



European
University
Institute

MAX WEBER PROGRAMME FOR POST-DOCTORAL STUDIES



James Madison University and EUI Max Weber Programme

Fourth Graduate Symposium

**European Policy-Making in Shifting Global
and Regional Environments**

San Domenico di Fiesole, Villa La Fonte, 16 June 2011

Co-organized by

James Madison University in Florence and Max Weber Programme, EUI

The Max Weber Programme and James Madison University's M.A. programme in political science with a concentration in European Union Policy Studies present their Fourth Joint Graduate Symposium on European policies.

The symposium aims to establish a platform for JMU's master's students to present their work and ideas about the EU in the professional setting of an academic conference. The papers discuss the various policies adopted by the European Union, with an eye toward scrutinizing their effectiveness and analyzing their impact. Overall, they seek to promote better understanding of the ever-evolving EU system of governance.

As two institutions promoting academic excellence, the EUI and JMU will grant an award for the best paper produced for the conference.

The Graduate Symposium is just one of the events created by the active collaboration between the EUI and JMU. The two institutions engage in several other events throughout the year.

If you would like to be informed about joint projects, to propose collaborations, or to join existing collaborations between the EUI and JMU, please contact the EUPS Programme Director, Dr. John Scherpereel (scherpja@jmu.edu) or the EUPS Academic Coordinator, Caterina Paolucci (paoluccx@jmu.edu).

Symposium organizers:

John Scherpereel, EUPS Programme Director, JMU
Igor Guardiancich, MWP/EUI
Reuben Kline, MWP/EUI
Yane Svetiev, MWP/EUI
Georgia Mavrodi, RSCAS/EUI

**EUI Max Weber Programme and James Madison University
Fourth Graduate Symposium, 16 June 2011**

EVENT SCHEDULE

- 9:00** **Participant registration**
- 9:15** **Welcome and opening, Karin Tilmans (MWP) and John Scherpereel (JMU)**
- 9:30 – 10:45** **SESSION 1 (PARALLEL PANELS)**

Panel A Competition policy and the internal market (Sala Conferenza)

Jeffrey BURTNER, “Cartel Busting: The EU’s Leniency Policy and its Effectiveness as an Enforcement Tool”

The vast majority of policymakers and economists recognize cartels inter-firm collusion as unfavorable economic practices. Colluding firms realize high profit margins but harm consumers by limiting price competition and undermining innovation. In an effort to combat cartels and collusive business practices, the EU has established a Leniency Policy, similar to that of the United States, in which firms participating in a cartel may be granted leniency if they surrender information about the cartel and its participants. This paper analyzes the history of competition policy within the European Union and investigates the effectiveness of the leniency policy throughout its various phases. Ultimately, this paper argues that while the EU’s Leniency Policy has shortcomings, the revisions it underwent in 2006 have served as a vital tool in the fight against cartels.

Robert C. CELLUCCI, “Cowboys and Gentleman: An Analysis of the Divergence between EU Competition Policy and US Antitrust Law”

This paper contrasts the stringency of EU Competition Policy and US Antitrust Law in instances involving the abuse of a dominant position. It focuses primarily on cases involving a *refusal to deal* or *exclusionary practice*. Over time, the US has relaxed its enforcement of the Sherman Antitrust Act to improve its competitive edge in the expanding global marketplace. The EU eventually followed suit after its previous attempts to create a fair, competitive market for smaller firms were eliminated by efforts to create a highly efficient market based in “sound economics.” Nonetheless, the EU’s fear of the potential harm that a dominant position can have on competition has caused the ECJ to intervene more than US courts. Conversely, the US tends to avoid intervention because of its concern over developing false positives and its confidence in the market’s ability to regulate long-term problems.

