction and without achieving what was defined as the prospect of this move: the resolution of the Cyprus problem.¹² One conclusion is evident, as long as moving fast will be understood as the best way to lose much, the opposite behavior will be rewarded: moving slowly as the best strategy to lose little.

While in the Middle East the European Union can project itself as an honest broker and mediator, on Cyprus the EU is on the side of one of the key players. This constitutes a fundamentally different constellation for the EU. As a mediator, the EU can balance between sticks and carrots. It can activate incentives and resort, if necessary, to threats. As party to a conflict, the European Union has only one choice: it must apply its normative system of inner-EU multilateralism without having the clout of

projecting the necessary power to either the outside parties in the conflict or the party in the conflict which is a member of the EU. Cyprus is the one dilemma the EU has intentionally aggravated by accepting the EU membership of the Republic of Cyprus.

The idea that EU membership of the Republic of Cyprus would eventually lead to the re-unification of the island and the subsequent membership of Turkey has failed, at least for now. Alternative strategies have not been tested either: Could Turkey join the EU without an earlier solution to the Cyprus issue? The conflict in Northern Ireland may include some insights for those advocating this strategy. The United Kingdom and the Republic of Ireland both joined the European Economic Community in 1973 without a prior solution of the Northern Ireland conflict. Borders on the British Isles have not since been rearranged and the Northern Ireland conflict has not come closer to a solution as a result of the EU membership of either of the two countries involved. Eventually, American mediation was essential to bring about the Good Friday Agreement in 1998. The issue of re-drawing borders was replaced by focusing on an inclusive political regime in Belfast. Both the United Kingdom and the Republic of Ireland can live with this situation, which does not affect their respective EU memberships.

As for the role of the EU in Cyprus, here is the paradox: The EU as an outsider might be accepted as a strategic player in the Middle East but it is obviously incapable of resolving a substantial normative and strategic problem that involves one of its member states and one of its candidate partners. By definition of its internal dynamics and the multi-faceted geostrategies it pursues simultaneously, the European Union obviously cannot utilize the prospect of EU membership as a key to resolving pending normative or strategic conflicts. The doors for post-communist countries to engage with the EU's *acquis communautaire* were open only once the communist regimes had been replaced. As for Cyprus, it would be futile to hope for a solution to the conflict as a function of EU membership negotiations with Turkey. Turkey might refuse to accept any disproportional move and the Republic of Cyprus might veto any move that it deems insufficient. The EU as a whole, in turn, is not in the position to impose its normative

philosophy on Turkey as long as its strategic interests can be vetoed by the Republic of Cyprus. For now, the European Union has not reconciled the experience of a normative and multilateral power with the ambition of playing a strong role among strategic powers that do not comply with EU norms and concepts of multilateral cooperation. The Cyprus conundrum is a case in point. For the time being, it seems as if a solution to the Cyprus question requires additional outside actors beyond the European Union, no matter the EU's increasing global presence.

The EU: Gradually Joining the World at Large

European integration is often understood as the European way of coping with globalization. Whether or not this is a sufficient definition of the purpose and goal of integration in Europe, this assessment certainly constitutes a revision of the original *raison d'être* of European integration. While in the early decades of integration, its main purpose was the creation of a European peace order, today European integration is increasingly understood as the frame for European nations to engage jointly with the world at large. European integration is more and more about Europe's reaction to global challenges and about the global role of Europe. No matter transient internal integration obstacles, the European Union is considered by its constituting parts as one of the sources of protection in trying times. Many external observers perceive European integration as a source of inspiration for their own regions. They look at the EU to better understand how best to cope with their own challenges of history and identity, politics and economics in the age of globalization. Inside the European Union, the integration idea is confronted with the challenge of legitimacy: How can the EU guarantee socially acceptable and culturally accommodating answers to the manifold challenges of the twenty-first century? Internal European reservations to European integration do not oppose the "idea of Europe" as such, but rather its concrete realization and the political management by EU institutions (and in fact more often by incompetent national institutions and policy processes).

