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The European Union Management of Its External Borders through the European Neighbourhood Policy

Vira Ratsiborynska

PLAN

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TEXTE

1 For the past 50 years the EU has pursued integration and enlargement processes which saw its union increasing from 6 to 28 Member States. The rationale for continuing with the enlargement of the EU was reminded in the Council conclusions of 14 December 2010: "Enlargement reinforces peace, democracy and stability in Europe, serves the EU's strategic interests, and helps the EU to better achieve its policy objectives in important areas which are key to economic recovery and sustainable growth" (Council of the EU, 2010). The Council conclusions reiterated that with the sixth enlargement the EU relations with its Eastern and Southern neighbours have improved; new ways of developing initiatives in the Black Sea and the Baltic regions have been initiated as well. With the entering into force of the Lisbon Treaty, the EU was able to pursue at the same time its enlargement agenda and deepen its integration. As noted in the

Commission document of 2008, the benefits of enlarging for the actual candidate countries but also for potential candidates derive from the expansion of the internal market, legislative approximation, increase of financial support, promotion of cultural, educational, technical and scientific links, cross-border cooperation, reduced risks of political instability, improved security and leverage on fighting organized crime, reduced migration pressures, cultural enrichment and reduced negative environmental externalities (European Commission, 2008).

The EU's enlargement and its consequences on the external borders: security within the external insecurity?

2 The sixth enlargement and the initiation of the European neighbourhood policy (ENP) have changed borders with the neighbourhood as well. With the sixth enlargement and the implementation of the European neighbourhood Policy (ENP) the new external borders of the EU became the new border areas between the members of the EU and the neighbourhood countries—frontier areas in which the interaction between the neighbours take place but that at the same time ensure their separation. And the European Neighbourhood Policy itself became the test ground for a transformation of the neighbourhood borders into frontier zones promoting security, inclusiveness, prosperity, openness and integration. After the accomplishment of the sixth enlargement the new borders of the EU with the Eastern and Southern partners reflect the complexity of the geopolitical situation in the EU. For the EU the resulting situation also became a test of the integration processes of its ENP member partners. The complexity of the geopolitical situation of the EU is also mirrored in the ENP model of relations with its partner neighbourhood countries.

3 The ENP as finalized by the European Commission in May 2004 was clearly modeled on the enlargement process and was influenced by security concerns raised by the EU such as fears of increased migrat-

ion, cross-border crime and economic globalization. The ENP was also perceived as an attempt to modify the borders with the neighbourhood to create an area of shared prosperity and stability outside the actual boundaries of the EU (European Commission, 2003a). In this respect the external borders of the EU were not regarded as barriers to human and cross-border contacts but as lines of interaction and as a possible source for external insecurity. This concept of borders was reflected in the security core of the ENP strategy to the neighbourhood. And the approach to the insecure neighbourhood appeared in the European Security Strategy as well. The European Security Strategy stated that "the best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order" (European Council, 2003). The ENP thus became an attempt to address external insecurities with its neighbourhood which was realized in the concept of the ENP transition toolbox presented to the ENP partners (Lavenex & Wichmann, 2009).

The ENP's methodology: transition toolbox for integration and partial openness of the EU's borders

4 With the ENP having been modeled on the concept of enlargement, the same techniques and methods which had been used on the potential and actual candidate countries of the past enlargements were applied to the partner countries of the ENP: conditionality, incentives, financial and technical assistance, socialization, action plans negotiated on a bilateral basis with each partner country, types of monitoring, involvement in some community programs and agencies etc (Kelley, 2006). In order to support partner countries on their way to reforms, the EU elaborated the transition toolbox to guide them to the closest approximation with the EU possible (Lippert, 2008). The institutional learning triggered by previous enlargement experiences played its role as well: the principle of differentiation, a

