

# EUROPE IN THE WORLD

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# Europe in the World

EU Geopolitics and the Making of European Space

*Edited by*

LUIZA BIALASIEWICZ  
*University of Amsterdam, the Netherlands*

ASHGATE

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Published by  
Ashgate Publishing Limited  
Wey Court East  
Union Road  
Farnham  
Surrey, GU9 7PT  
England

Ashgate Publishing Company  
Suite 420  
101 Cherry Street  
Burlington  
VT 05401-4405  
USA

www.ashgate.com

**British Library Cataloguing in Publication Data**

Europe in the world : EU geopolitics and the making of European space. -- (Critical geopolitics)

1. European Union. 2. Geopolitics--Case studies.

3. Europe--Foreign relations--1989- 4. Europe--Boundaries.

I. Series II. Bialasiewicz, Luiza.

327.4-dc22

**Library of Congress Cataloging-in-Publication Data**

Europe in the world : EU geopolitics and the making of European space / [compiled] by Luiza Bialasiewicz.

p. cm.

Includes bibliographical references and index.

ISBN 978-0-7546-7984-4 (hardback) -- ISBN 978-0-7546-9953-8

(ebook) 1. European Union countries--Foreign relations. 2. Geopolitics--European Union countries. 3. European Union countries--Boundaries. I. Bialasiewicz, Luiza.

JZ1570.A5E9714 2011

341.242'2--dc22

2011015726

ISBN 9780754679844 (hbk)

ISBN 9780754699538 (ebk)



Printed and bound in Great Britain by the  
MPG Books Group, UK.

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 42 42  
 43 43  
 44 44

# Acknowledgements

1  
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7  
8 This collection comes out of a series of academic encounters, some formal, others 8  
9 somewhat less so, that I have been fortunate to be a part of over the past years. The 9  
10 interdisciplinary workshop on 'A Global Europe' organized at Royal Holloway, 10  
11 University of London in January 2008 first brought several of the contributors 11  
12 together and got us thinking about Europe's role in the world. I would like to 12  
13 thank the College's Research Strategy Fund and the Department of Geography's 13  
14 Politics and Environment Research Group for their generous support of this event, 14  
15 and in particular my then colleague (and the Group's Director) Klaus Dodds for 15  
16 his encouragement throughout. I would also like to thank Noel Parker and Nick 16  
17 Vaughan-Williams for their invitation to take part in workshops in Cornwall and 17  
18 Copenhagen as part of their British Academy 'Lines in the Sand' project. The 18  
19 discussions there also proved extremely fruitful and introduced me to the work of 19  
20 new colleagues (some included here). 20  
21 The idea for this book began to mature during my sabbatical stay in the 21  
22 Department of Geography at the University of British Columbia in the Fall of 22  
23 2009. I would like to thank the Department for its hospitality and in particular 23  
24 Merje Kuus (one of the editors of this Critical Geopolitics book series) for various 24  
25 'critical' conversations on things European. The collection finally came together 25  
26 during my 2010 stay as Visiting Research Fellow at the International Centre for 26  
27 Economic Research (ICER) in Torino. I would like to thank ICER for its generous 27  
28 support: the seclusion of Villa Gualino made my editing task much easier and 28  
29 pleasant. 29  
30 Last, but certainly not least, I would like to thank all of the contributors who 30  
31 said 'yes' to this project right from the start and made it a truly international 31  
32 endeavour. A heartfelt thanks to all of you. 32  
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# Introduction: Europe in the World?

Luiza Bialasiewicz

*L'Europe ne dit pas ce qu'elle fait; elle ne fait pas ce qu'elle dit. Elle dit ce qu'elle ne fait pas; elle fait ce qu'elle ne dit pas.*

*[Europe does not say what it does; it does not do what it says. It says what it does not do; it does what it does not say.]*

Pierre Bourdieu

The past decade has witnessed growing attention to Europe's role as an international actor. EU and national politicians have begun to speak quite openly of a 'European geopolitics' or, at least, of the need for a distinct geopolitical vision for the Union. Popular and political attention to the question of Europe's geopolitical role has been matched by growing interest among scholars as well, with a great deal of speculation devoted in recent years to the changing dynamics and nature of EU power. Nonetheless, as one edited collection noted in its opening pages, Europe (or, 'EU'rope, its institutional incarnation, the term that we will predominantly adopt in this volume) 'remains largely an "unidentified international object", with a rather mercurial existence and impact' and the even more vexed question of 'European power' simply falls into 'the gaps within the literature of international political analysis' (Elgstrom and Smith 2006: 1). Though not for lack of fanciful characterizations: 'EU'rope has been variously described as a 'soft power', a 'civilian' or 'civil' power, a 'normative power', a 'transformative power', an 'ordering power' or even an 'uncertain power'.<sup>1</sup> Yet despite this abundance of terms (and recalling the words of the late Pierre Bourdieu cited at the outset), the role of the EU as an international actor remains undefined or at best ambiguous in its expressions, effects and nature.

With the appointment in December 2009 of a new EU High Representative for Foreign Affairs and Security Policy, Baroness Catherine Ashton, and the creation of a European External Action Service (EEAS) that is to function as the Union's foreign ministry and diplomatic corps, the EU appears to be taking on what we could term a distinct geopolitical persona. Yet as Merje Kuus (2010: 381) and other observers have noted, while 'the making of the EEAS illustrates the emergence of a European diplomatic culture and, more broadly, the operation of the Union as a (geo)political subject', it is as yet unclear how effective the Service will be in

<sup>1</sup> Some reviews include Bialasiewicz 2008, Clark and Jones 2008, Diez 2005, Hettne and Soderbaum 2005, Laïdi 2005, Manners and Whitman 2003.

1 crafting what is to become a single ‘European’ geopolitical vision (and praxis). As 1  
 2 Kuus (2010: 381) suggests, 2  
 3 3  
 4 the EEAS is to advance EU rather than national interests, but the Union is a 4  
 5 peculiar political subject that operates both through its own institutions and 5  
 6 through the Member States. The Service is to be independent, but accountable 6  
 7 to the Council, the Commission, and the Parliament. It has its own headquarters, 7  
 8 budget, and staff, but its diplomats are to be either seconded or transferred from 8  
 9 the Commission, the Council Secretariat, and the Member States’ diplomatic 9  
 10 services. The EEAS’s geographic and thematic desks are to manage the Union’s 10  
 11 external relations, except in enlargement, trade, and development. The agency’s 11  
 12 relationship with national foreign ministries is to be complementary because 12  
 13 EU foreign policy is supposedly agreed upon by the Member States, but nobody 13  
 14 really believes this [...]. 14  
 15 15

16 As this book goes to print, it is of course too early to comment on the potential 16  
 17 effectiveness of the new External Action Service in shaping a common EU 17  
 18 geopolitics and a coherent set of foreign policy goals, or to assess what ‘sort’ of 18  
 19 international actor the EU will become. The chapters that make up this edited 19  
 20 collection aim to provide, rather, a novel contribution to the debate on ‘EU’rope’s 20  
 21 role in the world by tracing some of these often ambiguous, often ‘invisible’, ways 21  
 22 in which, over the past decade or so, the EU and its various constituent institutions 22  
 23 have acted upon – and (re)made – particular places in the world. 23

24 Drawing on a wealth of empirical material and case studies that range from 24  
 25 the Arctic to East Africa, the nine contributions provide a critical geopolitical 25  
 26 reading of the ways in which particular places, countries, and regions are brought 26  
 27 into the EU’s orbit; the ways in which they are made to ‘work’ for Europe. The 27  
 28 analyses presented here thus look at the ways in which the spaces of ‘EU’ropean 28  
 29 power and ‘actor-ness’ are narrated and created, in both formal policy documents 29  
 30 and in popular geographies, but also at how ‘EU’rope’s discursive (and material) 30  
 31 strategies of incorporation are differently appropriated by local and regional elites, 31  
 32 from the southern shores of the Mediterranean to Eastern Europe and the Balkans. 32  
 33 The chapters also highlight, however, the tensions between the ideal Europe of 33  
 34 policy statements and proclaimed ‘European values’ and ‘EU’ropean practices: 34  
 35 political, geopolitical, and economic. 35

36 The question of contemporary EU border management is of particular concern 36  
 37 here, for borders, in many ways, are the sites where ‘EU’rope’s contradictions 37  
 38 come to light in most striking fashion. French political sociologist Zaki Laïdi 38  
 39 (2005) argued some time ago that it is at ‘EU’rope’s borders that we can best 39  
 40 discern ‘the distinct aesthetics of European power’; where we can best perceive 40  
 41 that which Peter Sloterdijk (1994) has called the uniquely European process of 41  
 42 ‘*translatio imperii*’. To echo Etienne Balibar (1998; also 2009) – and as several 42  
 43 of the chapters here highlight – ‘EU’rope’s borders are no longer merely the 43  
 44 ‘shores of politics’ but, rather, the ‘spaces of the political itself’. Examining the 44

1 EU's 'border-work' (Rumford 2008) allows, therefore, unique insight not just 1  
 2 into the making and management of borders themselves but also into 'EU'ropean 2  
 3 geopolitics; into the distinct ways in which 'EU'rope projects itself into the world, 3  
 4 the ways in which it makes 'European spaces'.

5 Is there, however, something uniquely – specifically – 'European' about the 5  
 6 ways in which the EU engages with the world, something that we could term 6  
 7 a distinct mode of 'EU geopolitics'? What do we make of Pierre Bourdieu's 7  
 8 characterization of that which he called the 'European *trompe l'oeil*' – and saw 8  
 9 as the distinctly 'European' form of conceiving (and doing) politics? Surely there 9  
 10 is more to 'EU'rope, also in its external projections, than simply ambiguity and 10  
 11 contradiction (most evidently, between its *ideal* role as a normative and 'gentle' 11  
 12 international actor – and the *real* exercise of 'EU'ropean power, whether through 12  
 13 border-making or development policies)? Perhaps we should, rather, reframe the 13  
 14 question.

15 Various scholars reflecting upon the future of the European project have identified 15  
 16 what Luisa Passerini usefully describes as a seemingly 'unresolvable tension 16  
 17 between the normative and the empirical levels of European identity' (Passerini 17  
 18 2012). Commenting on this tension in his seminal *Geofilosofia dell'Europa* already 18  
 19 almost two decades ago, Italian political philosopher Massimo Cacciari suggested 19  
 20 that 'Europe has always been a term that designates what Europe *will be*, or would 20  
 21 like to be, or should be. The figure of Europe has historically always been a *task*' 21  
 22 (Cacciari 1994, see also Cacciari 2006). Although Cacciari's comments refer to 22  
 23 a much longer European historical trajectory, other analyses of contemporary 23  
 24 Europe-making have similarly noted that the European project, from its earliest 24  
 25 days, has always been also – if not above all – 'aspirational'.<sup>2</sup> 25

26 Zygmunt Bauman's characterization of Europe as *An Unfinished Adventure* (the 26  
 27 title of his 2004 book) highlights precisely the notion of a 'never-accomplished' 27  
 28 Europe. Bauman argues that the 'essence of Europe' has always tended to run 28  
 29 ahead of the 'really existing Europe': 'it is the essence of "being a European" 29  
 30 to have an essence that always stays ahead of reality, and it is the essence of 30  
 31 European realities to always lag behind the essence of Europe'. We should best 31  
 32 understand the European project, he suggests then 32

33  
 34 as an in-principle-unfinished object, an object of scrutiny, critique, and possibly 34  
 35 remedial action [...] a continuous process – forever imperfect yet obstinately 35  
 36 struggling for perfection – of *remaking the world*. (Bauman 2004: 8, emphasis 36  
 37 in the original) 37

38  
 39 The making and (re)making of worlds is, after all, the key discursive task of 39  
 40 geopolitics, as critical geopolitical scholars have long argued: invoking particular 40  
 41 imagined geographies, particular 'geographical imaginations' of the world 41

42  
 43 <sup>2</sup> For a review of some of these understandings, see Bialasiewicz, Elden and Painter 43  
 44 2005. 44

1 and making them seem to be, as Gearoid O'Tuathail (1996) suggests, 'the only 1  
2 possible real'. Such imagined geographies are often sustained by myths and 2  
3 distinct narratives about 'the ways in which the world works'. Various myths of 3  
4 origin have served as a particularly important support to most national geopolitical 4  
5 visions (Dijink 1996). Europe – as a political project and as a geopolitical actor – 5  
6 has its own set of founding myths. 6

7 The image that figures on the cover of this volume – Russian artist Valentin 7  
8 Serov's (1910) *The Rape of Europa* – evokes the classical myth of the capture and 8  
9 voyage of *Europa*, the daughter of Agenor, King of Tyre. The story of *Europa*'s 9  
10 abduction by Zeus (here transformed into a bull) has inspired artists and poets 10  
11 through the ages, but it has also profoundly shaped European self-understandings. 11  
12 As various scholars have argued (see, among others, Passerini 2002, Wintle 12  
13 2009), the myth of *Europa* has long served to ideally connect Europe to other 13  
14 shores, 'extending' it to the world, constituting it as a 'voyage' or, in Zygmunt 14  
15 Bauman's terms, as 'an adventure'. It is not by chance that a ceramic mural 15  
16 depicting *Europa*'s journey adorns the Paul-Henri Spaak Building of the European 16  
17 Parliament in Brussels. 17

18 The ideal of Europe as a 'voyage', as an 'endless adventure' that looks out 18  
19 *into* the world, that sees itself as having a particular 'mission' or 'duty' *to* the 19  
20 world, is not unproblematic, of course. As Michael Heffernan (1998) has argued, 20  
21 the European ideal was always indelibly tied to the (re)making and claiming of 21  
22 space – first within Europe, and subsequently beyond it. This understanding of a 22  
23 forever mobile, forever expanding Europe was also, always, fundamentally bound 23  
24 to the belief in Europe as the embodiment (and vanguard) of universal progress. 24  
25 Jacques Derrida (1992) has described it as Europe's 'logic of exemplarity': Europe 25  
26 as, at once, a distinct and unique place *and* as universal model, universal 'heading' 26  
27 (*cap*) for the rest of the world. 27

28 We should pay heed to the traces of such ideal visions in contemporary 28  
29 'EU'ropean geopolitical imaginations and practices. As Bachmann and Sidaway 29  
30 (2009: 106) suggest, it is crucial that we understand how many contemporary 30  
31 'EU'ropean geopolitical imaginations 'simultaneously internalise and occlude 31  
32 prior visions of Europe and European world roles'. The task of critical geopolitics 32  
33 is to take such ideal imaginations seriously, in all of their ambiguity and frequent 33  
34 contradiction, and to understand what effects, what geographies they are 34  
35 contributing to produce. 35

36

37

### 38 The Chapters 38

39

40 The first section of the book – 'Making the Spaces of EU Action' – speaks directly 40  
41 to this concern, looking at some of the ways in which 'EU'rope creates its spaces 41  
42 of international action. Sami Moisio's opening chapter focused on EU spatial 42  
43 planning, interrogates the geographies – both material *and* ideal – that underpin the 43  
44 notion of 'Europeanization'. It does so by examining European spatial planning as 44



1 'a distinct politics of scale' that has direct 'constitutive effects on the geography of 1  
 2 Europe'; that, literally, 'makes European spaces' – and that increasingly also brings 2  
 3 extra-European spaces 'into Europe'. Through a critical analysis of the European 3  
 4 Spatial Development Perspective (ESDP) and the workings of the European 4  
 5 Spatial Observation Network (ESPON), Moisiso suggests that we conceive of 5  
 6 European spatial planning as a distinct 'geopolitical narrative (and practice) that 6  
 7 seeks to fundamentally re-think Europe's spatial and scalar organization'. 7

8 Alongside the broader theoretical/conceptual discussion, the chapter also 8  
 9 provides an analysis of one specific EU-sponsored territorial network, an 9  
 10 INTERREG project based around the Baltic Sea Region. Since 1999, INTERREG 10  
 11 projects have been crucial in implementing European spatial planning and in 11  
 12 creating a European community of 'spatial experts', bringing together policy- 12  
 13 makers and professionals across Europe. But, as Moisiso argues, such projects 13  
 14 have also been key in disrupting the borders of the EU and in drawing in non- 14  
 15 members into the Europeanization process. He suggests that, indeed, 'EU spatial 15  
 16 planning may well be considered as one of the EU's key mechanisms in creating 16  
 17 closer political, economic and even cultural links to neighbouring states without 17  
 18 offering them full membership'. Through macro region-building practices such as 18  
 19 the Baltic initiative discussed here, 19

20  
 21 EU spatial planning increasingly seeks to extend the European "growth machine" 21  
 22 also beyond the EU's territory. It consists of practices whereby the EU seeks to 22  
 23 turn "less European" spaces into fully European ones, both within the EU and 23  
 24 beyond. EU spatial planning thus provides a crucial setting for the dissemination 24  
 25 of "best European practice", within and beyond the borders of the EU. 25  
 26

27 Like Moisiso's contribution, Alun Jones' chapter focuses on (EU)rope's use of 27  
 28 region building as a powerful geopolitical tool. Jones' focus lies with a region 28  
 29 that has for long been at the heart of EU geopolitical agendas: the Mediterranean. 29  
 30 As Jones argues here, ever since the EU's formation, the Mediterranean 'has been 30  
 31 cast as the most problematic flank of Europe' and a key space for 'EU-orchestrated 31  
 32 regionalising efforts'. What is more, it has long been seen as a space within which 32  
 33 the European Union 'regards itself as having a natural legitimacy to act in order 33  
 34 to ensure its own security, promote good neighbourliness, and stave off potential 34  
 35 threats to European and global order'. 35

36 The chapter offers a geopolitical analysis of the various 'Mediterranean- 36  
 37 building' initiatives that, over the years, have attempted to symbolically, 37  
 38 territorially and institutionally construct a 'Mediterranean region' as a space 38  
 39 for EU action, from the Association Agreements of the 1960s, to the Barcelona 39  
 40 Process, to the Union for the Mediterranean launched in the summer of 2008. 40  
 41 The EU's construction of the Mediterranean as a space characterized by an 41  
 42 alleged geopolitical and geo-cultural fracturing (which 'EU'rope has a legitimate 42  
 43 entitlement to correct through regionalization agendas), and as an 'unsettled 43  
 44 space with potentially unsettling consequences for 'EU'rope', has had powerful 44

1 political – and policy – effects. Such constructions have framed all recent EU 1  
2 initiatives for the Mediterranean, including those formulated under the auspices 2  
3 of the European Neighbourhood Policy (ENP) launched in 2003. As Jones argues, 3  
4 the ENP emerged as a discursive formation from a critical re-evaluation of the 4  
5 EU's potential role as a normative 'force for good' in the Mediterranean and as a 5  
6 necessary 'response to the practical issues posed by proximity and neighbourhood' 6  
7 with the EU holding a vital interest in seeing 'greater economic development and 7  
8 stability and better governance there'. 8

9 As with prior EU initiatives aimed at 'making' a 'Mediterranean region', the 9  
10 ENP and its sister policies cannot, nonetheless, be seen as simply 'a uni-directional 10  
11 process of power, authority and collective action being mobilized and orchestrated 11  
12 by the EU'. Jones' analysis suggests, rather, that EU action in the Mediterranean 12  
13 has been characterized by much more complex and often ambiguous processes of 13  
14 'leverage, resistance and opposition to efforts to stimulate wide-ranging political 14  
15 and economic reform agendas'. What is more, 'EU'rope's Mediterranean partners 15  
16 have become very adept in their political dealings with the EU in order to secure 16  
17 their own (often conflicting) interests, highlighting the tenuous nature of the 17  
18 projection of 'European' norms, rules and standards that presumably lies at the 18  
19 heart of such region-building initiatives. 19

20 This is also a concern that lies at the heart of third chapter in this first section 20  
21 of the volume, Veit Bachmann's consideration of the EU's role as a development 21  
22 actor. Bachmann's contribution – 'European Spaces of Development: Aid, 22  
23 Regulation and Regional Integration in East Africa' – analyses the ways in which 23  
24 the spaces of interaction between the EU and developing countries are shaped by 24  
25 what he describes as a distinctly 'EU'ropean mode of policy conduct. The chapter 25  
26 illustrates how EU development policy acts to 'transfer the modus operandi of 26  
27 the EU's system of political-economic organization to European external relations 27  
28 and thus determine the structure of the international system, as well as the ways 28  
29 and modes of interaction for different actors in it'. The main vehicle through 29  
30 which this geopolitical and geoeconomic project is being promoted, he argues, is 30  
31 regional integration. As Moisiu and Jones also suggest in the preceding chapters, 31  
32 the promotion of intra- and interregional cooperation (and of specific modes of 32  
33 regulation) thus becomes a powerful force in 'Europeanizing' the world – literally, 33  
34 by making the world work in 'European ways'. 34

35 In his discussion, Bachmann traces the emergence of understandings of 35  
36 Europe as a 'civilian power' in the post-World War II period and notes how such 36  
37 understandings have progressively been transferred to the EU's 'external' conduct 37  
38 as well, with 'a key objective of European external relations to promote the spaces 38  
39 of interaction it had developed internally within the international system'. Attempts 39  
40 to legitimize a global role for the EU, he suggests, have generally been based 'on 40  
41 its (perceived) success in transforming a war-torn continent into an area of relative 41  
42 peace and prosperity, associated with the creation of a civilianized system', as 42  
43 well as its unique experience of regional integration, seen as 'a way of achieving 43  
44 democracy and lasting peace'. 44

1 This is an important point that speaks also to a number of other contributions 1  
 2 in this collection – and to the question of European ‘myth-making’ evoked at the 2  
 3 outset. For it is not only the case of extending the European space by extending 3  
 4 the space of its putative values (so, by making the ‘internal’ also ‘external’), as 4  
 5 described in Bachmann’s interviews. Increasingly, the EU’s ‘external’ conduct is 5  
 6 seen as *a key confirmation of ‘EU’rope’s own* (‘internal’) *identity*, presumably 6  
 7 based within /confirmed by such values. As Lucarelli and Fioramonti (2009) have 7  
 8 argued, the identification of EU core values and the definition of an international 8  
 9 role for the EU are, increasingly, part of the same identity-building process: while 9  
 10 ‘internal’ EU values and principles are transposed also into ‘external’ political 10  
 11 conduct, ‘external’ conduct is, increasingly, key to sustaining a particular ‘internal’ 11  
 12 European political identity. The definition of the EU’s ‘external’ role and its 12  
 13 distinct nature as a geopolitical actor is, more and more, the key locus around 13  
 14 which ‘EU’ropean identity is defined – and performed.<sup>3</sup> 14

15 Nonetheless, as Bachmann’s contribution points out, there still exists a 15  
 16 wide divide between the ‘economic’ and ‘political’ policy fields, and respective 16  
 17 underlying interests. This disjuncture (and often divergence) is a crucial challenge 17  
 18 for ‘EU’rope, particularly because ‘those policy areas in which the EU’s self- 18  
 19 representation is closest to its external image (e.g. diplomacy, promotion of 19  
 20 democracy, etc.) are also those in which the EU’s power is perceived to be less 20  
 21 developed and effective’ (Fioramonti and Poletti 2008). With the preponderance, 21  
 22 in most contexts, of the EU’s ‘economic’ role, ‘EU’rope’s normative claims reveal, 22  
 23 as Bachmann notes, discrepancies both with policy practices affecting developing 23  
 24 countries, as well as with the perceptions of external cooperation partners (who 24  
 25 frequently characterize these policies as ‘economic imperialism’, ‘coercive’, 25  
 26 ‘exploitative’). 26

27 Some of the disjunctures between the EU’s ‘imaginative geographies’ and 27  
 28 the EU’s actions are also the focus of the next two chapters in this section. Alex 28  
 29 Jeffrey’s chapter entitled ‘The Masks of Europe in Contemporary Bosnia and 29  
 30 Herzegovina’ looks at the role played by Bosnia and ‘the Balkans’ in the European 30  
 31 imaginary as a key site for *both* the delimitation of the ‘European Self’, but also 31  
 32 a key space for the extension and projection of Europeanness and, especially, 32  
 33 ‘European values’. Drawing on ethnographic field work in Bosnia spanning a 33  
 34 period of six years (2002–2007), Jeffrey unpicks the discourses that have framed 34  
 35 Bosnia initially as a ‘European problem’ and, subsequently, as a ‘state on its path 35  
 36 to Europe’. The chapter begins by interrogating the ‘Balkanist’ imaginaries that 36  
 37 made possible the ‘geopolitical making of Bosnia as a site of intervention, cast 37  
 38 38

39  
 40 3 It is important to note that there has been a significant shift from EU programmes 40  
 41 focussed on Cultural Action in the 1980s–1990s, to efforts by the Commission to 41  
 42 communicate ‘EU’rope’s ‘global role’. Such geopolitical performances are marked by 42  
 43 distinct ‘visual economies’ (to cite David Campbell, 2007), and distinct ‘imaginative 43  
 44 geographies’ that connect ‘home’ (Europe) and ‘away’ (the world) in ways that deserves 44  
 44 our critical attention.

