Beyond EU Enlargement-Creating a United European Commonwealth

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Abstract

This paper explores the challenges facing the European Union's "European Neighbourhood Policy" and its likely future development. It questions the assumption that EU enlargement can continue indefinitely without putting the future functioning of the Union and the prospects of closer European integration into question. The paper explores how the ENP might be strengthened and made more attractive to the EU's neighbours, including steps to strengthen cooperation between the EU and both the Council of Europe and the Organisation for Security and Cooperation in Europe.

The author questions whether, even after reform, the ENP can offer an adequate long term substitute for those among the EU's eastern neighbours who aspire to eventual Union membership. The fatal flaw in the present ENP is the lack of any multi-lateral character to the relationship – placing each ENP partner at a considerable negotiating disadvantage in relation to the EU. He examines possible new relationships which might be envisaged between a finally enlarged European Union and its eastern neighbours – specifically a proposal to build together a "United European Commonwealth" (UEC) as a limited sovereignty sharing community. The paper also suggests some possible institutions and decision making processes which might enable such a United European Commonwealth to achieve a limited but significant degree of integration with those of its eastern neighbour states – including Russia – which fulfil stipulated criteria for democracy and the rule of law.

Beyond EU Enlargement – Creating a United European Commonwealth[1]

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1.1 Introduction

This paper explores some of the critical challenges which lie at the heart of the European Union's "European Neighbourhood Policy" and its likely future development. Specifically the paper –

1) *Seeks to stimulate debate about an issue likely to be high on the Union's agenda during and after the 2010/2011 Belgian/Spanish/Hungarian (BSH) Team Presidency i.e. the eventual limits of EU enlargement and the implications for the EU's eastern neighbours of the future evolution of the European Neighbourhood Policy (ENP).*

2) *Questions the sometimes explicit and sometimes implicit assumption that EU enlargement can continue indefinitely without putting the future functioning of the Union and the prospects of closer European integration into question;*

3) *Explores how the ENP might be strengthened and made more attractive to the EU's neighbours, including steps to strengthen cooperation between the EU and both the Council of Europe and the Organisation for Security and Cooperation in Europe;*

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[1] I would like to acknowledge my extensive debt to the work of colleagues who have contributed to studies on the future of the ENP – published by the European Policy Centre, Brussels and other institutes – from which I have freely drawn for this article.

4) *Questions whether, even after reform, the ENP can offer an adequate long term substitute for those among the EU's eastern neighbours who aspire to eventual Union membership;*

5) *Examines possible new relationships which might be envisaged between a finally enlarged European Union and its eastern neighbours – specifically a proposal to build together a "United European Commonwealth" (UEC) as a limited sovereignty sharing community;*

6) *Suggests some possible institutions and decision making processes which might enable such a United European Commonwealth to achieve a limited but significant degree of integration with those of its eastern neighbour states – including Russia – which fulfil stipulated criteria for democracy and the rule of law.*

1.2 Background – EU Enlargement Fatigue

There is at the time of writing a major question mark over the planned ratification of the European Union's Lisbon Treaty, following the victory of the "No" campaign in the Lisbon Treaty referendum in Ireland. Until the Irish rejection of the treaty, it had been assumed that the new treaty would probably come into force by the end of 2009 or shortly thereafter. It is possible that the Lisbon Treaty (the successor to the aborted European Union Constitution) which was painfully negotiated for more than six years might now have to be abandoned or re-negotiated and made subject to a further round of ratifications or Ireland may hold a second referendum in the early months of 2009 to reconsider ratification.

Currently efforts are underway to explore how Irish reservations about the Lisbon Treaty might be addressed so that its ratification may be finalised before the next direct elections to the European Parliament in June 2009. If the treaty is in force the political outcome of the European Parliament election could be decisive for the election of the next President of the European Commission.

Until this issue is resolved there will be little enthusiasm among EU Member States to actively pursue the goal of further enlargement. One important exception may prove to be Croatia whose accession negotiations are already underway and may be completed with two years. In this context it seems reasonable to assume that the Lisbon Treaty or at least its key components will come into force in the run up to an expected accession of Croatia in to 2010 or 2011.

If and when the Lisbon Treaty is implemented, or the reforms to the EU's institutions and decision making processes are agreed in some other form, the governance of the Union will be improved in a number of important areas. However the EU commitment in principle to further enlargement beyond the present 27 Member States (possibly plus Croatia) will continue to pose challenges both in terms of convincing unenthusiastic or even hostile EU public opinion and ensuring the effective management of an ever larger and more diverse Union.

Economic, social and political problems in the existing EU have already combined to reduce popular support for the enlargement project itself. This was evidenced in at least the secondary role played by possible future enlargement (notably to Turkey) in motivating "No" voters during the referendums in France and the Netherlands which blocked ratification of the proposed EU Constitutional Treaty.

Indefinite denial of membership to the applicant states in the Western Balkans and/or to Turkey could, however, have potentially serious consequences for progress in insuring greater stability and reform in the region. If the applicant states meet the criteria for accession, the long standing EU promise "in principle" that they would qualify to join the Union should be honoured. This is essential if the European Union is to be able to play a serious role in assuring progress towards reconciliation, deepening cooperation between regional states as well as fostering economic and democratic political evolution in the whole region.[2]

Final decisions on this further – and for the foreseeable future - final enlargement to the Balkan accession states and Turkey will probably have to be decided in the course

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[2] Conclusions of the European Council, December 2007.

of the next decade. If, at that point, any additional accessions to the EU are put on hold, the European Union's external borders will, in effect, be formally defined - probably for decades to come.

At this point some awkward questions arise. The establishment of the long term borders of the EU must not come to be regarded as a rejection of the "European vocation" of those countries in the wider, geographical Europe which still aspire to EU membership. This could easily result from the creation of a new de facto economic and political "Curtain" dividing western and central Europe from Eastern Europe, Russia and the countries of the Caucasus.

This makes it all the more essential to define an acceptable, alternative long term relationship between the EU and its eastern neighbours for whom full EU membership will for the foreseeable future be excluded. This paper argues that such a relationship would have to be qualitatively closer than that envisaged between the EU and its partner states in the European Neighbourhood Policy – even if it does not involve full membership of the Union itself.

During this possibly protracted period, the EU will be increasingly engaged with these neighbours through the European Neighbourhood Policy as well as in "pan-European" bodies such as the Council of Europe and the Organisation for Security and Cooperation in Europe. The question is how that relationship should evolve and what final strategic objectives might be set for it in order to fulfil the European vocation of the ENP countries.