key lesson of enlargement, was firmly embedded into the ENP. In general, a new kind of relation between the EU and a partner country within the ENP was created that included closer political and economic integration of the partner country into the EU. This mechanical borrowing of and drawing from multiple elements from the past enlargement experiences shaped the EU's offer. The incentives offered to the partner countries within the scope of the ENP modified the concept of borders. They became more open when the ENP partner countries accepted the new economic incentives. This change concept is also reflected in the three long-term objectives of the free movement of goods, capital and services (European Commission, 2003a). Nevertheless, the EU and its Member States remained reluctant to open the EU borders to travel and labor migration from these neighbourhood countries due to security matters such as the risk of illegal immigrants arriving from these countries and the risk of organized crime and trafficking (Dimitrovova, 2010). Concerning labor mobility from the ENP countries the borders still represent a tight security barrier which only allows people from the ENP countries into the EU when certain conditions imposed by the EU are met. This attitude was based on the EU member states' perception of the security risk posed by threats emanating from the ENP countries such as organized crime, trafficking and uncontrolled movement of people from these neighbourhood countries.

The paradox of the fortress Europe and its consequences

5 The openness of the borders with regard to the economic incentives offered to the ENP partner countries (various free trade agreements with the neighbourhood countries were offered to the ENP partner countries within the ENP) and at the same time the partial closure of the borders for the labor mobility from these countries reflects "the paradox of frontier mobile Europe": the more open the frontier of the EU became to some, the more strengthened and fortified it became for others (Beck, 2005). "The fortress Europe" concept was embedded in the ENP and influenced the socialization process and existing economic, cultural and human ties between the EU and its ENP partner countries (Armstrong & Anderson, 2007). The ENP reflected

the border paradox: it was designed to avoid new dividing lines between the EU and its neighbourhood, but instead this "fortress Europe" created new border lines for example by imposing "strict conditionality" on the ENP partners for the conclusion of the visa facilitation agreement with the EU. While this was the way by which the ENP aimed at better managing and controlling the union's borders with its neighbourhood it sometimes caused criticism from the neighbourhood countries which were willing to completely dismantle the frontier barriers between themselves and the EU. Nevertheless, even with the clear dissatisfaction of some of the ENP partners, the EU never changed the core of its discourse—its intention of controlling the ENP borders: "It is in the European interest that countries on our borders are well-governed. Neighbours who are engaged in violent conflict, weak states where organized crime flourishes, dysfunctional societies or exploding population growth on its borders all pose problems to Europe (European Council, 2003)." With regard to this aspect the EU borders with the ENP partners were seen as spheres of security control and the aim was to protect "the EU borders against smuggling, trafficking, organized crime (including terrorist threats) and illegal immigration (including transit migration) (European Commission, 2003b)."

The derived concepts of the EU's management of external borders: engagement, norm promotion, socialization, economic interaction and interdependency

6 Although the ENP exercised an influence on its ENP partners by offering them different economic and political incentives, it could not change their expectation of complete inclusiveness and openness of the EU's borders for them. The EU via the ENP was offering its partner countries a strong support to meet the EU norms and standards and also new trade possibilities by having a stake in the EU's internal market. For their part the ENP partners accepted commitments aimed at strengthening their democracy and the rule of law

and common engagements related to the security of their borders and the borders of the EU that were implied in the "joint responsibility for addressing the threats to stability created by conflict and insecurity" (European Commission, 2003a). The level of engagement between the EU and partner countries depended on "the level of the EU's ambition in developing links with each partner and the extent to which these values are effectively shared" (European Commission, 2004). The EU through such policy as the ENP was maintaining a normative or soft power which derived its strength from the promotion of norms through engagement of the ENP partner. The border zones were also seen as the zones of interaction and promotion of the EU norms and values that protected the neighbourhood zones from the emergence of new dividing lines between the norms and values of the EU and the ones of its neighbourhood (Dimitrovova, 2010). In doing so the ENP was presenting a new incentive-based approach, a security technology toolbox in which a more engaged cooperation in the field of democracy and a more intense economic engagement of a partner country with the EU were paired in a more attractive offer. In this regard borders became places of common interaction and exchanges that influenced the increasing interdependency in different sectors of relations between the EU and the partner countries. Since launching the ENP this openness of the neighbourhood borders with the EU fostered people-to-people contact and human exchanges and an enhanced economic integration that positively influenced the possibility of better adoption of the partner countries to EU norms, values and rules. The ENP model of relations with partner countries became a model of interaction with the neighbourhood countries that put more emphasis on the economic vector of its relations (since the ENP was proposing its partner countries a more advanced economic cooperation) which was leading to the opening of the border for the economic cooperation with partner countries followed by human interaction and networking with them. This opening of the borders led to a shift towards a more inclusive border policy of the EU, transforming borders into networks for enhanced human and economic cooperation where the EU and the neighbourhood actors could negotiate and promote diverse integration processes in the ENP countries (Möller, 2011). It resulted in the fostering of the Europeanization process in the neighbourhood that approached to the EU more and more.