The notion and character of Europeanization has changed, certainly since the introduction of a

common European currency and its underlying transfer of fiscal sovereignty to the European level. European integration increasingly impacts national political and economic but also social and cultural structures: From tax systems to education structures, from the screening of national budgets to efforts of benchmarking and European-wide comparisons of standards and norms. These efforts demonstrate that no member state of the European Union can escape the experiences, norms, and debates of other EU partners. The interference into the domestic political, economic, and constitutional structure of member states has provoked counter-reactions: Populist, anti-European, xenophobic, and other attitudes converge in myopic responses to the ever-increasing Europeanization of the European political and socio-economic spheres. These challenges increase the need to reinvigorate legitimacy and democratic rootedness of the European integration project. Neither has representative democracy been properly installed on the EU level yet, nor can participatory, deliberative democracy be the all-encompassing answer to the pending questions of legitimacy and accountability in the European Union. There can be no doubt that the structure of democracy and the perception of democratic norms have entered a phase of transformation in Europe. These developments need to eventually bring a recalibration of the relationship between participatory and representative democracy and its re-connection on the European level.

Against this internal background, the European Union is expanding its global presence. In the years and decades to come, the European Union needs to mature beyond its focus on neighborhood and enlargement issues into a global actor. The ever growing global role of Europe is largely related to the ability of the EU to project European values and norms beyond the shores of Europe as a contribution to global governance, regional conflict resolution, and the stability of countries and societies in turmoil. Whether Europe is a community of values is no longer confined to a rhetoric debate inside Europe. Europe as a community of values has to stand the test of a global agenda, where it can succeed only if its political strategies are perceived as contradiction-free. Europe's proliferation of the values of human rights, rule of law, and the promise of pooled sovereignty

through a global proliferation of regional integration mechanisms will remain dependent on Europe's internal performance, that is to say on its ability to convince through example, and on Europe's relationship with the United States of America. This indispensable partnership is the cornerstone for establishing a consistent and effective global role.

U.S. policymakers will surely reflect on the impact of the Lisbon Treaty on transatlantic relations. This entails a thorough discussion on the foreign policy aspects—institutional and strategic—that are related to the changes introduced by the Lisbon Treaty into the EU governance system. While the role of the European Parliament has been strengthened, the External Action Service will, over time, strengthen common foreign policies. Its development remains linked to a continuous and often daunting interplay of national and EU actors. But eventually, it is fair to assume a strengthening of the European level—not the least as this is in the interest of the many smaller and mid-size member states of the EU. Represented by the Delegations of the European Union that can be found in practically every country, they become part of the global order beyond their traditional means. For the big EU countries, the situation is ambivalent. They will continue to play on two pianos: They will pursue their traditional national channels and interests in the international arena, while at the same time they will influence and shape the emerging European foreign and security policies.

The world is currently undergoing more than processes of economic and technological globalization echoed by the media and the financial markets. The world is undergoing a global turn that positions every nation and region into a reflective mode about the impact of globality, meaning a new dimension of the “unity of the earth” to which every nation, region, and system needs to relate in a new way. At the crossroads of this new reality and forced by the global turn of the twenty-first century, two main policy implications need to be drawn on the American side of the Atlantic as far as the U.S. perception of the European Union is concerned:

■ First, the U.S. should take the European Union politically more seriously than ever by taking it at its word. As the EU is in need of continuing its conse-

quential geopolitical maturation and globalization, it needs to be reminded that neither side of the transatlantic equation can gain from unilateral action. While issues of dissent will remain normal in the transatlantic arena, it is imperative to renew the common global agenda by looking at transatlantic relations from their potential instead of seeing it through the prism of their limits and conflicting realities.

■ Second, the U.S. and the EU should turn the need for a renewal of transatlantic relations into a joint strategy in those policy fields that impact EU border and neighborhood issues and thus limit a genuine global role of Europe.

This agenda for a new transatlantic compact—a renewed *acquis atlantique*—ought to include:¹³

■ A joint U.S.-EU effort for a new initiative of the Middle East Quartet;

■ The establishment of a trilateral U.S.-EU-Russia dialogue forum to discuss the strategic issues of their respective partnerships; and

■ A joint U.S.-EU Africa strategy that defines Africa from its potential, recognizes the African ownership for the continent's development, and leaves room for U.S.-EU cooperation with China on African affairs.