This paper focuses on future relations between the EU and its eastern neighbours. The aspirations of the EU's Mediterranean neighbours demand equally pressing but different responses from the European Union. The proposal for a Mediterranean Union – Barcelona Process (building on the Barcelona Process) is intended to strengthen economic relations with the Mediterranean neighbours but without the perspective of future EU membership.[3]

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[3] Conclusions of the European Council, March 2008.

1.3 Timetables and Milestones for Future EU Enlargement

Before the moment of decision on Balkan and Turkish enlargement is reached – around 2015 – the EU faces a number of other critically important decision making *rendezvous*. These include ratification of the Lisbon Treaty (or an acceptable substitute) by no later than the June 2009 European Parliament elections. Without treaty ratification (or comparable reform of the EU institutions and decision making processes by other means) it is questionable whether there will be any further agreement to enlarge the Union – except as regards Croatia.

The mid-term review of the EU's financial perspectives should be concluded in the course of 2008/9. Budget reform must include further changes to the Common Agricultural Policy. Although important details of those reforms remain to be negotiated the goal of reform is now widely accepted – even by France. Global climate change and the switch to bio-fuels are already posing urgent, new problems of food price inflation and even global food shortages. New priorities for EU financial support – such as research and development, foreign policy and protection of the environment – imply a larger and substantially restructured budget. The newer EU Member States will, however, resist a significant reduction in spending on cohesion policy to fund these new priorities. Some of the older Member States will seek to maintain current limits on EU budget spending.

By 2014, hopefully, the reform of the Qualified Majority Voting arrangements will have come into force, although their full application may be delayed until 2017.[4] In any event by the early years of the next decade it should be possible to judge what – if any - further steps will be needed to strengthen the Union's common foreign, security and defence policies over and above those envisaged in the Reform Treaty. Although ad hoc changes to the way the EU functions are still likely (possibly as adjunctions to any new accession treaties) it may be prudent to assume that no further major institutional reform will be possible for some years to come.

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[4] Provision for this eventuality is included in the European Union Lisbon Treaty currently in the process of ratification by Member States.

A crucial test of the long term stability of the European Union must be the extent to which – as a result of the Reform Treaty - European citizens begin to feel that they have a more significant voice in shaping the future direction to be taken by the EU. An essential first step in this direction (if the Lisbon Treaty is implemented) would be for the EU political parties to offer to voters in the 2009 European Parliament election a choice of candidates to be President of the European Commission. But this will require the European political parties to have the courage to nominate their candidates for this post and to campaign for them across the EU.

On the assumption that the Lisbon Treaty reforms are eventually implemented over the next few years, the political focus will move to what seems likely to be regarded as final enlargement to include the countries of the Western Balkans and Turkey. Even so agreements about these accessions are unlikely before the middle of the next decade (always excepting Croatia). Moreover they still depend on the applicant states successfully concluding accession negotiations with the EU and meeting all the essential preconditions for full membership.

This certainly cannot be taken for granted. There is growing concern throughout the EU that countries should not be admitted before they are properly prepared for the responsibilities involved. There is a widespread feeling that Bulgaria and Romania may have been accepted into EU membership before they were fully ready for membership – notably in the area of the rule of law and the effectiveness of their judicial systems.[5]

1.4 Can the EU Enlarge Indefinitely to the East?

In spite of evidence of "enlargement fatigue" and the unanswered questions about the Union's future governance capacity if the process continues indefinitely, some EU leaders suggest that – over time – the European Union should continue to accept new members ever further to the east and possibly even to embrace countries around the Mediterranean. The British foreign secretary, David Miliband, has said eventual

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[5] Gergana Noutcheva (May 2006) Bulgaria and Romania's Accession to the EU: Postponement, Safeguards and the Rule of Law, Centre for European Policy Studies, Brussels.

enlargement might extend all the way to the Caucasus and even into the Middle East.[6] Indeed, it might be asked, if enlargement should embrace the Caucasus why not Central Asian states with important energy reserves?

Some experts have already sketched out a possible accession timetable over the next 30 years to include the western Balkan states, Turkey, Ukraine, Belarus, Moldova as well as Iceland, Norway and Switzerland in western Europe if they so wish. However even this ambitious perspective would still exclude Russia, Georgia, Armenia and Azerbaijan. One commentator has acknowledged formidable problems with this view. *"It is very difficult but not impossible to envisage an EU with over forty Member States. Only by making a success of the current enlargement will the EU be able to contemplate future new members."*[7]

It is certainly not hard to imagine how enlargement on this scale might weaken and eventually undermine the foundations of European integration given its still uncertain stage of institutional and political development. Some of the more radical enlargement scenarios would certainly risk fragmenting the existing *acquis communitaire*.

It must also be said that there seems little prospect at present of the existing EU member states being willing or able to finance the scale of resource transfers which would be necessary if existing common spending policies were extended to a Union of 40, 50 or more states. In this context it must be recalled that many of the potential new Member States would have per capita incomes which would be just a fraction of the EU average.[8]

Some politicians – notably in Britain - have argued the merits of a massive and continuing enlargement only in terms of extending "European values" (democracy,

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[6] British Foreign Secretary David Miliband, (November 2007), Speech to the College of Europe, Bruges (http://www.labour.org.uk/david_miliband_speech_college_of_europe
[7] Dr Fraser Cameron, (2007) The ENP three years on: where from – and where next?, The European Policy Centre, Brussels.
[8]These issues are dealt with in "European Neighbourhood Policy: Economic Review of EU Neighbour Countries by the European Commission Directorate-General for Economic and Financial Affairs (May 2006).

rule of law etc) to the wider Europe. But others see the attraction of such an open ended enlargement precisely as a means of blocking future European integration.[9]

Of course in the longer run – say by the middle of this century – the European Union may have evolved to such an extent that many of the current objections to wholesale enlargement to the east might begin to disappear. But this would still leave a period of decades during which important eastern neighbouring countries would be denied full integration in the EU without a viable and attractive alternative. The proposal for a United European Commonwealth in this paper is designed to bridge the lengthy but important period between the EU's enlargement to the Balkans and possibly Turkey and the time when it may have evolved so far that the full accession of all those of its eastern neighbours who are interested could become feasible.

At present there appear to be three broadly possible alternatives to a continuing and indefinite process of enlargement after the accession of Turkey and the countries of the Balkans.