The geopolitical management of the EU's external borders and its challenges

7 Since launching the ENP the EU as an effective global and important regional player has also been realigning the priorities in its foreign policy in order to determine a clear picture of its borders with the ENP partners in the East as well as in the South. For the EU this was an important geopolitical and geostrategic step in order to prioritize its zones of interests in geographic terms and to govern the insecurity continuum (Browning, 2008). Different interests of the EU were leading to various geographic policy strategies and frameworks for an enhanced cooperation with the ENP partners. In general, the enhanced cooperation with the partner countries resulted in new integration boundaries formed by networking and socialization processes of political association and economic integration. For the neighbourhood countries these integration processes with the EU also resulted in uncertainty and question marks concerning the definition of the EU's neighbourhood borders and a lack of clear vision regarding their progressive ENP status in their relations with the EU. This caused new problems in the EU's relations with the neighbourhood based on the "inside-outside" border dichotomy and "inclusion-exclusion" dynamics (Paasi, 2011). The membership perspective was at the core of this complex array of problems.

8 The ENP offered an advanced status to such neighbourhood countries as Ukraine, Moldova, Georgia and others but it did not provide a clear picture whether these countries would move forward from the outside neighbourhood into the EU proper—and when. The ENP management strategy of external borders was included in the concept of the ENP model of relations with its neighbourhood partner countries.

9 Both enlargement and neighbourhood policy entail the use of "carrots" and "sticks" to encourage reforms and improvements in third countries (Ferrero-Waldner, 2006). But the EU influence is strongest when a third country believes that it has realistic chances to become a member of the EU under the condition that it must

make further progress before joining. The incentive for reform is weakest if the membership perspective is too far away to be credible (Schimmelfennig, 2005). For the EU the challenge of the ENP and enlargement policy is to strike a balance between the promise that the respective country can become a member of the EU and the rigor to push a third country for further reforms and changes. A further challenge is to persuade the ENP partner countries of the benefits of reforms if there is no immediate membership perspective to the EU. Moreover, to be credible, the Copenhagen criteria for accession should apply to all third countries who want to join the EU as well as to the existing candidate countries.

10 Nowadays the EU is still facing an enlargement fatigue resulting from the previous enlargements and it also faces the challenge of an integration capacity that is in dire need for reform before any more candidate countries can be admitted. This has a strong impact on the ENP. By being an intermediate strategy for neighbourhood countries and by providing opportunities for them to develop strong ties with the EU without making promises which countries might join the EU in the future the ENP explicitly avoids to give third countries a membership perspective. Thus the EU encourages neighbouring countries to undertake reforms by offering them various incentives but does not provide them with a membership perspective.

The results of the ENP's security management of external borders: example of Ukraine

11 Despite these obvious challenges, the results of the ENP security management of external borders so far are predominantly positive. Since 2004, the ENP has brought the neighbouring countries and the EU closer together and has fostered stability and security in the EU's vicinity. The process of a closer integration through the ENP has created a degree of interdependence which is difficult to reverse as it has had an impact on all reforms undertaken by the neighbourhood countries. In general it can be seen that since the ENP was launched the institutions and administrations of the EU and its neighbourhood countries have started to collaborate; economic cooperation and

trade liberalization has allowed partner countries to be more open to foreign direct investments and international trade; sectoral cooperation in the areas of energy and education has strengthened countries in their convergence with European norms and a framework for a strong democracy agenda in the neighbourhood was developed and established.