1 out as a “non-European” Other’ and the subsequent mechanisms, institutional 1  
2 and ideational, put into place to ‘bring Bosnia into Europe’. Jeffrey focuses in 2  
3 particular on the concept of ‘transition’ (‘from a Balkan past to a European future’) 3  
4 and its deployment by both international actors and Bosnian political leaders as a 4  
5 ‘virtuous narrative’ where ‘increasing integration in European structures affords 5  
6 democratic opportunities for the Bosnian citizen’. 6

7 The title of the chapter – ‘The Masks of Europe’ – refers to what Jeffrey sees 7  
8 in the Bosnian context as ‘the invocation of Europe as a mask, a performance 8  
9 that occludes political power behind a discourse of democratic virtue’. So what 9  
10 does the discourse of Europeanization, as invoked here, mask or occlude? What 10  
11 is meant by ‘Europeanization’ in the Bosnian/Balkan context? Jeffrey’s analysis 11  
12 points to what he terms ‘a sovereignty paradox’ that underpins European rubrics 12  
13 in Bosnia, for while ‘idealising forms of solidarity based on broad social and 13  
14 cultural affiliations’, Europeanizing discourses ‘simultaneously seek to promote 14  
15 the state as the primary territorialization of political life’. Thus though ‘notionally 15  
16 cosmopolitan in its invocation of an ethical and political community operating 16  
17 beyond the particularities of an individual state’, he argues that ‘the evidence from 17  
18 Bosnia suggests that European ideals look to solidify forms of citizenship and 18  
19 territory firmly rooted in the state’. Indeed, looking at the move ‘from Dayton 19  
20 to Brussels’, Jeffrey suggests that the Europeanization of the Bosnian transition 20  
21 process has not significantly reconfigured the power relations of international 21  
22 intervention. 22

23 What is more, within Bosnia itself, designations of Europeanness are similarly 23  
24 malleable. Drawing on the notion of ‘nested orientalisms’, Jeffrey describes how 24  
25 Serbian politicians in Bosnia stake claim to European credentials to assert cultural 25  
26 primacy and, in particular, distinction from ‘non-European’ Bosniaks. ‘Europe’ 26  
27 here does not serve as a marker of virtue but, rather, a ‘mask’, a foil, for other 27  
28 political manoeuvres: specifically, as support for ‘radical Serbian Europeanism, 28  
29 structured around essential cultural differences and founded on the rejection of 29  
30 Bosniak claims to a European heritage’. 30

31 Richard Powell’s contribution, the final chapter in this section, looks to 31  
32 a relatively recent focus in the EU’s geopolitical strategies: the Arctic. Powell 32  
33 traces how ‘the High Latitudes’ have been progressively created/envisioned 33  
34 as a strategic region for EU action and as a ‘European problem’. Through an 34  
35 analysis of the European Community’s and later the European Union’s evolving 35  
36 geopolitical imaginaries of ‘the Arctic’, the chapter highlights how an expansion 36  
37 in the EU’s strategic preoccupations to issues such as energy security and global 37  
38 climate change has also brought an extension in its ‘areas of interest’ and strategic 38  
39 concern. As Powell highlights, the EU’s interest in the Arctic is firmly embedded 39  
40 in broader debates around climate change and energy security, and ‘EU’rope’s role 40  
41 in the High Latitudes is profoundly marked by a conviction of the EU’s ‘unique 41  
42 position to respond to global climatic and security challenges’. 42

43 The chapter also very usefully brings to light another notable characteristic 43  
44 of EU geopolitics, remarked upon by several of the previous chapters: the ever- 44

1 present tensions between ‘national’ and ‘European’ geopolitical visions and 1  
2 foreign policy choices and priorities, but also considerable tensions between the 2  
3 various constitutive institutions of the EU themselves (most notably, between the 3  
4 Council of Ministers, the European Commission and the European Parliament). 4  
5 As in the case of the debates that surrounded the constitution of the Union for the 5  
6 Mediterranean (discussed in Jones’ chapter) that, at the end, became a Union of 6  
7 27+ states, so too in the case of the Arctic there has been a progressive extension of 7  
8 geopolitical responsibility: the Arctic is no longer simply the concern and strategic 8  
9 prerogative of Northern European countries (Norway, Denmark/Greenland, 9  
10 Iceland, Sweden and Finland) but, rather, a ‘wholly European problem’.

11 The EU’s increasing concern for (and involvement in) what the European 11  
12 Parliament in a 2008 resolution on ‘Arctic Governance’ described as ‘the ongoing 12  
13 race for natural resources in the Arctic which may lead to security threats for 13  
14 the EU and overall international instability’ also highlights the EU’s role as 14  
15 international norm and law-maker. This (self-appointed) role, however, often runs 15  
16 up against other understandings of the law and legal architectures including, in 16  
17 the case of the Arctic, indigenous ones. Much like Jeffrey’s chapter that remarks 17  
18 upon the paradox of ‘EU’rope’s ‘statalizing’ influence, Powell similarly suggests 18  
19 that the EU’s presumed affirmation of ‘subsidiarity’ runs into rough waters in the 19  
20 Arctic where EU institutions have tended to propound a rather centralizing vision 20  
21 of governance. As the EU ‘constantly strives to expand both the spatial extent 21  
22 and its legal/epistemic sphere of influence, arguably often into areas occupied 22  
23 by citizens of other polities’, Powell argues that it risks undermining ‘the many 23  
24 successes that have been established in Arctic governance by devolving decision- 24  
25 making to indigenous groups and organisations’.

26 The second section of the volume – ‘The EU as (B)ordering Actor – is 26  
27 dedicated entirely to the question of EU border (geo)politics. As the outer edges of 27  
28 a putative European space, EU borders not only demarcate the identity of what lies 28  
29 within (‘Europe’), but also determine relations with ‘the World’. It is at/through 29  
30 borders that the European space is constituted and selectively stretched, marking 30  
31 and making a new geopolitical role for ‘EU’rope. The chapters in this section 31  
32 look, in particular, to some of the ways in which EU border-work is increasingly 32  
33 projected globally through an array of measures and practices that off-shore and 33  
34 out-source EU border control and management.

35 Thomas Gammeltoft-Hansen’s ‘Out-sourcing Asylum: The Advent of 35  
36 Protection Lite’ opens this discussion by looking specifically at attempts by EU 36  
37 states to extend asylum and migration policy beyond the territorial confines of the 37  
38 Union. The chapter notes how the EU’s increasing externalization and, indeed, 38  
39 ‘extra-territorialization’ of asylum is fundamentally transforming Member States’ 39  
40 understandings (and respect) of the obligations associated with refugee protection, 40  
41 resulting in what Gammeltoft-Hansen terms ‘protection lite’, with states ‘driving 41  
42 a race to the bottom in search of what counts for “effective protection”’.

43 As Gammeltoft-Hansen outlines, the contemporary international refugee 43  
44 protection regime is very much the heir to its Westphalian heritage and operates 44

1 (and is bound) within a territorial logic. Protection ‘is not guaranteed in a global 1  
2 homogenous juridical space but materializes as a patchwork of commitments 2  
3 undertaken by individual states, tied together by multilateral treaty agreements’. 3  
4 This is also true for the Member States of the European Union, despite an 4  
5 evolving common asylum policy. The main legal obligation of (individual) states 5  
6 is not to send back (*refouler*) a refugee where he or she risks persecution. This 6  
7 basic obligation kicks in when an asylum-seeker or refugee arrives within the 7  
8 territory or jurisdiction of the state in question. As Levy and Vaughan-Williams 8  
9 also suggest in their chapters, EU states fearing the burden of asylum processing 9  
10 have been keen to develop mechanisms preventing asylum seekers from even 10  
11 arriving, adopting a variety of ‘off-shore’ and ‘remote control’ migration control 11  
12 mechanisms. Gammeltoft-Hansen describes how such *non-entrée* policies have 12  
13 entailed a drive among European states to shift the responsibilities for asylum- 13  
14 seekers and refugees first among each other, and subsequently to third states. 14

15 ‘In this game’, he notes, ‘the defining mechanism for allocating responsibility 15  
16 to states remains firmly grounded in the principle of territorial division; whatever 16  
17 state territory or jurisdiction a refugee is within, that state is responsible for not 17  
18 returning that person to a place in which he or she may be persecuted’. However, 18  
19 beyond the fundamental obligation of *non-refoulement*, other rights under the 19  
20 refugee protection regime ‘are granted according to a principle of territorial 20  
21 approximation’, that is, ‘progressively according to the ‘level of attachment’ a 21  
22 refugee obtains to a given country’ (with the most sophisticated rights, such as 22  
23 access to welfare, employment and legal aid, only granted when the refugee is 23  
24 ‘lawfully staying’ or ‘durably resident’ in the territory of the host state). 24

25 What this also means, however, is that refugees or asylum-seekers that 25  
26 are not present in a state’s territory but de facto under its jurisdiction (such as 26  
27 on the high seas or in the territory of a third state) are only entitled to a very 27  
28 basic set of rights centred upon the *non-refoulement* obligation. This is one of 28  
29 the main problems Gammeltoft-Hansen identifies with the ‘off-shoring’ of EU 29  
30 migration controls. As he argues, ‘when states attempt to prevent the triggering 30  
31 of the territorial mechanism that make them responsible for granting certain 31  
32 rights to asylum-seekers or subsequently to shift the burden for bestowing these 32  
33 rights on to third countries’, it is not only a question of ‘whether protection will 33  
34 be afforded elsewhere’, but also of ‘the quality of this protection’. He takes to 34  
35 task, in particular, the ‘safe third country’ rule and its adoption by EU states ‘as a 35  
36 procedural mechanism for shifting responsibility for asylum processing’. 36

37 Gammeltoft-Hansen’s analysis highlights, in particular, the shift in EU Member 37  
38 States’ refugee and asylum policies to a rubric of management, as part of what he 38  
39 terms ‘the political management of safety’, framed by notions of a ‘procedural 39  
40 economy’ and ‘burden sharing’. The question of the protection of basic rights – 40  
41 presumably a cornerstone of the European polity, at home as well as abroad – is, 41  
42 increasingly, subsumed with the managerial (and ostensibly value-free) notion of a 42  
43 ‘rights economy’. Gammeltoft-Hansen argues, indeed, that the push to redistribute 43  
44 responsibility for protection onto third states is ‘an attempt by European states to 44

1 achieve a market mechanism of rights, in which protection is routinely realized at 1  
2 the lowest possible cost'. This, of course, has grave consequences for the quality of 2  
3 the protection provided, but also creates ever new forms (and scales) of exclusion: 3  
4 'the unchecked shifting of burdens on to states situated closer to the country of 4  
5 origin is likely to become an incentive for these states to introduce more restrictive 5  
6 recognition procedures, thus limiting the number of asylum-seekers who gain 6  
7 access to these rights in the first place'. 7

8 Adam Levy's chapter looks to a model project in the EU's expanding archipelago 8  
9 of 'remote' border management: the European Border Assistance Mission 9  
10 (EUBAM) and its attempts to modernize and securitize the Moldova-Ukraine 10  
11 frontier in line with Schengen standards. As Levy notes, the EUBAM is seen by the 11  
12 European Commission as a radically new mode/model of border control. Framed 12  
13 within the broader rhetoric of the European Neighbourhood Policy (discussed also 13  
14 by Jones in this volume) and the role of 'EU'rope's neighbours as a putative 'Ring 14  
15 of Friends', the EUBAM is presented as a paragon of 'neighbourly success' in 15  
16 the management of borders and the 'friendly' extension of the EU's 'integrated 16  
17 border management'. Promising, as Levy points out, 'more efficient approaches to 17  
18 harmonization, security and risk [by] using the language of threat perception and 18  
19 intelligence assessment', the EU's new border management mechanisms focus 19  
20 on 'data collection and document security, paying special attention to particular 20  
21 metrics and definitions like illegal entries, criminal apprehensions and expedited 21  
22 removals'. 22

23 It is, therefore, no longer a question of (just?) drawing lines but, rather, 23  
24 sharing 'best practices' with those who now should carry out the EU's border- 24  
25 work (Levy, revealingly, cites the characterization of EUBAM's director Ferenc 25  
26 Banfi: 'EUBAM is not against enemies, but is looking for friends'). Despite being 26  
27 labelled a 'partnership' (and marketed as a fast track to full EU membership 27  
28 because of the assumed benefits of harmonizing controls with accession standards), 28  
29 such efforts to externalize the management of EU borders are, however, 'really 29  
30 [about] securitization', resulting in 'a more restrictive and asymmetric border that 30  
31 actually limits mobility for most categories and populations' and 'imposes fresh 31  
32 obligations on countries of migrant origin, which are becoming destination- and 32  
33 transit states given their new proximity to the EU'. The region thus becomes 'the 33  
34 latest kind of buffer zone', designed to protect 'EU'rope from the latest in a line of 34  
35 barbarians (see also van Houtum, 2010). 35

36 It is important to note how the language of 'civilian and civilianizing' 36  
37 'EU'rope marks such new attempts at securing the European perimeter. The goal, 37  
38 as Levy notes, is to secure the border using 'European expertise' to pre-empt, 38  
39 collectively, threatening movements and flows; the key agent in this mission is, 39  
40 indeed, no longer the classical 'border guard' but rather the 'expert advisor'. 40  
41 Yet such 'security partnerships' (as they are termed) are, as the EUBAM study 41  
42 demonstrates, 'insecurity partnerships' for third country nationals, with the 42  
43 technical and managerial language of partnership and collaboration simply masking 43  
44 new modes and models of political and economic exclusion. As Levy concludes, 44

1 the EUBAM ‘embodies rule at a distance’, seeking ‘to re-territorialize and extend 1  
 2 the surveillance of mobility and security risks in order to re-scale vulnerabilities’ 2  
 3 and using third-countries as ‘spatial fixes’ in order to avert perceived threats from 3  
 4 uncontrolled immigration or terrorism, simply relocating unwanted migrants to 4  
 5 ‘EU’rope’s borderlands. 5

6 The third contribution in this section, Nick Vaughan-Williams’ ‘Off-Shore 6  
 7 Biopolitical Border Security: The EU’s Response to Migration, Piracy and 7  
 8 “Risky” Subjects’, builds on Levy’s case study and provides a discussion of 8  
 9 three further examples of the selective stretching of the EU’s borders: attempts to 9  
 10 deter illegal immigration via land, air, and maritime surveillance in Western and 10  
 11 Northern Africa; the policing of EU maritime trade routes in response to the threat 11  
 12 of piracy off the Somali coast in the Indian Ocean; and the implementation of 12  
 13 new virtual border security practices involving the on-line monitoring of allegedly 13  
 14 ‘risky’ individuals and groups in cyberspace. Looking at the ways in which the 14  
 15 EU deploys its ‘border work’ in ever more sophisticated ways, Vaughan-Williams 15  
 16 draws on the work of Giorgio Agamben to sketch out how the global projection 16  
 17 of the EU’s borders can be theorized as what he terms ‘a generalized biopolitical 17  
 18 border’. 18

19 The chapter identifies a number of key characteristics to the new EU border 19  
 20 regime. The first is the ‘principle of pre-emptive bordering’ that aims ‘to take “the 20  
 21 border” to the perceived locus of threat *before* that threat arrived on the shores 21  
 22 of the EU’, even if such pre-emptive bordering often risks countervailing the 22  
 23 EU’s own legislation in the matter of asylum and refugee rights (as Gammeltoft- 23  
 24 Hansen’s chapter highlights). EU institutions have been quite explicit, indeed, in 24  
 25 asserting that ‘with new threats, the first line of defence will often be abroad’ 25  
 26 (Council of the European Union 2003: 7). This is true not only with regard to the 26  
 27 control of migration flows, but also the protection of other ‘EU’ropean interests. 27

28 In his discussion of the EU’s attempts to stave off the threat of Somali pirate 28  
 29 attacks in the Gulf of Aden under the auspices of the EU NAVFOR Project, 29  
 30 Vaughan-Williams remarks upon a second characteristic of the EU’s ‘off-shore’ 30  
 31 border work: the ‘flexing’ of sovereignty and international law that allows for 31  
 32 such interventions. Citing the work of Germond and Smith (2009: 579), Vaughan- 32  
 33 Williams suggests that the EU’s new maritime frontiers are, increasingly, ‘hybrid 33  
 34 spaces, which *legally* are situated outside of the EU, but which *functionally* lie 34  
 35 inside its strategic zone of interest, and whose stability is essential’ (emphasis in 35  
 36 original). 36

37 The selective extension of the EU’s borders does not only take place on land 37  
 38 or sea, however. As Vaughan-Williams points out, the creation of the new Europe- 38  
 39 wide border surveillance system termed EUROSUR that relies on a variety of 39  
 40 electronic bordering practices to track potentially ‘risky’ subjects, in transit to 40  
 41 and through the EU, further disrupts ‘traditional notions of the relation between 41  
 42 borders and territory’: border controls become ‘peripatetic nodes of security that 42  
 43 zigzag across “domestic” and “international” space globally’. 43  
 44 44



1 If the borders of ‘EU’rope are no longer (only) ‘a static frontier at the outer- 1  
 2 edge of sovereign territory, but increasingly mobile and diffused across a global 2  
 3 terrain (and throughout land, sea, air, and cyberspace)’ as Vaughan-Williams 3  
 4 argues, this also complicates any ‘straightforward geopolitical imagination of 4  
 5 “Europe” as being an entity whose “inside” and “outside” is clearly definable’. It is 5  
 6 more appropriate (and analytically useful), he suggests, to think not in terms of EU 6  
 7 ‘borders’ but rather in terms of EU ‘bordering practices’ and ‘border performances’, 7  
 8 thus highlighting ‘the activity and spatial (and *temporal*) “thickness” of “the 8  
 9 border” otherwise belied by the static metaphors of “lines”, “limits”, and “walls”’. 9  
 10 Vaughan-Williams stresses, moreover, that we need to see such border practices 10  
 11 and border performances as also ‘body performances’. Drawing on the work of 11  
 12 Agamben, he highlights how ‘EU’rope’s borders ‘are continually (re)inscribed 12  
 13 through mobile bodies that can be risk assessed, categorized, and then treated as 13  
 14 either ‘trusted travellers’ or ‘bare life’, marking out ‘the politically qualified life of 14  
 15 the “European citizen” [...] against the bare life of the “non-European” migrant’. 15

16 The final chapter in this section examines in detail one of the ‘black holes’ 16  
 17 described by Vaughan-Williams, where EU laws and obligations are suspended. 17  
 18 In his ‘Geographies of Migration Across and Beyond Europe: the Camp and the 18  
 19 Road of Movements’, Shinya Kitagawa focuses on one of the most infamous 19  
 20 of these sites, the migrant detention camp on the Italian island of Lampedusa. 20  
 21 The Lampedusa ‘Temporary Stay Centre’ (CPT) has a key symbolic role in 21  
 22 the geographies of migration that traverse the Mediterranean and over the past 22  
 23 decade have made it into what various human rights organizations have called 23  
 24 Europe’s graveyard. There have been over 10,000 documented deaths along the 24  
 25 EU’s maritime frontiers in the past ten years – a figure that would swell further 25  
 26 if we added those missing at sea, or those who did not even make it to the boats 26  
 27 supposed to ferry them to their European Dream, those who died along the way, 27  
 28 somewhere in the Niger or Libyan desert.<sup>4</sup> 28

