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“The European Union’s Territorial Self-Image:  
Between Cultural Roots, Geopolitics,  
and Concepts of Post-Sovereignty”

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“The European Union’s Outermost Regions:  
Geopolitical Strategies”

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## Introduction: Which is the EU's Territorial Self-Image? (1)

- Some core provisions in the European Treaties:
  - “EU-Territory”, including “Outermost Regions”: Art. 52 (Member States) plus Art. 355 TFEU (territorial scope) and Art. 349 TFEU (Outermost Regions)
  - “Associated Non-European Countries and Territories”: Art. 198 and Annex II TFEU (special relations with overseas countries or territories)
  - “European Neighbourhood”: Art. 8 TEU (special relations with neighbouring countries)
- Questions:
  - Do the European Treaties express a territorial self-image?
  - If so, what are the legal consequences?

## Introduction: Which is the EU's Territorial Self-Image? (2)

- Background:
  - Our general topic: "The EU's Outermost Regions and their Sovereign Neighbours – Geopolitical Strategies"
  - Ulrike Jureit/Nikola Tietze (eds.): *Postsouveräne Territorialität. Die Europäische Union und ihr Raum [= Post-Sovereign Territoriality. The European Union and Its Space]*. 2015
  - European Commission: *More unity and more diversity. The European Union's biggest enlargement*. 2003 – according to Jochen Kleinschmidt (in Jureit/Tietze [2015]), "a rare example of a documentation that explicitly portrays the EU's territorial self-image"

## Introduction: Which is the EU's Territorial Self-Image? (3)

- European Commission (2003):
  - (1) "By its very nature, the European Union is destined to grow."
  - (2) "All 10 newcomers are joining because they see their natural place within the EU and they share its goals of freedom, democracy and prosperity."
- Kleinschmidt (2015):
  - Phrase (1): a classical topos of geopolitics  
+ Phrase (2): a self-image of natural leadership ("semantics of *superiority*")  
= Soft-power expansionism?
  - And: Is the sharing of universal "values" the only condition that guarantees candidates "their natural place within the EU"?

## Introduction: Which is the EU's Territorial Self-Image? (4)

- Kleinschmidt's thesis:
  - The European Commission ignores (or conceals) the political questions of territoriality, and instead cultivates a "de-politizing harmonism"
  - This is wrong and dangerous, because
    - (a) questions of expanding the EU's territory are in fact highly political, and
    - (b) the EU was originally conceived as an "arena for a rule-based way of dealing with political conflict" – a function that can only be fulfilled if potential conflicts are discussed and handled in an open and transparent way

## Introduction: Which is the EU's Territorial Self-Image? (4)

- Schedule of this presentation:
  - Possible foundations of a territorial self-image:
    - (a) Cultural roots: the “values of the Union”
    - (b) Power projections: geopolitical considerations
    - (c) Concepts of post-sovereignty – whatever this may be?
  - The European Treaties:
    - (a) An overview over the core provisions
    - (b) Do they express a territorial self-image?
  - Conclusions: legal consequences

## European Cultural Roots and the EU's Self-Image (1)

- Relevant provisions in the European Treaties:
  - Preamble of the TEU: "... drawing inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law ..."
  - Art. 2 TEU: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."
  - Art. 3 TEU: "1. The Union's aim is to promote ... its values ...  
3. ... It [the Union] shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced. ..."

## European Cultural Roots and the EU's Self-Image (2)

- Art. 4 TEU: "... 2. The Union shall respect the equality of Member States before the Treaties as well as their national identities ... . It shall respect their essential State functions, including ensuring the territorial integrity of the state, maintaining law and order and safeguarding national security. ..."
- What does this mean?
  - "cultural, religious and humanist inheritance of Europe" – refers to the all-European history of political thought in modern times (since c. 1500 AD)
  - "a society in which pluralism ... prevail", "national identities": refers to the common ground of a genuinely European society (singular!): the conviction that diversity is fundamentally important
  - "values of the Union", "essential State functions" – refers to the legal side of Europe's cultural heritage: Renaissance, Enlightenment (concepts of "state" [sovereignty: "maintaining law and order and safeguarding national security"] and the constitutionally guaranteed "values" states have to protect ["freedom, democracy, equality, the rule of law"])