1) *The indefinite exclusion from full EU membership of eastern neighbouring countries which would only be able to participate in the existing European Neighbourhood Policy (ENP).*

2) *An offer to some ENP states to take part in a limited number of EU institutions and sovereignty sharing decision making.*

3) *The creation of a limited sovereignty-sharing pan-European community comprising the EU and those of its eastern neighbours including Russia, judged to have met some fundamental political and economic conditions, which would be mandated to take decisions collectively over an important but limited range of issues of common interest to both the EU and its partners.*

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[9] The cause of radical and continuing EU enlargement as a way of blocking further European integration has not only been argued frequently by some leading British euro-sceptics but also by the Czech President Vaclev Klaus notably in his address to Tallinn University of Technology, May 24, 2006.

It is worth examining the first two options in greater detail before examining a possible new pan-European institution – such as a United European Commonwealth – which would be designed to bring an enlarged EU and the "Wider Europe" into a limited sovereignty sharing community.

Simply "shutting the door" on long term further enlargement – without some credible alternative for bringing the eastern neighbours into the "European family" would risk a fatal weakening of the "European vocation" of those eastern neighbours. In countries such as Ukraine and Georgia, it is not difficult to see how being denied eventual EU membership could slow or even reverse the impetus for economic and political reform and put at risk continued progress towards democracy and the rule of law as well.

There are other potential dangers which could flow from a *de facto* re-division of the wider European continent. Countries which felt excluded from full participation in a European future might well become more vulnerable in a struggle for "spheres of influence" in their region between the EU – and more widely "the West" and a more nationalistic and assertive Russia. Indeed they may become more susceptible to developing an inward looking nationalism of their own.

There are already some signs in Georgia that uncertainty over eventual EU membership may have contributed to recent political instability and even to the recent confrontation with Russia over the separatist minded Abkhazian and North Ossetian regions. In the case of Ukraine EU awareness of a certain loss of its influence in Kiev may have led to the proposal for a more ambitious "Europe" style agreement - but the final destination of Ukraine's 'European journey' remains uncertain.

The idea that some east European neighbours might be eventually offered "partial" EU membership has superficial attractions.[10] The proposal would involve these states taking part in the decisions of a limited but important number of EU Councils – for

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[10] This case has been argued by Charles Grant in Europe's Blurred Boundaries – Rethink Enlargement and Neighbourhood Policies, (March 2006), Centre for European Reform, London.

example those responsible for foreign and security policy and even participate in a common economic space linking the EU with those countries.

Such partial or associate Member States would not, however, have access to all the EU institutions or those decisions affecting the "*acquis communitaire*" (the EU's legal corpus of acquired rights and responsibilities), the financial resources and the common policies of the Union. It is difficult to see how this "two tier" membership system would function in the longer term. How could meaningful "Chinese Walls" separate the areas where the associate members have rights and those where they do not? The whole arrangement might easily become a source of friction and resentment. The eventual outcome might be not a closer, but a more hesitant and fractious, relationship between the EU and its closest EU neighbours.

Sometimes the analogy is drawn with the existing "Enhanced Cooperation" procedure *within* the EU. This allows EU member states to integrate more closely with each other – subject to certain conditions and with the approval of the Commission and the European Parliament – where other Member States do not wish at that time to participate. But this is a form of advanced *further* integration beyond that involved in EU membership not one of *lesser* integration with *fewer* rights and obligations.

Nor is it possible to proceed in this direction without at least considering the question of possible future Russian participation. The question mark hanging over the long term relationship between the EU and some of its eastern neighbours has also complicated already strained relations between the EU and Russia. There is a danger of the shared "near abroad" of both the EU and Russia turning into a dangerous zone for contested geo-political influence.

Russia's recent reversion to more suspicious, nationalistic and authoritarian policies has made it more difficult to see the way to a shared European future as envisaged after the collapse of communism. But there is also a lack of vision in the European Union about a more ambitious long term relationship with Russia which might give inspiration if not to the present government then to Russian civil society and those struggling for a more democratic Russia.

A decade ago there appeared to be genuine – if vague – Russian interest in being a full member of the "European family." [11] Subsequently Russia has rejected participation in the ENP in favour of a "Strategic Partnership" with the EU. However the current EU/Russia partnership agreement which envisages a number of "shared spaces" for important areas of cooperation seems to be going nowhere. In May 2008, the EU decided to make another attempt to negotiate a new "Strategic Partnership" with Russia but the prospects of an early breakthrough appear bleak given the proliferation of disputes between Russia and some of the new EU Member States.

1.5 European Neighbourhood Policy

The European Union has – since the fall of the Iron Curtain and the collapse of Communism - been aware of the potential limits to classical EU enlargement and the consequential need to develop alternative strategic relationships with countries to the east (and within a different context in the Mediterranean region). Perhaps the best way to sum up the scope and ambitions of the ENP is in the words of the European Commission:[12]

"The European Neighbourhood Policy (ENP) was developed in 2004, with the objective of avoiding the emergence of new dividing lines between the enlarged EU and our neighbours and instead strengthening the prosperity, stability and security of all concerned. In this way, it also addresses the strategic objectives set out in the December 2003 European Security Strategy.

The European Neighbourhood Policy (ENP) was first outlined in a Commission Communication on Wider Europe in March 2003, followed by a more developed Strategy Paper on the European Neighbourhood Policy published in May 2004. This

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[11] The period during which the late President Boris Yeltsin spoke out in favour of Russian participation the "European Family" and the efforts made to negotiate a close partnership with the EU are dealt with by Peter Truscott in his book, Russia First – Breaking with the West, (1997), I.B. Tauris, London.
[12] Communication from the Commission to the Council and the European Parliament: Wider Europe — Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours (March 2003).

document sets out in concrete terms how the EU proposes to work more closely with these countries. As part of its report on implementation, in December 2006, the Commission also made proposals as to how the policy could be further strengthened.

The EU offers the neighbours a privileged relationship, building upon a mutual commitment to common values (democracy and human rights, rule of law, good governance, market economy principles and sustainable development). While promising a deeper political relationship and economic integration, the level of ambition of the relationship will depend on the extent to which these values are effectively shared. The ENP remains distinct from the process of enlargement while it does not prejudge how the relationship of ENP partners with the EU may develop in future.

The European Neighbourhood Policy applies to the EU's immediate neighbours by land or sea – Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Syria, Tunisia and Ukraine. Although Russia is also a neighbour of the EU, its relations are instead developed through a Strategic Partnership covering four "common spaces".

The central element of the European Neighbourhood Policy is the bilateral ENP Action Plans agreed between the EU and each partner. These set out an agenda of political and economic reforms with short and medium-term priorities. Implementation of the ENP Action Plans (agreed in 2005 with Israel, Jordan, Moldova, Morocco, the Palestinian Authority, Tunisia and Ukraine, in 2006 with Armenia, Azerbaijan and Georgia, and in 2007 with Egypt and Lebanon) is underway.