29 Between 2002 and 2008, the number of migrant arrivals on Lampedusa 29  
 30 increased exponentially, from slightly under 10,000 in 2002 to almost 31,000 in 30  
 31 2008. The Lampedusa CPT has been the object of several investigations, including 31  
 32 by the Council of Europe and the European Parliament, for its failures to uphold 32  
 33 migrants’ basic rights as well as correct procedures relating to the processing of 33  
 34 refugee and asylum claims. Since 2009, it has also been a fundamental ‘gateway’ 34  
 35 in the Italian State’s new ‘push-back’ (*respingimento*) policy under the terms of 35  
 36 its bi-lateral agreements with Libya, with all migrants intercepted in international 36  
 37 waters by Italian Coast Guard vessels now deported directly to Libya. 37

38  
 39  
 40 4 UNITED, the European Network Against Nationalism, Racism, Fascism and in 40  
 41 Support of Migrants and Refugees, has since 1993 been keeping a ‘List of Deaths’. The List 41  
 42 includes all reported deaths that have occurred as a consequence of ‘EU’ropean immigration 42  
 43 and deportation procedures. On 20 June 2010, International Refugee Day, their estimate 43  
 44 stood at 13,824. 44

1 Beyond providing an account of the development of the camp and the 1  
 2 evolution of its role in policing ‘EU’rope’s borders, however, Kitagawa’s 2  
 3 analysis also places the Lampedusa CPT within a broader geography of EU 3  
 4 border-work. He argues that we should conceptualize places like Lampedusa 4  
 5 ‘as temporary “stages” of a continuing bordering process that connects both 5  
 6 European and non-European spaces’. 6

7 Drawing on Giorgio Agamben’s theorization of ‘the camp’ and, in particular, 7  
 8 Agamben’s comments on Italian CPTs as distinct ‘spaces of exception’, 8  
 9 Kitagawa notes how the migrant detention camps disrupt our taken-for-granted 9  
 10 understandings of both territorial borders – and of the territorial rights usually 10  
 11 associated with presence on state territory. The migrants detained in the Lampedusa 11  
 12 CPT, he argues, are not considered *within* the national borders of the Italian State; 12  
 13 they are stripped of all juridical status, removed from all vestiges of citizenship. 13

14 The Italian (and other EU) camps are, nonetheless, just one stage in migrants’ 14  
 15 journeys. Thanks to international agreements such as the one with Libya noted 15  
 16 above, policies of off-shoring and out-sourcing migration control now directly 16  
 17 deport migrants to other camps, outside of EU territory. Those sent back from 17  
 18 Lampedusa, as Kitagawa documents, are often subjected to chain-deportation, 18  
 19 transported ever further ‘South’, from Italy, to Libya, to Niger and beyond. 19

20 Kitagawa also comments, however, on what he terms ‘movements of de- 20  
 21 identification’ that accompany the procedures of detention and eventual expulsion. 21  
 22 Such ‘de-identification’ takes place within the mobile practices of the migrants 22  
 23 themselves (through actions such as the burning of passports and the taking 23  
 24 on of new identities), but is also enforced within the camps through a variety 24  
 25 of biopolitical measures (such as the reduction of migrants’ identities to their 25  
 26 biometric data). He concludes the chapter with a consideration of what the de- 26  
 27 territorialization (and off-shoring) of ‘EU’rope’s borders – accompanied as it is by 27  
 28 the de-identification of migrant bodies – means for the idea of Europe as a space 28  
 29 of rights. 29

30 This question is a fitting one with which to close this volume for it goes to the 30  
 31 very heart of the disjuncture between ‘EU’rope’s ideal geopolitical imaginations 31  
 32 and its geopolitical practices, whether these are enacted within EU territory or 32  
 33 elsewhere. If the European space now also extends into the world, beyond the 33  
 34 confines of the current EU 27, then should not too the EU’s obligations? Reacting 34  
 35 to the Italian situation described in Kitagawa’s chapter, but also plans afoot by 35  
 36 other Member States to out-source migration controls to third countries in the EU 36  
 37 ‘Neighbourhood’ and beyond, a number of EU-based human rights organizations, 37  
 38 including the European Council on Refugees and Exiles and Amnesty 38  
 39 International’s EU Office, released a communication at the end of February 2010, 39  
 40 re-stating EU Member States’ obligations and, in particular, the fact that these do 40  
 41 not – and cannot – stop at the physical boundaries of the EU: 41

42 42  
 43 Regardless of where border controls take place and of who implements them, 43  
 44 methods to prevent unauthorized entry must leave room for the identification 44

1	of persons in need of international protection so they are not returned to any	1
2	country where they will face persecution. Member States obligations under	2
3	international and European refugee and human rights law do not stop at the	3
4	physical boundaries of the EU. This responsibility is not only moral and political	4
5	but also legal. EU Member States cannot abdicate their principles, values and	5
6	commitments by doing outside their borders what would not be permissible in	6
7	their territories.	7
8		8
9	Understanding the political and geopolitical implications of the ongoing (re)	9
10	making of European spaces – whether through increasingly ‘creative’ border-	10
11	work or through the making of regions and ‘Neighbourhoods’ for ‘EU’ rope – is a	11
12	pressing task for political geographers. We hope that the chapters in this volume	12
13	can contribute in small part to this aim.	13
14		14
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PART I  
Making the Spaces of EU Action

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1	Chapter 1	1
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3	Geographies of Europeanization: The EU's	3
4		4
5	Spatial Planning as a Politics of Scale	5
6		6
7	Sami Moisio	7
8		8
9		9
10		10
11		11
12	This chapter scrutinizes the geographical aspects of the process of Europeanization,	12
13	within and beyond 'EU'rope. As Clark and Jones (2009) recently suggested, the	13
14	study of Europeanization is a vibrant field within the social sciences but the link	14
15	between the process of Europeanization and territory remains relatively neglected.	15
16	Research into Europeanization usually seeks to explain how and why domestic	16
17	policies and political institutions change under the 'pressure' of European	17
18	integration (e.g. Grabbe 2001, Caporaso 2007) and note that the impact of the EU	18
19	in the Member States is differential (Börzel 2002). Moreover, Europeanization	19
20	is often understood either as the accretion of decision-making authority at the	20
21	EU-level or as a two-way process in which the EU and the Member States affect	21
22	each other simultaneously (Sykes 2008). However, as Clark and Jones (2009:	22
23	195) succinctly point out, 'the many mainstream accounts continue to depict a	23
24	largely "aterritorial" and "ahistorical" EU that "impacts" upon or "transforms"	24
25	national political, policy and polity attributes, affording little insight into	25
26	underlying process'. Rather than understanding Europeanization as a one-way	26
27	process whereby national political structures, political actors, policy processes	27
28	and policies are being (or are being not) increasingly oriented in a 'European'	28
29	direction, Europeanization is in this chapter interrogated through an inquiry into	29
30	the so called European spatial planning which was launched by the EU in 1999.	30
31	More specifically, the chapter discloses the geographies of European spatial	31
32	planning as a politics of scale.	32
33	The chapter is structured in six sections. Following these introductory	33
34	comments, the second section briefly associates emerging European spatial	34
35	planning to the 'European crisis' that emerged in the late 1990s and discusses the	35
36	links between Europeanization and European spatial planning. The third section	36
37	discusses the European Spatial Development Perspective (ESDP) and inquires	37
38	into its political rhetoric of scale. The reason for doing so is that European spatial	38
39	planning involves a set of concepts and ideas that potentially have constitutive	39
40	effects on the geography of Europe. The chapter thus scrutinizes European spatial	40
41	planning as a geopolitical narrative (and practice) that seeks to fundamentally re-	41
42	think Europe's spatial and scalar organization. The fourth section introduces EU-	42
43	sponsored networks as another set of practices that form part of European spatial	43
44	planning.	44

1 The fifth section offers a decidedly subjective account of one EU-sponsored 1  
 2 territorial network that sought to foster transnational regionalism around the Baltic 2  
 3 Sea. Building on personal observations, interviews and other material, this section 3  
 4 highlights some of the ways in which ‘European experts’ conceive their action with 4  
 5 regard to scale in such networks. The chapter thus supports the view that in order 5  
 6 to understand the processes of Europeanization scholars should also inquire into 6  
 7 the multiform bureaucratic settings of European integration, not only in Brussels 7  
 8 but also in EU-sponsored project networks that operate in the name of the EU.<sup>1</sup> It 8  
 9 is by looking at such networks that we can begin to perceive how Europeanization 9  
 10 involves distinct actor practices and engagement, and is refracted through distinct 10  
 11 understandings of Europe and a European ‘territorial model’ – a model that is, 11  
 12 increasingly, put forward as an example of ‘best practice’ *also beyond ‘EU’rope*. 12

13

14

### 15 **Europe in Crisis and Europeanization as a Politics of Scale** 15

16

17 Over the past 15 years, European integration has been frequently legitimized by 17  
 18 the argument that without the EU, Member States would remain too small to come 18  
 19 to terms with increasing international economic competition. One of the most 19  
 20 spectacular features of European integration is that it enables a political debate 20  
 21 that refers to Europe as a singular political scale. From the 1990s onwards, notions 21  
 22 such as the ‘European social model’ and ‘European competitiveness’ have been 22  
 23 increasingly used in both national and supranational political debates. 23

24 In the late 1990s, various think tanks, academics and international organizations 24  
 25 such as the OECD began to publish reports arguing that without significant changes 25  
 26 in accumulation strategies, Europe was in danger of losing the game against 26  
 27 its American and Asian rivals. The assumption that drove such understandings 27  
 28 was that the entity termed ‘Europe’ was engaged in a global economic ‘struggle’ 28  
 29 and, indeed, many key EU political decisions and strategies from the late 1990s 29  
 30 onwards were dictated by the presumed need to re-place Europe in a dominant 30  
 31 position within the global economy. The ‘crisis’ of the 1990s thus prompted a 31  
 32 profound re-thinking of the aims of the European project and generated a number 32  
 33 of strategies aimed at imagining alternative forms of organization for the European 33  
 34 economy and society. 34

35 The key political processes launched from the late 1990s onwards in order to 35  
 36 reconstruct the European economic and political order were strongly marked by 36  
 37 the presumption of Europe’s ‘singularity’. The Lisbon Strategy, for example, was 37  
 38 in many ways guided by an economy-driven vision of what the EU wanted to be 38  
 39 and what it wanted to ‘keep’ in the light of increasing global competition (CEC 39  
 40 2001). The so-called Wim Kok Report, which aimed to revise the Lisbon Strategy, 40  
 41 revealingly connected Europe’s future to the ‘global league tables’ of economic 41  
 42 success: 42

43

44 <sup>1</sup> For a discussion of the Brussels context, see Kuus (2010). 44



1 Europe, if it wished to protect its particular social model and continue to offer 1  
 2 its citizens opportunity, jobs and quality of life, had to act with determination 2  
 3 – particularly in the context of the mounting economic challenge from Asia 3  
 4 ... Lisbon should be understood as a means of transitioning the European 4  
 5 economy, from structures in which it essentially caught up with the world's 5  
 6 best, to establishing economic structures that will allow it to exercise economic 6  
 7 leadership ... Europe has lost ground to both the US and Asia and its societies 7  
 8 are under strain ... Competitor countries and regions are moving on as well, 8  
 9 threatening Europe's position in the global economic league table. (CEC 2005a: 9  
 10 8, 11) 10  
 11 11

12 As the political dimension of integration deepened in the 1990s, differences in the 12  
 13 way in which EU spatial planning was implemented in the various Member States 13  
 14 were increasingly perceived as problematic. The Maastricht Treaty that took 14  
 15 effect in 1993 gave the Union the political mandate to create EU-wide planning 15  
 16 initiatives and the gradual development of European spatial planning initiatives 16  
 17 began in earnest in the mid-1990s. If the Lisbon Strategy can be thought of as 17  
 18 a process that was motivated by Europe's 'competitiveness problem', the new 18  
 19 attempts at a comprehensive European spatial planning emerging in the 1990s 19  
 20 may be similarly understood as a particular ideational response to this European 20  
 21 crisis. In other words, the uncertainty surrounding Europe's future from the latter 21  
 22 half of the 1990s and especially at the dawn of the new century was not only 22  
 23 interpreted as a crisis in the existing European economic order but also as a crisis 23  
 24 in the existing European *spatial order*. In order to address the 'competitiveness 24  
 25 problem' of the 1990s, the structuring of Europe's spaces had to be re-thought. The 25  
 26 new EU spatial planning strategy was seen as a key tool to this end. 26

27 European spatial planning can therefore usefully be understood as a geographic 27  
 28 strategy of crisis management, as an attempt to create new supranational 'scalar- 28  
 29 fixes' (see Brenner 1998) in order to support a particular mode of production, 29  
 30 that is, the 'knowledge-based society'. It can be considered as an attempt to 30  
 31 denationalize capitalist territorial organization and to construct supranational 31  
 32 scalar configurations. EU spatial planning can therefore be implicitly associated 32  
 33 with the crisis of North Atlantic Fordism, a crisis that also underpinned the 33  
 34 'European crisis' of the 1990s, and the intensification of processes of economic 34  
 35 globalization. In this view, EU spatial planning forms part of a politics of scale 35  
 36 aimed at restructuring inherited 'national' geographies of capital accumulation, 36  
 37 state regulation, urbanization, social reproduction, and socio-political struggles 37  
 38 (Jessop et al. 2008: 390). 38

39 The European spatial planning perspective embodied in the ESDP, for instance, 39  
 40 marks the increasing ability of the EU to operate with socio-spatial concepts and 40  
 41 to channel action into new geographical scales. But it is also a politico-economic- 41  
 42 cultural process that brings scales, places, territories and networks together in 42  
 43 unique combinations. Moreover, EU spatial planning potentially evokes political 43  
 44 tensions between various socio-spatial dimensions, thus giving rise to a distinct 44

1 politics of scale. One may argue that given these tensions, it is methodologically 1  
2 problematic to focus on scale only and to exclude other socio-spatial dimensions 2  
3 from analysis (see Jessop et al. 2008). Nonetheless, this chapter will argue that an 3  
4 examination of EU spatial planning as a politics of scale can reveal some of the 4  
5 spatial complexities of the process of Europeanization. 5

6 One of the key points in the recent scale debate in human geography is that 6  
7 scales do not exist as such; that is, they do not exist independently of social and 7  
8 political processes and discourses (see, e.g., Smith 1992). Rather, scales should be 8  
9 conceived as the outcomes of practice-embedded categorization. Scales emerge in 9  
10 the course of the production and consumption of narratives about different places, 10  
11 networks and territorialities and also take on material and institutional features 11  
12 (Paasi 2004, Swyngedouw 2004). If scales are treated as socially produced, 12  
13 historically contingent and politically contested, research should focus on the 13  
14 practices whereby the scaling of social and political life takes place (Moore 14  
15 2008: 212). In this conceptualization, one should approach scales as a category of 15  
16 practice rather than treating them as a category of analysis. To approach the scale 16  
17 as a category of practice means, for instance, probing how nodal, dominating or 17  
18 peripheral scales emerge in practice embedded action (see Collinge 1999). I will 18  
19 suggest here that EU spatial planning can be fruitfully analysed by focusing on 19  
20 the practices through which the scaling of a 'European' social reality takes place. 20

21 The politics of scale inherent in (and made possible by) EU spatial planning 21  
22 involves both rhetorical and material practices. A central set of practices are 22  
23 related to the European Spatial Development Perspective (ESDP). Additionally, 23  
24 the European Spatial Observation Network (ESPON) revolves around territorial 24  
25 knowledge production and monitoring. Thirdly, EU-sponsored territorial networks 25  
26 may be recognized as a specific set of practices that is not only closely associated 26  
27 with EU spatial planning but which also exists in parallel with national spatial 27  
28 planning practices. In other words, rather than investigating the ESDP, for instance, 28  
29 as the 'European scale' (this would be the case if the scale was understood as a 29  
30 category of analysis), one should interrogate the ESDP as a set of practices that 30  
31 contain specific scalar rhetoric and which therefore contributes to the re-scaling of 31  
32 Europe in a specific way. Investigating how the practices of the European spatial 32  
33 planning evoke distinct scalar meanings thus helps us to better understand the 33  
34 geopolitics of Europeanization. 34

35 As Helga Leitner (2004: 242) has suggested, the construction of a supranational 35  
36 scale has been a highly contested process that has involved political struggles over 36  
37 the location of power and authority. The putting into place of what Jessop (2008) 37  
38 terms multi-scalar European 'metagovernance' is, in itself, a highly contested 38  
39 political process. In order to find out how different actors conceive the scaling 39  
40 operations of EU spatial planning and how they, for example, connect their own 40  
41 actions to different scales as they participate in this geopolitical process, one 41  
42 should take a closer look at EU-sponsored territorial networks. In other words, 42  
43 even though it is the European Commission that is the active and visible participant 43  
44 44

1 in EU spatial planning, it is the Europeans living in different parts of Europe who 1  
2 give content to this process. 2

3 Associating EU spatial planning with the concept of Europeanization can be 3  
4 productive in a number of ways. For instance, the role of the EU as a source 4  
5 of politico-geographical knowledge and geopolitical visions dealing with a 5  
6 'European territory' has been strengthened over the past 15 years (cf., Harvey 6  
7 2001: 214). The evolving EU spatial planning not only epitomizes how the EU 7  
8 practices a distinct politics of scale by professing specific geographical ideas of 8  
9 Europe, but also foregrounds how these ideas are played out and negotiated in EU- 9  
10 sponsored transnational territorial networks. EU-sponsored territorial networks, as 10  
11 a crucial part of the emerging spaces of European spatial planning, demonstrate, 11  
12 in turn, the complexities of agency in the process of Europeanization. In such a 12  
13 view, the European territory is not a mere backdrop over which the Europeanizing 13  
14 political actions are played out but, rather, a dynamic constituent of the process of 14  
15 Europeanization (Clark and Jones 2009: 196). 15

16 16

17 17

### 18 **The ESDP as a Geopolitical Practice of Scaling** 18

19 19

20 The rhetoric of scale is highly visible in the European Spatial Development 20  
21 Perspective (ESDP) and its successor documents that present a transnational 21  
22 spatial strategy for the EU.<sup>2</sup> Jensen and Richardson (2005) suggest that the ESDP 22  
23 is a historic document that looks upon the EU territory within a single overarching 23  
24 rationality of making one European space (also Gualini 2006). The ESDP explicitly 24  
25 states that it 'conveys a vision of the future territory of the EU' (CEC 1999: 2, 45) 25  
26 and that the 'requirement for the "Europeanization of state, regional and urban 26  
27 planning" is increasingly evident'. The ESDP took shape gradually from the mid- 27  
28 1990s onwards, engaging both national policy-makers responsible for regional 28  
29 policies and EU Commission representatives. Nonetheless, the process leading 29  
30 up to the formulation of the ESDP was marked by notable political struggles and 30  
31 conflicts between the Member States and the Commission (Dühr 2007). The final 31  
32 report was published in 1999 as a non-binding framework which nevertheless 32  
33 sought to harmonize national spatial planning policies and to re-orient such 33  
34 national policies within a European perspective. As such, the ESDP became a 34  
35 normative geopolitical agenda that privileged certain spatial formations over 35  
36 others. The ESDP was later modified in two evidence-based documents: in the 36  
37 Territorial Agenda of the European Union in 2007 and in the so called Green Paper 37  
38 in Territorial Cohesion in 2008. The politics of economic competitiveness outlined 38  
39 in the Lisbon Strategy lay at the core of all these documents (see Faludi 2007: 2). 39

40 40

41 41

42 \_\_\_\_\_ 42  
43 2 Although not discussed here, the CEMAT (Guiding Principles for the Sustainable 43  
44 Spatial Development of the European Continent) is also an important initiative in this 44  
45 context. 45

1	1	<i>A policy document that emanated from the process of European integration</i>	1
2	2		2
3	2	<i>A policy framed in terms of, and intended to be applied across, different levels of governance</i>	3
4	3		4
5	3	<i>A spatial development framework that involved a specific spatial planning approach with its own principles, to be applied in different national contexts to different issues</i>	5
6	4		6
7	4	<i>A public policy initiative based upon a wide European agreement, but which is non-binding and operates in an uncertain institutional context</i>	7
8	5		8
9	5	<i>A geopolitical practice that contains a distinct scalar rhetoric; a denationalizing politics of scale marked by a specific neoliberal understanding and a specific territorial ideology</i>	9
10			10
11			11
12			12
13			13

14 **Figure 1.1 The ESDP as a politics of scale**

15 *Source:* Modified after Sykes 2008: 540.

