

From the treaties of Rome to the Lisbon Treaty

EU Integration after Lisbon

Treaties in IR

Theoretical approaches to integration
Treaties and international law

The EU as a Legal System

Founding Treaties and Major Revisions

Traditional approaches to Political Integration

1. Realism
2. Functionalism
3. Federalism
4. Functional-Federalism

Realism

- ▶ Dominant paradigm of the 1950s
- ▶ Nation states the only unit of analyses in IR
 - ▶ Fully sovereign but with different resources & capabilities
 - ▶ Want to retain sovereignty, security, power
 - ▶ Anarchy, no binding agreements
 - ▶ Hobbes
- ▶ Political Integration is not going to happen

Mitrany: Functionalism

- ▶ Not a theorist of Regional integration but influence on later approaches
- ▶ Opposed to regional integration and world governance: Hated super-states
- ▶ Idea: Transfer functional tasks from national governments to international agencies
- ▶ *Limits on governments*

Spinelli: European Federalism

- ▶ European Federalism popular in resistance movements
- ▶ Spinelli: “Constitutional break” and federal constitution for united Europe to end nationalism, war, exploitation
- ▶ European Congress (1948)
 - ▶ National elites restored
 - ▶ Council of Europe as an intergovernmental club

Monnet: Functional-Federalism

- ▶ Monnet: Mastermind of the “Schuman Plan”
- ▶ Aims
 - ▶ Restore/develop economy on European scale (win-win)
 - ▶ Control Germany
 - ▶ Secure economic position of France

Treaties and international law

- ▶ Why treaties (for strong states)?
- ▶ What's the status of treaties?
- ▶ Treaties *create* international law; no external enforcer
- ▶ States still able to withdraw, re-negotiate, violate

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- ▶ From the very beginning, European integration based on treaties → a legal construct
- ▶ Not necessarily an area where political excel

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2. Secondary legislation created by EU/EC institutions
3. EC's international agreements
4. General principles of Law
5. General principles of Administrative Law
6. Conventions between member states

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- ▶ Recommendations and Opinions
 - ▶ Not binding
 - ▶ But not normally completely ignored

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- ▶ “Constitutional” treaty set to replace this tangle, but it did not happen

Intergovernmental Conferences (IGCs)

- ▶ Negotiations between governments *outside* formal EC/EU framework
- ▶ Yet: standard procedures, reliance on EU resources (commission, secretariat etc.)
- ▶ Aimed a modifying (parts of) the primary legislation → major treaty revisions
- ▶ Negotiations pre-shaped by reports, recommendations, pre-negotiations by experts and officials
- ▶ IGCs not always successful (not achieving their objectives)

The Major Treaties in Context

1952	ECSC	Cold War
1958	EEC & Euratom	Post-Suez, economic growth
1967	Merger Treaty	Vietnam, global economic decline
1987	Single European Act	Competition from US/Asia, "re-launch"
1993	Maastricht	Post-Communist New World Order
1999	Amsterdam	Civil War in Yugoslavia
2003	Nice	Post 9/11, Eastern Enlargement looming
(2005)	(Constitutional Treaty)	Ongoing problems
2010	Lisbon Treaty	?

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1970s	(Nothing)	Oil crises etc.
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EEC, Euratom, Merger Treaty: 1958-66

- ▶ Common Agricultural Policy (CAP), Free Trade Area (FTA) and customs union
- ▶ Transport, social policy, use of nuclear energy
- ▶ British membership applications declined
- ▶ Institutional merger → European Community
- ▶ Empty Chair Crisis

1970s

- ▶ Breakdown of Bretton Woods
- ▶ Sharpest recession since 1945, world-wide economic downturn
- ▶ Mass-unemployment, terrorism
- ▶ Crisis of legitimacy (“wheat mountains” , “wine lakes”)
- ▶ Attempts to co-operate outside treaty framework → “European Council” , institutional sclerosis

1987: Single European Act

- ▶ Single European Market (by 1992)
- ▶ New procedure (“co-operation”)
- ▶ More money for regional funds
- ▶ New policies: European Political Co-operation, research & development, environment

1993: Maastricht

- ▶ Economic and Monetary Union: three stages
- ▶ Political Union; three-pillar structure (EC, CFSP, JHA)
- ▶ Citizenship, subsidiarity, regional funds
- ▶ Ratification crisis and opt-outs

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- ▶ Laeken summit → European Convention → “Constitution”

2005-07: Crisis

- ▶ Constitution treaty: Failed referenda in France (May) and NL (June)
- ▶ No agreement on Financial Framework 2007-13 (UK (+SE, NL) vs. France (+ES, FI))
- ▶ New members willing to compromise, but to no avail
- ▶ “Pause” on referendum process

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- ▶ German presidency trying to save “substance”; Berlin declaration + IGC at Lisbon → “Reform treaty”

Lisbon treaty

- ▶ Drops much of the decorum (no “constitution”, less grander titles)
- ▶ No unified text to replace mess
- ▶ Saves much (most?) of the substance of the “constitution”
 - ▶ More qualified majority voting
 - ▶ More powers for EP
 - ▶ Unified legal structure (no more pillars)
 - ▶ New President of the EU + “High Representative of the Union for Foreign Affairs and Security Policy”
 - ▶ Human Rights provisions binding
- ▶ Irish ratification crisis

Class questions

- ▶ What is the “nature” of the EU?
- ▶ What have been the forces or factors behind the EU's
 - ▶ functional expansion?
 - ▶ and geographic expansion?
- ▶ Is this expansion a good thing?