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From Boundary to Borderland: Transforming the Meaning of Borders in Europe through the European Neighbourhood Policy

by

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(draft version)

Introduction

The European Neighbourhood Policy (ENP) of the EU stems from the imperative to develop a strategy towards bordering states and regions. The political and policy objectives underlying the ENP and other initiatives towards the neighbours (e.g., the accession process to the east, the Stabilization and Association Process to the south-east, or the Euro-Mediterranean Partnership to the south) are inextricably linked to the nature and function of EU borders.

Starting from an analysis of the concept of borders throughout the process of European integration, the paper looks at the ENP, including its principles and instruments, as an attempt by the EU to transform its external borders from areas of demarcation and division to areas of exchange and interaction, thus overcoming the logic “inclusion versus exclusion”. Indeed, as it is demonstrated by its origin and its objectives and rationale, the ENP can be viewed as a response to two potentially contradictory demands related to the issue of European borders: first, the efforts to define where the final borders of the EU lie; second, the challenge to transform the EU external borders from boundaries to borderlands.

Given that at this stage it is too early to assess the success of the ENP in transforming the EU’s external borders, five scenarios are outlined, that take into account the two main factors currently affecting the European integration process: the failure of the constitutional reform process and the emergence of the so called ‘enlargement fatigue’.

The concept of borders and European integration

The concept of borders has a long history in the social sciences, having been analysed through historical, socio-economic, anthropological and political lenses (Cassarino 2005). The meaning and categorization of borders lies in their objective or subjectively perceived function/s. The border can be an area of division and demarcation or alternatively of contact, exchange and integration. Borders can separate or they can connect. Depending on this first and in many ways blunt categorization, the border has been associated with different terms and it has thus acquired different meanings.

When the border is intended as an area of demarcation, separation or division, it has been commonly referred to by political geographers as a frontier or a boundary (Newman 2001:143). The border marks the line separating spaces of territorially defined sovereignty; it may act as a barrier to human, economic, cultural and social exchange and movement, or in the most dramatic instances, it can mark the interface of political or military confrontation. Alternatively, the border, when translated into terms such as borderland or border-region, acquires a diametrically opposite meaning.. Far from being a line of division between the 'inside' and the 'outside', between the self and the other, the border becomes an area of exchange, interaction, and integration,. In this case, the border tends to be geographically wider, politically inclusive, economically active and a space in which hyphenated identities are allowed to exist and encouraged to flourish. It is an area whose real and imagined character is intrinsically 'open'.

It follows that the nature of borders as boundaries or borderlands is shaped by relations within and between peoples. Perhaps even more crucially, the character of the border hinges on relations between bordering states. The concept of transforming the nature of borders from boundaries into borderlands through policy design has a long tradition in several parts of the world. For instance, African scholars have written much about the transformation of intra-African borders – many of them having been imposed by colonial powers -into border-regions (Bennafla 2002; Diarrah 2003).

The border debate also has an important history in Europe. Given the precise nature of the EU as an institutional, political and economic project, which is distinct from state-building both in method and (for the time being) in outcome, borders have always been an inextricable part of the EU debate.

Since its inception, European integration has sought to alter the nature and function of borders within the Community/Union itself, i.e., borders between member states. For much of its history, European integration was about free circulation between member states, and thus about loosening intra-Community borders. This was first mainly limited to goods and then shifted to the objective of a real internal market intended as a space without internal frontiers, where free circulation of people, goods, services and capital was allowed. The creation of the Schengen system during the 1990s facilitated the intra-EU free circulation of citizens. In view of these successive policy changes, internal EU borders have had different meanings and acquired different definitions over time (Bartolini, 1998; Rokkan, 1984). More specifically, while internal EU borders between member states continue to exist, delimiting spaces of sovereignty and accompanying citizens' rights and obligations, European integration, and notably the establishment of the internal market and of the Schengen system, has eroded some of the functions traditionally performed by borders. Moreover, differentiated integration in policy areas such as monetary policy and the free movement of people has also created a system of internal functional borders that does not coincide with EU's external borders. In other words, the character of the Union's internal borders, has fundamentally transformed in time, acquiring different and differentiated meanings. In view of these changes, intra-EU borders have changed from being separating boundaries into becoming inclusive and integrated borderlands.