Contributions to global economic, political, and legal governance, which needs to include a joint EU representation in the G20 Group; contributes to a reform of the United Nations Security Council based on a fair representation of those regions in the world that are not represented yet, including Africa, Southeast Asia, the Arab world, Latin America, and the EU itself; and helps to strengthen the International Court of Justice as an authoritative legal body with the right and obligation to intervene in domestic affairs of any country in the world in case of genocide, civil war, flagrant violations of human rights, or failed statehood.

Transatlantic relations remain at the heart of managing globality. No other combination of partners around the world has the same breadth, depth, and outreach. No other coalition of partners can project the same degree of power, influence, and capacity to act—if they wish so. Here is the test-case—and one of the

key challenges ahead—for a renewal of transatlantic relations during the remainder of the Obama presidency: To formulate with clarity and patience a new transatlantic frame of mind, an organizing idea for transatlantic relations in managing globality. During the decades of the Cold War, transatlantic relations were inspired by the defining idea of defending freedom through joint security. No transatlantic dispute—and there were many—was able to derail this defining idea. Since 1989, the transatlantic partners have drifted further apart. While Europe was absorbed with overcoming the division of the continent and deepening European integration, the United States became autistic about its unitary world power status—and after 9/11 deeply shattered about its limits. During almost two decades, transatlantic relations were defined by their limits and not by their opportunities. A defining and mobilizing idea was missing. The main lesson learned during these past years for the EU was thus: whenever transatlantic relations are strained, European integration suffers, too. The main lesson learned for everybody around the world: Whenever transatlantic partners do not reach consensus, no big global problem can be resolved—think of climate change, UN reforms, WTO, or the Broader Middle East.

The Obama presidency is seen as a moment of hope for renewed and transformed transatlantic relations.¹⁴ During the past years, a lot of noise has been made about soft power and hard power, Venus and Mars. Time has come to re-connect and to re-combine:

■ The U.S. and the EU should form a joint policy group to define the hard power agenda ahead of them: how to stabilize a democratic and federal Iraq; how to prevent Iran from obtaining nuclear weapons; how to win in Afghanistan; how to prevent Pakistan from getting lost; how to cope with a neo-authoritarian and neo-imperial Russia; how to deal with China and conflicts in Africa and elsewhere originating in the unresolved power struggles with this new world-power; how to broaden the Atlantic security architecture to the belt of uncertainty that stretches across the Sahara and its adjacent regions north and south.

■ The U.S. and the EU should also form a joint policy group to define the joint agenda of their joint soft

power projection in the age of globality: how to stabilize the global financial markets; how to re-ignite world trade negotiations aimed at enhancing global free trade; how to cope with global migration pressure; how to turn Africa from the continent of despair into the continent of promise, hope, and development; how to institutionalize a form of multilateralism that includes China, India, Brazil, Russia, and the Arab Gulf.

The world is ready for a new order. It ought to be an order at whose heart is a new notion of security. It ought to be a notion of security for a world that looks for new expressions of the human condition. It ought to be a strategy aimed at enhancing human security. It is here that the need for a renewal and broadening of transatlantic relations intertwines with the global agenda and especially with the development agenda.

Resistance to change can generate conflict as much as too rapid, unfocused, and misguided change may generate conflict. More than ever, simple answers are out of the question. Multidimensional and multilateral thinking has become the key requirement for understanding, assessing, and managing change and transformation in the age of globality. In the past, geopolitics seemed to be the guiding concept for global action. Today, this concept is insufficient and has to be broadened: geo-economic, geo-demographic, and geo-religious dimensions have to be added, at least. It is here where the claim to transatlantic global leadership meets the demands of the developing world. To achieve global stability, Europe and the U.S. must go global, guided by the compass of human security.

Human Security: The Geo-religious Dimension

For the EU, the geo-religious dimension of this challenge lies at the doorstep of Europe: Turkey. Eventually, the European Union will probably have to recognize Turkey as an EU member state—provided Turkey accepts all membership criteria. This assessment is based on the assumption that the EU wants a long-term stabilization of its relationship with Turkey and that the EU, over time, needs to transform the overall debate on Turkey from being one about the limits of Europe to one about the global role of

Europe, along with Turkey and its potential and contribution. At the heart of the matter—from a geo-religious perspective—is the successful reconciliation between Islamic democracy and Western values. The question of Turkish EU membership is the key frontier of geo-religious reasoning.¹⁵