Alexandra HAMBRICK, “How the Lack of Mutual Recognition of Services Has Affected and Will Affect the Internal Market”

In this paper, I explore the effects of the lack of harmonization in the service sector, and how this will continue to affect the functioning of the internal market. I discuss the factors contributing to this lack of integration of the Internal Market for Services such as, cultural barriers, language barriers, physical proximity or establishment barriers, stringent authorization regulations and quantitative restrictions. I continue by exploring the reasons why the European Union has repeatedly failed to further integration of the service industry within the Internal Market including. I pay particular attention to problems introduced by an expanding and diversifying Union and the varying degrees of economic development among Member States. I show how these two characteristics of the EU contribute to distrust and uncertainty, ultimately leading to negligence on behalf of the Member States in terms of the implementation of directives and regulations. I argue that in order for a strong and competitive Internal Market to be achieved, the EU must facilitate fair and equal business competition within Member States through an enforceable regulatory system.

Panel B Challenges in the Area of Freedom, Security and Justice (Sala A)

Daniel Leas MORLEY, "Statelessness in Europe: Forms, Challenges, and Solutions"

Statelessness – the phenomenon that occurs when a person lacks citizenship in any state – is a persistent problem in Europe. Statelessness causes problems for the individuals living without state protections. It also causes problems for the countries in which stateless persons reside, as these polities fall short of their full potential to grant full political rights. The paper focuses on the histories and past efforts to deal with two of the EU's most significant stateless populations - ethnic Russians in the Baltic states and the Roma populations across Europe and inquires into possible solutions to these cases of statelessness. Previous successful cases of combating statelessness do not appear possible to replicate in these cases. In the face of this reality, the paper identifies possible solutions. It discusses the possibility of offering direct citizenship to the EU without requiring membership in any of its Member States and the possibility of the EU reimbursing states that grant full state protections to formerly stateless persons. If implemented, these solutions would virtually end statelessness in Europe, give protection to stateless people, and provide a necessary step towards an "ever closer Union."

Elizabeth DUDA, "Creeping Vines: A Legal Development of European Union Citizenship"

Citizenship has always been a facilitator of integration. Across the European Union, member states have their own policies for granting citizenship, and member-state citizenship is the only way to be European Union citizen. As the EU has developed, so has its sense of citizenship, and so, too, has the relationship between EU institutions and citizens of member states. Recent case law from the Court of Justice of the European Union has indicated a growing trend of citizenship rights at the European level. This case law has even had an indirect effect on the rights of third-country nationals. Based on an overview of case-law between 1998 and the present, this paper attempts to demonstrate a logical development of Union citizenship over time and through the specific rights on non-discrimination based on nationality and the freedom of movement for European Union citizens.

James STEWART, "Persecuted in Africa, Prisoners in Europe: Maltese Asylum Procedure and Policy"

A 2010 report commissioned by the European Parliament's Civil Liberties Committee concluded that asylum seekers were a bigger burden to Malta than they were to any other EU member state. Malta's inability to manage the flow of asylum seekers has resulted in human rights violations. This paper provides an overview of asylum in Malta since 2000 and examines the deficiencies in both Maltese national asylum legislation and European policy. These policies have failed Malta and other Mediterranean states that face undue burdens. There are three options available to improve the situation and provide better assistance to asylum seekers. First, Malta could push for a substantial Common European Asylum Policy. Second, Malta could liberalize its own legislation to ensure asylum seekers are treated with dignity. Third, Malta could seek out bilateral agreements with third countries to keep migrants from reaching their shores.

10:45 – 11:15 COFFEE BREAK

11:15 – 13:00 SESSION 2 (PARALLEL PANELS)
Panel C Common Foreign and Security Policy: Possibilities and implications I (Sala Conferenza)

Aimee BATEAS, “Why has Britain emerged as a CSDP leader, and what is the future of the CSDP?”