In view of the changing nature of the Community/Union, the question of the EU's external borders has also been at the forefront of the European debate. Contrary to states, where changing frontiers have been the exception rather than the rule (i.e., through war, occupation, secession or irredentism), the EU's continuously changing borders through peaceful expansion have been the norm. Linked to this, Sandra Lavenex argues that the EU is capable of 'external governance', which occurs precisely when the institutional/legal boundary is moved beyond the circle of its member states (Lavenex, 2004). It is thus possible to expand the EU's legal boundary beyond member states- meaning the territorial scope within which

Community law is applicable – without an accompanying expansion of the Union’s institutional boundary, that is without enlargement and full participation in EU institutions. A typical example of this is the European Economic Area, an agreement that extends the Internal Market to Iceland, Liechtenstein and Norway, plus the bilateral treaties concluded by the EU with Switzerland. More recently, the attempts to extend EU market regulations as well as the political principles and values underpinning the Union to the eastern and southern neighbours also forms part of the EU’s external governance concept and approach. The idea of the EU’s multi-dimensional borders has also resonated within policy-making circles. As put by Commissioner for Regional Policy Danuta Hübner: ‘The debate on the ‘frontiers of Europe’ is rarely about geography, ethnography or even history, as normal people would expect. It is usually about foreign policy, security, governance and, unfortunately, sometimes about prejudice’ (Hübner, 2005).

The EU’s enlargement to central and eastern Europe has dramatically increased the saliency of the ‘external border’ question. Two fundamental reasons lie behind this rise. First, the concept of the external border as a frontier/barrier - a hardly disputed reality during the Cold War - was inherently challenged by alternative border concepts with the fall of the Iron Curtain and the collapse of the Soviet Union. Second, the unprecedented scope of the ‘big bang’ enlargement in 2004 raised the wider question of the EU’s ‘final borders’, particularly within the old West European members. It has become increasingly clear that despite the success of enlargement, or precisely because of it, the EU cannot indefinitely rely on the same instrument as a means to engage with its neighbours. Doing so would end up making the Union unable to provide the very benefits that have inspired its neighbours to join it (Wallace 2003). Future enlargement plans include Bulgaria, Romania, Turkey and the Western Balkans. However, the Union’s relations with the remaining post-Soviet states (Ukraine, Moldova, Belarus, Georgia, Armenia and Azerbaijan and Russia itself) as well as with the entire southern Mediterranean basin and the Middle East require alternative policy instruments. The appeal of accession beyond the enlarged EU, generated precisely by the success of the eastern enlargement, thus enhanced the sense of ‘border urgency’ in the EU debate.

In turn, two potentially contradictory demands have emerged within the EU itself. The first is that of putting an ‘end’ to enlargement, somehow demarcating where the outermost borders of Europe will lie. This demand has come from different albeit

inter-linked directions. European federalists fear that unending expansion would mark the end of the European political project. Europe's institutional and economic ills have only served to reinforce this concern. Many European Conservatives/Christian democrats, in particular from countries such as Austria, France and Germany, instead equate ongoing enlargement plans, particularly to Turkey, with a threat to Europe's (religiously or 'culturally'-defined) identity as well as with uncontrolled immigration. The demand to define the Union's final borders also stems from the desire to pinpoint a European identity, particularly in its external definition (i.e., in relation to the external 'other') rather than its internal national, sub-national or even historical one (De Bardeleben, 2005; Diez 2004; Strah 2000). Hence, in a speech in Brussels in late 2002 former Commission President Romano Prodi insisted on the need for the EU to internally debate where the limits of Europe should lie (Prodi, 2002). Similarly, in a speech to the Bundestag on in May 2006, German Chancellor Angela Merkel stated that 'an entity that does not have borders cannot act coherently and with adequate structures. We must be aware of this and must therefore set out these borders'...'in our interaction with other religions and cultures it will be important for us Europeans to be able to clearly define our cultural identity. This is what others expect from us. How can we defend our values if we cannot define them first' (Merkel, 2006). In a similar vein, French Minister of the Interior Nicolas Sarkozy argued in favour of a new European Convention after the 2009 European Parliament elections, which would discuss the future of Europe, including its final frontiers (Sarkozy, 2006). The European Parliament has also tackled the same question in a recent resolution which called the Commission to present a report on the principles on which the EU is founded, including a definition of its borders (European Parliament, 2006).

The second demand, partly stemming in response to the first, has been that of altering the nature of the EU's borders, from acting as frontiers/barriers into being borderlands and border-regions. This demand has been particularly strong within the new CEE member states. This is not least because of the expected effects of the adoption of the Schengen acquis (i.e., the EU's common rules on external border controls and visa requirements) by the new member states particularly on the Union's new neighbours (Batt, 2003). The introduction of the Schengen measures on the EU's external borders are expected to result in new barriers to travel and

trade between regions that had previously known intensive cross-border cooperation, such as, for example, Poland and the Ukraine.

The origins and evolution of the ENP

The European Neighbourhood Policy can be viewed as a response to these two potentially -albeit not necessarily- contradictory demands. In theory, the essence of the ENP is precisely that of allowing the EU to devise an alternative to enlargement, while preventing future EU borders from becoming hard exclusionary boundaries and developing instead into integrated borderlands.