The European Council in October 2007 recalled the key principles of the ENP:

> • *ENP is a strategy based on partnership and joint ownership to promote modernisation and reform.*

> • *ENP is a single, inclusive, balanced and coherent policy framework.*

> • *Performance-driven differentiation and tailor-made assistance remain essential for EU relations with the neighbouring countries.*

• ENP remains distinct from the question of EU membership and does not prejudge any possible future developments of partner countries' relationship with the EU."

The Commission has established "a Governance Facility, with objective and transparent allocation criteria, to better encourage partners' reforms, and took note of the ongoing work to set up a Neighbourhood Investment Fund, which should be fully compatible with FEMIP."

Among the successes that the European Commission has claimed for the ENP are:

- *business – free trade area set up with Ukraine;*

- *migration – first joint EU visa application centre set up in Moldova;*

- *fight against crime – training schemes in the Mediterranean countries for judges, lawyers and the police – 1000 have already received training;*

- *energy – several oil and gas pipelines under development, to link the EU to neighbouring countries and make supplies more secure.*

Although increased in recent years, the budget resources the EU and its Member States are ready to devote to the ENP fall well short of the political aspirations they have for the policy. The European Union – while not formally excluding eventual membership for ENP partners – rather sees the ENP as a key policy instrument to forge closer ties with its eastern neighbours and– at least by implication – as compensation for full accession. The ENP partners – on the other hand – tend to see participation in the policy as a necessary but preliminary stage to eventual full accession.

1.6 Strengths and Weaknesses of the ENP

1.6.1 Strengths:

1) *The ENP has evolved a modest but important range of instruments for the EU designed to encourage the "European" agenda of economic and political reform, rule of law, democratisation and stability in ENP partner states. Without the ENP, EU influence over the Wider Europe would be significantly reduced.*

2) *The EU has, consequently, broadened its relations with ENP partner states in a range of areas. Overall this has reinforced a sense of the "European vocation" of these countries and their peoples.*

3) *The ENP relationship with the EU has reinforced domestic pressures for internal economic, political and legal reform in many partner countries.*

4) *By adopting a studied "ambiguity" to the question of ENP partners eventually being considered for accession the EU has at least bought time before an unavoidable decision on the final frontiers of the EU itself will have to be taken.*

1.6.2 Weaknesses:

1) *Although the integration of the "eastern" and "Mediterranean" dimensions within a single ENP strategy has attractions, in practice it compounds the political confusion over the fundamental question of eventual EU membership. Considerable uncertainty also surrounds the long term goals of the EU's partnership strategy with its Mediterranean partners – something now designed to be addressed by the new "Barcelona Process – Union For The Mediterranean".*

2) *The self exclusion of Russia from the remit of the ENP adds a potentially destabilising element to the future development of EU relations with its ENP partners. Friction with Russia over what it sees as its legitimate interests in it's "near abroad" could carry the potential for a dangerous geo-political*

struggle for influence between the EU and Russia in the Caucasus and elsewhere.

3) *By insisting on the purely bi-lateral character of the ENP agreements, eastern partner countries are excluded from a real sense of "equality" within the wider European family or any effective voice in shaping the terms of their collective relationships with the EU. They consequently risk being seen (or even seeing themselves) as mere privileged clients of the European Union. These factors tend to weaken the very "European vocation" which the ENP is designed to encourage.*

4) *EU Member States continue to drag their feet on some of the desirable improvements to the functioning of the ENP proposed by the Commission – such as the introduction of visa free travel for citizens of ENP partner countries.*

5) *There is still an unnecessary degree of overlap in the functioning of the ENP and the mandates long established for pan-European bodies such as the Council of Europe (CoE) and the Organisation for Security and Cooperation in Europe (OSCE).*

1.7 Political Priorities for Strengthening the ENP

The current European Union ENP strategy seeks, in the words of the June 2007 European Council, to maintain "a balanced approach towards the ENP." In this respect, the intensity of relations with the EU will depend on the progress individual countries achieve in implementing political and economic reforms. But the success and credibility of the ENP will largely depend on whether the EU succeeds in moving from theory to practice with concrete measures which would more clearly outline how the EU envisages the development and future objectives of the ENP.

The first priority for EU policy- makers and observers must be to prevent the issue of neighbourhood policy from slipping down the list of priorities. A policy of drift will lead to increasing resentment within the neighbouring states, and will lead more of

their governments to conclude that there can be no acceptable alternative to the pursuit of membership. Ministers, heads of government, as well as the EU institutions, must share responsibility for building closer relations with this unstable region. They must also cultivate better relations as a coordinated exercise on behalf of the EU, "not as *chasses gardées* for national ambitions".[13]

Ministerial exchanges, investment of time and resources in raising political attention to these neighbouring states, are largely unrewarding in terms of domestic politics. Investment of time, resources and attention in the short term is, however, the necessary means of avoiding worsening problems in the long term.

The second priority is to design a framework for economic and political association within which these peripheral states can act as effective partners of the EU, rather than as dependents. This is a particularly difficult and sensitive objective, given the undeniable dominance of the EU as an economic actor within the wider Eurasian and Euro-Mediterranean region, and given the weak economic and political structures of most neighbouring states.

The history of Jacques Delors' initiative for a European Economic Area, designed to provide a mutually acceptable alternative to membership for the mostly-neutral states of the European Free Trade Area, is instructive. Before the negotiations were completed the majority of EFTA governments had decided to apply for full membership, concluding that association would leave them in a permanently dependent position.

A European Conference has already been attempted, in an effort to include Turkey in political conversations with EU governments as well as candidate states closer to full membership. However, lacking as it did any real element of shared decision making, this initiative led nowhere. As this paper was being completed the Swedish and Polish Governments proposed the creation of a "Multilateral Format" where the 27 EU Member States and the six "eastern" ENP partner states might agree on a "deep free trade area" and certain other common policies. This could be seen as a step in the

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[13] Drawn from Rosa Balfour and Antonio Missiroli (June 2007), Reassessing the European Neighbourhood Policy, Issue Paper No.54, The European Policy Centre, Brussels.

direction of an eventual deeper association of the type underlined below for the United European Commonwealth.

EU heads of government have repeatedly declared that they are "determined to avoid new dividing lines in Europe and to promote stability and prosperity within and beyond the borders of the Union." The test of that determination will be whether they provide the political support, and the financial resources, to translate that declaration into detailed commitments and actions.