16  
17  
18 The ESDP has been accompanied by an attempt to foster the production of 18  
19 a ‘European’ geographical knowledge dealing with the implications of EU- 19  
20 wide spatial planning. The European Spatial Planning Observation Network 20  
21 (ESPON) has proceeded in tandem with the ESDP and has engaged a wide array 21  
22 of European academics, planners and other experts in order to provide ‘useful’ 22  
23 scientific knowledge dealing with EU-wide spatial development patterns and 23  
24 trends. The main task of the ESPON for the years 2000–2006 was no less than to 24  
25 build a ‘European scientific community’ which would produce knowledge on the 25  
26 implications of the ESDP on transnational and national territories (see ESPON 26  
27 2008).<sup>3</sup> The ESPON thus made European professionals active participants in EU 27  
28 spatial planning, while the on-going production of scientific studies allowed the 28  
29 Commission to monitor and measure its effectiveness. A distinct scalar rhetoric 29  
30 was a fundamental part of the ESDP agenda. The final conclusions of the Informal 30  
31 Council of EU ministers that launched the ESDP explicitly stated that ‘by adopting 31  
32 the ESDP, the Member States and the Commission reached agreement on common 32  
33 objectives and concepts for the future development of the territory of the European 33  
34 Union’ (German Presidency 2000: 1). 34

35 The post-World War II implementation of policies of spatial Keynesianism 35  
36 in Europe included the nationalization of European urban hierarchies, with the 36  
37 model of a national urban system composed of a single metropolitan capital and 37  
38 a surrounding network of tributary cities and towns (Brenner 2004: 122). This 38  
39 phase can be understood as a specific era of capitalism which was associated with 39  
40 particular national scalar configurations. One of the most striking characteristics 40  
41 of the ESDP has been its attempt to replace national urban hierarchies with a new, 41

42  
43 <sup>3</sup> In 2004, an ESPON project was launched to investigate the application and effects 43  
44 of the ESDP in different parts of Europe (see Sykes 2008: 538). 44

1 European, denationalized urban order. Indeed, one of the central dimensions of 1  
 2 the ESDP's scalar rhetoric is the emphasis on a European urban hierarchy through 2  
 3 which economic growth is promoted. The ESDP explicitly associates the re-scaled 3  
 4 European urban hierarchy with the competitiveness of the EU: 4  
 5  
 6 ... a polycentric settlement structure across the whole territory of the EU with 6  
 7 a graduated city-ranking must be the goal. This is an essential prerequisite for 7  
 8 the balanced and sustainable development of local entities and regions and 8  
 9 for developing the real locational advantage of the EU vis-à-vis other large 9  
 10 economic regions in the world. (CEC 1999: 21) 10  
 11  
 12 It must be noted that the ESPON operates on the basis of this 'European urban 12  
 13 system'. The ESPON documents usually divide European cities into five or more 13  
 14 categories on the basis of their performance and significance in the European and 14  
 15 global economy. EU spatial planning thus also re-scales this denationalized urban 15  
 16 system towards the 'global'. In many ESPON documents, Europe is a mosaic of 16  
 17 urban locations that have either 'European', 'national' or 'regional' significance, 17  
 18 but it is noteworthy that this new European urban order receives its meaning only 18  
 19 with regard to the global economy. More importantly, this de-nationalized urban 19  
 20 hierarchy blurs the map of Europe made up of separate nation-states, national 20  
 21 economies and national urban systems. Indeed, the politics of scale presented in the 21  
 22 ESDP detaches cities from the national scale and re-places them into supranational 22  
 23 networks and circuits of capital (cf., Taylor 2007). 23  
 24 The concept of polycentricity is often used to characterize the re-scaled 24  
 25 European urban order. Even though the precise meaning of polycentricity has 25  
 26 remained elusive (Davoudi 2003), the concept is an interesting one as it receives 26  
 27 its meaning from the ESDP's scale rhetoric according to which 'local' and 27  
 28 'regional' levels should be fostered as key scales for the application of European 28  
 29 spatial development policy (CEC 1999). In fact, this principle may be argued to 29  
 30 reflect the attempts of the Commission to increase its authority by disturbing the 30  
 31 previous vertical relations between sub-national and national actors. As applied 31  
 32 in the ESDP, the concept of polycentricity marginalizes the national scale. In 32  
 33 the ESDP, the concept of polycentricity thus reflects a specific de-nationalizing 33  
 34 territorial ideology that dates back to the 1990s. Already in the 1990s the image 34  
 35 of a 'European bunch of grapes' was circulated to promote a vision of polycentric 35  
 36 development based on a set of powerful urban agglomerations located throughout 36  
 37 Europe. Such understandings retain their potency: the EU French presidency in 37  
 38 2000 introduced, for example, a detailed vision of what a Europe-wide polycentric 38  
 39 system may look like. 39  
 40 One may suggest that the idea of 'European polycentricity' epitomizes the 40  
 41 popular public policy discourse which portrays all types of networks as more 41  
 42 efficient, more flexible, and inescapably more effective in assembling resources 42  
 43 and actors to complete various tasks than centrally directed structures. Indeed, in 43  
 44 the EU context, networks are often understood as a superior mode of governance 44

1 that generates economic growth (Leitner 2004: 243). However, it must be 1  
2 noted that polycentricity is also closely associated with the supranational scale. 2  
3 Interestingly, polycentricity has become a powerful territorial strategy also in some 3  
4 of the previously centralized peripheral Member States that have developed their 4  
5 regional policies in a European direction (see Antikainen and Vartiainen 2006). 5  
6 The ESPON has been a key institutional site whereby the image of a polycentric 6  
7 Europe is being circulated among scholars and experts. 7

8 There is another aspect to such understandings that needs to be highlighted, 8  
9 however. The more that the economic competitiveness of the EU becomes 9  
10 associated with the creation of a knowledge-based society, the more 10  
11 Europeanization becomes associated with transforming the nation-state centred 11  
12 spatial formations into 'European' territorial configurations. The ESDP and other 12  
13 related documents disclose how these supranational configurations receive their 13  
14 meaning from the 'global' (see also Deas and Lord 2006). Terms such as 'islands 14  
15 of innovation', 'corridors of urbanization', 'megaregions', 'integration zones' 15  
16 and 'macro-ecological structures of inter-regional cooperation' become the new 16  
17 imagined European units of global competition.<sup>4</sup> 17

18 The ESDP is premised, moreover, on the idea that a polycentric Europe 18  
19 should be combined with specific transnational regions that cross the borders of 19  
20 the Member States and, to some extent, also the borders between the EU and 20  
21 its outside. This tendency to divide Europe into largely unbounded regional 21  
22 entities of economic growth is another central spatial dimension of the ESDP. 22  
23 The Commission delineated seven transnational megaregions under the Interreg 23  
24 IIC programme already in the late 1990s. The Interreg III, a community initiative 24  
25 which is inescapably connected to the implementation of the ESDP, divided 25  
26 Europe into thirteen experimental megaregions including regions such as the 26  
27 'Alpine Space', 'Atlantic Area', 'Archimed', 'North Sea Region', 'South West 27  
28 Europe' and the 'Baltic Sea Region'. These 13 regions are in fact a direct response 28  
29 to the ideas presented in the ESDP. Indeed, the ESDP has promoted the notion that 29  
30 the EU should foster a new scale in Europe, termed 'a global economic integration 30  
31 zone' (see also ESPON 2006). 31

32 The ideas surrounding these integration zones reveal how deeply 'the global' 32  
33 is built into the re-scaling of Europe and into the process of Europeanization. 33  
34 In fact, one of the key arguments of the ESDP is that European regions are not 34  
35 appropriately or sufficiently integrated into the global economy. This is why, the 35  
36 argument goes, 'global economic integration zones' are needed in Europe. Through 36  
37 the ESDP, the EU thus defines specific subsets of economic activities as subjects 37  
38 and 'active' sites of competition and articulates strategies and projects oriented to 38

39  
40  
41 4 The ideational aspects of such imagined competition units date back to at least 40  
42 1980s, when a group of French geographers famously introduced the spatial metaphor of 41  
43 the 'blue banana' in order to describe the most economically developed European region 42  
44 (discontinuous corridor of urbanization) stretching from the South-East of England to 43  
44 Northern Italy (RECLUS 1989, see also van der Meer 1998). 44

1 these imagined economic units (Jessop 2004: 163). The ESDP document reveals, 1  
2 moreover, *which* European areas should work as a model for the new global 2  
3 economic integration zones: 3

4  
5 The greater competitiveness of the EU on a global scale demands a stronger 5  
6 integration of the European regions into the global economy ... The creation 6  
7 and enlargement of several dynamic global economic integration zones provides 7  
8 an important instrument for accelerating economic growth and job creation in 8  
9 the EU ... At present, there is only one outstanding larger geographical zone of 9  
10 global economic integration: the core area of the EU, the pentagon defined by 10  
11 the metropolises of London, Paris, Milano, Munich and Hamburg ... In addition, 11  
12 there are some isolated islands of significant growth (e.g. Barcelona, region of 12  
13 the Øresund). The economic-geographical situation of the EU differs from that 13  
14 of the USA, for instance, which has several outstanding economic integration 14  
15 zones on a global scale. A policy is now required to offer a new perspective 15  
16 for the peripheral areas through a more polycentric arrangement of the EU 16  
17 territory. The creation of several dynamic zones of global economic integration, 17  
18 well distributed throughout the EU territory and comprising a network of 18  
19 internationally accessible metropolitan regions and their linked hinterland 19  
20 (towns, cities and rural areas of varying sizes), will play a key role in improving 20  
21 spatial balance in Europe. (CEC 1999: 20) 21

22  
23 The ESDP also suggests that transnational cooperation between major metropolitan 23  
24 regions and the so-called gateway cities is needed in order to develop 'larger zones 24  
25 of global economic integration' also in the European peripheries. Bringing the 25  
26 spatialities of the core to the European peripheries is thus a fundamental part 26  
27 of the ESDP's politics of scale. The ESDP articulates the construction of these 27  
28 transnational integration zones as key in fostering economic competitiveness and 28  
29 in creating an innovation-based European economic model (CEC 2004: 23). In this 29  
30 view, these 'mega-regions' are promoted as integrated, unified, and competitive 30  
31 locations for global and European capital investment (Brenner 2003: 163). In the 31  
32 ESDP, the integration zones are presented as unbounded territorial settings for 32  
33 capital accumulation that potentially connect the EU also to its outside. A specific 33  
34 type of globalizing logic is thus visible in the ESDP's political rhetoric of scale, as 34  
35 it portrays the global solely as a site of competition. 35

36 The construction of 'global economic integration zones' within the EU is 36  
37 ultimately premised on the idea that Europe exists in a global world where capital 37  
38 is footloose, restless and revolves around metropolitan units. The urge to establish 38  
39 global economic integration zones in different parts of Europe may also be 39  
40 understood as an act of territorial optimization, a form of rational policy-making 40  
41 designed to mould political space and population so as to maximize the positive 41  
42 contributions of the globalized market economy and to minimize its negative 42  
43 consequences. The ESDP thus envisions the European political space in terms 43  
44 of a specific 'globalization problem' and contributes to constructing an attractive 44

1 and favourable business and investment environment for footloose transnational 1  
 2 capital in specific optimized ‘zones’. Indeed, the global economic integration 2  
 3 zones presented in the ESDP in many ways echo the spatial imaginations of neo- 3  
 4 liberal writers such as Kenichi Ohmae (1993), associating ‘competitiveness’ with 4  
 5 concepts such as cluster, network, metropolis and mega-region. 5

6 Both the idea of polycentricity at the supranational scale and global economic 6  
 7 integration zones (mega-regions) as specific nodal regions within a polycentric 7  
 8 Europe are premised upon the idea that the competitiveness of Europe is dependent 8  
 9 on its capacity to accelerate various ‘flows’ within its territory (for a thorough 9  
 10 discussion, see Jensen and Richardson 2000, 2005) and within its ‘development 10  
 11 corridors’. The ESDP thus greatly emphasizes not only networks and mega- 11  
 12 regions but also mobility. Indeed, the geographical ideas presented in the ESDP 12  
 13 cannot be understood without the concept of mobility which is, in turn, closely 13  
 14 associated with the creation of a Europe-wide ‘knowledge-based society’. The 14  
 15 following excerpt nicely underscores how the concept of mobility is applied in 15  
 16 the ESDP: 16

17  
 18 We take mobility to mean somewhat more than geographical movement. Rather 18  
 19 we see it as both the symbol and the reality of paradigm change in Europe. It is 19  
 20 about creating structures and changing values to allow movement of institutions, 20  
 21 people and resources in a way that accelerates the transition to an innovative 21  
 22 Europe. (CEC 2006: 19) 22

23  
 24 The ESDP discloses how the success of Europe is combined with movement 24  
 25 and circulation in order to foster a particular innovation society that is scaled at 25  
 26 the supranational scale. In EU spatial planning, the political power of the EU is 26  
 27 thought to be premised on the flows of economic power over national borders. 27

28 The ESDP, moreover, presumes that European competitiveness requires 28  
 29 increasing spatial selectivity (see Jones 1997). Such neo-liberal political 29  
 30 principles as deregulation, the adoption of free trade principles, and the creation of 30  
 31 transnational policy regimes have, accordingly, been built into EU spatial planning 31  
 32 directives (cf., Jessop 2002: 201–209). It is also noteworthy that EU spatial 32  
 33 planning values a specific type of ‘globalization’, while stigmatizing political 33  
 34 principles such as national regulation, state-based town and country planning and 34  
 35 economic nationalism as inimical to European development. The assumption that 35  
 36 European states are not properly equipped to come to terms with global competition 36  
 37 thus plays a crucial role in the ESDP. Europe’s ‘competitiveness problem’ is, 37  
 38 presumably, the fruit of European state-centrism which leads to politically biased 38  
 39 (and thus economically ineffective) decision-making. The European Commission 39  
 40 has, since the 1990s, insisted that successful economic development in Europe 40  
 41 necessitates a movement away from national scale interventions into economic 41  
 42 activities, and towards sub-state, regional and supranational interventions. It may 42  
 43 be argued that EU spatial planning has been a crucial tool in this shift, engendering 43  
 44 a very specific politics of scale. 44



<b>1 EU-Sponsored Territorial Networks and European Spatial Planning</b>	<b>1</b>
2	2
3 In the European spatial development perspective (ESDP) the European Pentagon	3
4 (covering the space defined by the cornerstones of London, Hamburg, Munich,	4
5 Milano and Paris) was introduced as the only existing zone of global integration	5
6 on the European territory. Creation and enlargement of dynamic global economy	6
7 integration zones provides an important instrument for accelerating economic	7
8 growth and job creation in the EU. This is where the ESDP merges into the	8
9 territorialisation of the Lisbon strategy and the territorial challenges in the	9
10 light of Lisbon with cities as motors of development to strengthen territorial	10
11 cohesion. ESPON (The European Spatial Planning Observation Network)	11
12 states that in order to fulfill the Lisbon strategy, the EU needs to succeed in	12
13 regional cooperation. In order to be able to create stronger links in regional	13
14 cooperation ESPON divides the EU into eight main areas of growth where	14
15 increased investments would facilitate the EU aim of the Lisbon strategy.	15
16 (Regionförbundet Örebro 2008: 1)	16
17	17
18 The above excerpt comes from a project proposal by a Swedish regional council	18
19 submitted to the EU in 2008. It illustrates the contemporary efforts by European	19
20 sub-state policy-makers and regional developers to receive funding from the EU's	20
21 structural funds (in this case, the Interreg IV B programme for the years 2007–	21
22 2013) in order to put together transnational projects. To be successful in obtaining	22
23 EU funding, regions are being 'forced' to adjust to the European spatial policy	23
24 context (see Sykes and Shaw 2008). The excerpt also discloses how the language	24
25 of European spatial planning is being adopted by European policy-makers who	25
26 are now required 'to think and act strategically' vis-à-vis a broader, 'European'	26
27 dimension of regional development.	27
28 Concepts such as the 'European Pentagon' and 'global economic integration	28
29 zones' – notions that form integral part of the ESDP and the ESPON – are not only	29
30 perceived as key constituents of a 'European territory', but are also understood	30
31 to be fundamental constituents of the EU's (and thus particular regions')	31
32 economic competitiveness. Such EU-sponsored networks usefully illustrate how	32
33 sub-national elites are drawn into the EU's politics of scale. These actors thus	33
34 become embedded in a 'European setting' in which they are supposed to foster	34
35 their capacities for growth through external interaction (Schmitt-Egner 2002). The	35
36 pedagogical aspect of such initiatives is also highlighted by the fact that in the	36
37 ESDP, EU-sponsored territorial networks were explicitly mentioned as sites for	37
38 European socialization and transnational learning (CEC 1999: 39).	38
39 A direct link between supranational institutions and local policy-makers	39
40 has been one of the key ideas of European spatial planning. From 1999 on, the	40
41 implementation of the ESDP was explicitly associated with the disbursement of	41
42 structural funds:	42
43	43
44	44

1 The Ministers and the European Commissioner agreed that the process of the 1  
2 application of the ESDP must now begin. The Community Initiative Interreg 2  
3 is an important instrument for the application of the ESDP. They therefore 3  
4 expressly welcomed the prominent position accorded to the Interreg within the 4  
5 framework of the four new Community Initiatives. With regard to funding, due 5  
6 attention should be paid to cross-border co-operation (Section A), especially in 6  
7 view of the enlargement of the EU and the need to ensure stability along the 7  
8 external borders. The funding of Section B (transnational co-operation) should 8  
9 take adequate account of the growing strategic role of transnational co-operation 9  
10 for achieving a polycentric and regionally balanced development of the EU. 10  
11 (German Presidency 2000: 1) 11  
12 12

13 Well over 10,000 professionals have represented their cities and regions in the 13  
14 Interreg projects since the formal launch of the ESDP in 1999 (Dühr 2007). The 14  
15 Interreg projects are horizontal networks that receive funding from the EU on a 15  
16 competitive basis. Such networks also have an important territorial component, 16  
17 as they link together places in a common geographical region such as the Baltic 17  
18 Sea region (Leitner 2004: 246). Above all, however, the Interreg projects bring 18  
19 together policy-makers and professionals *in the name of Europe*. Involvement 19  
20 in EU-sponsored projects can thus be considered as a practice whereby ideas of 20  
21 EU spatial planning are implemented in interpersonal interaction, and become 21  
22 subjectified in the ways of being or identities of those involved. These networks 22  
23 are thus potential sites for ‘rescaling European experts’. Numerous academics, 23  
24 local authorities, regional planners, public-private institutions and others in this 24  
25 way act to reproduce the geographies presented in the ESDP and other related 25  
26 documents. The Interreg also epitomizes, moreover, how some of these territorial 26  
27 networks *cross the borders of the EU and in so doing draw non-members into the* 27  
28 *Europeanization process*. Indeed, EU spatial planning may well be considered as 28  
29 one of the EU’s key mechanisms in creating closer political, economic and even 29  
30 cultural links to neighbouring states without offering them full membership. 30

31 The Interreg III B has so far been the single most important Community 31  
32 initiative in fostering a particular transnational vision for a ‘wider Europe’. The 32  
33 concept of transnational cooperation points directly to the idea of constructing 33  
34 ‘global economic integration zones’ in different parts of Europe: 34  
35 35

36 Transnational cooperation between national, regional and local authorities aims 36  
37 to promote a higher degree of territorial integration across large groupings 37  
38 of European regions, with a view to achieving sustainable, harmonious and 38  
39 balanced development in the Community and better territorial integration with 39  
40 candidate and other neighbouring countries. Special attention will be given to 40  
41 the four transnational regions implementing the neighbourhood dimension. 41  
42 (CEC 2004: 5) 42  
43 43  
44 44

1 Even though such cooperation initiatives are tailored to foster particular types of 1  
 2 Europeanization of space, the EU does not provide strict thematic guidelines for 2  
 3 the applicants. This further illustrates the complexity of Europeanization as an 3  
 4 on-going learning process. In the Baltic Sea Region Interreg III B programme 4  
 5 manual, for instance, the key message for the applicants was that the successful 5  
 6 projects would take into account the European spatial planning vision in order to 6  
 7 implement a shared ‘Baltic’ vision in a transnational territory (Baltic Sea Region 7  
 8 Interreg III B 2005: 36). Such a flexible definition gives notable latitude for 8  
 9 the networks to give context-specific content to European spatial planning. For 9  
 10 instance, the manual of Interreg III B declares only that the projects selected 10  
 11  
 12 must be clearly cross-border/transnational in nature. This means that they are 12  
 13 not eligible unless they were selected jointly and implemented, either in two 13  
 14 or more Member States or third countries, or in a single Member state, where 14  
 15 it can be shown that the operation has a significant impact on other Member 15  
 16 States or third countries. Programming must take account of the general 16  
 17 guidelines of the Structural Funds and Community policies. This means that 17  
 18 preference will be given particularly to operations which help create jobs and 18  
 19 improve the competitiveness of the areas concerned. Transnational cooperation 19  
 20 proposals should take account of Community policy priorities such as TENs 20  
 21 and of the recommendations for territorial development of the ESDP. The 21  
 22 measures selected must underpin an integrated territorial approach that responds 22  
 23 to common problems and opportunities and leads to genuine benefits for the 23  
 24 transnational area. (CEC 2004: 3–6) 24  
 25  
 26 The sole other requirement, in fact, is that the projects be based on a ‘wide 26  
 27 partnership’. The Commission thus specifies that the professional networks must 27  
 28 include not only institutional partners from national and local authorities, but 28  
 29 also economic and social partners and other relevant competent bodies such as 29  
 30 non-governmental organizations and representatives of the academic world (CEC 30  
 31 2004: 4). 31  
 32 In order to tease out some of the implications of EU spatial planning for a 32  
 33 distinct European politics of scale, in the next section I describe the workings of 33  
 34 one particular EU sponsored territorial network, focused on the Baltic Sea region. 34  
 35 Building on personal observations, interviews and other material, I highlight the 35  
 36 ways in which the ‘European experts’ engaged in this network conceived their 36  
 37 actions with regard to specific understandings of scale. 37  
 38  
 39  
 40 **Making a Baltic Sea Region:** 40  
 41 **Observing the Workings of a EU Territorial Network** 41  
 42  
 43 The Interreg III that sought to stimulate interregional cooperation in the EU in 43  
 44 2000–2006 by drawing up regional development strategies at the transnational 44

1 level had a total budget of €4,78 billion from the European Regional Development 1  
2 Fund (ERDF). Of this total budget, €196 million was allocated to the Baltic Sea 2  
3 mega-region (III B strand), generating 129 territorial networks. Most of the EU- 3  
4 sponsored networks engaged in this initiative focused explicitly on promoting 4  
5 'polycentric spatial development' around the Baltic Sea or on constructing the 5  
6 Baltic Sea Region as a 'global economic integration zone'. 6