The need to strike a balance between putting an 'end' to enlargement and upgrading relations with the new neighbours became clear in the run-up to the 2004 big bang enlargement. The intuition was that a special policy had to be devised for the future eastern neighbours of the EU, namely the Ukraine, Moldova, Belarus and Russia¹, to whom EU actors were unwilling to offer the prospect of membership. The period 2002-2004 saw many contributions, coming both from member states and from EU institutions. These were aimed at outlining a new policy towards the future eastern neighbours (Comelli, 2004). As for contributions coming from the member states, in a January 2002 letter, British Foreign Minister Jack Straw expressed his concern for the situation in Belarus, Ukraine and Moldova and suggested that the EU offered 'clear and practical incentives' to these countries 'in return for progress on political and economic reforms'.² His proposal included granting 'a special neighbourhood status rooted in a commitment to democratic and free market principles'. This status might grant the neighbours trade liberalisation, a closer relationship in the area of Justice and Home Affairs and a privileged dialogue involving deeper cooperation in the CFSP domain. Successive Swedish proposals in March that year mirrored the content of Jack Straw's letter, but suggested that the special policy for the neighbours be extended to the southern Mediterranean countries as well.³ A comprehensive framework for the EU to deal both with the eastern neighbours and with the southern Mediterranean countries was presented by the Commission in its

¹Strictly speaking Moldova will only share a common border with the EU when Romania will join the Union, probably in 2007.

²Interview of the author with Council of the European Union officials, July 2004.

³ibid.

2002 work programme (Commission, 2002) and particularly in a speech by Prodi in late 2002 (Prodi, 2002). His idea was that all countries surrounding the Union would become 'a circle of friends' and, in order for this to happen, the EU should offer them concrete integration prospects.

Prodi referred to the thorny issue of Europe's borders and to the difficulty for the EU to enlarge further east without risking 'to water down the European political project and turn the European Union into a just free trade area' (Prodi, 2002). The core proposal offered to the neighbours was their eventual participation in the internal market in exchange for fundamental political and economic reforms that would bring these countries closer to the Union. Integration with the EU could go as far as 'sharing everything but the institutions'. While Prodi made clear that this policy was distinct from enlargement, he affirmed that 'our common border is not a barrier to cultural exchanges or regional cooperation'.

These features were taken up in the Commission's 'Wider Europe-Neighbourhood' Communication of March 2003, adopted by the Council in June that year, which clarified the objectives, content and geographical scope of the policy aimed at the neighbours (Commission 2003).⁴ The Communication called for the creation of a zone of prosperity and good neighbourly relations beyond the enlarged borders of the Union. The countries targeted by this initiative were those identified in the 2002 Swedish proposal. Excluded from the ENP were the official candidate countries (Bulgaria, Romania, Croatia and Turkey); and the Western Balkan countries (Albania, Bosnia-Herzegovina, Macedonia, Serbia and Montenegro), which would join the accession process after the completion of the Stabilisation and Association Process (SAP). These exclusions reflected the fact that the ENP did not include the perspective of membership. The Commission services and financial instruments for external relations were reorganized accordingly. While in 2002-2004, DG Enlargement had initially worked on the ENP, under the Barroso Commission the ENP was transferred to the DG External Relations. Moreover, the official title of the Commissioner for External Relations was re-labelled the Commissioner for External Relations and European Neighbourhood Policy. The reform of external financial instruments, which will take effect in 2007, foresees their re-scaling from around 30 to three: the Instrument for Pre-Accession (IPA) directed at the candidate countries,

⁴Before being formalised, the policy was known with different a denomination, including Wider Europe and proximity policy.

the European Neighbourhood and Partnership Instrument (ENPI) directed at the neighbours and Russia, and the Development Cooperation and Economic Cooperation Instrument (DCECI) directed at developing countries (Commission, 2004b).⁵ The distinction between candidates and neighbours thus became starker in political and institutional terms.

The Commission however conceded that among the neighbours there are countries that 'have clearly expressed their wish to join the EU', such as the Ukraine and Moldova (Commission 2003). Their case would remain open – reads the Wider Europe Communication – awaiting 'a debate on the ultimate geographic limits of the Union'. In stating this, the Commission appeared to recognize that without a membership perspective, these countries might not have sufficient incentives to pursue the reforms called for by EU. Worse still, the absence of such a perspective could generate a feeling of refusal/exclusion within the EU aspiring neighbours.