12 But nevertheless, the EU is still lacking a comprehensive approach towards the ENP. On the one hand, it is important to keep in mind that the group of neighbourhood countries is big and the same conditions, principles, methods and benchmarks should apply to all neighbourhood countries. On the other hand, the group of countries is heterogeneous and a differentiated approach should be taken for each of them as well. Such differentiation between the neighbourhood countries is tailored to the bilateral relations with the EU and its respective partner countries. But the core incentive for the neighbourhood countries—the membership perspective—is missing in the ENP. That is why the main incentives and rewards remain in the individual sectors. Understandably some neighbourhood countries are not satisfied with these "sector" incentives and they try to get a clear message from the EU with regard to their membership perspective and try to push the EU to allow them to benefit from a more advanced status in their relations with the EU. Such a partial application of the enlargement techniques without actually granting a membership perspective to the EU's neighbours, especially to the Eastern European neighbours who geographically are in Europe, makes the results of the ENP to these countries incomplete. For this reason it is important for the EU to dismantle the "outside- inside" border dichotomy—particularly regarding the Eastern partners of the EU as otherwise the geographical aspect of the spheres of influence could spoil the matrix of the EU-Eastern ENP partners' relations. Such a dichotomy of "insiders" and "outsiders" can be seen on the example of the EU-Ukraine relations that contain themselves a border implication discourse as well.

13 Since the Orange Revolution Ukraine has expressed its disappointment with the ENP because Ukraine was deprived of a membership prospect and was kept outside of the mode of governance associated with membership conditionality (Gawrich, Melnykovska, Schweickert, 2009). Many times Ukraine has expressed disappointment with the

ENP policy as the country was ranked alongside the countries of the Southern Mediterranean which by geographic conditions can never become part of the EU. On these grounds the dismantling of the inside-outside dichotomy of borders by providing a membership perspective to the advanced ENP partner countries (Ukraine in this example) can positively influence the EU rule transfer, create better interdependence with the EU and diminish Russia's influence in the region.

Conclusion

14 In conclusion it can be stated that - based on the preceding example and the overview of the ENP techniques of security management of the borders with the neighbourhood presented in this article - the ENP did and still does continue to address the main challenges and security concerns that exist inside the EU. The EU combines different forms of instabilities and political and economic difficulties inside its community and it tends to pay closer attention to its neighbourhood as a way to establish and strengthen stability and security in its vicinity. The ENP in this respect provides a security toolbox for the management of external borders that promotes an Europeanization and socialization process for its neighbours without providing them with a—from their perspective desirable—membership perspective. So in the situation at hand the external borders of the EU that form the demarcation lines between the EU and its neighbourhood have become the territorial footprints of various integration processes which have lead and are leading to the closest possible approximation of the neighbouring partner countries to the EU without granting them an immediate inclusiveness in the EU. This kind of management of the EU's external borders creates an enhanced political and economic interdependence in many sectors of the common framework of the EU with its neighbourhood that leads to an increased socialization process and harmonization of the periphery of the EU with the core of the EU's norms and practices. Moreover, the ENP as an alternative framework for enlargement represents an attempt to disseminate the norms and values of the EU beyond the EU's borders which makes these regions more secure, stable and prosperous. The border lines with the neighbourhood are turned into points of interaction and of exchange of practices, norms and values of the EU with

its neighbourhood. Nevertheless, such enhanced interaction between the EU and its neighbours results in high expectations amongst the ENP partners and, consequently, in their discontent with the still existing demarcation and dividing lines between "insider-members of the EU" and "outsider-neighbours of the EU" – an unsatisfactory situation that is difficult to change within the framework of the existing ENP whose main aim continues to be the pursuit of the European Union's security goals towards its neighbourhood.