Most issues related to Europe's global exposure find an echo in domestic social, cultural, and socioeconomic trends inside Europe. This is largely the consequence of migration, enforced or voluntary, and of cultural encounters across religious and habitual lines. In the long run, Europe will only be able to cope with the challenges of globality on the basis of a broadened horizon, an inclusive attitude toward "otherness," and the recognition of a public role and sphere of religion in its plurality. First and foremost, this requires Europe to reflect anew and honestly about its own particular roots, traditions, and norms, most notably its Christian roots. As twenty-first century Europe cannot be thought of any longer without a public recognition of the role of religion, Europe must, first, re-acquire its Christian values and norms in order to, second, engage in any meaningful way with the challenges and opportunities of the non-Christian minority sectors of Europe's society, Islam in particular. Without honest and genuine self-assertion of Christian norms and faith-bound values, Europe will become a soulless entity incapable of being respected by other religions and cultures while betraying itself to be only the embodiment of a lifestyle. Only as embodiment of values and norms, culture, and freedom of religion, only in harmony with the Christian faith of its majority and the Islamic and Jewish faith of its minorities, can Europe contribute in a meaningful way to the dialogue of religions and will be taken seriously as a global moral voice.

Should Turkey comply with the principle of reciprocity of religious freedom—meant as positive freedom to practice one's religion even if it represents a very small minority in a dominantly Islamic country—it would have become a different Turkey. It would have recognized in practice standards of civilization and standards in the relationship between religion and politics that are nowadays part of European normalcy. Such a Turkey could be and, in fact, should be, a welcome part of any European integration scheme and regional grouping.

It was impressive to see that in the course of his 2006 visit to Turkey, Pope Benedict XVI set the perspective and framed the central issue that is most pressing and of long-term implication for Europe: He opted for a dialogue among religions and civilizations. This approach to the Turkey-EU issue is of much more long-term significance than all the thirty-five technocratic “chapters” the EU needs to negotiate with Turkey. During his 2006 visit to Turkey, the Pope entered the world of common Christian roots and of the Christian heritage of Turkey: The origin of Christianity in Europe is unthinkable without the many bridges of Anatolia. The term “Christians” was used for the first time in a cave church in Antioch, now Antakya. Paulus was born in Tarsus. Many of his epistles were written for the early Christian communities in Anatolia—Asia Minor as it then was called. The merger of Greek philosophy and Christian theology happened on that soil.

It is not surprising that the Greek Orthodox Church and its patriarch are in favor of Turkey joining the EU one day. They know that only such a full realization of Turkey’s “European-ness” will ultimately improve their own situation and lead to full recognition of the Orthodox Church by Turkish authorities. Turkey has begun to reconcile Turkish national interests and European obligations. This is a long and complex process. In the end, it would mean nothing less than a revolutionary revision of Turkey’s understanding of religious pluralism, of the relationship between religion and politics, of the relationship between national pride and patriotism on the one hand and European obligations and standards on the other. Turkey will and can by all means remain a Muslim country. But it can and should be a Muslim country that fully recognizes reciprocity in the free exercise of religious faith. Being able to accept this *acquis communautaire* of the contemporary European consent on freedom of religion would mean nothing less than a civilizational quantum leap for Turkey, which has been framed by radical laicism for most of the past century.¹⁶ By all rational accounts, such a reform would lead to the recognition that the EU and Turkey belong to each other, that Turkey inside the EU is no anachronism but a logical consequence of the values and principles the EU stands for in the twenty-first century.

Human Security and Geo-demographics

Geo-demographics is the second challenge—for both the EU and the U.S.—to turn the world of geopolitics into a world of human security. It is also a fundamental challenge for a renewed transatlantic global contract. The European Union has suggested discussing the nexus between development and migration—especially in its relations with Africa—from the perspective of “brain circulation.”¹⁷

Brain circulation is a rather new concept that suggests replacing the loss of human capital through brain-drain by circular processes of migration that are beneficial and profitable for developing countries and industrial countries alike.¹⁸ Brain circulation has been conceptualized in light of the return of high skilled emigrants to emerging countries, such as India or China. The limits of the concept have also been discussed. Brain circulation may reduce the remittances traditionally transferred by highly skilled people to their families in poorer societies. The concept does not give an answer as to how brain circulation could be linked to the fight against absolute poverty. Brain circulation may end as a zero-sum game between the gain of intellectual capital of host countries and the pressure brain circulation might pose for its unskilled labor market.