Further features of the ENP were clarified by the ENP Strategy Paper in May 2004 (Commission 2004a). The Strategy Paper made some changes to the geographical scope of the initiative, namely the inclusion of the three South Caucasian countries (Armenia, Azerbaijan and Georgia) and the exclusion of Russia. The inclusion of the South Caucasus was largely due to the unfolding political developments in the region and in particular Georgia's rose revolution and the post-revolutionary leadership's commitment to European integration. Russia did not accept to participate in the ENP, arguing that it was 'unbalanced' since it gave the Union a leading role leaving the neighbours only limited scope for action.⁶ The EU has thus continued to develop its relationship with Russia on a bilateral basis, which Moscow considers to be more in tune with its international status.

The ENP Strategy Paper also clarified the legal/institutional relationship between the ENP and previous (foreign policy) initiatives and instruments. The main operational instrument of the ENP are the Action Plans (AP). These are not legal agreements but political accords between the EU and the individual neighbours. The condition for concluding an AP is to have already in force a legally-binding contractual agreement with the EU: a Partnership and Cooperation Agreement (PCA) in the case of the Eastern neighbours and an Association Agreement in the case of the Southern

⁵In addition, three emergency instruments are foreseen (humanitarian, macro-financial and a new Stability Instrument).

⁶Interview of the author with a diplomat from the Russian mission to the EU, July 2004.

neighbours. On the obligations side of the ENP, the APs identify areas of desirable reform within the neighbouring countries. The APs indeed include jointly agreed reforms in the political, economic, social, legal and institutional domains that would allow and facilitate the neighbouring countries' receipt of EU benefits. On the benefits side instead, the APs list the possible gains and areas of cooperation between the EU and the neighbours, including political dialogue, trade and the preparation for gradual participation in the internal market; justice and home affairs; networks (energy, transport, information society), the environment; and people-to-people contacts (including in the area of science and technology, culture and education). However, the Strategy Paper also reviewed the benefits initially foreseen by the ENP, removing from the list of offers the free movement of people and replacing it with border management as a priority area in most APs. Finally, to assist the implementation of the APs, the ENP's financial instrument, the ENPI, is meant to aid the neighbours in their harmonization with the EU *acquis*, so that they can effectively acquire a 'stake' in the EU internal market.

Borders and the Objectives of the ENP

Turning more specifically to the ENP's objectives as far as borders are concerned, two main aims can be detected when analysing the Policy and its evolution. At the micro level, the aim is that of cultivating development and exchange within border-regions. Hence, specific funds have been set aside in the ENPI to promote border security and develop cross-border contacts and cooperation between the enlarged EU and its neighbours. EU actors have been particularly receptive to ideas promoting the liberalization of movement and exchange within bordering regions.

At the macro-level the aim is, in the words of the 2003 EU Security Strategy, to foster, through inclusion but without membership, a 'ring of well-governed countries to the East of the EU and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations' (European Council 2003). To do so, the ENP is meant to be based in theory on a comprehensive approach which has been summarized as 'all but membership' or 'sharing everything but institutions'. In other words, the ENP seeks to go beyond the logic of inclusion versus exclusion, which

risks to complicate, if not, compromise the prospect of greater integration with the neighbouring countries.

Delving deeper into the aims of the ENP, a set of more precise objectives and policy rationales spring to the fore. First is the imperative to prevent 'new dividing lines in Europe' that may emerge through the construction and consolidation of 'fortress Europe'. In its most extreme variant, the danger is that of giving rise to 'alienated borderlands' (Martinez 1994), i.e., border areas in which interaction is almost non-existent because of the barrier function of a border. While this often occurs within and between countries ridden by serious tensions or conflicts (e.g., Israel-Palestine, Georgia-Abkhazia, Armenia-Azerbaijan), the risk is that EU policies (e.g., visa policies) could lead to similar results. At the micro level, the objective of the ENP is thus that of preventing alienated borderlands, fostering at the very least coexistent borderlands, in which regulated interaction exists, or at best interdependent or integrated borderlands, characterized by shared cultural, economic and social spaces (Hastings and Wilson 1999). At the macro-level, the objective of the ENP is to prevent the exclusion effects that could emerge because of the lack of a membership perspective. If badly managed, these could reduce if not deprive countries further to the south and to the east, most of the peace, stability and prosperity dividends of European integration.

A second 'preventive rationale', is to avoid the development of 'otherness' in Europe and between Europe and its neighbours. Fortress Europe risks not only creating alienated border areas, but also and precisely because of alienation, to enhance difference and fuel conflict between the self (EU) and the other (the neighbours). Preventing the emergence of an us/them syndrome is not only important from an interest-based perspective. It is also pivotal in view of Europe's self-understanding as a 'normative power' (Manners 2002), i.e., a peace project based on inclusion and integration, that wishes to export its model and values beyond its borders. This is all the more relevant in a 21st century context in which Europe's other has become its south and east rather than its own nationalistic and violence-ridden history (Diez 2004).