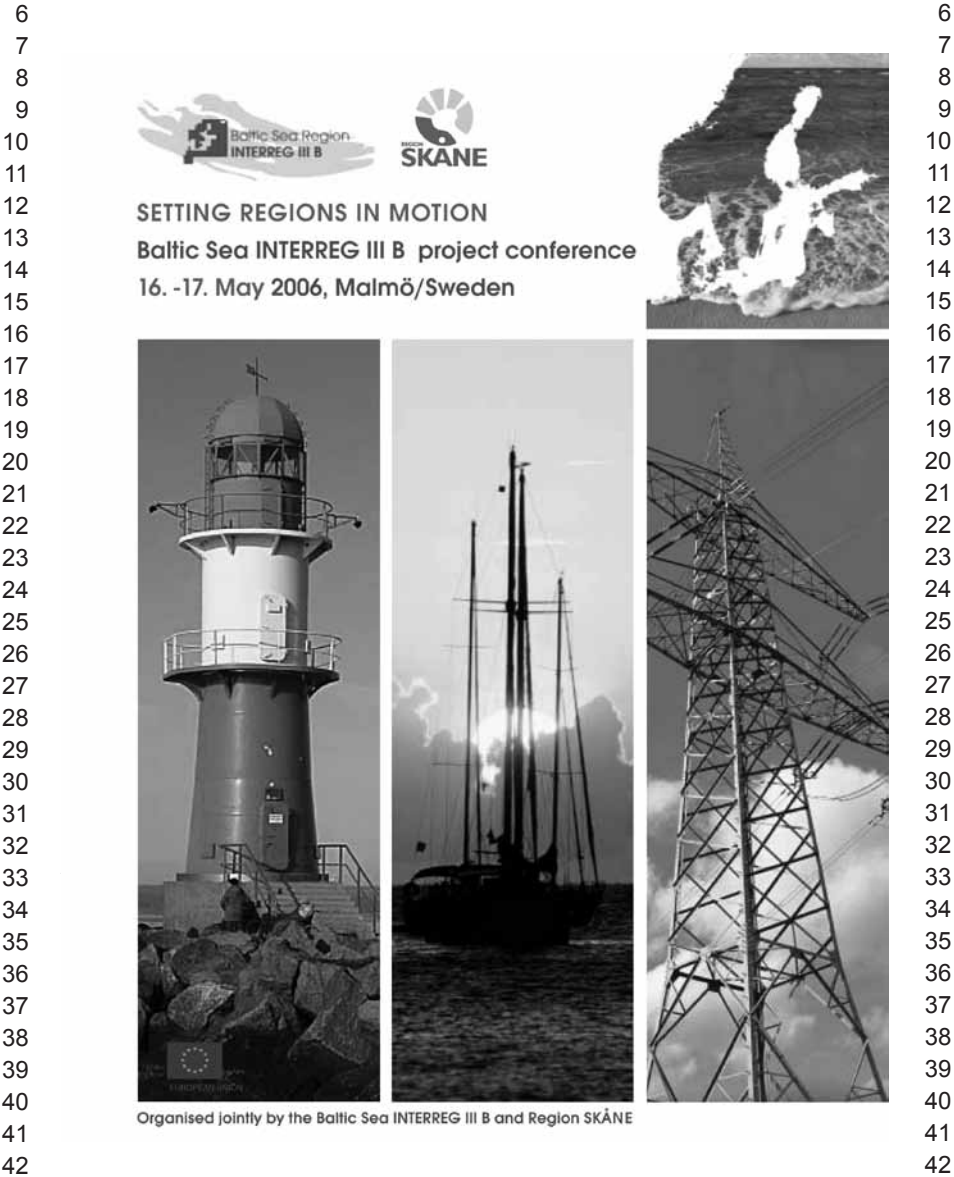
7 The discussion that follows on the operation of these territorial networks is 7  
8 based on the observations and interviews made within one of these projects in 2006– 8  
9 2007.<sup>5</sup> The project included partners from Germany, Finland, Sweden, Russia, 9  
10 Poland, Lithuania, Latvia and Estonia. The partners represented organizations 10  
11 such as universities, regional development centres, business associations, city 11  
12 governments, and logistics associations. Few of them came from major European 12  
13 metropolitan regions; most represented, in fact, so called second-tier city regions 13  
14 and relatively peripheral towns and regions in Northern Europe. This characteristic 14  
15 was a key distinguishing feature of this specific territorial network. As one regional 15  
16 developer representing a relatively peripheral northern European region stated: 16  
17 'The Hamburg city region is a true European model area – the rest of us should 17  
18 follow their example'. This line of thought was, surprisingly, also replicated in the 18  
19 arguments of those actors representing the EU's new Member States and Russia. 19

20 How did the partners understand the meaning – and intentions – of this EU- 20  
21 sponsored territorial network? Most of the local authorities and public-private 21  
22 development actors were unanimous in their belief that their participation was 22  
23 explicitly associated with the issue of local economic competitiveness. However, 23  
24 they often linked their local actorness explicitly to the global scale, not to Europe. 24  
25 They often implicitly stressed that regional competitiveness is dependent on 25  
26 the ability of national urban regions to overcome national borders and to create 26  
27 stronger connections with the global economy through logistics infrastructures, 27  
28 innovation systems and communication technologies. They also seemed relatively 28  
29 unanimous in stating that the global competitiveness of the cities and regions 29  
30 they represented was dependent on their capability to create networks with other 30  
31 European localities. 31

32 In this context, the EU was connected with the issue of territorial competition 32  
33 in a dual sense. As a Finnish regional developer put it, 'Europeanization is both 33  
34 positive and negative; it is negative because it increases competition between 34  
35 regions at home and positive as it encourages collaboration with foreign cities 35  
36 and regions in a joint effort to cope with global competition'. The tendency of 36  
37 the project partners to 'scale' regional development in terms of globalization, 37  
38 markets and economic competitiveness, indicates that the globalization and the 38  
39 Europeanization of space are complementary not contradictory trends. In fact, the 39  
40 attitudes of the partners often reflected a growing awareness in dealing with the 40

41 \_\_\_\_\_ 41  
42 5 These observations were gathered in five project meetings that took place in Turku 42  
43 (Finland), Vilnius (Lithuania), Tallinn (Estonia), St Petersburg (Russia) and Hamburg 43  
44 (Germany) in 2006–2007. 44

1 changing global division of labour. The constant emphasis on the need to foster the  
2 structures of 'knowledge-based society' and the required infrastructures around  
3 the Baltic Sea was, in fact, one of the connecting threads within this territorial  
4 network (see Figure 1.2 for the brochure of one of the project conferences, with  
5 the choice of photographs clearly emphasizing such themes).



43 **Figure 1.2 Baltic Sea INTERREG III B Project Conference brochure**

44 *Source:* Baltic Sea INTERREG III B Programme.

1 Only a few of the project partners believed that the EU-sponsored networks 1  
2 provided possibilities to bypass the national scale in issues related to the development 2  
3 of their regions. Many partners considered their participation in the territorial 3  
4 network as a supplement to national policies. In this sense, 'Europeanization' 4  
5 was conceived as the use of EU arenas for the projection of national interests. 5  
6 The fact that the partners considered the central tenets of EU spatial planning 6  
7 as key principles of *national* regional policies shows that Europeanization does 7  
8 not connote the inexorable erosion of the 'national' – or that Europeanization is 8  
9 locked to the EU (Wallace 2000: 370). Some of the project partners clearly had 9  
10 subjectified a specific multi-scalar actorness whereby the European, national, local 10  
11 and the global are intertwined. This suggests that Europeanization is an actor- 11  
12 centred and open-ended process, within which it is increasingly difficult to define 12  
13 actors as 'national' or 'supranational' (see Clark and Jones 2008: 312, Clark and 13  
14 Jones 2009: 201). 14

15 How useful have projects such as Interreg III B been in Europeanizing the 15  
16 potentially challenging environments within and beyond the borders of the EU? 16  
17 It is very difficult to assess whether EU-sponsored territorial networks have been 17  
18 effective instances either in promoting the debate on a 'European model', or in 18  
19 disseminating the key concepts and ideas of EU spatial planning. The effectiveness 19  
20 of EU spatial planning as a politics of scale thus remains unclear. Quite interestingly, 20  
21 even if most of the participants in this particular project highlighted the importance 21  
22 of structural funds in contemporary regional development, most of them did not 22  
23 explicitly connect the project with 'Europe' as a meaningful scale: the project 23  
24 seemed not to lead to the scaling of actorness towards the supranational. Indeed, 24  
25 most of the partners considered the network 'apolitical', and did not recognize 25  
26 any clear connections between the ideology of Europeanization and the Interreg 26  
27 projects. Most of the project partners indicated that the EU-sponsored projects 27  
28 were simply 'business as usual', an inherent part of their job as academics or 28  
29 regional developers in attracting external funding. 29

30 In one sense, one could read this as indicating that that the EU's politics of 30  
31 scale has already become an unquestioned, taken for granted dimension of their 31  
32 actorness. At the same time, however, the question of European integration was 32  
33 addressed explicitly in only very limited fashion during the project meetings. Such 33  
34 meetings were meant to be one of the main 'results' of the network, so the silence 34  
35 on this point was particularly striking. The actions of the lead partner (who bore 35  
36 the responsibility for the dissemination of the results of the project) were often the 36  
37 only indications that the project sought to contribute to the process of European 37  
38 integration. In addition to the official leaflets and other materials provided by the 38  
39 lead partner, only the German partners referred to 'European development' and 39  
40 considered the project a useful face-to-face environment to put forward 'best 40  
41 European practice'. 41

42 In order to foster the 'European' component of such territorial networks and a 42  
43 'European actorness', the EU Commission increasingly obliges networks to follow 43  
44 the EU's 'visibility guidelines'. It remains unclear, however, whether this type of 44

1 micro governance can foster the supranational component of territorial networks. 1  
 2 In fact, flamboyant visibility of the EU may potentially also lead to an increasing 2  
 3 ‘intellectual irony’ and resistance among the project partners. As one of the project 3  
 4 partners put it, he wanted to participate in the project but was not willing ‘to play 4  
 5 any games in the name of the EU’. It is interesting that the European Commission 5  
 6 has recognized the difficulty of EU-sponsored project partners in locating their 6  
 7 actions within a European framework, and has sought to set out rules on how 7  
 8 Interreg projects should, indeed, effectively communicate their actions ‘in the 8  
 9 name of the EU’ (see CEC 2005). 9

10 The capability of EU-sponsored territorial networks to actually communicate 10  
 11 the key ideas of EU spatial planning within and beyond the EU is a largely untouched 11  
 12 area in research. Experience from one such a network indicates that most of the 12  
 13 partners within such territorial networks are not able to explicitly characterize 13  
 14 the key tenets of EU spatial planning. Indeed, most of the interviewees were not 14  
 15 even aware that the ESDP existed. Their conduct, nevertheless, suggests that they 15  
 16 had clearly internalized the transnational language of regional competitiveness. 16  
 17 Concepts such as learning, innovative milieu, regional innovation systems, clusters 17  
 18 and triple-helices were often adopted – all concepts that, today, are associated with 18  
 19 the discourse of a European ‘knowledge-based society’. The project partners were 19  
 20 also strikingly well qualified to connect these concepts to territorial issues such as 20  
 21 networks, development corridors, polycentric development and economic regions, 21  
 22 even if they did not associate these concepts explicitly with European integration. 22

23 If we conceive European spatial planning as a central component in the 23  
 24 production of a new EU-wide accumulation strategy, we can note that its key 24  
 25 characteristics are already surprisingly well integrated into European actors’ 25  
 26 vocabularies. In the case of the Baltic Sea territorial network examined here, we 26  
 27 could say that the project partners, precisely through recourse to such a lexicon, 27  
 28 were able to engage in a distinct politics of scale – albeit in an unaware (or perhaps 28  
 29 partially aware) fashion. 29

30

31

### 32 **Concluding Remarks** 32

33

34 It has been suggested in this chapter that supranational region building is an active 34  
 35 and ongoing process. The Europeanization of space may be considered a process 35  
 36 in the course of which the metropolitan power of the EU is flexibly imposed from 36  
 37 afar unto the peripheries. What is more, however, EU spatial planning increasingly 37  
 38 seeks to extend the European ‘growth machine’ also beyond the EU’s territory. 38  
 39 It consists of practices whereby the EU seeks to turn ‘less European’ spaces into 39  
 40 fully European ones, both within the EU and beyond. EU spatial planning thus 40  
 41 provides a crucial setting for the dissemination of ‘best European practice’, within 41  
 42 and beyond the borders of the EU. 42

43 As a politics of scale, the ESDP in particular is a historic attempt to ‘Europeanize’ 43  
 44 national political spaces and state-centred political mindsets. It is an attempt to 44

1 institutionalize Europe-wide regulatory arrangements into new spatial formations 1  
 2 that cross not only the borders of the Member States but also, at least to some 2  
 3 extent, the borders of the EU and its neighbours. An inquiry into the scalar rhetoric 3  
 4 of the ESDP suggests that its transnational vision of European territory is formed 4  
 5 on the basis of a ‘globalist’ mindset: nation states are perceived as dysfunctional 5  
 6 entities, while de-nationalized mega-regions, development corridors, growth poles 6  
 7 and zones of global integration are, in turn, portrayed as spatial means to foster the 7  
 8 competitiveness of the EU. 8

9 The transnational vision of European territory operates through multiple 9  
 10 instances of governance at different spatial scales, including the micro-level of 10  
 11 ‘action projects’. Although EU spatial planning to some extent embodies the power 11  
 12 of the Commission to launch Europe-wide territorial agendas, the EU does not 12  
 13 possess the direct means to put such supranational spatial configurations in place. 13  
 14 As a result, EU spatial planning is played out and negotiated in various national 14  
 15 and transnational expert networks – and it is such networks that actually give 15  
 16 content to the ‘European’ territorial vision. In other words, the territorial vision of 16  
 17 the EU is constantly negotiated in specific geographical contexts across Europe. 17

18 As a specific aspect of Europeanization, EU spatial planning thus demonstrates 18  
 19 that Europeanization is not a one-way street but, rather, revolves around complex 19  
 20 actor engagement and power relations. Moreover, European spatial planning is a 20  
 21 contested discursive terrain (Jensen and Richardson 2001). As a distinct politics 21  
 22 of scale, it involves political resistance and conflict. Such resistance (against, for 22  
 23 instance, supranational region building) may also take place *within* EU-sponsored 23  
 24 action networks, where the ‘European’ territorial lexicon is re-worked, given 24  
 25 entirely different meaning – and often transformed. 25

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## Chapter 2

# Making Regions for EU Action: The EU and the Mediterranean

Alun Jones

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12 Within many of the geographical imaginations mobilized by European policy 12  
13 elites, the Mediterranean is represented as a fragmented, problematic, and often 13  
14 conflictual space; a space in which the European Union regards itself as having 14  
15 a natural legitimacy to act in order to ensure its own security, promote good 15  
16 neighbourliness, and stave off potential threats to European and global order. Since 16  
17 1958 the EU has undertaken a number of projects for the Mediterranean based 17  
18 on its own (changing) readings of security and potential economic and political 18  
19 instability. Whether one accepts or otherwise such essentialized interpretations, 19  
20 manifestly since the EU's formation the Mediterranean has been cast as the most 20  
21 problematic flank of Europe and, by consequence, a key space for EU-orchestrated 21  
22 regionalizing efforts. 22

23 In this chapter I wish to chart the ways in which the Mediterranean has been 23  
24 symbolically, territorially and institutionally constructed as a space for EU action. 24  
25 These constructions have facilitated and, crucially, justified the promotion of 25  
26 'EU'ropean 'solutions' outside of EU territorial space; in effect, the production 26  
27 of a 'Mediterranean region' by European elites has mobilized the EU project 27  
28 and permitted its deployment politically and normatively in the delimitative and 28  
29 descriptive mapping of Mediterranean space. The writing of Mediterranean space 29  
30 by European political elites is characteristically messy, problematized and highly 30  
31 contested and involves complex relation building between political actors operating 31  
32 across scales, sites and institutions within and beyond 'EU' rope. The challenge 32  
33 of making a Mediterranean space for EU region building involves changes in 33  
34 political organization and the establishment of a dominant discursive formation 34  
35 comprising new spatial metaphors, systems of meaning and the crediting and 35  
36 discrediting of various political legitimacies. Region building for political action 36  
37 thus necessitates a creativity among EU political actors and a concomitant belief 37  
38 by them that a Mediterranean region can be made and a new horizon of EU action 38  
39 imagined and played out there. This spatial framing and its subsequent high-level 39  
40 political management has produced a varied and chequered history in 'EU'rope's 40  
41 relations with the 'Mediterranean region'. 41

42 As Moisiu also argues in his contribution to this volume, region building is 42  
43 a primary goal for EU activities and therefore a key objective for contemporary 43  
44 political actors. The political consensus that underpins the use of region building 44

1 as a geopolitical tool is derived from a number of quarters: as a politically 1  
2 choreographed response to globalization and globalizing tendencies; as a means 2  
3 to further the interests of dominant capital through the construction of new 3  
4 economic architectures; as a facility for the promulgation of European core beliefs 4  
5 and values (Europeanization); and as a political-administrative convenience used 5  
6 by European political elites for the management and definition of geopolitical 6  
7 constructions which enables them, 'in a whole variety of ways and at a whole 7  
8 variety of scales, to insulate themselves in places from what they see as the cultural, 8  
9 social and political threats from undesirable others' (Johnston 2001: 690). Region 9  
10 building thus involves the maintenance and construction of geopolitical, legal- 10  
11 institutional, transactional, and cultural boundaries in which relations are defined 11  
12 and institutionalized and the material frames of political action determined. 12

13 The making of the Mediterranean by EU political elites has required them to 13  
14 build a particular position around different elements of a policy challenge and to tie 14  
15 them together into an unambiguous and convincing narrative, thereby constituting 15  
16 a coherent policy problem with a coherent policy response. Central to this region 16  
17 building are the territorial, symbolic, and institutional constructions of the 17  
18 Mediterranean, that is, spatial constructions that form the hegemonic geopolitical 18  
19 narrative for EU political action. Territorially, EU elites have tended to construct 19  
20 the Mediterranean as a space lacking in political and ideational collective identity 20  
21 that is also characterized by a socio-political complexity which is most striking 21  
22 between its northern and southern shores. This vision of the Mediterranean 22  
23 emphasizes an alleged geopolitical and geo-cultural fracturing which 'EU'rope 23  
24 has a legitimate entitlement to correct through regionalization agendas. Symbolic 24  
25 constructions of the Mediterranean by EU political elites are also significant in 25  
26 providing the justification for EU policy prescriptions and innovations. These 26  
27 symbolic constructions enable a distinct discursive formation to be articulated in 27  
28 which the political and economic volatility of the Mediterranean is highlighted 28  
29 and, in turn, envisioned as a threat to Europe's modern industrial and service- 29  
30 based economies, secular political traditions, and liberal-democratic forms and 30  
31 structures of government. 31

32 In brief, the Mediterranean is depicted as an unsettled space with potentially 32  
33 unsettling consequences for 'EU'rope. This reading of the Mediterranean is 33  
34 further assisted by institutional blueprints which determine the organization of 34  
35 Mediterranean space according to 'EU'ropean tropes. Here, the parcelling and 35  
36 representation of the Mediterranean on 'EU'ropean terms is central to the way 36  
37 in which the EU and its constituent states define themselves in relation to the 37  
38 outside world and how EU-Mediterranean relations can be both structured and 38  
39 anchored in the international geo-political economy. Making the Mediterranean 39  
40 a 'problematic' space lends conviction to EU policy elites of the wisdom of 40  
41 exporting European forms of political organization and governance, promoting 41  
42 EU solutions outside of EU territory, and projecting 'EU'ropean order in new 42  
43 geographical spaces defined and materialized by the very same policy elites. Since 43  
44 44

1 1958 EU-Mediterranean relations have taken a number of discursive twists and 1  
 2 turns and I address these in the following sections. 2

3  
 4

5 **Emerging EU Visions of the Mediterranean 1957–1995** 5

6

7 Although the Treaty of Rome which created the European Economic Community 7  
 8 (EEC) did not delegate any foreign policy powers to the emerging supranational 8  
 9 polity, the obligation on the part of the EEC to evolve a common commercial 9  
 10 policy ensured that it would, through force of circumstance, come into contact 10  
 11 with non-Member States such as those bordering the northern and southern shores 11  
 12 of the Mediterranean. At the time of the Treaty’s signing the only formal links that 12  
 13 existed between the newly established Community and the ‘Mediterranean’ were 13  
 14 cast in terms of colonial ties between France and the Maghreb states (including 14  
 15 Algeria where France was involved in a bitter war of independence) and between 15  
 16 Italy and Libya. Despite French pressure for an EU commitment to the Maghreb, 16  
 17 the only possible provision for special relations between the EU and Mediterranean 17  
 18 states apart from full membership, was the formula of association with the 18  
 19 Union. Membership or Association nested comfortably within the guidelines for 19  
 20 international trade agreed through GATT – the General Agreement on Tariffs and 20  
 21 Trade. ‘European’ states bordering the Mediterranean could, in time, apply for full 21  
 22 membership of the EU provided key economic and political criteria were satisfied. 22