## European Cultural Roots and the EU's Self-Image (3)

- Does this have a territorial aspect?
  - Renaissance, Enlightenment, Liberalism: universal outlook ("human rights"), but: rooted in the "West", in the space of the "occidental" civilization
  - Geography:
    - (a) Origins in the space of Latin Christianity (Roman Catholic Church): Kingdom of the Franks → expansion: British Isles, Iberian Peninsula, Southern Italy, Eastern Central Europe, Scandinavia
    - (b) Transformation by Enlightenment and Industrial Revolution: England, France → expansion into the whole space of Latin Christianity, and beyond: occidental civilization "exported" to other continents by mass emigration ("neo-European" countries)

## Geopolitics and the EU's Self-Image (1)

- Relevant provisions in the European Treaties?
  - No direct reference to geopolitics; but: history of the European Union:
  - Richard von Coudenhove-Kalergi ("Pan-Europa") – United States of Europe;  
Jean Monnet and Robert Schuman – European integration;  
USA – European pillar of the "transatlantic architecture" during the Cold War
  - Preamble of the TEU: "... recalling the historic importance of the ending of the division of the European continent ..."
  - Art. 3 TEU: "1. The Union's aim is to promote peace [, its values] ...  
2. The Union shall offer its citizens an area of [freedom,] security ...  
5. In its relations with the wider world, the Union shall uphold and promote its [values and] interests and contribute to the protection of its citizens. ..."

## Geopolitics and the EU's Self-Image (2)

- What does this mean?
  - The aspect of power politics and the political questions of territoriality should not be concealed; any “de-politizising harmonism” in this respect would ignore the central motives for the historical process of European integration
- Does this have a territorial aspect?
  - Geopolitical concepts have always determined international politics and international law in Europe, cf.
    - (a) the European ideal of a balance of powers (Ludwig Dehio: *Gleichgewicht oder Hegemonie*. 1948; Carl Schmitt: *Der Nomos der Erde*. 1950; Henry Kissinger: *Diplomacy*. 1994), and – at the same time – the global struggle between sea powers and land powers (Alfred Th. Mahan: *The Influence of Sea Power upon History*. 1890; Halford J. Mackinder: *The Geographical Pivot of History*. 1904);
    - (b) the meaning of European integration during the Cold War and after (Zbigniew Brzezinski: *The Grand Chessboard*. 1997; Geir Lundestad: *“Empire” by Integration. The United States and European Integration, 1945-1997*. 1998)

## A Post-Sovereign Self-Image? (1)

- What does “Post-Sovereignty” mean?
  - Jureit/Tietze (in Jureit/Tietze [2015]):  
concept of post-sovereignty = “idea of shared, overlapping and therefore no longer autonomous sovereignty in the classic sense”;  
sovereignty in the classic sense = comprises the ideas of “personal affiliation, decision-making power in the last resort, and a monopoly on the use of force”
  - In fact, very different concepts of post-sovereignty, ranging
    - (a) from the empirical observation that states increasingly lose control over the globalized “systems” (capital markets, internet, ...)
    - (b) to ideals of a multicultural “world society” without borders, a society in which personal or “systemic” networks become more important than states (and states might finally perish)
  - In other words: post-sovereignty
    - (a) as a threat: “systems” totally seize the individual (freedom?), will react in an unforeseeable way and can no longer be controlled by states (democracy?)
    - (b) as a chance: “systems” bring together and unify mankind

## A Post-Sovereign Self-Image? (2)

- Relevant provisions in the European Treaties:
  - Generally, Art. 1 TEU: the establishment of “... a European Union ... on which the Member States confer competences to attain objectives they have in common. ...”
  - Art. 3 TEU: “2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers ...  
3. The Union shall establish an internal market. ...”;  
in this context, inter alia:
    - (a) Schengen Agreement; Artt. 67-89 TFEU (on the “area of freedom, security and justice”);
    - (b) Artt. 26-66 TFEU (on the “internal market”), Artt. 101-118 TFEU (“rules on competition” etc.), Artt. 119-144 (“economic and monetary policy”), etc.
  - Art. 8 TEU: European Neighbourhood;  
Art. 198 and Annex II TFEU: association of non-European countries and territories