The United Kingdom (UK) has had a paradoxical history with the European Union (EU). As one of the most important economic and military powers in the 27-member bloc, the UK has also opposed further integration at the European level. Although traditionally eurosceptic, Britain seems to be willing to participate and even lead a common European defence project. Is this statement true, and, if so, why? The paper seeks to answer these questions by examining the influence of Tony Blair, the impact of the Iraq War, and the newest bilateral defence agreement between France and the UK. It identifies four main reasons for the UK’s leading role in Common Security and Defence Policy (CSDP): (1) it is more beneficial for the UK to cooperate than to not cooperate, (2) a stronger CSDP can lessen reliance on the United States, (3) CSDP is an area where the UK can largely contribute, and (4) avoidance of joining the single currency in the late 1990s. The paper concludes by examining the implications of the UK’s leadership in this policy area and the unknown future of CSDP.

Kathryn BOUCHARD, “Europe’s Contribution to the Arab Spring: An Examination of Security Policy and Human Rights Abuses in Tunisia”

This paper contends that there is not necessarily a trade-off between stability and respect for human rights. Rather, ignoring human rights violations in the name of stability and security may actually be *more* detrimental to stability in the long term than cooperation. When world powers such as the US and European Union work with leaders who deny their own people fundamental human rights, it only seems logical that populations would eventually rise up and try to change things on their own, thus creating a destabilizing effect over which those powers no longer have control. This paper examines the EU’s foreign policy (security and humanitarian policies) historically in Tunisia, both in rhetoric and practice, and examines how the failure to protect human rights in Tunisia actually may have contributed to the failure of security policy in Tunisia.

William KAMMERER, “A Single European Voice: Did the EU Lead or Follow in Libya?”

In early 2011, a social movement for freedom and democracy swept through many states in the Greater Middle East. In reaction to the protests, many of the region’s autocratic governments quickly and violently reacted with force. This paper analyzes the EU’s response to the situation in Libya in light of the regime’s violent reaction against civilians. It argues that as a supranational body, the institution has failed to develop a clear, cohesive, or effective position in regards to the developing situation beyond collectively imposing the restrictive measures put forth in UNSC Resolution 1970. This paper concludes that while the EU did not play a leading role, it did play a supportive role for the member states that chose to actively pursue their own foreign policy interests.

Geoffrey SKELLEY, “Realist and Constructivist Perspectives on European Security and Defense: How Self-Interest Trumps Principled Rhetoric

This work analyzes two peacekeeping missions to demonstrate that while the EU embraces principled rhetoric to describe its foreign policy actions, the driving force behind its decision-making process is member-state self-interest. The analysis suggests that the EU and its member states show are realist actors whose decisions focus on how each mission will serve them best. Whereas constructivism argues that the EU is a powerful force of norms, embodied in operations aimed at maintaining peace and security, these values are secondary to the individual motivations of member states to participate in peacekeeping missions. Examination of the the UNIFIL II operation in Lebanon and the EUFOR Tchad/RCA mission in eastern Chad and the northeastern part of the Central African Republic show that realist arguments provide sound explanations for the involvements of different member states.

Panel D The global projection of European power (Sala A)

Matthew LESLIE, “Is Either Side Winning? An Analysis of CFSP and US Foreign Policy Since 1993”

This paper compares the development of the European Union’s (EU’s) Common Foreign and Security Policy (CFSP) between 1993 and the present with the development of United States (US) foreign policy over the same period. It draws particular attention to the interaction between the CFSP and United States foreign policy and highlights, in particular, the ways that the US has reacted to the CFSP over time. The analysis concludes with a look at whether either side has an advantage and attempts to answer the question, “is either side winning”?

Shaina McANDREWS, “Analyzing the Limitations of Human Rights Clauses in EU Trade and Development Agreements”

Human rights clauses have been a tool of the European Parliament since 1995. They are intended to make the EU’s terms of trade and development aid conditional on third countries’ respect for human rights. This paper examines the European Union’s (EU’s) work in human rights clauses and points out problems existing within the framework and practice of the clauses. The paper provides insight into a certain inconsistency: the EU is working towards stricter human rights clauses while consistently providing loopholes for countries like the United States. Two different agreements are analyzed, giving insight into how the clauses vary significantly and how the clauses could be changed in the future. The cases of Colombia and Egypt are scrutinized to highlight the EU’s lack of enforcement of human rights conditionality.