1.8 Is the ENP Accession Neutral?

Formally the ENP is "enlargement-neutral": it does not automatically prepare countries for, nor explicitly rule out, future accession.[14] The Mediterranean countries are excluded anyway. For the others, as long as the current EU Member States remain divided over the scope and timing of the enlargement process, a certain degree of uncertainty is inevitable. At present, however, the majority view – not one shared by Poland and most other newer Member States - seems to be to halt indefinitely the enlargement process when the Western Balkan accession states, maybe with Turkey, join sometime in the next decade.

As time passes the fundamental distinctions between the EU strategy for its Eastern and Southern neighbours should become clearer. Greater salience might be given to the ENP through implementation of the provisions for economic reform enshrined in the Lisbon Treaty. One suggestion is for a combined Commission for the Southern Caucasus and the new geopolitical 'space' around the Black Sea.

In budgetary terms, the EU review planned for 2008-09 could well be the occasion to develop a more "holistic" approach to ENP strategy since this will certainly involve a significant increase in the overall share of funds allocated to ENP. Proposals have also been suggested for the "European partners" to have new incentives to align themselves to CFSP decisions; gain special access to European Security and Defence

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[14] Interview with Javier Solana, "The European Neighbourhood Policy is not a policy aimed at EU enlargement; it neither foresees it nor excludes it" (November 2005), www.caucoz.com, Tbilisi, Georgia.

Policy bodies and missions; and even participate in relevant EU agencies such as Frontex.[15] However these objectives will test to the full the European Union's capacity to balance closer relations with its "European Partners" with the much desired objective of a more constructive and collaborative partnership and cooperation agreement with Russia.

1.9 The EU-Russia Partnership and Cooperation Agreement

Under the terms of the original EU-Russia Partnership and Cooperation agreement signed at the St. Petersburg Summit in May 2003, the EU and Russia agreed to reinforce their co-operation by creating in the long term four 'common spaces' in the framework of the original Partnership and Cooperation Agreement.

It was decided to create a common economic space; a common space of freedom, security and justice; a space of co-operation in the field of external security; as well as a space of research and education, including cultural aspects. The *Moscow Summit in May 2005* adopted a single package of "Road Maps" to act as the short and medium-term instruments for the implementation of the four Common Spaces. They thereby determined the agenda for co-operation between the EU and Russia for the medium-term.

Common Economic Space - The objective has been to create an open and integrated market between the EU and Russia, to bring down barriers to trade and investment and promote reforms and competitiveness, based on the principles of non-discrimination, transparency and good governance. The Potential for cooperation was identified in areas of regulatory policy, investment issues, competition, financial services, telecommunications, transport, energy, space activities and space launching. In practice progress here has been minimal and doubts remain over EU readiness to support Russian membership of the World Trade Organisation – partly because of the

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[15] These points are among those cited by Dr. Michael Emerson, Gergana Noutcheva and Nicu Popescu (March 2007), European Neighbourhood Policy Two Years on: Time indeed for an 'ENP plus', Centre for European Policy Studies, Brussels.

Russian record of poor corporate governance and partly because of problems over energy policy.

Common Space of Freedom, Security and Justice - Visa Facilitation and the Readmission Agreements were signed at the EU-Russia Summit on May 25 2006 in Sochi. Both the EU and Russia are still in the process of preparing the ratification of these agreements. The visa dialogue will continue with a view to establishing a mutual visa-free travel regime as a long-term perspective.

Cooperation on combating terrorism, and other forms of trans-national illegal activities such as money laundering, the fight against drugs and trafficking in human beings will continue as well as on document security through the introduction of biometric features in a range of identification documents.

EU support for border management and reform of the Russian judiciary system was also foreseen. The Justice and Home Affairs Permanent Partnership Council (PPC) has agreed to organise clusters of conferences and seminars, bringing together experts and practitioners on counter-terrorism, cyber-crime, document security and judicial cooperation. There also has been agreement on developing greater cooperation between the European Border Agency (FRONTEX) and the Federal Border Security Service of Russia, as well as to explore the possibilities of an agreement between EUROJUST and the Russian Prosecutor General's Office. Progress in this "space" to date has been modest.

Common Space on External Security - In theory this Common Space Road Map underlines the shared responsibility of the parties for an international order based on effective multilateralism, their support for the central role of the UN, and for the effectiveness of, in particular, the OSCE and the Council of Europe. Work has gone on to strengthen cooperation in the five priority areas identified in the Road Map: strengthening dialogue and cooperation on the international scene; fight against terrorism; non-proliferation of weapons of mass destruction (WMD); crisis management; and civil protection. But overall it must be counted as a failure so far given the seriousness of the differences over regions adjacent to Russian and EU borders (notably the 'frozen conflicts' in Transdnistria, Abkhazia, South Ossetia, Nagorno-Karabakh).

Common Space on Research, Education, Culture - Building on the long-standing relations with Russia through its participation in EU Research and Development activities and in particular the Framework Programme for Research and Development, the aim is to capitalise on the strength of the EU and Russian research communities and promote joint research activities in areas of common interest.

Overall the Partnership and Cooperation Agreements have – thus far – fallen well short of expectations. The sharp change of direction of Russian policy (including foreign and security policy) under President Vladimir Putin in a more assertive and nationalistic direction has been matched by a drift towards an internally authoritarian regime. The EU must accept however that this policy has been electorally popular in Russia itself.

Tensions between the EU and Russia have also been exacerbated by differences over energy relations. Russia's refusal to sign the Energy Charter agreement with the EU, its refusal to allow foreign investment in Gazprom in return for increased Gazprom investment in western European energy infrastructure and episodic crises between Russia and its neighbours - which have led to cuts in energy supplies – have badly shaken EU confidence in the direction Russia is taking.

More recently these tensions have been increased following displays of mutual sabre rattling between Russia and Georgia (which is pressing for entry into NATO). These developments have made some of the new EU Member States (notably Poland and the Baltic States) very hesitant about proposals for a more positive EU strategy towards Russia.

There were hopes that under the new Russian President, Dimitry Medvedev, the basis for a new beginning in EU/Russia relations may be possible. But the fact that he has appointed Vladimir Putin as his prime minister suggests undue optimism may be misplaced. Negotiations for a new, enhanced Partnership and Cooperation Agreement are planned but the prospects for an early breakthrough still seem remote.