## Which Self-Image do the Treaties Reveal? (1)

- Post-Sovereignty?
  - Yes, in the sense of a “shared, overlapping ... sovereignty” and with the effect that the ideas of “personal affiliation, decision-making power in the last resort, and a monopoly on the use of force” now also refers to the EU; but not in the sense of a multicultural “world society” without borders, a society in which personal or “systemic” networks become more important than states
  - What is the European Union’s “nature”?
    - (a) A “supranational” organization (an entity “*sui generis*”, “*Staatenverbund*”)
    - (b) founded in order to guarantee the existence of its member states and to preserve peace, and therefore excluding any use of force in the internal relations and organizing a common foreign policy,
    - (c) implementing a new status and permanent order on its member states, and thereby changing their material constitutions –
    - (d) which means that it will regularly and decisively (have to) interfere in the internal affairs of its member states.

## Which Self-Image do the Treaties Reveal? (2)

- The paradoxes of such a “supranational” organization (“Union”):
  - Empirical observations:
    - (a) Member states seek to preserve their (external) independence and (internal) self-determination – but they integrate themselves into a joint new status and permanent order and subject themselves to regular and decisive interference;
    - (b) Member states are not subordinate to the Union, but the Union has its own political logic and even a remarkable inner dynamics (cf., Art. 1 TEU: “an ever closer union among the peoples of Europe”)
  - Theoretical consequences:
    - (a) A constantly fragile, but perhaps durable “balance of powers” between the member states and the Union can be achieved – and must be achieved; how?
    - (b) Central prerequisite: “homogeneity” of the member states;  
in other words: only a solid common basis can offer the chance that this “balance of powers” can endure for the common best

## Which Self-Image do the Treaties Reveal? (3)

- Relevant provisions in the European Treaties:
    - Preamble of the TEU (“cultural, religious and humanist inheritance of Europe”); Art. 2 TEU (“values”), consisting of legal guarantees and basic attitudes in society; Art. 3 TEU (“rich cultural and linguistic diversity”) – i.e., the cultural roots [as discussed earlier]
    - Art. 49 TEU: “Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. ... The applicant State shall address its application to the Council, which shall act unanimously ... .”
      - What does “European” mean in this context?
- Hypothesis:
- (a) A vaguely limited geographic area;
  - (b) in legal terms, an ill-defined term that leaves much space for political discretion.



## Which Self-Image do the Treaties Reveal? (4)

- Art. 7 TEU: “2. The European Council ... may determine the existence of a serious and permanent breach by a Member State of the values referred to in Article 2 ...  
3. ... the Council ... may decide to suspend certain of the rights deriving from the application of the Treaties to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. ... The obligations of the Member State in question under the Treaties shall in any case continue to be binding on that State. ...”
  - What does this mean?  
A mechanism in the hands of the Union in order to help maintain homogeneity:
    - (a) No forceful tool, but
    - (b) a disciplinary instrument of symbolic quality.
- Art. 50 TEU: “Any Member State may decide to retire from the Union in accordance with its own constitutional requirements. ...”

## Conclusions (1)

- The EU's legal self-image:
  - A special "Union" at mutual advantage, implementing a radically new status and (hopefully) permanent order on its member states;
  - basically voluntary and legally fragile; therefore: absolutely dependent on a common basis provided by long-established "values" (Occident, Enlightenment);
  - with an "inner" dynamics ("*methode Monnet*") right from the start, but with an open "*finalité*": supranational "Union" or "United States of Europe" (cf., European citizenship, Europeanized elections to the European Parliament and to local boards, Europeanized consular protection, etc.)?

## Conclusions (2)

- Consequences for the EU's territorial self-image:
  - The EU may have had a strong dynamics in the past, internally ("deepening") and externally (geographic expansion);
  - but the need of a common basis provided by shared "values" limits this process
    - not only in actual fact, but legally.
- What does this mean?
  - Accession of new members to the EU (Art. 49 TEU) is limited to European states with an occidental tradition that have undergone the phase of Enlightenment;
  - EU has to consolidate internally by respecting, protecting and advancing its "values" among the existing member states;
  - the ENP (Art. 8 TEU) is the tool for intensive cooperation with non-occidental countries in the EU's neighbourhood.

Thank you very much!