23 Within the first few years of the EU’s existence it responded to a number of 23  
 24 requests from ‘Mediterranean’ states for Association Agreements. Greece headed 24  
 25 the charge in 1962 and was indeed the first served by ‘EU’rope through the 25  
 26 successful signing of an Association Agreement. This was followed soon after 26  
 27 by a similar Association Agreement between the EU and Turkey; the latter not 27  
 28 wishing to lose any political advantage to its neighbour. Both agreements made 28  
 29 provision for full membership of ‘EU’rope at a later date. Such agreements were 29  
 30 considered by the EU as significant drivers in building political stability in these 30  
 31 states through trade-led economic growth. However, a number of key events 31  
 32 dramatically forced the EU to reassess its Association policy in the Mediterranean. 32  
 33 The first of these was the *coup d’etat* in Greece in 1967 that resulted in the EU 33  
 34 blocking loans to the Greek economy from the European Investment Bank and 34  
 35 temporarily freezing the Association Agreement. The Arab-Israeli war in 1967 35  
 36 also sowed further seeds of doubt in Brussels over engagement by the EU in 36  
 37 the Mediterranean. Consequently, towards the end of the 1960s the EU sought 37  
 38 an alternative, politically more circumspect approach to its relations with the 38  
 39 ‘Mediterranean’. Preferential trade agreements between the EU and non-Member 39  
 40 States signed under different articles in the Treaty of Rome removed the necessity 40  
 41 of closer political ties between ‘EU’rope and the ‘Mediterranean’ as previously 41  
 42 embodied in Association Agreements. 42

43 Developments within the EU in the late 1960s, in particular the implementation 43  
 44 of a Common Agricultural Policy (CAP), combined with the growth in levels 44

1 of trade between the EU and the Mediterranean (a threefold increase between 1  
2 1960–1970), forced the EU into a stock-taking of its Mediterranean agreements. 2  
3 Although the major limiting factor to any comprehensive ‘Mediterranean’ policy 3  
4 was the need to comply with GATT rules, the EU did not strictly adhere to these 4  
5 international regulations. The agreements that the EU signed with Tunisia and 5  
6 Morocco in 1969, for example, fell well short of GATT criteria, and acted as a 6  
7 detonator in the establishment of numerous EU preferential agreements with states 7  
8 in the Mediterranean. By 1972 some fourteen preferential trade agreements had 8  
9 been signed between the EU and Mediterranean states which, although reflecting 9  
10 a decade of piecemeal negotiation, in sum revealed the potential influence that 10  
11 ‘EU’rope could exercise in the Mediterranean or, as one writer described it 11  
12 symbolically, ‘the pond in Europe’s backyard’ (Lambert 1971: 38). 12

13 This emerging narrative and coupled European judgement of Mediterranean 13  
14 space coincided with broader debates over the nature, role and operation of 14  
15 the EU in the bi-polar global political system. Additionally, the prospective 15  
16 enlargement of the EU in 1973 offered further impetus to the EU to embark upon 16  
17 a new institutional configuration of Mediterranean space. Global Mediterranean 17  
18 Policy (GMP) launched by the EU in 1972 was regarded by many as offering a 18  
19 ‘more systematic and coherent approach ... which would take into account the 19  
20 problems and needs of the region as a whole’ (Shlaim 1976: 4). Significantly, 20  
21 this regionalizing project for the Mediterranean, as with all that have followed, 21  
22 was ‘EU’ropean orchestrated with the specific goal of bringing ‘EU’ropean order 22  
23 to perceived Mediterranean ‘disorder’ through institutional schemas devised, and 23  
24 dictated by ‘EU’ropean political elites. 24

25 The ‘EU’ropean containerization of Mediterranean space through the GMP 25  
26 inevitably ran into difficulties. First, the Middle East war of October 1973 sharply 26  
27 exposed the cartographic rigidity of the policy and the blurring between EU goals 27  
28 in the Mediterranean and those towards the Arab states both within and beyond 28  
29 the EU artificially-defined Mediterranean space. The search for a comprehensive 29  
30 even-handed approach by ‘EU’rope encountered real difficulties not least because 30  
31 the prospect of membership of the EU did not exist for all those states covered 31  
32 under this institutional configuration of the Mediterranean. Agreements which the 32  
33 EU signed under the GMP with Israel in 1975, Tunisia and Morocco in 1976, 33  
34 Algeria, Egypt, Syria, Lebanon, and Jordan in 1977 were, for example, very 34  
35 soon usurped by applications from Spain, Portugal and Greece for full accession 35  
36 to ‘EU’rope. The management of the Mediterranean space by ‘EU’rope thus 36  
37 became characterized by uncomfortable juxtaposition rather than seamless policy 37  
38 coordination. Crucially, the representations of the Mediterranean articulated by 38  
39 ‘EU’ropean elites and encapsulated in the political logics underpinning GMP were 39  
40 seriously questioned by these events. 40

41 In the late 1980s, EU policy towards the ‘Mediterranean region’ was faced 41  
42 with a number of challenges. These stemmed from the southern enlargement of 42  
43 the Union to include Spain, Portugal and Greece, the implementation of a single 43  
44 market programme within EU borders and the democratization wave that engulfed 44



1 Eastern Europe. Collectively, these factors prompted the EU to reassess its policy 1  
 2 for the management of Mediterranean space in 1990. Pivotal to this reassessment 2  
 3 was the wish by EU political elites to strengthen formally political and economic 3  
 4 dialogue with Mediterranean states, particularly Arab countries on the southern 4  
 5 shores. Here, ‘EU’ropean motivations focussed on perceived disjunctures in the 5  
 6 relationship between the Muslim world and European democracy, on human 6  
 7 rights and their alleged abuse, economic under-achievement and modernization 7  
 8 delays, state mismanagement and widespread corruption, and the spectre of rapid 8  
 9 demographic growth and (illegal) migratory pressures. 9

10 The representation of the Mediterranean in this way was key to the 10  
 11 legitimization of EU policy interventions to support structural adjustment in 11  
 12 this space. European aid and credit transfers were increased to accomplish these 12  
 13 ‘necessary’ economic corrections, although by 1994 the European Commission 13  
 14 announced that ‘the policy instruments used and the policies pursued have been 14  
 15 too narrow in scope and insufficiently effective in comparison with the needs of 15  
 16 the region’ (EC 1994: 2). The perceived urgency for ‘EU’rope to act regionally 16  
 17 was reaffirmed by growing radical Islamist tendencies, a succession of terrorist 17  
 18 activities and growing demands from particular EU states such as France and 18  
 19 Spain for a clearer, more coordinated ‘EU’ropean position on the Mediterranean. 19

20  
 21

22 **Making the Mediterranean Space for EU Action: The Barcelona Process** 22  
 23 23

24 EU political elites met with representatives of 12 Mediterranean states (Algeria, 24  
 25 Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authority, Syria, Tunisia, 25  
 26 Cyprus, Malta, and Turkey) to launch the Euro-Mediterranean policy in Barcelona 26  
 27 in November 1995. Hailed as the boldest design and vision in ‘EU’ropean relations 27  
 28 with the Mediterranean in the twentieth century, it comprised three pillars around 28  
 29 which the institutional configuration of EU-led Mediterranean region building 29  
 30 would occur, involving a common area of peace and stability, shared prosperity 30  
 31 and greater mutual cultural understanding. From the EU perspective the venture 31  
 32 marked the beginning of an ambitious policy of cooperation with the Mediterranean 32  
 33 which would form a ‘counterpart to the policy of openness to the East’ and would 33  
 34 give the ‘EU’s external action its geopolitical coherence’ (EC 1995: 2). The 34  
 35 narrative underpinning this policy was that freer trade between ‘EU’rope and the 35  
 36 Mediterranean combined with European financial assistance would create stability 36  
 37 and increased prosperity in the southern and eastern Mediterranean which, in turn, 37  
 38 would buttress the ongoing, though highly turbulent, Middle East Peace Process, 38  
 39 promote political pluralism, as well as help to damp down some of the ‘root 39  
 40 causes’ of emigration. 40

41 Agreement over political dialogue underscored much of the declared 41  
 42 ‘partnership’ between ‘EU’rope and Mediterranean states. Mediterranean 42  
 43 signatories committed themselves to adhere to the principles of international law 43  
 44 in respect of human rights and fundamental freedoms, and the territorial integrity 44

1 of states, refraining from developing military capabilities beyond legitimate 1  
2 defence requirements, and cooperation with EU authorities over the prevention of 2  
3 terrorism, international crime and drugs trafficking. The Barcelona Process gave 3  
4 dominance to the EU by presenting it as the main focus for peace, democracy 4  
5 and growth in Mediterranean space, and at the same time allowed EU Member 5  
6 States to legitimize their socio-political and economic actions in this space. 6  
7 In sum, the Euro-Mediterranean policy represented a triple logic of markets, 7  
8 democracy promotion, and regional multilateralism for region building (Jones 8  
9 2006). The construction and (re)presentation of Mediterranean space in this way 9  
10 not only created a geopolitical 'other' but also legitimized the outward diffusion of 10  
11 'EU'rope and its projection as a model of democratic and economic stability and, 11  
12 there told, offered a particular, though highly speculative, form of geopolitical 12  
13 reassurance. 13

14 'Talking the talk' and 'practising the practices' (Bicchi 2006) of Euro- 14  
15 Mediterranean region building presented several geopolitical complexities, 15  
16 challenges and potential pitfalls to EU elites. Critical was the need to ensure 16  
17 that this recent discursive formation for EU action did not attract censure over 17  
18 its inherent wisdom, desirability, and underlying motives. Crucial to this vision 18  
19 for the Mediterranean was its legitimization by political actors from the Arab 19  
20 states, and for 'EU'ropean political elites to downplay any suggestions from those 20  
21 quarters of persistent European proclivity to impose cultural values and economic 21  
22 interests on those states. Making the Mediterranean space a site for EU action 22  
23 required 'EU'ropean elites to focus upon the material benefits for the Arab states 23  
24 and on how tangible European security issues could be dealt with more obliquely 24  
25 through region building processes in which the concept of partnership was heavily 25  
26 flagged. 26

27 The conscious depiction of the Mediterranean in this way by the EU produced 27  
28 a number of instabilities and antagonisms culminating in a messy, problematic and 28  
29 highly contested geopolitical project. From an institutional perspective, the EU 29  
30 sought to negotiate an individual agreement with each of the Barcelona signatories 30  
31 which set out geopolitical targets, economic work programmes, and common 31  
32 geostrategic objectives, all of which were to be achieved through high-level 32  
33 meetings of EU officials and state elites from both sides. This was the bilateral 33  
34 dimension of the Euro-Mediterranean project. Multilateral dialogue also took 34  
35 place and this covered all the 12 Mediterranean partners plus the EU in discussions 35  
36 of the three key pillars of the project. The Mediterranean project thus provided 36  
37 state actors with a sweep of possibilities for constructing new strategic alliances, 37  
38 opportunities for new patterns of actor socialization, and means to redefine patterns 38  
39 of state political practice: spatial transformations which were inherently complex 39  
40 and riven with political difficulties. 40

41 In particular, 'EU'ropean political elites sought to minimize interstate tensions 41  
42 by explicitly recognizing the specificities of the Arab partners and rewarding 42  
43 Arab progress in meeting EU-agreed expectations of the partnership. Here, 43  
44 difference as opposed to commonality was highlighted by 'EU'rope. From the 44

1 partners' perspective, the credibility of the EU's vision for Mediterranean space 1  
 2 became dependent upon *inter alia* its scope to improve economic performance 2  
 3 and prospects through greater access to EU markets; successful securing of EU 3  
 4 resources for funding of Arab development plans and initiatives; enhancing trade 4  
 5 and scientific cooperation between the EU and Israel; the Arab hope that the 5  
 6 EU, through its economic leverage could be imbricated in the Israel-Palestinian 6  
 7 conflict; and the belief among a number of Arab states that a timetable for their 7  
 8 own political and economic reform could be loosely respected. 8

9 Widening, contradictory and multi-interpretable positions emerged between 9  
 10 the EU and the Mediterranean states over the Barcelona process. These can be 10  
 11 attributed to a number of factors, including the domination and jeopardy of the 11  
 12 project by the political and security pillar, 'EU'ropean impatience with the speed 12  
 13 and scope of reform in several Arab states, particularly Algeria, Syria and Egypt, 13  
 14 and growing European displeasure with Arab political elites hawking domestic 14  
 15 reform agendas in exchange for promises of substantial EU development aid. 15  
 16 From the Arab side, explanations centred on the rigidity of the EU in the timetable 16  
 17 imposed for economic reform, its censorious approach concerning human rights, 17  
 18 good governance and political reform, the failure of France and Spain to open 18  
 19 up their markets to Arab agricultural products, and the EU's unwillingness to 19  
 20 underwrite in comprehensive fashion socioeconomic change in the Arab states, 20  
 21 or deal in a just way with the Palestinian question. By the turn of the millennium, 21  
 22 'EU'rope's project for the regulation of Mediterranean space was attracting 22  
 23 significant critical commentary both within and outside of 'EU'rope, prompting the 23  
 24 European Commission to issue a communication on 'Reinvigorating the Barcelona 24  
 25 Process' (EC 2000). This set out the difficulties encountered by 'EU'rope, a candid 25  
 26 assessment of achievements, and a list of future 'reinvigorating' proposals. 26

27 The task for 'EU'rope in managing the Mediterranean space was addressed 27  
 28 by the Commissioner for External Relations, Chris Patten, in a speech to the 28  
 29 European Parliament in January 2001: 29

30  
 31 When I looked at the facts I found a certain dissatisfaction that more had not 31  
 32 been done ... my overriding approach has been to see how we could focus the 32  
 33 EU-Mediterranean partnership on a clear set of short and medium term goals – 33  
 34 ambitious but achievable – enabling those [Mediterranean partners] who want 34  
 35 to go at a faster pace to do so. 35  
 36 36

37 Moreover, a concerted effort by 'EU'rope to 'discipline' Mediterranean states was 37  
 38 also signalled by the Commissioner: 38

39  
 40 being partners for five years now, the time has come to move into a more sincere 40  
 41 and candid relationship [with the Arab states and Israel] in order to have some 41  
 42 frank discussion on sensitive issues. (Patten 2001) 42  
 43 43  
 44 44

1 Patten's assessment confirmed clearly that differences existed over the meaning 1  
 2 and significance of what had been achieved under the Barcelona process and over 2  
 3 how firmly embedded the Partnership really was after a decade of existence. In 3  
 4 addition, it was unclear who had benefitted most from this 'EU'ropean led project, 4  
 5 be it northern or southern partner governments, private sectors or civil societies. 5  
 6 Notwithstanding this, events of September 11th 2001 served to re-emphasize the 6  
 7 significance of the Arab world to the geopolitical future of the EU and gave urgent 7  
 8 momentum to the need for the EU to search for a new discursive formation according 8  
 9 to which Mediterranean space could be both organized and managed. This came 9  
 10 in a speech on 'Europe and the Mediterranean' delivered by then-Commission 10  
 11 President Romano Prodi at the Université Catholique de Louvain-la-Neuve on 26 11  
 12 November 2002. This speech set out a new Mediterranean representation in which 12  
 13 emerging tensions were pacified by a downplaying of the discourse of security 13  
 14 and bordered Europe while emphasizing 'nearness', cooperation and friendship: 14

15  
 16 Relations between Europe and the Mediterranean are central to my concerns, 16  
 17 my thoughts and my political actions ... At a time when we are building a new 17  
 18 Europe ... we must also develop our strategy towards the regions closest to 18  
 19 Europe and, above all, we must be decisive in our Mediterranean policy. To 19  
 20 build the new Europe but neglect the Mediterranean, Europe's cradle, would 20  
 21 clearly be a grave mistake ... One thing is certain ... There is a human, social 21  
 22 and historical reality called the Mediterranean – a reality that ever more urgently 22  
 23 demands courageous, long-term action. We have two very different alternatives. 23  
 24 The first involves viewing the Mediterranean primarily as a question of security. 24  
 25 In this case, the Mediterranean becomes the southern border of the Union, where 25  
 26 we must take up position to manage the flows of migrants, combat any forms of 26  
 27 international terrorism there and encourage a development policy heavily geared 27  
 28 towards cooperation in the fight against unlawful activities. The second option 28  
 29 involves viewing the Mediterranean as a new area of cooperation, where a 29  
 30 special relationship can be established within the context of a broader proximity 30  
 31 policy which will need to address the whole band of regions around the Union, 31  
 32 stretching from the Maghreb to Russia. (Prodi 2002) 32  
 33 33

34 Romano Prodi's depiction of the Mediterranean evoked a space of rules, 34  
 35 benchmarks and targets around which actors' expectations could converge; a 35  
 36 theatre space characterized by a commitment to 'common values' through which 36  
 37 a strengthening of stability, security and well being for all concerned could occur. 37  
 38 As Commissioner Patten also confirmed, it was a unifying vision 'to export the 38  
 39 stability, security and prosperity [of 'EU'rope] ... to accelerate our mutual political 39  
 40 economic and cultural dynamism'. 40

41 41  
 42 42  
 43 43  
 44 44

**1 The Projection of Normative Europe into Mediterranean Space**

2  
 3 In a widely cited article in 1971, John Lambert described the EU's relationship with 3  
 4 the Mediterranean space as one akin to the 'Cheshire cat and the pond' (Lambert 4  
 5 1971) in which he bemoaned the fact that 'the Community has never been able to 5  
 6 agree on, still less carry out, an active Mediterranean policy'. The (then) European 6  
 7 Community, he argued, 'was not equipped to do so ... or in any coherent manner' 7  
 8 (Lambert 1971: 39). Moreover, even 'supposing [the European Community was] 8  
 9 to come forward with far-reaching proposals, above all ones that covered the area 9  
 10 as a whole, it is uncertain whether the Community is equipped institutionally to 10  
 11 carry them through. To do so it would have to give a far-reaching mandate to the 11  
 12 European Commission' (Lambert 1971: 45). 12  
 13 Some 30 years after these comments were made, and signalling perhaps how far 13  
 14 the EU has developed institutionally over this period, the European Commission 14  
 15 proposed in 2003 a European Neighbourhood Policy (ENP). The ENP, in many 15  
 16 ways, represented both the articulation of the limits of 'EU'rope's physical and 16  
 17 legal space and, through a series of proposed rewards for 'neighbourliness', an 17  
 18 extension of the norms and discourses of 'EU'ropeanness beyond those limits 18  
 19 (Jones and Clark 2008). Launched by the EU in February 2003, ENP sought to 19  
 20 create a 'ring of friends' around the EU who, through their commitment to, and 20  
 21 support for the 'EU'ropean projection of common values, the rule of law, good 21  
 22 governance and respect for human rights would secure economic and political 22  
 23 rewards from the EU (see Figure 2.1). 23  
 24 The ENP was, indeed, a discursive formation that had emerged from a 24  
 25 critical re-evaluation of the EU's potential role as a normative 'force for good' 25  
 26 in the Mediterranean. This re-evaluation stressed the emergence of 'EU'rope's 26  
 27 ideological power in which the EU's identity is constructed 'against an image 27  
 28 of others in the "outside world"' (Diez 2005: 614). This 'self' and 'othering', 28  
 29 according to Diez (2005: 628) represents the Other as an 'existential threat' 29  
 30 (paradigm of securitization); second, as 'inferior' (paradigm of Orientalism); third, 30  
 31 as 'violating universal principles' (a variation on the Orientalist paradigm); and, 31  
 32 finally, as 'different' (refraining from making a value judgement). In this light, 32  
 33 the construction of a Neighbourhood around the EU was intended to facilitate 33  
 34 an assertive projection of 'EU'rope into the EU's 'near abroad', the normative 34  
 35 validity of which EU Member States were convinced by. The outbreak of the 35  
 36 second Intifada, the declared war on terrorism post 9/11, and increasing disquiet 36  
 37 over the limited achievements of the Barcelona Process thus led to the EU viewing 37  
 38 the ENP as a necessary 'response to the practical issues posed by proximity and 38  
 39 neighbourhood' with the EU holding a vital interest in seeing 'greater economic 39  
 40 development and stability and better governance there' (EC 2003: 5). 40  
 41  
 42  
 43  
 44



**Figure 2.1 European Neighbourhood Policy 2010**

*Source:* European Commission.

To achieve its goals in the Mediterranean ‘Neighbourhood’, over the past decade the EU put into place distinct modes of interaction and governance, based upon specific rules, targets and goals and ‘expert’ assessment and review. The EU would agree with the neighbourhood states a set of reform objectives across a wide range of fields (from cooperation on political and security issues, to economic and trade matters, common environmental concerns, integration of energy and transport networks, scientific and cultural cooperation). To support these reforms, the EU would offer financial and technical assistance under an expanded budget. The first step would be the preparation of Country Reports by the European Commission, in order to assess the political and economic situation as well as institutional and sectoral aspects, and to determine when and how it might be possible to deepen relations with the specific Neighbourhood country. From these, an ENP Action Plan would be developed, negotiated with and tailor-made for the Neighbourhood

1 country in question and based on its perceived needs and capacities, as well as  
2 their and the EU's interests. The 'carrots' offered by 'EU'rope for compliance and  
3 progress would include greater integration into EU networks and programmes,  
4 increased financial assistance and enhanced access to EU markets. Regular  
5 updates and progress reports would subsequently be undertaken by the European  
6 Commission, from which the number of 'carrots' offered could be reviewed, the  
7 Action Plan revised, or further proposals tabled to shape future relations between  
8 the EU and the Neighbourhood country.

9 By 2010, in total seven Action Plans were in force with Mediterranean  
10 neighbours: Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian Authority  
11 and Tunisia. EU progress with Syria has been slow and an initial Association  
12 Agreement between itself and the EU is still awaiting ratification. EU relations with  
13 Algeria have in the past two years shown some improvement, and an Association  
14 Agreement charting areas for mutual cooperation has been established. The  
15 normative projection of 'EU'rope requires the European Commission persuading  
16 Mediterranean neighbours to accept a European 'project' in which they occupy  
17 a position of asymmetrical dependence against the Union. As many argue, the  
18 neighbours perceive a utility in closer links with 'EU'rope, given their economic  
19 dependence upon it and their geographic contiguity with it, and realize that they  
20 have very little choice in the matter. This obliges them to accept the European  
21 vision of a shared future, even if they may fear the consequences (Walters 2004).

