

DER NORDEN UND DIE ZUKUNFT DER EUROPÄISCHEN UNION

15.-16. Oktober 2007, Humboldt-Universität zu Berlin; Senatssaal, Unter den Linden

Die zweitägige Konferenz findet aus Anlass des norwegischen Staatsbesuches in Berlin statt. Im Anschluss an die Fachtagung hält der norwegische Außenminister *Jonas Gahr Støre*, im Rahmen der Vortragsreihe *Forum Constitutionis Europae*, eine Rede zu Europa.

Die Konferenz wird zwei Themen verbinden, zum einen das Verhältnis des europäischen Nordens zur Europäischen Union, das in den nordeuropäischen Staaten verschieden organisiert ist, zum anderen die Frage nach der Zukunft der Union selbst.

Am zweiten Tag, dem 16. Oktober, werden die Fragen, über die in Verbindung mit dem Versuch zu einer europäischen Verfassungsbildung diskutiert und politisch gestritten wird, zur Sprache kommen. Es wird über die Rolle der einzelstaatlichen Souveränität im zukünftigen Europa diskutiert, über den Unterschied von Staatenbund und Bundesstaat, und über die Rolle der Öffentlichkeit und der verschiedenen Öffentlichkeiten im europäischen Entwicklungsprozess: Wie viel Einheit braucht man, um sich eine demokratische, auf Wohlfahrt und Menschenrechte gegründete Europäische Union vorzustellen? Es wird auch versucht, etwas für diese Fragen aus der spezifischen Problematik des europäischen Nordens, die am ersten Tag behandelt wird, heraus zu gewinnen. Die Problematik des ersten Tages kann etwas umfassender wie folgt angedeutet werden:

Die gegenwärtigen Beziehungen Nordeuropas zur Europäischen Union erscheinen komplex und unübersichtlich. Während Dänemark seit 1973 und Schweden und Finnland seit 1995 EU-Mitglieder sind, ist ein Beitritt von Norwegen bereits zwei Mal (1972 und 1994) verworfen worden, und Island hat einen Aufnahmeantrag bislang nicht einmal ernsthaft in Erwägung gezogen. Darüber hinaus machen selbst die nordischen Mitglieder der EU nationale Vorbehalte gegenüber den Europäischen Verträgen geltend, allen voran Dänemark und Schweden, welche die Einführung der Gemeinschaftswährung Euro ablehnen. Im Grunde ist Finnland heute das einzige nordische Land, das ohne substantielle Abstriche in die EU integriert ist.

Die Europäische Union spaltet die nordischen Gesellschaften und hat deshalb nationale Sonderwege gezeitigt, aus der im Gesamterscheinungsbild eine widersprüchliche und mithin paradox anmutende Integrationsgeometrie entstanden ist. So leistet das Nicht-EU-Mitglied Norwegen zeitweise größere Nettozahlungen nach Brüssel als das Mitgliedsland Finnland, und in bestimmten Bereichen der Schengen-Zusammenarbeit ist Norwegen stärker an gemeinsames EU-Recht gebunden als das Mitgliedsland Dänemark. Es hat den Anschein, dass den Norden nur eines wirklich eint, nämlich "Euroskepsis" im Sinne einer durchweg kritischen bis ablehnenden Haltung zur Idee der politischen Einigung Europas.

Nichtsdestotrotz lässt sich ein gemeinsamer Nenner der nordisch-europäischen Beziehungen erkennen. Dieser besteht zum einen im Europäischen Binnenmarkt, dem auch Norwegen und Island aufgrund ihrer Mitgliedschaft im Europäischen Wirtschaftsraum (EWR) seit 1994 angeschlossen sind. Zum anderen nehmen alle Nordischen Länder seit 2001 an der Schengener Zusammenarbeit in den Bereichen Inneres, Polizei und Justiz teil. Hinzu kommt die enge Kooperation im Rahmen der Gemeinsamen Außen- und Sicherheitspolitik (GASP) sowie der Europäischen Sicherheits- und Verteidigungspolitik (ESVP). Jenseits der Fragen nach Vollmitgliedschaft und Währungsunion ist der Norden also durchaus in zentrale Bereiche der EU-Zusammenarbeit integriert.