Lauren MITCHELL, “Irish Neutrality and Europe: The Role of CFSP in the Referendums on Nice and Lisbon”

Ireland has had a push-pull relationship with the European Union and European Integration. Since joining the EEC in 1973, many Irish citizens have worried about the implications of further integration meant for their country, especially in regards to Ireland’s neutrality stance. With the expansion of CFSP and the EU’s foreign policy capabilities in the last decade, the Irish have voted “no” to further integration in two of its four European treaty reform referendums. This paper examines the role of CFSP in Ireland’s referendums on the Treaty of Nice and the Treaty of Lisbon. By using these four referendums as case studies, the paper seeks to assess how influential CFSP and issues of foreign policy are when the Irish vote on European referendums. What do these votes say about the Irish’s views on Europe and European integration due to their stance as a neutral power?

Tim ROSE, “Copenhagen Climate Change: A Case in EU Solidarity on the Global Stage”

This paper discusses how resilient the European Union (EU) is as a foreign policy actor and the conditions under which EU member states might be able to act as cohesive unit. The first part of the paper discusses developments before the Copenhagen summit took place. It pays specific attention to the ways that the EU was able to come to their position on climate change. The second part of the paper discusses the outcomes of the Copenhagen Summit itself and how the EU reacted to the outcome of the proceedings. Finally, the paper concludes with a look at what has happened in the time since the Copenhagen Summit. Concerning the issue of climate change, the EU has proven to be much more unified in its position, in comparison with other issues of foreign policy.

13:00 – 14:15 LUNCH

14:15 – 16:00 SESSION 3 (Sala Conferenza)
Panel E Common Foreign and Security Policy and the Area of Freedom, Security and Justice: Possibilities and implications II

Matthew EMERY, “Kosovo: Has the CFSP Worked for the European Union?”

It has been almost twenty years since the idea of a Common Foreign and Security Policy was added to the European Union’s (EU’s) agenda. Looking back, one of the areas that has called for EU attention has been the Balkans, and particularly Kosovo. This paper examines the case of the EU’s CFSP towards Kosovo since the 2000 Kosovo War. It seeks to determine the extent to which EU policy has worked and whether the EU has been able to find a common voice in this area. To do this, the paper looks at three major points in Kosovo’s history: the EU’s rebuilding efforts, the establishment of the EULEX mission, and the EU’s reaction to Kosovo’s declaration of independence. In looking at these events, the paper uses Kosovo as an example of the EU’s CFSP to determine what lessons can be learned for a stronger and more cohesive CFSP.

William L. LACY, “Euro-Normative or Power Play? Determining Motivations in Turkish Civil-Military Reform”

After many years of waiting in the wings, Turkey was finally recognized by the European Union (EU) as a candidate for accession in 1999. In 2005, an agreement was finally reached that allowed negotiations to go forward. Since then, many of Turkey’s domestic reforms have focused on civil-military relations, a particularly contentious subject in Turkish politics. This paper seeks to determine the motivations behind these reforms. Analysis of the political and economic contexts of civil-military relations in Turkey reveals that: 1) political actors in Turkey universally pay lip service to joining the EU as normatively desirable; 2) scrutiny of political and economic interests suggests the military and certain political parties nevertheless oppose EU membership; and 3) similar scrutiny suggests that the ruling Justice and Development Party uses EU membership primarily to promote a domestic political agenda. The article concludes with some predictions for future developments in Turkish civil-military relations.

Sam WECHSLER, “European Union Borders and Securitization: The Dangers of Sacrificing Rights in the Name of Security”

For the last twenty-five years, the European Union (EU) has promoted the free movement of people within its borders. The EU views the ability of people to move freely within its territory as a fundamental right and a necessary stepping-stone in the European integration project. The process of ensuring free movement began with some Member States in the EU deciding to remove internal border controls. However, throughout the process of removing these controls, Member States retained the right to reactivate them, indicating their ongoing concern about retaining state sovereignty in this area. In this paper, I argue that since the terrorist attacks of September 11, 2001, the EU experienced a heightened concern about border issues. Some observers have argued that the EU’s subsequent actions constitute securitization, and current events (i.e. reintroduction of internal border controls), have shown worrisome trends of governments limiting the rights of EU citizens.