22 Emerson (2004) contends that the Commission's task has been made more  
23 difficult by the varying interpretations among the Mediterranean neighbours of  
24 'EU'ropean motivations for the ENP. He claims that the ENP is construed in one  
25 of three ways: as a modest, practical mechanism to mitigate the unfavourable  
26 effects of the enlargement on outside regions; as an attempt to motivate serious  
27 'Europeanization' in the sense of political, economic and societal transformation  
28 of neighbouring states, albeit without foreseeable accession chances; and as a  
29 thin political gesture to try to placate the excluded. The Commission's position is  
30 usefully summed up by two of its key officials for the ENP:

31  
32 We are not asking for change overnight in the Mediterranean neighbours. We are  
33 not saying that we do not understand the cultural specificities of these neighbours  
34 but there are some basic concepts in human rights and some basic international  
35 obligations that need to be respected. [T]he ENP is an offer. We are not imposing  
36 ENP. What we are saying is that if you wish to participate then we are happy to  
37 work with you. If you don't want to do so, you might as well go on, but you will  
38 see that others have jumped at the opportunity. (Author's interview, European  
39 Commission 2006; see also Jones and Clark 2008)

40  
41 These revealing comments show the spectrum of interest behind the Commission's  
42 desire, on the one hand, to establish the European Union as a normative power  
43 exporting 'EU'ropean identities and values to its Mediterranean neighbours, while  
44 on the other being aware of the potentially disruptive effect that the imposition

1 of such values might have on domestic elite positions within these countries. As 1  
2 a number of well-informed analysts have shown, this dichotomy results in a gap 2  
3 between rhetoric on the ENP and the reality of EU policy action (Bicchi 2006, 3  
4 Diez 2005, Scheipers and Sicurelli 2007). Consequently, identifying and working 4  
5 closely with those most enthusiastic neighbours is central to the Commission's 5  
6 projection of normative 'EU'rope in Mediterranean space. As a Commission 6  
7 official explained, 'I hope that we can make enough progress with the Moroccans 7  
8 and the Jordanians in particular to prove to others how valuable ENP is' (cited in 8  
9 Jones and Clark 2010:70) Reflecting on the adoption of the ENP Action Plan by 9  
10 Morocco in July 2005, a Commission official proudly declared: 10

11  
12 The agreement with Morocco went through very quickly, and the level of 12  
13 relations we have with Morocco – well, we have working groups, subgroups 13  
14 working on each and every area you can possibly imagine in detail. The level of 14  
15 discussion we have in those meetings is completely different from the level we 15  
16 have, say, with Syria, with whom we haven't signed the agreement yet. That has 16  
17 taken years. We are not saying that countries can choose [normative "EU"rope]. 17  
18 We are saying that maybe they take different time periods to go to the same 18  
19 objective at a different pace. We think that from our experience the manner in 19  
20 which to get everybody on board is to say, "right, we are going to do it with those 20  
21 who really want to do it and we are going to prove to them all the benefits that 21  
22 this brings", and when Syria sees that we have concluded an agreement with 22  
23 Lebanon, they become very interested about it. If that's what it takes. (Author's 23  
24 interview, European Commission 2001; see also Jones and Clark 2010) 24

25  
26 There are, however, certain implications for Mediterranean neighbours accepting 26  
27 the normative discursive formation promoted by the Commission. For example, its 27  
28 acceptance by Moroccan state elites cooperating with the Commission produces 28  
29 specific anxieties over the effects upon other Mediterranean (Arab) neighbours, 29  
30 and exposes it as an inherently discriminatory discourse that not only isolates 30  
31 and pressurizes neighbours to comply, but weakens other forms of association. A 31  
32 senior Moroccan diplomatic source confirms these anxieties: 32

33  
34 I believe that if you can move or advance quickly, then normally you should 34  
35 do so. This doesn't mean other Arab states wouldn't do the same. Probably 35  
36 they would follow. We can't wait for the others. I don't see any problem with 36  
37 countries going faster within the EU but this doesn't mean that you are going 37  
38 to create a new organization or a kind of exclusive club. Maybe some people 38  
39 have ideas that this could be a way of excluding some states. You should be 39  
40 free to advance if you wish and the others should be given the opportunity to 40  
41 do so when they are ready and prepared. Look at Morocco: if you are advanced 41  
42 enough, then you should be able to have an advanced status with the EU but at 42  
43 the same time it should be open to others. We are not seeking a different role 43  
44 44



1 from the other Arab countries. (Author’s interview, Moroccan Embassy London, 1  
 2 2006; see also Jones and Clark 2010) 2  
 3 3  
 4 The Commission’s promotion of normative ‘EU’rope in Syria has been much less 4  
 5 successful. The Association agreement between the European Union and Syria 5  
 6 under the Barcelona process has still not been implemented, and the Commission 6  
 7 is continually confronted by state elites denying accusations of human right 7  
 8 infringements. This, combined with tardiness in Syrian economic reforms, has led 8  
 9 to a rather bleak assessment by the Commission: 9  
 10 10  
 11 In Syria you have a lot of vested interests in maintaining the high level of 11  
 12 central control, the corrupt form of management, the system of bribes for 12  
 13 contract awarding, and you know it’s going to hit people in the pocket when 13  
 14 that disappears, when that changes, or as it changes. Syria is an extreme 14  
 15 example of a virtual Soviet-type political and economic system still, and 15  
 16 that’s why the negotiations in Syria have taken so long. We still don’t know 16  
 17 when they are going to be finished. With Syria it has been the first time that 17  
 18 we have gone hand in hand at negotiating the agreement and telling them, 18  
 19 “you’d better do this and that in terms of your domestic reforms”. (Author’s 19  
 20 interview, European Commission, 2006; see also Jones 2006, Jones and Clark 20  
 21 2008, Jones and Clark 2010) 21  
 22 22  
 23 The Syrian reaction to the Commission’s more aggressive pursuit of reform in 23  
 24 this case has been strong. A Syrian diplomat gives useful insight into the tone 24  
 25 of the Commission’s messages in its promotion of normative ‘EU’rope to less 25  
 26 enthusiastic Arab neighbours: 26  
 27 27  
 28 Those in the Commission who talk of human rights in Syria are always accusing. 28  
 29 Sometimes it’s one instrument to put pressure on a country. I wish people would 29  
 30 go to Syria before making these accusations. They would have a very positive 30  
 31 impression. The government respects human rights. It’s totally wrong that we 31  
 32 don’t respect human rights. We don’t have any problems, we have democracy. 32  
 33 (Author’s interview, Syrian Embassy London, 2006; see also Jones 2006) 33  
 34 34  
 35 Thus, beyond the elaboration of new collective understandings of Mediterranean 35  
 36 space through its inclusion in neighbourhood conceptualizations in European 36  
 37 political exchange, the ENP has largely served to expose further the contradictions 37  
 38 marking ‘EU’rope’s role in this region. For one, while the EU has sought greater 38  
 39 linkage between the compliance of Arab states in Mediterranean region building in 39  
 40 exchange for ‘EU’ropean privileges this has only served to inject more instability 40  
 41 into region-building processes, as states jockey for preferential political relations 41  
 42 and emphasize in many cases their ‘cosmetic’ commitments to ‘EU’ropean 42  
 43 normative agendas (Jones 2009, Bialasiewicz et al. 2009). Consequently, 43  
 44 new material frames for social action and a new geopolitical matrix in which 44

1	'EU'rope is defined and institutionalized in relation to Mediterranean space have	1
2	been mooted in national and supranational settings in 'EU'rope in the last three	2
3	years. Chief among them has been French President Nicolas Sarkozy's plan for	3
4	a 'Mediterranean Union' that culminated in an EU-sponsored 'Union for the	4
5	Mediterranean', launched in 2008 to replace the Barcelona Process.	5
6		6
7		7
8	<b>Contemporary EU Political Representation of Mediterranean Space:</b>	8
9	<b>The 'Union for the Mediterranean'</b>	9
10		10
11	This latest vision for Mediterranean space stems from plans announced in 2007 to	11
12	gather European, Middle Eastern, and North African countries into an economic	12
13	community ('Mediterranean Union') along the lines of the early European Union.	13
14	The initiative, outlined by French presidential candidate Nicolas Sarkozy in a	14
15	campaign speech in February 2007, went largely unnoticed until he re-evoked it	15
16	in his presidential electoral victory address. For Sarkozy, such a Union, even if	16
17	primarily economic in orientation, would necessarily involve EU Member States	17
18	in difficult discussions of controversial issues such as Turkish membership of the	18
19	EU and illegal immigration via North Africa. Critically, it would also attempt to	19
20	bring Israel and its Arab neighbours into a new 'Union' parliamentary assembly	20
21	that Sarkozy hoped could tackle the intractable problem of Middle East peace.	21
22	Initial reactions to Sarkozy's project for the Mediterranean space varied greatly	22
23	– from enthusiasm in Spain to cautious approval in Israel to outrage in Turkey,	23
24	which regarded the project as a French ploy to keep it out of the EU, especially	24
25	given that Sarkozy's presidential campaign included refusing prospective Turkish	25
26	accession to the 'EU'ropean club. In his inaugural speech at Toulon in 2007 he set	26
27	out a geographically bounded material and ideological vision of 'EU'rope, which	27
28	would enable the EU to have a powerful expression and role in Mediterranean	28
29	space:	29
30		30
31	It is from the perspective of a Mediterranean Union that we should consider	31
32	the relations of Europe and Turkey. Because Europe cannot extend indefinitely.	32
33	If Europe wants to have an identity it must have borders and thus limits. If	33
34	Europe wants to have power it cannot be diluted unceasingly. If Europe wants	34
35	to be able to function it cannot widen without pause. Turkey does not have	35
36	a place in the EU because it is not a European country. But Turkey is a large	36
37	Mediterranean country with which Mediterranean Europe can advance the unity	37
38	of the Mediterranean. It is this great shared ambition which I want to propose to	38
39	Turkey. (Author's translation; see also Clark and Jones 2008: 313)	39
40		40
41	The Sarkozy project envisaged France, which he portrayed as 'European and	41
42	Mediterranean at one and the same time' as the leading partner in this initiative.	42
43	However, the European Commission was adamant that political control of any	43
44	new initiative for the Mediterranean should remain in Brussels' hands (Jones	44

1 2009). Sarkozy's plans also came under fire from other EU Member States, 1  
2 concerned that the initiative would pit 'Northern' EU states against their 'Southern' 2  
3 counterparts, imposing a particular vision and a specific set of priorities on EU 3  
4 regional activities. For example, German chancellor, Angela Merkel, speaking 4  
5 in Berlin in December 2007 warned that Sarkozy's plans for the Mediterranean 5  
6 would 'threaten the "core" of the EU. Cooperation between some Member States 6  
7 has to be also open to the rest and it has to be approved by all Member States. It 7  
8 cannot be that some countries establish a Mediterranean Union and fund this with 8  
9 money from EU coffers. This could release explosive forces in the EU I would not 9  
10 like' (Mahony 2007). 10

11 Given this displeasure it is not surprising that when the Union was inaugurated 11  
12 at a ceremony in Paris in July 2008, it was a very different political creature to the 12  
13 one imagined by Sarkozy. The Euro-Mediterranean Partnership, formerly known 13  
14 as the Barcelona Process, was re-initiated as the 'Union for the Mediterranean' 14  
15 covering 43 countries including all 27 Member States of the EU, along with 16  
16 partners across the Southern Mediterranean and the Middle East. From the EU's 16  
17 perspective, this re-launching aimed to infuse a new vitality into the Partnership 17  
18 and to raise the political level of the strategic relationship between the EU and 18  
19 its southern neighbours. While maintaining the *acquis* of its predecessor, the 19  
20 Barcelona Process, the Union for the Mediterranean was intended to offer increased 20  
21 visibility to its citizens and a commitment to tangible, regional and trans-national 21  
22 projects. Additionally, in an effort to address criticisms of unequal governance 22  
23 and asymmetrical power relations that had plagued the Barcelona Process, one 23  
24 of the most important innovations of the Union for the Mediterranean includes a 24  
25 rotating co-presidency with one EU president and one president representing the 25  
26 Mediterranean partners, and a Secretariat based in Barcelona that is responsible 26  
27 for identifying and promoting projects of regional, sub-regional and transnational 27  
28 value across different sectors. The Union for the Mediterranean has also identified 28  
29 six priority projects which are at the heart of the of Partnership's efforts, including 29  
30 projects for tackling pollution in the Mediterranean Sea; the establishment of 30  
31 maritime and land highways; civil protection initiatives to combat natural and 31  
32 man-made disasters; a Mediterranean solar energy plan; the inauguration of 32  
33 the Euro-Mediterranean University in Slovenia; and a Mediterranean Business 33  
34 Development Initiative focusing on micro, small and medium-sized enterprises. 34

35 For the EU, the Union for the Mediterranean presents the latest in a series of 35  
36 artificial constructions of Mediterranean space; a macro-regional project that tends 36  
37 to gloss over the geopolitical and cultural-historical complexity of this space. 37  
38 Indeed, paving the way for possible future [new] 'EU'ropean constructions, and 38  
39 institutional productions of Mediterranean space, the EU confirmed in 2009 that 39  
40 the Union for the Mediterranean 'does not constitute an alternative to enlargement 40  
41 of the EU and does not affect the accession prospects of any current or future 41  
42 candidate state and considers that the Union for the Mediterranean will not hamper 42  
43 other regional cooperation initiatives' (European Parliament February 2009). 43

44 44

<b>1 Concluding Remarks</b>	1
2	2
3 In this chapter, I have emphasized how the ‘making’ of a ‘Mediterranean region’ is	3
4 an actor-centred, open-ended process through which the Europeanization of space	4
5 is sought. Europeanization involves the projection of European rules, standards	5
6 and norms outside of EU territory and comprises continually evolving processes	6
7 of socializing and learning among elites, focused on temporally contingent	7
8 constructs of ‘EU’rope and the ‘Mediterranean’ that are both discursive and	8
9 instrumental in nature. Since the launch of the ‘EU’ropean project in the late	9
10 1950s, the Europeanization of Mediterranean space has been played out variously	10
11 as rhetorical positioning, collaborative actions and carefully choreographed sets of	11
12 political practices that, taken together, promote a mosaic of possible spatializing	12
13 outcomes – some representative of the identities and values embodied in ‘normative	13
14 Europe’, others asserting diverse national, organizational, even individual, ideas	14
15 and interests. Conceptually, they demonstrate Europeanization’s intrinsically	15
16 social, territorial and political basis, lodged in place-based and temporally	16
17 contingent mores; ideologically, they show its close affinity to and with prevailing	17
18 hegemonic discourses of power; and cartographically and thematically, they show	18
19 the complexity of this process set in the sense of ‘mapping’ its operational extent	19
20 in varied territorial, public policy and scalar domains (Jones and Clark 2010).	20
21 Numerous challenges have confronted EU elites in their efforts to Europeanize	21
22 Mediterranean space through transnational processes of ‘EU’ropean rule	22
23 enforcement and standards adherence. These challenges have included regular	23
24 pressures for policy change as geo-political events have unfolded, as well as	24
25 frequent discontinuity and variation in the interpretation of Europeanization	25
26 agendas among EU Member States and the Mediterranean neighbourhood	26
27 partners themselves (Jones 2006). The Europeanization of Mediterranean space is	27
28 thus a deeply unstable and a highly contested discursive terrain. Within ‘EU’rope,	28
29 securing the hegemony of the Europeanization discourse for the Mediterranean	29
30 has led to concerns over the capacity of the ENP to bring about Neighbourhood	30
31 change along ‘EU’ropean lines, which in turn has led to member state frustration	31
32 with progress and, as we have seen, consequent pressures for new policy initiatives	32
33 grounded in reconfigured knowledges and new ways of thinking about and	33
34 ‘making’ Mediterranean space (Jones and Clark 2008).	34
35 Critically, the Europeanization of Mediterranean space is not simply a uni-	35
36 directional process of power, authority and collective action being mobilized and	36
37 orchestrated by the EU. Rather, it is characterized by more complex processes of	37
38 leverage, resistance and opposition to efforts to stimulate wide-ranging political	38
39 and economic reform agendas. Mediterranean neighbourhood partners have	39
40 become adept in their political dealings and engagements with ‘EU’rope in order	40
41 to secure their own interests through these EU supranational region building	41
42 projects. Such proficiency has been based increasingly on a number of strategies	42
43 that have not only hindered EU neighbourhood progress but also highlighted the	43
44 weaknesses of the EU as a global actor endeavouring to make regional spaces	44

1 through the promotion of norms, values and standards. The European Commission 1  
 2 in its evaluation of the ENP in 2006 emphasized that ‘ENP partners are very 2  
 3 diverse politically, economically, socially and culturally [and] it is therefore rather 3  
 4 difficult to produce an overall cross-country analysis of the implementation of the 4  
 5 ENP. There are however certain overall trends that can be identified, and certain 5  
 6 general conclusions to be drawn’ (EC 2006: 1). One major conclusion is that ‘the 6  
 7 ambitious reform agendas can only be achieved in the longer haul, and much 7  
 8 remains to be done’ (EC 2006: 4). For some partner states, ‘talking like ‘EU’rope’ 8  
 9 can be learnt and deployed relatively easily. Tunisia, for example, despite being 9  
 10 one of the first signatories of the Barcelona process in 1995 and the ENP in 2003, 10  
 11 falls well short of EU-set standards not least in political reform as evidenced by 11  
 12 slow preparations for EU-Tunisia subcommittees on human rights and democracy, 12  
 13 slow progress on freedom of association and expression, and on implementing the 13  
 14 programme for modernizing the Tunisian justice system (EC 2006). Widening, 14  
 15 contradictory and multi-interpretable positions have thus emerged between the 15  
 16 EU and the Neighbourhood partners over the Europeanization of Mediterranean 16  
 17 space. The EU’s ability to reconcile these positional differences remains a key 17  
 18 geopolitical challenge for the coming years. 18

19

20

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1	Chapter 3	1
2		2
3	European Spaces of Development:	3
4		4
5	Aid, Regulation and Regional Integration	5
6		6
7	in East Africa	7
8		8
9	Veit Bachmann	9
10		10
11		11
12		12
13		13
14	European spaces of development policy are extensive and diverse. As the largest	14
15	integrated economy in the world, the biggest donor of official development	15
16	assistance (ODA), and one of the most significant trade partners, the EU is a	16
17	key cooperation partner for developing countries and its development and trade	17
18	policies have wide-reaching implications (Lister 1997, Holland 2002, Dialer 2007,	18
19	Carbone 2007, 2008). In the context of the foundation of the European Union, Hill	19
20	(1993: 311) suggested for the EU to become the ‘principal voice of the developed	20
21	world in relations with the South [...] and the principal interlocutor with the	21
22	poor majority in the UN’. Others, though, see the EU’s relations with developing	22
23	countries more critically (Hurt 2003, Gibb 2000, 2004, 2006, Nixson 2007,	23
24	Holden 2009). Holland (2002: 139), for instance, judged that the performance of	24
25	EU development policy ‘is at best mixed, at worst disorganized and incremental’.	25
26	In the context of European pressure on the countries of the ACP-group (Africa,	26
27	Caribbean and Pacific) to accept the proposed trade frameworks, the EU has	27
28	frequently been described as ‘coercive’, ‘exploitative’ and ‘neo-imperial’ (Author	28
29	interviews <sup>1</sup> ).	29
30	In many ways, colonial history continues to loom large in European relations	30
31	with developing countries. At the same time, the EU aims to position itself as a	31
32	value-based global actor and a ‘helping hand’ (EC 2007b, see also Manners 2002,	32
33	Fioramonti and Poletti 2008, Lucarelli and Fioramonti 2009a). Internally, the EU	33
34	has developed a system to regulate interaction between different levels and actors	34
35	of governance that is considered unique, complex and a key component of the EU’s	35
36		36
37		37
38		38
39	1 The empirical data presented in this chapter is based on a wider research project	39
40	examining ‘EU’rope’s role as a geopolitical and development actor in East Africa	40
41	(Bachmann 2009). Original research was conducted in Addis Ababa, Arusha, Brussels,	41
42	Frankfurt, Kigali and Nairobi between May 2007 and December 2008 and predominantly	42
43	comprised semi-structured interviews with informants involved in African-European	43
44	interactions, i.e. key African and European officials as well as representatives of NGOs and	43
	civil society organizations.	44

1 identity and wider role in the world. Its external relations<sup>2</sup> are equally complex, 1  
2 conducted multilaterally and bilaterally on multiple levels and in multiple policy 2  
3 fields. This also applies to the EU's relations with developing countries. Those 3  
4 have been a field of collective European policy for more than 50 years, yet the 4  
5 engagement of individual EU Member States with developing countries has 5  
6 traditionally been more intense, though sometimes also very troubled. 6

7 This chapter addresses such collective European approaches to development 7  
8 policy. It outlines an understanding of the term 'European spaces of development' 8  
9 as distinct spaces of interaction between the EU and developing countries that 9  
10 are aligned with the EU's preferred mode of policy conduct. I illustrate how 10  
11 different facets of European external relations are utilized to promote the EU's 11  
12 key objective of achieving coherence between its internal and external agendas 12  
13 (EC 2007d: 1). I argue that this refers predominantly to the structural frameworks 13  
14 and ways of policy conduct that determine interactions between different actors 14  
15 in an international system. The goal is to transfer the *modus operandi* of the EU's 15  
16 system of political-economic organization to European external relations and thus 16  
17 determine the structure of the international system, as well as the ways and modes 17  
18 of interaction for different actors in it. Due to its own experience of European 18  
19 integration, the vehicle through which this geopolitical and geoeconomic project 19  
20 is being promoted is regional integration. 'European spaces of development' are 20  
21 therefore described as a combination of development aid, attempts to regulate 21  
22 spaces of interaction and the promotion of intra- and interregional cooperation (as 22  
23 Moisiu and Jones both argue in their contributions to this volume, with reference 23  
24 to the Baltic Sea and Mediterranean 'regions', respectively). 24