Yet it was both surprising and promising that the 2005 “European Union Strategy for Africa” introduced the notion of “brain circulation” as a possibility to “turn migration into a positive force in the development process.”¹⁹ As far as Europe’s relationship with Africa is concerned, it remains somewhat unclear how the potential of skilled African migrants living in the Diaspora (or fleeing to reach it) could be used for the benefit of their home countries. It might even be more difficult to initiate circular and reciprocal migration of Africans and Europeans alike. For the time being, so it seems, Europe is more afraid of migration—legal or illegal—from Africa than ready to rationally reflect on the prospects of brain circulation in which even Europeans could participate.

But this taboo has to be tackled. Not only in Africa but also other developing countries and emerging markets are becoming an increasing demographic, social, and migratory challenge for Europe: their

populations are young, growing, and often socially marginalized with all the known problems of instability, including terrorism. At the same time, these non-European populations are growing older—which will increase their social claims against the wealthy Northern Hemisphere. In 2050, the average Yemenite will be thirty-two years younger than the average European. He or she will think of his or her job and children while Europeans think of retirement and health care.

Already in 2020, the European population will on average be over 50 years old. The growing age gap between Europe and the developing world is salient (the U.S., however, remains younger than Europe, on average 36 years old): While Europeans will be inclined to protect their welfare systems, people from other parts of the world will claim their share in Europe's affluence that is diminishing due to decreasing population and decreasing productivity. The labor pool in the Arab world will increase until 2020 by 146 million, in sub-Saharan Africa by 402 million. By 2020, the European Union will experience a 20 percent decrease in its 20 to 25 age group. In Germany, the age cohort born between 1995 and 1999 is even 47 percent smaller than the group born between 1970 and 1974.

It remains a fundamental issue as to how under such conditions and prospects a pattern of brain circulation might be organized. Brain circulation implies the idea of organizing migration in a reciprocal way. Instead of remaining exposed to illegal migration or contingent migratory activities, brain circulation assumes that reciprocal benefits could be drawn from orchestrated and mutual migratory activities: While young African students might come to Europe to acquire new skills, experienced European (or American or Japanese) professionals might go temporarily to Africa to disseminate knowledge and experience before trained Africans will return to their home countries. Whether or not this perspective is a realistic one remains to be seen. But the demographic pressure around the globe forces all responsible actors and analysts to reflect about managed migration.

Demographic patterns define markets, generate growth opportunities, or provoke age recessions. Whatever the specific agenda aimed at turning demo-

graphic issues from the perspective of threat into one of opportunity, the future of demographics is a global issue that goes beyond the past dichotomy between "old and few in the North" and "many and young in the South." Illegal migration, boat-people along the shores of Europe, and the growing socioeconomic pressure from the Southern Hemisphere require Europe to think anew about the connection between demography and migration, development, and globality. One fact is certain: Simple answers will not work.

Human Security, Geo-economics, and Global Political Order

Geo-economics is the third important component to turn the world of geopolitics into an agenda of global human security. Unlike geo-religion or geo-demographics, the term geo-economics has long since become an established notion in the political vocabulary on both sides of the Atlantic. It claims to be an extension of the concept of geopolitics, covering the economic, social, and temporal aspects of the resources and processes of the economy. The links between these two concepts and their inherent limits have been discussed for more than a decade.²⁰

In light of the current global transformation, the concept of geo-economics will need to be enlarged. It cannot suffice to travel the world of globality with a split mindset, on the one hand covering issues of global economy and the global financial system, on the other hand covering issues of development and poverty alleviation. The age of globality requires the need to bridge the existing gap and bring the two divergent approaches to human economic activity conceptually together. Thus development becomes an inherent feature of global economic activity and underdevelopment and poverty another term for the social exclusion in the world of globality.

The traditional approach to development ought to become a sort of global social politics. This would challenge notions of solidarity that are confined to national loyalties—and purses. It would re-define the traditional concept of development aid which is by and large organized as a mechanism of re-allocation of resources from the Northern to the Southern Hemisphere. Development and especially poverty alleviation as painful issues of a global social order

would have to take into consideration the fact that inclusion and exclusion are not a matter of statehood or nationality. Poverty and exclusion happen within states and within nations all over the world.