Angesichts dieser Gemengelage soll die Konferenz an der Humboldt-Universität einen Beitrag dazu leisten, den aktuellen Stand der Integration des Nordens in die EU zu analysieren und Perspektiven für die künftige Integrationsentwicklung aufzuzeigen. Die Leitfragen lauten: Wo steht der Norden heute in Europa? Wie ist die langfristig entstandene Integrationsgeometrie in Nordeuropa zu charakterisieren? Wo liegen die Herausforderungen für die weitere Gestaltung der nordisch-europäischen Beziehungen? Wo die Chancen?

NORTHERN EUROPE AND THE FUTURE OF THE EUROPEAN UNION

15-16th October 2007, Humboldt-University of Berlin, Senatssaal, Unter den Linden

A two-day conference at the Humboldt-University of Berlin will be held on the occasion of the Norwegian state visit to Berlin. The event will be concluded with a Speech at the lecture series Forum Constitutionis Europae given by the Norwegian Minister of Foreign Affairs, *Jonas Gahr Støre*.

The conference will combine two themes: firstly, the relation between Northern Europe and the European Union; and secondly, the question about the future of the Union.

The second day of the conference will be devoted to the questions of European constitution-building that in recent years have been discussed and the subject of political controversy. The role of state sovereignty in the future of Europe will be discussed, the difference between a federation of states and a federal state; and also the role of the public sphere, of different forums of public discussion in the European development: How much unity is needed here, if one is to realistically conceive of a European Union based on welfare and human rights? It will also be attempted to derive lessons for such questions from the discussion of Northern Europe that will be treated on the first day of the conference. The issues of the first day of the conference can be described as follows:

The relationship between the European Union and the North appears hard to grasp and difficult to access. Whereas Denmark became an EU member as early as in 1973, and Sweden and Finland in 1995, Norway has rejected membership already twice (in 1972 and 1994), and Iceland has hitherto not seriously considered joining the EU. Yet even the Nordic EU members continue to opt out from certain integration projects. This is first and foremost true for Denmark and Sweden, which have not only voted against the introduction of the common currency, the Euro, but so far also refrained from ratifying the Draft Constitution for the EU. Finland is actually the only Nordic country which today is integrated in the EU without any substantial qualification.

The European Union disunites the Nordic societies and has therefore led to a kind of Nordic *Sonderweg* with paradoxical consequences. The non-member Norway, for example, has temporarily become a more important net contributor to the EU budget than the member state Finland, and Norway is, in certain areas like the common immigration policy of the EU, more strongly bound by European law than the member state Denmark. It seems that the North is primarily united by one thing, i.e. "euroscepticism" in the sense of widespread criticism and rejection of the idea of a politically united Europe.

It is, nevertheless, possible to conceive of a common denominator of Nordic-European relations. This denominator can partly be seen in the Single European Market, which also Norway and Iceland joined by way of membership of the European Economic Space (EEA) in 1994, and partly in the so-called Schengen co-operation which all Nordic countries joined in 2001. Moreover, the Nordic countries also participate closely in the Common Foreign and Security Policy (CFSP) and in the European Security and Defence Policy (ESDP), including the neutrals Sweden and Finland. Notwithstanding the delicacy of such issues as full membership or the euro, the North is participating in core areas of the EU integration process.

In light of this complex picture, the Humboldt conference sets out to analyse the current state of affairs of the North's integration in the EU, and to point to new perspectives for the future development of Nordic-European relations. The main questions under consideration will be: Where does the North stand vis-à-vis Europe? How can the long-term integration process in the region be characterised? Which are the main challenges for the future role of the Nordic countries in Europe? And where are the opportunities?

NORTHERN EUROPE AND THE FUTURE OF THE EU

15-16th October 2007
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AGENDA

Monday, 15th October 2007

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| 12.00–12.30 | Registration |
| 12.30–13.00 | Opening
Bernd Henningsen, Berlin
Helge Høibraaten, Berlin |
| 13.00–14.00 | Integration History from a Northern Perspective
Thorsten Borring Olesen, Aarhus
Commentator: Sten Berglund, Berlin |
| 14.00–14.30 | <i>Coffee break</i> |
| 14.30–15.30 | Nordic Anti-Federalism
Carsten Schymik, Berlin
Commentator: Tor Bjørklund, Oslo |
| 15.30–16.30 | EEA - A model for future EU candidates?
Ulf Sverdrup, Oslo
Commentator: Eckart D. Stratenschulte, Berlin |
| 16.30–17.00 | <i>Coffee break</i> |
| 17.00–18.00 | Nordic regional action in a fused Europe
Magnus Lindh, Karlstad
National Adaptation and Fusion in the Nordic States
Lee Miles, Liverpool/Karlstad |
| 18.00–19.00 | The United Parliaments of Europe and other Form Proposals for the EU
Gerd Grözinger, Flensburg
Commentator: Inger Johanne Sand, Oslo/Copenhagen |
| 19.00 | <i>End of day one</i> |