In retrospect there may have been an opportunity to construct a more positive and imaginative relationship with Russia in the 1990s. There was even talk in Moscow then of Russia "joining the European family." But global developments – notably the impact of Bush Administration "unilateralism" in foreign policy and the weakness of

the EU's own common foreign and security policy – has combined with a sharp turn towards more authoritarian and nationalist policies under the Putin government – to put EU/Russia relations virtually on ice.

Given this state of affairs it is difficult to disagree with the conclusion reached by one expert on EU/Russia affairs: "Either way, strong or weak, Russia represents a foreign policy challenge Europe cannot ignore. Unfortunately, its recent record in dealing with Moscow is one of lamentable weakness and division, allowing Russia to dictate terms to a block three and a half times its size. With the EU and Russia due to open negotiations on a new cooperation and free trade agreement in the summer, there is an opportunity to restore balance by setting out a clear choice.

Russia can be a close and trusted partner if it is prepared to respect the multilateral rules and democratic standards it has signed up to. But if it resorts increasingly to authoritarian and coercive methods at home and abroad, EU strategy must adapt accordingly.

Terms of access to the single market would be more restricted; Russia would no longer be treated as a member of the democratic club and an automatic member of its institutions; and concerted efforts would be made to reduce dependence on Russian energy.

One test of EU resolve will be how it handles the issue of the Energy Charter Treaty, one of a growing list of binding international instruments Russia is unilaterally defying. It would certainly be perverse to sign a generous trade pact with a country that is breaking the rules at the European Union's expense by adopting monopolistic policies and using energy supplies as a weapon against its neighbours. If Russia wants free trade, then it must honour its promise to build an energy relationship based on fair commercial principles instead of power politics. If it wants to secure the right of Gazprom to buy up major European energy companies, it must open its own market on a reciprocal basis and stop expropriating private investments."[16]

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[16] David Clark, former advisor to British Foreign Secretary Robin Cook, (May 2008), A new Russian president gives Europe the chance to get tougher - and closer, May 6, 2008, The Guardian, London.

Longer term, however, demographic and internal development trends may favour Russia's "European" orientation and the need in a post Putin period to build a new relationship with the EU. In that sense Russia membership of the pan-European Commonwealth could be an important incentive for the political reform of Russia.

The fact remains that – on paper at least – the objectives of the current EU/Russia agreement are extraordinarily ambitious. The proposed "common spaces" to be achieved cover not only trade, research and development but also "shared legal principles", internal security and (eventually) a possible shared foreign policy. It is difficult to see how these commitments could be fully implemented without at least some common institutions and joint decision making processes.

As matters stand Russia does meet not the "values" criteria for the kind of close relationship originally hoped for. However there are political forces within Russia whose goal remains the achievement of the democratic, rule of law values for their country which are fully compatible with the Copenhagen Criteria.

As this paper was being finalised negotiations on a new EU – Russia agreement were getting under way. Whatever the outcome of these negotiations, in the longer term it will be important that the EU offers a perspective which encourages Russian democrats and reformers and lays the basis for a new pan-European order in which Russia can play a full and important role as part of "the European family." Perhaps the scope of the EU/Russia agreement provides some clues as to the possible policy content of an eventual "post enlargement" relationship between the European Union and its ENP Partners.

Before this can be examined in any detail it is important to assess the future of those pan-European institutions involving the EU and its eastern neighbours which already exist and how both the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE) might better relate in future to the ENP.

1.10 The Council of Europe and the ENP

The evolution of the European Neighbourhood Policy has been monitored closely from the beginning by the Committee of Ministers and by the Parliamentary Assembly of the Council of Europe. Particular attention has been paid to the potential input and role of the Council of Europe notably in the context of establishing benchmarks relating to partner countries' respect for values that are shared with the European Union.

The Council of Europe regards all the ENP Member States as a priority for its own efforts to ensure democratic stability in the region. In spite of the interface between the Council of Europe's activities and the ENP, the Lisbon Treaty does not include a specific article the Council of Europe had proposed calling on the Union to "make full use of the Council of Europe and other international organisations of which such States are members" in the development of such special relationships.[17]

The European Commission expects its European Partners to express their commitment to shared values through membership of the Council of Europe and the OSCE, ratification of the European Convention on Human Rights (ECHR) and that they have "committed themselves to adhere to relevant conventions and bodies setting high democratic and human rights standards as well as to accept strong and legally binding mechanisms to ensure that they comply with human rights obligations."

As shown by the experience acquired during the enlargement process, the relevant Council of Europe instruments and activities provide the EU with objective and reliable data for the implementation of the ENP with regard to the European partners, notably through the case law of the European Court of Human Rights and other monitoring mechanisms as well as opinions and advice by the Council of Europe's Venice Commission for Democracy through Law.

The development of new joint programmes between the European Commission and the Council of Europe would also assist these countries to meet the governance

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[17] Thomas Ouchterlony, former Director, Council of Europe Office for Liaison with the EU (May 2004), develops this argument in "Europe – How Wide, How Deep?" The European Policy Centre, Brussels.

standards and democratic values which are shared by the EU and the Council of Europe. But if – for the foreseeable future – full EU membership will not be open to the "European Partners" does it make sense to restrict them to remaining only members of the Council of Europe which offers no real part in the decision making arrangements for the governance of the "Wider Europe"?[18]

1.11 The Impact of the ENP on the OSCE

Given its priorities, instruments and scope, the ENP is likely to have continuing implications, both for the OSCE's work in relevant countries and for the OSCE-EU cooperation. Three aspects deserve particular attention:

First, the ENP covers many issue areas, which are also priority areas for the OSCE's activities in accordance with the Organization's mandate and decisions of its participating States. *Inter alia,* those areas include combating terrorism and trafficking in human beings, strengthening border management and security, fighting money laundering and financial and economic crime, improving the effectiveness of public institutions, promoting economic and social development and environmental protection.

Through the work of its field operations, institutions and specialised units in the Secretariat, the OSCE is active in all these countries. The Organisation implements a number of projects and activities ranging from democratic institution building to activities in the political-military dimension, such as the disposal of surplus ammunition.

Secondly, the EU members have agreed that "the ENP should reinforce the EU's contribution to promoting the settlement of regional conflicts." Since the early 1990s, the OSCE has been the main actor in conflict resolution, defining itself as key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in its area of responsibility.

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[18]This issue is dealt with well by Professor Helen Wallace in her 2008 Wyndham Charlemagne Trust annual lecture, May 2008, London.

The OSCE provides a political framework for the settlement of the Trans-Dniestrian conflict in Moldova. The OSCE plays an active role in searching for resolution of the conflict in South Ossetia and in supporting the United Nations peace-making effort in Abkhazia, Georgia. It also established the Minsk Group to facilitate dialogue between the parties in the Nagorno-Karabakh conflict.