The market economy has proven to be the most dynamic economic model, echoing the most realistic understanding of human nature and economic behavior: the pursuit of individual advantage. Yet the market requires a legal frame in order to link freedom to responsibility. Only then will as many participants of the world community as possible be able to benefit from its potential. It is not the market that can be blamed for the absence of order: The root cause of the economic and financial crisis that unleashed with global consequences in 2008 was state failure, not market failure. Wherever state policies deregulated financial markets without providing a sufficient frame and order, the free use of the market could derail or be manipulated.

The main trouble in the age of globality is that the global market does not correspond with global political regimes and orders that can frame the market. Efforts to add a geo-economic regime to the mechanisms of the United Nations point in the right direction. But sooner or later, these efforts will have to confront the very autonomy of sovereign legitimacy that the states of the earth preserve as an embodiment of their claim right. It is state autonomy that prevents the emergence of a global political and geo-economic order while it is state failure that has prevented the development of a more inclusive and balanced world economy and social reality in the past centuries. And yet: autonomous state decisions are needed to tackle both its own limits and deficits.

In light of these lacunas in global governance, it is not surprising that regional integration has become attractive for various development regions around the globe. Following the European experience, other regional groupings try to emulate the relationship of politics, law, and economic development on the regional level. Region-building is replacing nation-building. Currently, the world is experiencing the daunting first stages of this process. Along with the emerging markets in several regions of the world, new mechanisms of a multilateral, regional, and bilateral nature already define the trends in trade and invest-

ment.²¹ Globality is reaching out to new frontiers.

It is here that the European experiment in region-building is encountering a world in search of partnership and order. The most revolutionary element of region-building in Europe has remained the least developed one so far: the notion of transnational solidarity and citizenship. With the Maastricht Treaty, in force since 1993, the notion of a Union citizenship has entered the European Union. Its implications are long-term, its potential scope manifold. For other regions of the world, this concept entails fundamental insights into the path that lies ahead. To liberate poverty from its national home and to turn development into an integral element of global order and governance, the level of regional groupings can—and will—play an enormous role as intermediary. In some cases, region-building can anticipate globality in one given region. In other cases, region-building will serve as a protective force to tame the asymmetries and unbalanced implications of globality. In any case, the global trend of region-building accompanies the European Union as it shapes its new global role as a normative and—increasingly yet unavoidably—strategic power.²²

The Age of Globality: What's In It for the EU?

Eventually, human security can become the appropriate new label replacing the old notion of geopolitics as the defining parameter of politics in the age of globality. The age of globality will not be an age without conflicts. Nor will the *conditio humana* be different from the past. But Europe has been transformed as it re-enters the global arena. After centuries of internal conflict, a reconciled Europe is returning to the global sphere. By and large, its former colonial and imperial image has withered away. Today, Europe is rather perceived as overly apologetic and its leaders are swift indeed to excuse past deeds. In intellectual circles, a certain normative relativism has replaced Europe's normative self-assertion of past days.

In the age of globality, Europe will have to re-define the balance between normative universalism and cultural dialogue, between smart power and hard power, between interests and values. The notion of

human security is a strong guiding star in this effort. A long march has only just begun: Europe is expected to be a partner of the world. It wants to be a partner and it has the ingredients, based on tradition, experience, and transformation. For the time being, Europe is still defining its instruments and re-shaping its intellectual frame of mind for a new global role. The results of the new encounter between a Europe transformed and a transforming world will shape the path of the twenty-first century. Eventually, its result will initiate new waves of transformation in Europe and—hopefully—new dimensions of human security and stability around the globe. One day, Europe will be judged on this account by the quality of its global turn that started with the end of the Cold War some twenty years ago and is gradually moving Europe from the obsession with borders to the opportunities of global partnerships. Eventually, the issue of borders and neighborhoods will not be about enlargement and geographic lineation. In its substance, the core of the matter touches on the inevitable geopolitical maturation of the European Union. In other words, the issue discussed in this paper is not about projects and processes, it is about purpose and projection.

Notes

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- 13 The following suggestions build on proposals presented in a policy paper by the French think-tank Notre Europe: Nicole Gnesotto, ed., *Reshaping EU-US Relations: A concept paper* (Paris: Notre Europe, 2010).
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