Tuesday, 16th October 2007

- 9.30 – 10.00 **Registration**
- 10.00–11.00 **Sovereignty, constitution-making and the EU**
Andrew Arato, New York/Frankfurt a.M.
Commentator: Hauke Brunkhorst, Flensburg
- 11.00–12.00 **Beyond Intergovernmentalism**
Erik Oddvar Eriksen, Oslo
Commentator: Ulrich K. Preuss, Berlin
- 12.00–13.00 *Lunch break*
- 13.00–14.00 **The role of national sovereignty and the future of the EU**
Øyvind Østerud, Oslo
Commentator: Alexandra Kemmerer, Würzburg
- 14.00–15.00 **Wie kann man die Europäische Union juristisch denken?
Überlegungen zu einer Bundeslehre**
Christoph Schönberger, Konstanz
Commentator: Jürgen Bast, Heidelberg
- 15.00–15.30 *Coffee break*
- 15.30–16.30 **Unbezähmbare Öffentlichkeit in der Europäischen Union?**
Hauke Brunkhorst, Flensburg
Commentator: Helge Høibraaten, Berlin
- 16.30 *End of Conference*
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- 17.00 **Forum Constitutionis Europae**
Jonas Gahr Støre
Foreign Minister of Norway

Contributors

Andrew Arato is Dorothy Hart Hirshon Professor of Political and Social Theory at the New School for Social Research, New York City. Among his books are *Civil Society, Constitution, and Legitimacy* (2000), *Civil Society and Political Theory* (co-author, with Jean Cohen, 1992); and *Crisis and Reform in Eastern Europe* (co-editor, 1991), *Gorbachev: The Debate* (co-editor, 1989).

Jürgen Bast is Senior Research Fellow at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg. He has published a study on Franz Neumann's analysis of Nazi totalitarian pluralism. His dissertation, *Grundbegriffe der Handlungsformen der EU – entwickelt am Beschluss als praxisgenerierter Handlungsform des Unions- und Gemeinschaftsrechts*, was published in 2006.

Sten Berglund is Dag Hammarskjöld Professor at Humboldt-University and head of several research projects in the field of Comparative Political Science.

Tor Bjørklund is Professor of Political Science at the University of Oslo. Since his early book *Mot strømmen. Kampen mot EF 1961-72* (1982) he has been one of the leading experts on Norwegian and Nordic EC/EU-debates and referenda. Further major works are *Om folkeavstemninger I Norge og Norden 1905-1994* (1997), and *Periferi mot sentrum. Landsomfattende folkeavstemninger i Norge* (1999).

Hauke Brunkhorst is Professor of Sociology at the University of Flensburg. Among his many books, the best known is *Solidarity. From Civic Friendship to a Global Legal Community* (2005, orig. Frankfurt a.M. 2002.) He recently published a long commentary on Marx' *18. Brumaire of Louis Bonaparte*. He has also edited and co-edited several books on globalization, human rights and humanitarian intervention. He has written widely on the problems and processes of constitutionalization above the state level.

Erik Oddvar Eriksen is Professor of Political Science at ARENA – Advanced Research on the Europeanization of the Nation State – at the University of Oslo. He has written books on Habermas and on the welfare state, and co-edited and co-authored several books on different aspects of the EU and of European integration: *Developing a Constitution for Europe* (2004), *The Chartering of Europe* (2003), *Democracy in the European Union – Integration through Deliberation?* (2000).

Gerd Grözinger is Professor at the Centre for Educational Research and the European Studies Program, University of Flensburg. He has co-edited (with, among others, Hauke Brunkhorst) *The European Union as a Model for the Development of Mercosur? Transnational Order between Economic Efficiency and Political Legitimacy* (2007), and *Peripherie und Zentrum in der Weltgesellschaft* (2004). In 2006 he co-authored *Die Teilhabe-Gesellschaft*, with Claus Offe und Michael Maschke.

Bernd Henningsen is Professor and Director of the Department for Northern European Studies, Humboldt-University of Berlin, and head of several research projects on Northern Europe and the Baltic Sea Region.