Third is to avoid an abrupt break in the historical, economic, social, cultural and identity-related ties along the EU's eastern border. The case first arose for specific issues, such as the movement of goods and persons regime to be applied to

Kaliningrad, now a Russian enclave within the EU. The question was then extended to other key cases such as the Polish-Ukrainian border, the Hungarian-Serbian border, and following Romania's accession, the Romanian-Moldovan border. In the Polish-Ukrainian case, the imposition of the Schengen *acquis* to border movements between Poland and the Ukraine risks reducing border crossings by a factor of seven. The development of the L-type visas, facilitating local border traffic on the EU's eastern land frontiers is an attempted response to this problem, and the ENP more generally has been conceptualised as a means to prevent this and similar problems.⁷ In the case of Moldova, although Romania is yet to enter the EU and the Schengen system, it has already applied the Schengen *acquis*, thus reducing significantly ties with its kin in Moldova.

A final objective, linked to the EU's appreciation of the vulnerability of its borders in a globalized world, is to tackle new threats that stem beyond the EU's borders and cannot be addressed through insulation given the inevitable porousness of 21st century borders. For example, it has become far from obvious that strengthening border controls is an effective, let alone the most effective means to control migratory flows or to eradicate organized crime (Zielonka 2001). Pinpointing the neighbourhood as an EU priority area is the natural consequence of proximity. Proximity entails that much of the instability, conflict, state failure, repression and violence that besiege these regions could have negative spillover effects into the Union. In addition, increasing economic pressures and cascading interdependence reduces the EU's capacity to insulate itself from its neighbours. Hence, it is in the EU's interests to contribute to their democratic, rule-bound and peaceful transformation. Focusing on the neighbourhood also has a wider rationale. Global threats such as weapons proliferation, terrorism and the illegal trafficking of drugs and people have been identified as either stemming from or transiting through EU neighbours. Finally, EU actors increasingly appreciate the global nature of the threats facing Europe today, which cannot be adequately tackled through insulation.

Beyond the aim to hedge against looming risks, the ENP also has a constructive rationale, based on the appreciation of success of the eastern enlargement as a foreign policy tool. Enlargement has often been cited as the EU's most salient foreign policy success. This is because of its effectiveness in inducing the

⁷ The European Commission has recently proposed special measures (L-type visas) for local border traffic for residents living within 50 kilometers of the EU's external borders.

progressive transformation of formerly communist countries in the political, institutional, economic and social spheres. Indeed the stark difference in standards between the new CEEC member states and their former partners in the Soviet bloc stands as hard evidence of the success of accession as a transformation project. In this context, the ENP emerges from the need to resolve a fundamental conundrum besieging European foreign policy and the EU project itself, i.e., the fact that the EU cannot enlarge indefinitely, while at the same time it wishes to apply, *mutatis mutandis*, the lessons of enlargement, to the neighbourhood. In particular it wishes to make use of the logics of influence successfully applied to the eastern enlargement to induce domestic change in the candidate countries, that is the logics of conditionality and socialization (Kelley, 2006). The ENP has thus been grounded on the constructive objective of finding new means to influence neighbouring countries as well as to develop close ties with them. Selective EU integration through the ENP would thus be an end in itself, as well as a means to induce long-run structural change in the economic, political, legal and institutional spheres both within and between third states. The ENP Strategy document mentions these goals explicitly (Commission 2004). These include supporting regional cooperation, good neighbourly relations and conflict resolution; strengthening democracy, the rule of law, civil society, and the respect of international law, human rights and fundamental freedoms; and fighting corruption, organized crime, terrorism and weapons proliferation.

The preventive and constructive rationales for the ENP are closely interconnected. In order to avoid new dividing lines in Europe, to prevent the emergence of new us/other syndromes and to effectively tackle threats emanating beyond the Union, political values and policy aims must be effectively shared. In other words, the transformation of EU borders into open borderlands hinges on a shared understanding of political aims and objectives and thus on the EU's effective engagement in the transformation of its neighbourhood.

Five scenarios of the Evolution of the EU and Implications for the ENP and the EU's Borders

The ENP is thus part and parcel of a wider effort undertaken by the EU to adjust its external policies to the 'big bang' enlargement of May 2004 and to avoid the

recreation of hard borders separating the Union from its neighbours. Indeed, the Union faces a set of substantially new challenges in its neighbouring area that cannot be addressed through old policy instruments.

But the changed geographical configuration of the Union itself has also stimulated a more fundamental debate on the significance of its external borders, the direction and ultimate goal of enlargement, and its implications for the Union's own political and cultural identity. The future of the ENP will no doubt be heavily influenced by the evolution of this debate and the political decisions it will give rise to.

Since the launch of the ENP there have been two major and interconnected developments that are likely to affect the EU's policies towards its neighbours: the failure of the constitutional reform process and the emergence of a growing 'enlargement fatigue'.