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ANNEXE

Methodological basis of the article

Research question

Successive EU enlargements have brought the neighbourhood countries closer to the EU and have changed the borders with the neighbourhood: the new external borders of the EU now form the new border areas between the members of the EU and the neighbourhood countries. The implementation of the ENP became the test ground for a transformation of the neighbourhood borders and an attempt to address external insecurities within its neighbourhood by offering ENP countries a transition toolbox that was aimed at guiding them to the closest approximation with the EU possible. While this transition toolbox offered a big number of political and economic incentives in order to guide the partner countries to closer political and economic integration into the EU, "the paradox of frontier mobile Europe" or "the fortress Europe" concept that were embedded in the ENP caused some dissatisfaction among the partner countries of the EU. The EU's borders with the partner countries became partially open and inclusive but also remained zones for the EU norm promotion and economic interactions in which the security concerns of the EU had prevailed over other considerations of the neighbourhood. This "outside-inside" border dichotomy—particularly regarding the Eastern partners of the EU—resulted in a significant "capability and expectation gap" between the Eastern partners of the EU and the EU (Hill, 1993).

Methodology

The basis of the qualitative research means of this study is the analysis of official EU documents such as various EU communications and strategy papers from the European Council and the European Commission that represent the core of the primary data sources used in this article. These official documents on the ENP from the European institutions represent a valuable source for analysis as "a description is mirroring or constructing

the reality" (Potter, 1995). The secondary sources include research papers on borders and the ENP that are relevant for the topic and that were written by scholars including U. Beck, C. Browning, S. Lavenex, A. Gawrich, C. Hill, F. Schimmelfennig and others. This article also uses qualitative techniques such as semi-structured interviews with officials from the European institutions on questions about the ENP processes and methods. With regard to the theoretical approach, this article applies Europeanization, a concept that evolved from the EU's traditional democracy promotion mechanisms and is now used in the ENP. Behaviourism is also regarded as an approach of EU policy-makers to transform the neighbourhood through the ENP while using a method of "carrots and sticks".

RÉSUMÉS

English

This article provides an overview of the ways in which the EU has addressed the management of external borders and governs external insecurities emanating from the new borders in the East and Southeast of the EU since the launch of the European Neigbourhood Policy (ENP). The ENP, elaborated in 2004, has turned into an attempt to address external insecurities within the EU's neighbourhood by offering the ENP partner countries the ENP transition toolbox which includes different economic and political incentives. In this regard the ENP represents the external relations policy of neighbourhood management where borders can play an integrative or disintegrative role. The borders the EU shares with the ENP partners can be seen as lines that divide EU members from their ENP neighbourhood partners willing to join the EU. The border area between the EU and ENP members can also be perceived as a security barrier that separates these countries from the EU. At the same time the boundaries between the EU and its neighbourhood can be viewed as a demarcation area that protects the EU from illegal migration coming from and through these ENP countries. Finally, taking into account the increased socialization process of the EU with partner countries of the ENP, the borders with the EU can have other meanings including being zones of interactions and human connections.

Français

Cet article donne un aperçu de la manière dont l'Union Européenne gère ses frontières extérieures et comment elle réagit aux insécurités externes en provenance des nouvelles frontières à l'Est et à l'Ouest de l'UE depuis le lancement de la politique européenne de voisinage. De ce point de vue, la politique européenne de voisinage (PEV) élaborée en 2004 devient une

première approche pour aborder les problèmes d'insécurités externes avec son voisinage en offrant aux pays partenaires de la PEV une boîte à outils transitoire, constituée de différentes incitations économiques et politiques. La PEV ici représente la politique de relations extérieures de gestion de voisinage où les frontières peuvent jouer un rôle d'intégration et de désintégration. Les frontières de l'UE avec les partenaires de la PEV peuvent être considérées comme une zone de division entre les membres de l'UE et les pays voisins qui souhaitent adhérer à l'UE. La zone frontalière de l'UE avec les membres de la PEV peut être également perçue comme une barrière de sécurité qui sépare ces pays voisins de l'UE. Qui plus est, la zone frontalière entre l'UE et son voisinage peut aussi être vue comme une zone de démarcation qui protège l'UE de l'immigration clandestine en provenance de ces pays de la PEV. Enfin les frontières avec l'UE peuvent avoir d'autres significations, telles qu'une zone d'interactions et d'échanges humains en tenant compte du processus de socialisation accrue de l'UE avec les pays partenaires de la PEV.

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