Helge Høibraaten is hosting this conference as the current Norwegian Henrik Steffens-Professor at Humboldt-University. He is a philosopher with main focus on political philosophy.

Alexandra Kemmerer is an academic Researcher at the Institute for International Law, European Law and European Private Law, University of Würzburg. She has written many articles for legal and social science journals, among other things on problems of international law. She is a co-editor of the *German Law Journal*, and writes regularly for the *Frankfurter Allgemeine Zeitung*. At present she is working for a research project on European citizenship as a flexible concept of law.

Magnus Lindh is responsible for European Studies at Karlstad University. After Sweden became a member of EU in 1995, the regions in Sweden have emerged as a salient feature in the debate about how to increase the efficiency and the legitimacy of political decisions. In the Fuse Europa Project Magnus Lindh investigates how regional actors behave when they interact with the EU and which strategies are most successful.

Lee Miles is Professor at the University of Liverpool and teaches at Karlstad University. Miles is widely regarded as being one of the UK's primary experts on Scandinavian politics and Nordic policies towards the European Union. He is involved in the *Fusion Europa Project* and *Fusing with Europe? Sweden in the European Union* (2005) is among his several publications.

Thorsten Barring Olesen is a historian and Jean Monnet Professor, University of Aarhus. His research focus lies on European integration, Danish security and foreign policy since 1945, the history of modern Italy and facism. Among his main works he edited *Interdependence Versus Integration. Denmark, Scandinavia and Western Europe, 1945-1960* (1995), and co-authored 'A Nordic Alternative to Europe? The Interdependence of Denmark's Nordic and European Policies, 1945-1999', in: *Contemporary European History*, vol. 9 (1), 2000.

Øyvind Østerud is Professor of Political Science at the University of Oslo. From 1998 to 2003 he was head of the research program on *Power and Democracy* initiated by the Norwegian Government, which resulted in a large number of books and reports, among them a book on globalization and the nation-state. For an English presentation see Østerud and Engelstad, *Power and democracy. Critical interventions* (2003.) Among his many books are also books on nationalism and national self-determination.

Ulrich K. Preuss teaches theories of the state at the Hertie School of Governance, Berlin, after having been Professor of Public Law at the University of Bremen and the Free University of Berlin. He has published widely on problems of law and constitutionalism and in political theory. Among many other things he co-authored a proposal for *Eine Verfassung für Deutschland* (1991), wrote *Constitutional Revolution: The Link Between Constitutionalism and Progress* (1995), and is just publishing (as co-editor and -author) *Schmerzliche Erfahrungen der Vergangenheit und der Prozess der Konstitutionalisierung Europas* (forthcoming).

Inger Johanne Sand is Professor of Public Law at the University of Oslo and until 2008 Guest Professor at Copenhagen Business School. In 2004, she co-edited (with Günther Teubner and Christian Joerges) *Transnational Governance and Constitutionalism*, and published there the article "Polycontextuality as an Alternative to Constitutionalism." She also published, in 1996, a comprehensive work on *Styring av kompleksitet*.

Christoph Schönberger is Professor of Public Law, European Law, Comparative Theory of the State and Constitutional History at the University of Konstanz. He has published *Das Parlament im Anstaltsstaat* (1997), on Wilhelmine Germany; and *Unionsbürger. Europas föderales Bürgerrecht in vergleichender Sicht* (2005). He contributed the chapter "Staatlich und Politisch" to Reinhard Mehring (ed.): *Carl Schmitt. Der Begriff des Politischen. Ein kooperativer Kommentar* (2003).

Carsten Schymik (phd.) is political scientist and Researcher at Humboldt-University. He is doing research on political movements against European Integration in Scandinavia. In his view, federalism offers the best theoretical tool to understand opponents of integration; see his recent book *Europäische Anti-Föderalisten. Volksbewegungen gegen die Europäische Union in Skandinavien* (2006).

Eckart D. Stratenschulte is Professor and Head of the European Academy Berlin. His field of research is European integration; he is teaching at the Department of Political Science, Free University Berlin.

Ulf Sverdrup (phd.) is a Researcher at ARENA - Advanced Research on the Europeanization of the Nation State. As a political scientist his main field of study is institutional dynamics and the Europeanization of national administrative systems. He has worked on the topic of adaption of non-EU member states in European frameworks and the EEA.