The failed ratification of the Constitutional Treaty implies that the Union will not be able, at least in the medium-term, to make use of a set of new institutional instruments envisaged in the treaty for foreign policy decision-making and implementation. This risks limiting the Union's capacity to create new forms of cooperation, integration and political solidarity with its neighbours and thus to create integrated borderlands with them. More generally, the constitutional crisis has fuelled a widespread feeling of uncertainty about the direction of the integration process that may have a negative impact on the Union's external presence and projection, including towards the neighbourhood. This is because it may result in a greater EU reluctance to take-on external commitments. So far, this risk associated with the constitutional crisis has not materialized. In fact, the last few years have seen an incremental rise in the EU's engagement in both Eastern Europe and the Mediterranean – the two areas covered by the ENP. But if the crisis prolongs, a more inward-looking attitude may take root.

By the same token, the rising opposition to the continuation of the enlargement process that has manifested itself in several countries may prompt the Union to reconsider the ENP, or at least some aspects of it. The Union may opt to apply stricter conditionality towards not only the candidates, but also the ENP countries. For the same reason, one of the most distinctive and controversial features of the ENP, that is, the lack of a membership prospect, may be reinforced and made more explicit. Indeed, there is a widespread perception that the Union needs to demonstrate to its increasingly sceptical European public that enlargement is based

on adequate screening. It also needs to show that it is not an open-ended process, or at least that the 2004 massive wave of accessions will not be followed by another one in the short or medium term. As a result, the EU may lose some flexibility and leverage in the implementation of the ENP and more generally, in its approach towards the neighbouring countries.

It is above all the prospect of Turkish membership that has been met with growing opposition within some EU member states. Indeed, it is far from certain that Turkey's accession process will ever be completed. If the process stalls or the view eventually prevails in the EU that Turkey's integration should take a different form from that of full-fledged membership, Ankara could be offered a sort of reinforced 'everything but institutions' scheme, that is, the special partnership that has been evoked by several European leaders with perhaps some involvement in the EU's decision-making process. In fact, it is highly doubtful that Turkey would accept such downgrading of its European ambitions and it may well react by adopting an anti-European or euro-sceptic attitude. What is worth underlining here is that the future direction of EU-Turkey relations will heavily influence the process of redefinition of the European borders as well as the course and contours of the ENP itself.

There is another emerging problematic aspect of the ENP which deserves attention: the growing asymmetry between its eastern and southern dimension. The EU has stepped up its efforts to promote stabilization and political transformation in its eastern neighbourhood, particularly in Belarus, Georgia, Moldova and Ukraine. It has achieved some positive results in these regions, and in particular through its support for the 'orange revolution' in Ukraine. By contrast, the impact of the EU's policies on the internal situation of the South-Mediterranean countries has remained fairly limited. Moreover, it has become increasingly clear that the EU tends to apply more demanding standards to its eastern neighbours, especially in the field of democracy and rule of law, than to its southern ones. For instance, although both Belarus and some Mediterranean countries are under authoritarian regimes which have carried out repeated crack-downs on opposition forces, only the former has been excluded from the application of the ENP because of the violation of human and political rights. In addition, joining the EU is a key objective for countries such as Ukraine, Moldova and Georgia despite the fact that the EU has not offered them a membership prospect and it is unclear if or when it will do so. The only plausible horizon for the Mediterranean countries is instead at the very most encompassed in the 'everything

but institutions' formula. Finally, the eastern neighbours are primarily, if not exclusively, interested in increasing their bilateral ties with the EU (as well as with the US) and often look with scepticism at proposals to create new regional cooperation arrangements, fearing that these will slow down or become an obstacle to their integration with the EU. By contrast, the Arab Mediterranean neighbours attach great importance to the regional dimension of cooperation and have voiced their concern that the ENP could undermine the regional framework offered by the Euro-Mediterranean partnership (EMP). Indeed, the functional relationship between the ENP and the EMP has remained a controversial issue. In sum, the pattern of the EU's relations with its eastern neighbours differs significantly from that of its relations with its southern neighbours and it remains to be seen whether the EU's effort to keep the two geographical dimensions within the same cooperation context can be sustained in future.

Taking into account those factors, five main scenarios for the future evolution of the EU's relations with its neighbours can be envisaged, with ensuing consequences on the ENP and on the nature and function of the EU's borders.