The development of the ENP will not only deepen the level of the EU's engagement with seven non-ENP, OSCE participating States, but could also open new opportunities for closer co-operation between the OSCE and the EU in these countries. But such co-operation depends on agreement between the two organizations and by all 55 participating States, given the Organization's inclusive nature and its consensus-based decision making. Opinions vary within the OSCE on future co-operation with the EU: some are concerned with what they see as the OSCE becoming "a sub-contractor" of the EU and feel strongly that the activities of the OSCE's missions and field operations should not include work on EU initiatives.[19]

It would be desirable for the OSCE to get engaged in the broader process of supporting these countries in achieving their goals, including those set in the Action Plans with the EU. Such support could be provided through projects (including possible joint projects with the EU) and other activities carried out by the Organisation's Institutions, specialised units and especially field operations in these countries.

This could assist host-countries in achieving their domestic goals and international commitments, especially given the fact that the OSCE and the EU share the same values. The delivery of relevant countries on the fundamental norms and principles of the OSCE might become an important element of the EU's assessment of their progress with the Action Plans, leading to the next steps in bilateral relationships. The OSCE's traditional norm-setting experience and monitoring capacities would provide an important additional value, while the receiving states might hopefully start viewing

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[19] These points are drawn from Dr Oleksandr Pavlyuk - Senior External Co-operation Officer, and Dr Monika Wohlfeld - Head of External Co-operation at the OSCE ("Europe – How Wide, How Deep?" – ibid)

the OSCE monitoring as corresponding to their own interests, rather than as "interference in domestic affairs" of sovereign states.

Secondly, the OSCE could take advantage of the expressed EU readiness to increase its contribution to the settlement of the existing conflicts in the OSCE area. The decade-long efforts by the OSCE to resolve "frozen conflicts" have so far failed to produce breakthrough results. Some OSCE participating states have repeatedly expressed strong interest in having the EU more actively and closely involved in conflict resolution on their territories. Moldova in particular has recently put forward a proposal for an EU/OSCE border and customs operation, aimed at contributing to addressing the Transdniestria issue.

As with the Council of Europe, the question remains: is the optimum policy for the internal security of pan-Europe best assured by an organisation whose remit necessarily excludes all the other economic and political issues which are at the heart of the overall relationship between the EU and the rest of Europe? Maybe the time has come to consider a rationalisation of the different pan-European organisations.

1.12 Towards a United European Commonwealth

Whatever the improvements which may be made to the functioning, resources and evolution of the ENP, it is likely to always be regarded very much as a "second best" option. From the point of view of the Union neighbours the ENP bargain is a rather one sided one. The EU deals purely bilaterally with individual countries. This reduces the influence they might be able to bring to bear if they were being dealt with as a collective.

The rules and laws governing the future economic and political association between the EU and the ENP states will, essentially, be decided unilaterally in Brussels. The proposed relationship involves no real element of "shared sovereignty." Indeed this is already the nature of the free trade relationship between the EU and rich Norway: it is the Union which takes the decisions which affect the operation of the EEA.

So how might the terms of sovereignty sharing and integration be defined for those who become members of what I (very provisionally) would describe as a United European Commonwealth?[20] The foundation for a new limited sovereignty sharing community uniting the EU with its European neighbours might as a first step be based on the elements of the existing EU/Russia Agreement – the so called shared Four Common Spaces (economic, legal, research, security and foreign policy) as the foundations for areas of joint, supra-national decision making.

The global environment, sustainable development and energy security are other subjects which might be usefully added. The UEC might also spearhead common policies and strategies for the reform of the world governance system and the strengthening of multilateralism, democracy and the rule of law. Some already look to the EU to set the benchmarks for a reshaped global system. As the "Founding Father" of European integration, Jean Monnet, said half a century ago: "The creation of a United Europe must be regarded as an essential step towards the creation of a United World."[21]

1.13 The Objectives for a United European Commonwealth

To summarise the argument so far:

1) *The eventual accession of the Balkan candidate states – hopefully together with Turkey – if conditions are met and membership terms are agreed will probably be decided during the course of the next decade.*

2) *This will NOT end pressure from the Union's new eastern neighbours for future full membership – starting with Ukraine but probably extending not*

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[20]The Bulgarian scholar, Ognyan Minchev, first proposed the concept of a European Commonwealth in his paper "Towards a European Commonwealth of Nations" published by the Institute for Regional and International Studies, Sofia, Bulgaria – September 2005. However my own perspective on such a Commonwealth and how it should be related to the EU are different to Dr Minchev's in some important respects.

[21] Francois Duchene, *Jean Monnet, The First Statesman of Interdependence*, New York and London: W.W. Norton, 1994.

only to the states in the Caucasus region but conceivably beyond to Kazakhstan – an important oil producing country.[22]

3) *The present ENP – even with the welcome additions and improvements proposed by the European Commission and already in part agreed by the European Council – will not satisfy this ambition. Unless the EU is ready in some sense to move beyond "cooperation" to some sharing of sovereignty with its neighbours there will always be the risk not just of regression from democratic and economic progress in the "wider Europe" but of the region becoming a long term site of political and security conflict with Russia.*

4) *The present ENP blurs some essential differences between long term EU aspirations in its European neighbourhood and the important partnerships which it should develop with its Mediterranean neighbours. It will not be possible to pursue a coherent neighbourhood strategy unless ambitious but quite distinctive objectives are set for the two relationships.*

5) *The present EU-Russia agreement has proved a big disappointment primarily – but not exclusively – because of the drift back towards a more nationalist and authoritarian strategy in Russia. Future EU policy should be marked by two features:*

(a) A hard headed realism is needed to secure the best working relationship with Russia (notably in the field of energy and security) for as long as the government in Moscow pursues its current strategy.

(b) The EU should be willing to envisage a radically different future of significant if still limited shared sovereignty with a democratic Russia keen to be a positive and cooperative member of the "European family." For this reason the door should be kept open for future Russian membership of a United European Commonwealth.

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[22] Piia-Noora Kauppi, Finnish member of the EPP-ED group in the European Parliament – "Europe Beyond 30 something" (Europe – How Wide, How Deep – ibid).