Andrew WHEELER, “Anti-Terrorism Legislation in the United Kingdom: The Political Dimension of the Security-Rights Debate”

The debate surrounding the passage of anti-terrorism legislation often focuses on the tension between the need to provide security and the need to protect human rights. This paper explores the political dimension of the security-rights debate in respect to the anti-terrorism legislation passed in the UK under Tony Blair’s ‘New Labour’ government of the 2000s. The paper focuses on the Parliamentary debate surrounding the passage of the various anti-terrorism legislative acts of three time periods: pre-9/11, post-9/11, and after the July 7 London bombings. To what degree does the political discourse on security and rights change and evolve through the decade? What are the causes of such change? And, more specifically, what effect do the terrorist attacks of 11 September and 7 July have on the security-rights debate? The paper concludes that the Labour Government and Conservative Opposition succeeded in politicizing the security-rights debate. This politicization of the issue resulted in the creation of a sort of ‘security champion’ out of the Government, with the Opposition taking up the other torch and becoming a sort of ‘rights champion’.

16:00 – 17:15 SESSION 4 (Sala Conferenza)**Panel F EMU and the international implications of economic policy**

Janessa MURACO, “The Stability and Growth Pact and the Problematic PIIGS”

The creation and proper implementation of the Economic and Monetary Union (EMU) and the euro required strategic planning on the part of the European Union (EU). The Stability and Growth Pact entered into force in 1999, and today has the unique challenge of accommodating the euro area’s varying economic structures. With the EMU and the Pact came a unique political-economic system, and the 2005 reform of the Pact lessened the consequences of breaking convergence criteria in member states. This reform, and lack of fines from ECOFIN against two of the biggest economic players in the EU, France and Germany, paved the way for the recent financial crisis and subsequent economic downturn. Future reform is made more complicated due to spillovers from fiscal to monetary policy, and their varying effects on euro zone members.

Sarah RAIMONDO, “Destined to Fail? A Comparison of Europe’s EMU with 19th-Century Currency Unions”

Prior examples of currency unions in Europe might be seen as portending a sad fate for the euro. The 1865 Latin Monetary Union (LMU) and the 1873 Scandinavian Monetary Union (SMU) are incidences in which the desire to combine national currencies ultimately ended unsuccessfully in times of crisis. These monetary unions possessed very different characteristics and were not bound as Member States are today to the Economic and Monetary Union (EMU). This paper will address the similarities and differences among the former currency unions and the EMU today to determine how likely it is for the fate of the euro to follow in the steps of its predecessors. Comparison of the LMU, the SMU, and the EMU suggests that the EMU is characterized by facets – first and foremost that of a strong political union underlying economic union – that were not present in the former unions. This paper will demonstrate that despite recent turbulent economic events, it is unlikely that the EMU will suffer the same fate as previous European currency unions.

Lauren PEREZ, “The Impact of US and EU Agricultural Policies on the Developing World in Multilateral Trade Negotiations”

Over the past few decades, there has been great emphasis on increasing free trade, based on the belief that free trade is more efficient and benefits all parties involved. Free trade agreements have been made at the bilateral level, in the form of regional free trade associations, and through multilateral agreements via the World Trade Organization. The policy area about which forming these agreements has been most difficult is agriculture. This is problematic because agricultural protectionism hurts the poorest and least developed countries the most, since agricultural products make up such a large portion of their exports. This paper examines the types of agricultural protectionism used by wealthy countries, particularly the United States and the states of the European Union. It also examines the justifications provided for those protective measures. Then, it looks at how such protectionism harms developing countries. Next, it examines how these policies have caused deadlock in multilateral trade negotiations, particularly during the Doha round. Finally, it explains why achieving a Doha agreement is so important, especially to those who are least well off.

17:30 Outstanding paper award proclamation