A first scenario envisages **a paralysed and more internally fragmented Union**. If the current differences between EU member states on both enlargement and constitutional reform prove insurmountable, it could become increasingly difficult for the Union to give a consistent strategic direction to its relations with the neighbouring countries. The current crisis triggered by the rejection of the constitutional treaty could worsen, leading to a growing decision-making paralysis. In this case, the level of EU engagement with its neighbouring areas is also likely to decrease. In particular, if the uncertainty about the future of European integration grows, deepening the Union's current identity crisis, the EU could become more and more reluctant to introduce measures or reach agreements aimed at creating integrated borderlands. Moreover, under this scenario, the more integrationist countries, frustrated with the failure to give the Union a more effective institutional setting, could opt to form a core group pursuing more advanced forms of integration through ad hoc arrangements or institutional mechanisms. As a result, new forms of 'functional borders' would emerge within the Union itself. In sum, under this scenario, the failure to solve the current contrasts between the member states on the future of the integration process would result in a Union at the same time less open towards the outside and more fragmented on the inside. The EU's external borders would thus look more like hard

boundaries, while its internal borders would become ever more functionally and territorially differentiated.

A second scenario would instead see the EU evolve into **a larger yet unreformed** Union. Even if the member states fail to reach a new compromise to re-launch the process of constitutional reform, they could decide to go ahead with the enlargement process. Indeed, the constitutional crisis has not resulted so far in an overall review of the enlargement strategy. The enlargement plans would be implemented by institutional default or more under the pressure of the aspiring countries or the US, than on the basis of a consistent strategic design. Without the constitutional treaty, the EU's Common Foreign and Security Policy would continue to suffer from fundamental institutional shortcomings that, among other things, would limit the Union's ability to exert effective influence over its neighbours. Offering the prospect of membership would remain the key instrument in the Union's hands to induce internal changes and stabilization in those countries. An unreformed Union could therefore see no other choice than to continue to use the enlargement policy as a surrogate for its lack of effective foreign policy. If the eastern European neighbours are offered the prospect of membership, as this scenario implies, EU policy towards them would not be based anymore on the ENP but on more traditional pre-accession strategies. As a result, the EU's 'circle of friends' envisaged by the ENP would be divided into two or, more probably, three circles: the East European countries which would be plausibly offered a membership prospect, the Caucasian countries, whose EU future would remain undetermined, and the Mediterranean ones, which continue to be excluded from future enlargement plans. The Union would have to develop different policies towards the latter two groups of countries, which present radically different geopolitical challenges. An even larger but unreformed Union would, in any case, present many internal imbalances, which would give rise to continuous internal contrasts and crises. The sustainability of this scenario appears therefore highly doubtful. Under this second scenario, the EU's external borders would thus be open and constantly changing in view of ongoing enlargement. Yet the degree of actual integration across these borderlands and indeed within the EU itself may be critically compromised.

A third scenario envisages **a Union focussed on its internal reform**, including the strengthening of CFSP. In the coming years, the agenda of the Union could be

increasingly dominated by the problems of internal reform. Under this scenario, renewed attempts to revive the constitutional treaty or to enact other forms of substantial institutional reform would be coupled with the choice of putting the enlargement process on hold. The implementation of enlargement plans would be made conditional on the entry into force of the treaty changes. The member states would place growing emphasis on the Union's 'absorption capacity' as a pre-condition to accept new members. If this criterion, in itself rather vague, is given a stringent interpretation and is linked to the requirement of institutional reform, many aspiring countries would see their chances of joining the Union substantially reduced, if not compromised. Turkey's membership would be the first victim of this shift in the Union's priorities. Unlike under the first scenario, the Union would continue to have a wide-ranging external projection, perhaps even more so than today, but it would be reluctant to develop new forms of integration with the neighbouring countries and it would be more cautious in accommodating their demands. The process of transformation of the Union's external borders into integrated borderlands would be halted. Borders would continue to be seen as necessary barriers against the negative spill-over effects from neighbouring areas. Moreover, if the member states actually manage to give more teeth to their CFSP and to elaborate a more articulate foreign policy strategy, as they would try to do under this scenario as a matter of priority, they would probably pay closer attention to the geopolitical factors affecting their relations with the neighbouring countries. As a result, they could adopt an approach towards their partners that, compared with the current one, would be based more on realpolitik considerations and less on the principles and mechanisms on which the ENP is predicated. By the same token, the Union could also introduce greater differentiation in its policies towards the various groups of neighbouring countries. The ENP could eventually be replaced by a different policy or set of policies, more tailored to the specificities of the individual neighbouring regions. This third scenario would thus see the superseding of the ENP and its replacement by more traditional foreign policy approaches. The ENP's goal of creating integrated borderlands would also be abandoned. Fortress Europe would prevail on the outside, while on the inside the Union would become more cohesive.