6) *The UEC should be envisaged as a framework for the European Union and its eastern neighbours to work together and share decision making on an agreed range of common policy issues for the next half century. In the very long term – when the future structure of global governance and the management of global inter-dependence will have become clearer and when the final shape of EU integration has been resolved – it might even be possible one day to fully integrate the members of the UEC into the European Union.*

7) *As part of the preparation for launching the UEC, the reform and further strengthening of the ENP must continue. Moreover steps should be taken to see how best to rationalise and eventually integrate the work of the Council of Europe and the Organisation for Security and Cooperation in Europe within the UEC. Moreover for those existing members of the Council of Europe who might not wish to join the UEC or might not qualify, they could retain the terms of their present membership without participating in the enhanced decision making envisaged for the new body.*

1.14 How Might the Commonwealth Function?

The United European Commonwealth should define itself in terms of the values it shares - including human rights, democracy, rule of law, and respect of minorities.

The scope for its joint decision making might initially be based on a number of "shared spaces" with the EU – including the goal of a full free trade area, energy development and security, research and development and an agreed range of "common legal principles" (as is envisaged for the existing EU-Russia agreement.) Moreover special alleviation of visa regimes might be considered which, while protecting EU interests, would allow the UEC partners to take part in European social, educational, cultural and political development.

The development of a common foreign and security policy might begin with much closer consultation of UEC partners in the creation and evolution of EU common foreign and security policies. A common security system covering anti-terrorist

infrastructure, the fight against organised crime, inviolability of external borders might eventually evolve into a UEC security and defence strategy.

It should be noted that in this perspective the UEC would have a (limited) supra-national character which marks it out from other proposals designed to improve cooperation between the EU and its ENP partners. At this stage it is only possible to sketch out their potential scope:

1) *The United European Commonwealth should have its own decision making and legal institutions. These would have to be based on agreed common legal principles (drawn in large measure from the EU experience) and also agreed decision making procedures (unanimity or qualified majority) and the creation of some kind of political executive to implement decisions. Given the legal basis of the UEC's functioning there would also have to be a parallel UEC "Court of Justice" to arbitrate on legal disputes.*

2) *As already noted the EU would be a single integrated partner within the UEC institutions. That would imply that a pre-condition for EU intervention within the UEC would be a prior internal agreement within the EU itself on what policy to pursue within the wider European institution. In this way the integrity of the European Union's own development would better be assured. By contrast the creation of a permanent two-tier membership within the EU could threaten the Union's own internal coherence and the prospect of EU further integration.*

3) *One essential issue would be an agreement on the distribution of voting weights within the UEC executive institutions and also representation in a UEC Parliamentary assembly representing the very different size of populations of potential member states. There clearly would have to be a "bias" in the UEC institutional voting system which favoured smaller states of the kind which already exists within the EU's still evolving arrangements for distributing voting weights to Member States in the Council of Ministers as well as seats in the European Parliament.*

4) *Arrangements for agreeing the distribution of voting powers between the different EC members – including the EU itself – would also have to evolve*

over time as the number of countries participating in the EC expanded. A crucial phase in its development and hence in its internal institutions and decision making processes would be if and when the Russian Federation decided to join.

5) *Prior to accession by the Russian Federation it would be essential that the non-EU members of the UEC had effective minority blocking rights over decisions which might otherwise be imposed unilaterally by the European Union. After accession by the Russian Federation – with its large population – these voting arrangements might be modulated to assist decision making in the way that EU reforms of the voting system have been enacted.*

There is clearly much more work to be done on the legal and procedural arrangements necessary for such institutions to function properly. In a first, transitional, phase the UEC might merely provide the kind of multilateral framework for consultation and decision making by consensus which is envisaged in the recent proposals advanced by the Polish and Swedish Governments.

6) *Even in this preliminary stage of development there is still a world of difference between such a multi-lateral forum for consultation and the present purely bilateral arrangements between the EU and individual ENP countries which denies them the advantages of deploying a collective voice and influence.*

7) *Over time the UEC might gradually subsume the responsibilities of the Council of Europe and possibly also of the Organisation for Security and Cooperation in Europe to the extent that a common internal security and defence policy emerges. Special arrangements with the UEC could be made for states who wish to maintain their existing relationship of cooperation with the EU in the Council of the Europe and the OSCE.*

8) *Accession to the United European Commonwealth would depend upon prior agreement that the applicant state made the agreed criteria for membership and its capacity and willingness to implement already agreed common policies.*

9) *As already outlined future UEC membership should also be open to accession by Russia. But such a development can only realistically be expected to evolve over time – possibly over a long time. Other eastern neighbours – such as Belarus – do not qualify at present because of their non-compliance with basic democratic standards. But as in the case of Russia, the goal of possible future membership of the "European family" – through the UEC – could act as a source of inspiration and strength for democrats and reformers.*

10) *A major focus for the work of the UEC should be the coordination of an agreed strategy for strengthening global multilateralism, the reform of existing global institutions (such as the United Nations and the "Bretton Woods" bodies) and the creation of new institutions for the better regulation of globalisation where none exist at present (such as an agency for the regulation of migration and the new global labour market and a post-Kyoto legally based institution to monitor and enforce action against climate change).*

1.15 Conclusion

One obvious objection to this entire approach is that it involves the creation of new and potentially powerful European institutions over and on top of those that have been developed with such difficulty for the EU itself. The legal and political implications of such a step are clearly formidable and they would have to be subject to detailed analysis before any formal overtures could be made by the EU to its ENP partners.

However a number of EU Member States anticipate some, possibly many, of the neighbourhood states eventually becoming partial members of the EU. The institutional and political complications this would involve would be at least as great as those implicit in the proposal for a future United European Commonwealth. However the political dangers to internal EU integration would be greater as a result of seeking to embrace an ever increasing number of eastern neighbours over such a vast territory and with such varied economic and political circumstances.

The fatal flaw in the current ENP approach is that it essentially reserves all the key decisions which affect the neighbours' relations with the EU to the Union. That is not politically sustainable in the longer term. The lopsided nature of the present relationship between the EU and the ENP is further underlined by the EU's insistence on purely bilateral negotiations with each ENP state. This seems equally unsustainable in the longer run.

Some years ago an attempt was made to get round the perception of an overbearing EU relationship with the wider Europe through the ill fated "European Conference" idea. But the conference clearly had no decision making or real political power. It has since atrophied and died. That should send a signal that the EU needs a more ambitious but even handed approach if it is to sustain its influence in the European neighbourhood in the future.

Finally the question of an eventual merger of some or all of the UEC partner states into the EU itself need not be ruled out for all time. The process will, in all probability, take many decades rather than years. However in the meantime it is essential that a credible transition – offering real economic and political gains for the eastern neighbouring states and especially an equitable stake in joint decision making – should be offered by the European Union.

About the Author

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