A fourth scenario is that of **a status quo plus Union**. This is an intermediate scenario, which envisages the prolongation of the current situation with only incremental changes for several years to come. Persistent divergences between

member states would prevent any major reforms of the institutional set-up, in particular of the CFSP mechanisms. However, unlike under the first scenario, the EU would not be paralyzed. Limited reforms would be introduced, although they would be a far cry from those envisaged by the constitutional treaty. At the same time, the prospect of further enlargement would continue to raise widespread opposition. This would remain mostly focused on Turkey. As a result, the implementation of the enlargement plans could become more selective and cautious. In particular, accession negotiations with Turkey could prolong beyond 2014 and their outcome would remain uncertain. In general, member states would fail to agree on a new strategy to deal with the deepening versus widening dilemma. In this situation of persistent uncertainty concerning the direction of the European project, member states may prefer to abstain from introducing major changes in the current configuration of the ENP unless new exogenous factors emerged such as a major crisis in relations with Russia. Cooperation and exchanges across the Union's external borders would continue to develop, but at a much slower pace than hoped for by the neighbours and envisaged in the ENP's original aims and objectives.

A fifth and final scenario envisages **a reformed and externally more dynamic Union**. Under this scenario the member states would manage to re-launch the constitutional reform, salvaging all or the bulk of the Constitutional Treaty, and in a relatively short period of time – by the end of this decade - complete the ratification process. This could re-energize the Union and, to a certain extent, also make it easier to proceed with enlargement. More generally, a reformed and thus more self-confident Union could prove more dynamic in developing its external policies. In this context, relations with the neighbouring countries would probably undergo major changes. With more effective foreign policy instruments at its disposal, the Union would become more active in promoting the stabilization and democratization in its neighbourhood. As in the third scenario, geopolitical considerations would play a more prominent role than they do today in determining the Union's cooperation and integration plans with the individual neighbouring countries. As a result, distinct sets of policies would probably be carried out towards the eastern and the southern neighbours, with a greater potential for integration for the former than for the latter. In sum, the ENP would cease to exist, at least in its present form. But a Union with a greater external projection capacity would not abandon, but rather intensify its effort

to redefine its external borders to make them increasingly compatible with deeper forms of integration with its neighbouring partners. Particularly towards the east, EU actors would most likely seek to create integrated borderlands through external governance or integrationist foreign policies. Towards the south instead, the task would be far more arduous. The Union would be called upon to devise new foreign policy instruments, which depart from the integration method, but which are equally effective in fostering openness, inducing cooperation and domestic change in the political, economic and institutional realms of the southern neighbourhood.

Concluding remarks

The history of the European Union has been characterized by continuous modifications of borders along two parallel paths. Internally, the gradual establishment of a single unified space has progressively reduced the relevance of the borders between the member states. Externally, not only the borders have repeatedly changed as a result of the successive rounds of enlargement, but the Union has also made a constant effort to redefine and play down the significance of the borders by seeking new forms of cooperation and integration with its neighbouring countries, including with those to which it has not offered a membership prospect. The promotion of cross-border cooperation has been a crucial part of this effort. But the extension of the Union's legal acquis, particularly the part of it that regulates the internal market, beyond its geographical borders, has been of even greater importance.

Not surprisingly, these - in many ways interconnected - processes have been accompanied by a continuous internal debate over their implications for the day-to-day life of the citizens of the member states and those of the neighbouring countries as well as for the political and cultural identity of the Union. This debate has unavoidably intensified following the 'big bang' enlargement of 2004. On the one hand, an unprecedented 'enlargement fatigue' has emerged also as a result of the failure of the constitutional process. This may lead to erect new rigid barriers – both physical and political – vis-a'-vis the neighbouring states. On the other hand, there is a widespread awareness that, to be managed effectively, the growing interdependence between the EU member states and their neighbours requires

deeper forms of cooperation and integration. These are also widely seen as essential to promote reform and democratization in the neighbouring countries.

With the ENP and the “sharing everything but the institutions” formula on which it is based the Union aims to establish a new pattern of relations with the neighbouring countries which tries to reconcile the need for a period of reflection on the future direction of the enlargement and on the ultimate borders of the Union with the imperative to prevent new dividing lines in Europe. However, the implementation of this project has already come up against several obstacles, including the endemic political instability or strong resistance to change in several targeted countries. But a major inhibiting factor has also been the state of profound uncertainty in which the Union has plunged after the failure of the constitutional treaty.

Overcoming the constitutional crisis is indeed a fundamental pre-requisite to re-energize the Union and make it more dynamic in developing its external policies, including the ENP. A reformed and more self-confident Union would have better chances to transform its external borders so as to make them compatible with deeper forms of integration with its neighbouring countries. At the same time, in this scenario, but also in others discussed in this paper, the exigency may emerge to modify some structural elements of the ENP, including the insufficient consideration for the quite different geopolitical problems that the southern neighbours face compared with the eastern ones. Indeed, introducing a greater differentiation between the southern and eastern dimension of the ENP could help the Union to address the specific needs of the two regions more effectively.

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