25 The chapter proceeds as follows. I first introduce key concepts crucial to an 25  
26 understanding of the emergent European space. The subsequent section addresses 26  
27 the specificities of European development policy as well as its underlying interests 27  
28 and influences. I then highlight how the region as a distinct geopolitical space 28

29 \_\_\_\_\_ 29

30 2 The term 'European external relations' refers to the multilateral and bilateral external 30  
31 relations of the EU and its Member States. It includes foreign, development, and trade policy 31  
32 of EU institutions and the Member States. The term 'collective external relations' refers to 32  
33 foreign, development and trade policy conducted jointly by EU institutions, but excluding 33  
34 bilateral external relations of EU Member States. The terms 'foreign', 'development' 34  
35 and 'trade' policy thereby need to be understood as flexible categories with considerable 35  
36 overlaps. These terms are often not separable and repeatedly referred to in the literature 36  
37 simply as 'foreign policy'. Yet the distinction is maintained here in order to reflect the 37  
38 differences in competences and authorities between EU and member state institutions in the 38  
39 respective policy fields. Despite the long-held ambition to create a Common Foreign and 39  
40 Security Policy (CFSP – before the Lisbon Treaty referred to as the second pillar of the EU), 40  
41 foreign policy largely remains a national domain. Trade policy, however, is predominantly 41  
42 a field of collective policy where the European Commission has considerable competences 42  
43 (part of what used to be pillar one before the Lisbon Treaty). Development policy takes 43  
44 both shapes. In addition to a collective development policy, EU Member States maintain 44  
45 individual development policies. 45



1 occupies a dominant position in the EU's lexicon and political portfolio, with 1  
 2 regional integration functioning as the key vehicle for the EU's objective to align 2  
 3 internal and external agendas. 3

4 4

5 5

## 6 **Spaces of Interaction** 6

7 7

8 'European space', Jensen and Richardson (2004: 5–6) argue, 'is in itself a fledging 8  
 9 policy field which seeks to create a vision for its future', and is predominantly 9  
 10 concerned with 'a new discourse of European spatial development'. The shapes 10  
 11 and configurations of such a 'European space' find expression in manifold 11  
 12 initiatives such as the European Spatial Development Perspective (ESDP) or 12  
 13 the European Spatial Observation Network (ESPON) (for a full discussion, see 13  
 14 Moisió's chapter). In academic reflection, the focus has been on the evolving 14  
 15 territorial configurations and their interdependent connections within the EU. 15  
 16 This understanding of 'European space' is thus predominantly *physical*, in a sense 16  
 17 that it is concerned with an emerging EU territorial model that is geographically 17  
 18 imagined as 'connected/mobile/networked' (Sidaway 2001: 746) within a 'single 18  
 19 overarching rationality of making a "one space", made possible by seamless 19  
 20 networks enabling frictionless mobility' (Jensen and Richardson 2004: x). In 20  
 21 this chapter, however, space is not primarily seen as physical space, but rather 21  
 22 as spaces of interaction within which different actors stand in particular relations 22  
 23 with each other. 23

24 Conceptually, the understanding of geopolitical space employed here draws on 24  
 25 the critical geopolitics literature (Agnew and Corbridge 1989, 1995, Ó Tuathail 25  
 26 and Agnew 1992, Luke 1993, 1994, Dodds and Sidaway 1994, Agnew 1994, Ó 26  
 27 Tuathail and Luke 1994, Ó Tuathail 1994, 1996, Ó Tuathail and Dalby 1998b). 27  
 28 Whilst a broad review of this literature is beyond the scope of this chapter, 28  
 29 the notion of the variability of geopolitical space and its various 'political 29  
 30 constructions' (Ó Tuathail and Dalby 1998a: 2–3) forms the basis for the outlined 30  
 31 understanding of European space. European space is thus not considered as simply 31  
 32 a territorial configuration, but as constructed in an evolving social, political and 32  
 33 historical process. 33

34 The nature and the specific ways of policy conduct manifest in and through 34  
 35 this kind of European space have been crafted by the processes of European 35  
 36 integration and came to be associated with the notion of Europe as a civilian power 36  
 37 (Duchêne 1972, 1973, Maull 1990, 1993, 2005, Manners 2002, Telò 2006). In 37  
 38 the second half of the twentieth century, the spaces of interaction in (Western) 38  
 39 Europe have been shaped by historical experiences (in particular the World 39  
 40 Wars), external circumstances (the Cold War and American hegemony) but also 40  
 41 internal preferences favouring such international policy conduct. Through these 41  
 42 (and other) constellations, a 'civilianized' international system – characterized by 42  
 43 multilateralism, international institutions, the rule of law, commitment to norms 43  
 44 and values, supranational integration, democracy, market liberalization, and the 44

1 restriction of the use of force as a means for international politics – has developed 1  
 2 within Europe and became inherent to EU-countries and institutions as the guiding 2  
 3 principle for their interactions and relations with each other (see Bachmann and 3  
 4 Sidaway 2009). 4

5 In this context, it also became a key objective of European external relations 5  
 6 to promote the spaces of interaction it had developed internally within the 6  
 7 international system. Attempts to legitimize an assertive global role for the EU 7  
 8 have generally been based on its (perceived) success in transforming a war-torn 8  
 9 continent into an area of relative peace and prosperity, associated with the creation 9  
 10 of a civilianized system. According to Telò (2006: 57), the ‘existence of EU 10  
 11 civilian and multilateral power in the world is thus an incontrovertible fact and 11  
 12 well exceeds a mere vague influence’. Telò (2006: 255–256) thereby understands 12  
 13 the EU as a strongly value-based community conducting its external relations 13  
 14 based on the values declared 14  
 15 15

16 and practised at both internal and external levels. These include human rights, 16  
 17 democracy, peace and the settlement of conflicts, justice and tolerance, combined 17  
 18 with the non-military instruments used by the EU to conduct external relations 18  
 19 and international actions and, above all, the possible dissemination of elements 19  
 20 of the regional integration experience to other continents, as a way of achieving 20  
 21 democracy and lasting peace. 21  
 22 22

23 Similar notions were frequently articulated by the European diplomats interviewed 23  
 24 as part of this research. A Finnish diplomat in Nairobi, for instance, envisioned a 24  
 25 leading European role ‘parallel to the US’ which presents the EU as a ‘value- 25  
 26 based union and a counterforce to US foreign policy’ (Author interview, Nairobi, 26  
 27 26/11/2007). Comparably, a German diplomat suggested that the EU should act 27  
 28 internationally as a ‘clearly value-based actor, with values different to those of 28  
 29 other major actors. Those include human rights, soft power, civilian power, but 29  
 30 also militarily, however, very institutionalised and regulated’ (Author interview, 30  
 31 Nairobi, 17/12/2007). Such statements faithfully reflect Maull’s (2005: 786) 31  
 32 argument that the EU has been advancing 32  
 33 33

34 universal observance of human rights and the rule of law and institutions; [...] 34  
 35 the development of constraints on the use and instruments of force [...] and the 35  
 36 promotion of universal social justice through support for development and of 36  
 37 broad political participation in addressing “global issues”. 37  
 38 38

39 With respect to the EU’s international relations with the developing world, the 39  
 40 European Consensus on Development specifically emphasizes that ‘partnership 40  
 41 and dialogue with third countries will promote common values of: respect for 41  
 42 human rights, fundamental freedoms, peace, democracy, good governance, gender 42  
 43 equality, the rule of law, solidarity and justice’ (EPCC 2006: 3). Those aspects 43  
 44 have always been constitutive elements of European integration and are also 44

1 frequently articulated as fundamental objectives of the Union's external relations. 1

2 An Ethiopian-based European official, for instance, described Europe as a 2

3 3

4 role model for peace, stability, regional integration and the creation of common 4

5 values and common sense in a particular area. Europe overcame the structures 5

6 of forceful conflict settlement and developed civilianized structures. It should 6

7 export those to the world. (Author interview, Addis Ababa, 22/02/2008) 7

8 8

9 As part of the processes that led to the creation of this specific kind of European 9

10 space, the attributes associated with a 'civilianized' international system are seen 10

11 as having been internalized by an integrated/integrating Europe; the presence of 11

12 and commitment to these attributes and values is now constitutive of European 12

13 space. With respect to external relations, however, the EU's cooperation partners 13

14 do not necessarily possess the same level of familiarity and inherence with such 14

15 inner-European modes of policy conduct. Nonetheless, it is a key objective of 15

16 European external relations to 'achieve genuine coherence between its domestic 16

17 and its external agendas, contributing thereby to global security and prosperity' 17

18 (EC 2007d: 1) – extending, in other words, Europe's civilianized system and its 18

19 regulated spaces of interaction *also beyond Europe*. 19

20 Europe, however, has a long history of attempts at the forceful projection of 20

21 what were often considered to be superior and 'civilized' spaces (O'Loughlin 21

22 and Van der Wusten 1990, Sidaway and Power 2005). The ideas underlying the 22

23 promotion of European space as conceptualized here certainly take a different 23

24 character to prior European imperial and colonial missions to 'civilize' the world. 24

25 For instance, during the course of this research, the 2007 Africa-EU summit in 25

26 Lisbon was frequently cited by both African and European informants as a serious 26

27 step towards breaking with such histories.<sup>3</sup> Contemporary attempts at regulating 27

28 the spaces of interaction thus aim to set up fora for negotiation, interaction, 28

29 cooperation and the articulation of different opinions, just as the EU has done with 29

30 other actors in the world, and within the EU itself. Internally, the EU also consists 30

31 of weaker and stronger players with diverging viewpoints, yet the civilianized 31

32 conduct of relations within the EU presumably mediates such differences, 32

33 precisely through regulated spaces of interaction. What is understood here as 33

34 an emergent 'European space' has the objective of extending such regulation, 34

35 without domination or exploitation of the weaker by the stronger. As an official 35

36 of the East African Community (EAC) in Arusha pointed out, the inclusion of 36

37 37

38 38

39 3 39

40 It should be noted that also the Lomé and Cotonou conventions had been originally 40

41 presented as frameworks for entering into a 'new era' of partnership. In hindsight, however, 41

42 both have been regularly criticized for failing in this respect. Hurt (2003: 174) even argues 42

43 that the 'entire history of the official discourse of EU-ACP development cooperation can 43

44 be dismissed as, to a large degree, false rhetoric that is subsumed by the realities and power 44

45 relations of the international political economy'. It will have to be seen to what extent the 45

46 Joint Africa-EU strategy will break with *this* tradition. 46

- 1 Eastern European countries into the EU is thus often seen as a model for including 1  
 2 developing countries into the world economy: 2  
 3 3  
 4 The EU has gone through a process of incorporating the Central and Eastern 4  
 5 European (CEE) countries. It therefore knows and understands the difficulties 5  
 6 weaker countries encounter and it is in a good position to assist them to be 6  
 7 included in the world economy. The EU's goal in its assistance to the CEE 7  
 8 countries has been their inclusion into Europe and into the world economy, 8  
 9 the partnership was not one of dominance because it has been realised that 9  
 10 a fair partnership is in the mutual interest. The idea was to create economic 10  
 11 opportunities for the weaker partner and include them, thereby using their 11  
 12 strength. (Author interview, Arusha, 18/03/2008) 12  
 13 13  
 14 Adapting this to European relations with the ACP-countries, another EAC official 14  
 15 argued that 15  
 16 16  
 17 the EU has been very supportive of the ACP-group in WTO negotiations. It is 17  
 18 seen as a partner by ACP countries in that respect. The ACP can exercise some 18  
 19 influence globally through the EU. (Author interview, Arusha, 18/03/2008) 19  
 20 20  
 21 Such accounts are clearly debatable – as too is their transposition to accounts of 21  
 22 EU-ACP relations that paint the EU as a 'very supportive' partner.<sup>4</sup> Hurt (2003: 22  
 23 161), for one, has argued that the Cotonou agreement 'has significantly shifted 23  
 24 the relationship further from one of co-operation to one of coercion'. To his mind, 24  
 25 as well as that of other scholars such as Nixson, trade with ACP-countries is 25  
 26 not determined by developmentally-oriented interests but 'by the obligations of 26  
 27 membership of the WTO' (2007: 323). 27  
 28 Even though the character of European interaction with Africa is now a different 28  
 29 one from the colonial period, the colonial and (neo)imperial past (and present) 29  
 30 cannot be dismissed when discussing 'European spaces' in Africa. A Canadian 30  
 31 development official in Nairobi, for instance, pointed out that Europe is sometimes 31  
 32 'blinded by its own success' (of its own development, that is). Despite this success, 32  
 33 the informant continued, Europe 'has to recognise the limitations of the model, it 33  
 34 does not necessarily work everywhere' (Author interview, Nairobi, 18/11/2008). 34  
 35 Similarly, an AU official critiqued Europe's 'failure to understand African realities 35  
 36 and positions. [The Europeans] are trying to impose their positions on us' (Author 36  
 37 interview, Addis Ababa, 22/02/2008). Notwithstanding claims 'not to impose 37  
 38 its system on others' (EC 2007b: 4), the legitimacy of exporting the European 38  
 39 political-economic model is constantly expressed in EU documents (EC 2004) and 39  
 40 widely shared by European elites in external relations (Author interviews). With 40  
 41 41  
 42 \_\_\_\_\_ 42  
 43 4 For alternative views on the EU's Eastern enlargement see Baldwin et al. (1997), 42  
 44 Henderson (1999), Agnew (2001), Moravcsik and Vachudova (2003), Grzymala-Busse and 43  
 44 Innes (2003), Kuus (2004) and Schadler (2007). 44

1 respect to attempts of exporting a political, economic and social model to the rest 1  
 2 of the world, Ó Tuathail (1996: 256) reminds us that ‘the imposition and smooth 2  
 3 unfolding of such imperial orders of space has never been without contestation 3  
 4 and resistance’. Any external projection of European space needs to be aware of 4  
 5 Europe’s troubled history in this respect. 5

6

7

## 8 **Characteristics of Aid** 8

9

10 The origins of European development aid date back to the Treaty of Rome (1957) 10  
 11 that first articulated collective European approaches to relations with Africa. The 11  
 12 initial ‘association agreements’ between the European Economic Community and 12  
 13 (mostly) African countries were accompanied by the establishment of the European 13  
 14 Development Fund (EDF) and eventually led to a series of long-term cooperation 14  
 15 frameworks: the Yaoundé Conventions (1963–1975), the Lomé Conventions 15  
 16 (1975–2000) and the Cotonou Agreements (since 2000) (for comprehensive 16  
 17 reviews see Carbone 2007, Dialer 2007, Holden 2009). When the foundation of the 17  
 18 European Union in 1993 established the basis for a Common Foreign and Security 18  
 19 Policy (CFSP), the EU ‘wanted to evolve into a global actor and EC external 19  
 20 assistance became an ideal tool. The EC became actively involved in all regions of 20  
 21 the developing world, but this generated an overstretched and fragmented policy’ 21  
 22 (Carbone 2007: 58). The Treaty of Maastricht (Treaty on European Union – TEU) 22  
 23 thereby laid the ‘foundations for a change of direction, establishing the principles 23  
 24 of co-ordination and complementarity and granting the European Commission the 24  
 25 role of promoter of aid co-ordination’ (Carbone 2007: 59). 25

26 Such changes had a profound impact on European relations with developing 26  
 27 countries. A key objective became to progressively align trade relations with 27  
 28 developing countries with the regulations of the World Trade Organization (WTO). 28  
 29 This was in line with the general push of the EU for global trade liberalization. 29  
 30 Europe’s major role in ‘development’ in Africa would thus be to ‘support partners 30  
 31 to engage in liberal economic reforms, through aid conditionality and free trade’ 31  
 32 (Holden 2009: 127). In many cases, however, such new arrangements meant an 32  
 33 end to the Lomé era of preferential and non-reciprocal trade arrangements for 33  
 34 ACP-countries towards the EU. The European side frequently presented this as 34  
 35 necessary in order to comply with WTO rules, although the EU was a major force 35  
 36 in shaping these rules in the first place (Gibb 2000). Hurt (2003: 174) argues that 36  
 37 37

38 the new approach taken by the EU can be understood within the context of 38  
 39 the hegemonic dominance of neoliberalism within political elites. This is 39  
 40 most explicitly demonstrated by the EU’s major justification for the proposed 40  
 41 changes: the need to comply with the core principles and rules of the World Trade 41  
 42 Organization (WTO) (161) [...] a strategic attempt by the EU to externalise 42  
 43 responsibility for its own policy. 43

44

1 The trade concessions of the Lomé Conventions were extended for a period of 1  
2 eight years, after which trade would be based on the Everything but Arms Initiative 2  
3 (EBA), the General System of Preferences (GSP) or Economic Partnership 3  
4 Agreements (EPAs) (Holden 2009: 127–128). These agreements have been signed, 4  
5 or are still being negotiated, in addition to the revised Cotonou Agreement of 2005 5  
6 (EC 2006) and 2010 (Eurostep 2010c) that currently constitute the framework for 6  
7 EU-ACP relations. Since the Treaty of Rome, Carbone (2007: 31) indeed argues, 7  
8 ‘EC development policy has gradually progressed from a relationship with a few 8  
9 African countries to a global policy’.

10 With the establishment of the EU’s diplomatic corps, the European External 10  
11 Action Service (EEAS), the regulations for the authority over the EU’s collective 11  
12 development policy changed again. An initial proposal in March 2010 by the EU’s 12  
13 High Representative for Foreign Affairs and Security Policy, Catherine Ashton, 13  
14 was heavily criticized by NGOs, development groups and the European Parliament 14  
15 as it sought to subsume development policy under the framework of the EEAS. 15  
16 Ashton’s proposal envisioned that financing and agenda setting of development 16  
17 policy would be part of the EEAS’ competences while implementation would 17  
18 remain with the European Commission and its delegations. The European 18  
19 Parliament was sidelined in this early proposal, leading to criticism that the 19  
20 transparency and democratic accountability of EU development policy would 20  
21 diminish even more. It was also feared that development policy would be further 21  
22 instrumentalized as a tool for the EU’s wider foreign and economic policy interests, 22  
23 thereby losing sight of developmentally-oriented goals (Eurostep 2010a). On 23  
24 June 2010 an agreement on the EEAS was finally reached between representatives 24  
25 of the European Parliament, the Council (in the person of the Spanish foreign 25  
26 minister Miguel Ángel Moratinos), the High Representative Catherine Ashton 26  
27 and Commissioner Maroš Šefcovic. The agreement gives co-decisional power to 27  
28 the European Parliament and the EEAS regarding the financing and staffing of 28  
29 the EEAS, while the Commissioner of Development will remain predominantly 29  
30 responsible for collective development policy (Eurostep 2010b).

31 It is important to note that in the Treaty on European Union<sup>5</sup> (TEU – Article 31  
32 130u) and subsequent policy documents, the principle of the complementarity 32  
33 of European development policies is paramount. This not only requires the 33  
34 development policies of the EU to be complementary to those of the individual 34  
35 Member States, but also to the broader external relations of the EU, as well as to the 35  
36 foreign policies of its Member States. As such, the principle of complementarity 36  
37 has generated several challenges to the formulation of European external 37  
38 relations, as there are different interests and factors influencing external relations 38  
39 and development policy. In this context it is important to emphasize the highly 39  
40 diverse nature of European development policy. Next to the multitude of actors 40  
41 (Commission, Member States, and others) a more general distinction needs to be 41  
42 made between ‘economic’ and ‘political’ policy fields, and respective underlying 42

43 \_\_\_\_\_ 43  
44 5 Available at: <http://eur-lex.europa.eu>. 44

1 interests.<sup>6</sup> On the one hand, ‘economic’ interests seek to influence external 1  
2 relations in favour of a maximization of benefit for the European economy. On 2  
3 the other, in the context of this chapter ‘political’ interests are regarded as deriving 3  
4 from the EU’s normative and value-oriented claims as a global actor and as such 4  
5 include components that aim to assist developing countries in economic, social 5  
6 and political ‘development’. 6

7 Since its very beginning, the European integration process has primarily 7  
8 worked through the ‘economic medium’ and has therefore, in Duchêne’s (1994: 8  
9 408) words, acted as a giant ‘catchment area’. Throughout this process, economic 9  
10 integration has always been more advanced than political integration. As a result, 10  
11 not only internally but also externally, the EU is more integrated (and speaks more 11  
12 clearly with one voice) ‘economically’ than ‘politically’. This is also true because 12  
13 external ‘economic’ relations are a collective policy field where most of the 13  
14 competences are pooled with the European Commission, whilst external ‘political’ 14  
15 relations remain largely a national policy domain. Through successive steps of 15  
16 economic integration, the EU has become the largest economy in the world with 16  
17 considerable power to influence the global economic system. Collective European 17  
18 power on the global stage is thus predominantly economic. As such, the ‘economic 18  
19 medium’ also constitutes a decisive influence on the conception of collective 19  
20 European external relations and, hence, development policy. This ‘economic 20  
21 medium’, however, operates first and foremost for the promotion of European 21  
22 economic interests; interests which often differ significantly from interests seeking 22  
23 to promote ‘development’ in African countries, given the different positions and 23  
24 roles of European and African economies. Carbone (2008: 325) thereby points to 24  
25 the ‘precedence’ that the EU’s economic interests ‘take over its commitment to 25  
26 promote both sustainable development and poverty eradication’. 26

27 This is not to say that economic interests exclusively determine EU 27  
28 development policy. Clearly there are ‘political’ and developmentally-oriented 28  
29 interests that aim to improve economic, political and social conditions in Africa. 29  
30 The European integration process has long moved beyond a purely economic union 30  
31 to include aspects of political integration<sup>7</sup> and Europeanization in almost every 31  
32 policy field (Graziano and Vink 2008, Clark and Jones 2008, 2009). With respect 32  
33 to the relations with developing countries, official EU documents frequently 33  
34 communicate a sense of responsibility on Europe’s part for African development. 34  
35 This is not only articulated in official documents (Michel 2006, EC 2007a, 2007b, 35  
36 2007c), but also by the European informants interviewed (Author interviews). 36

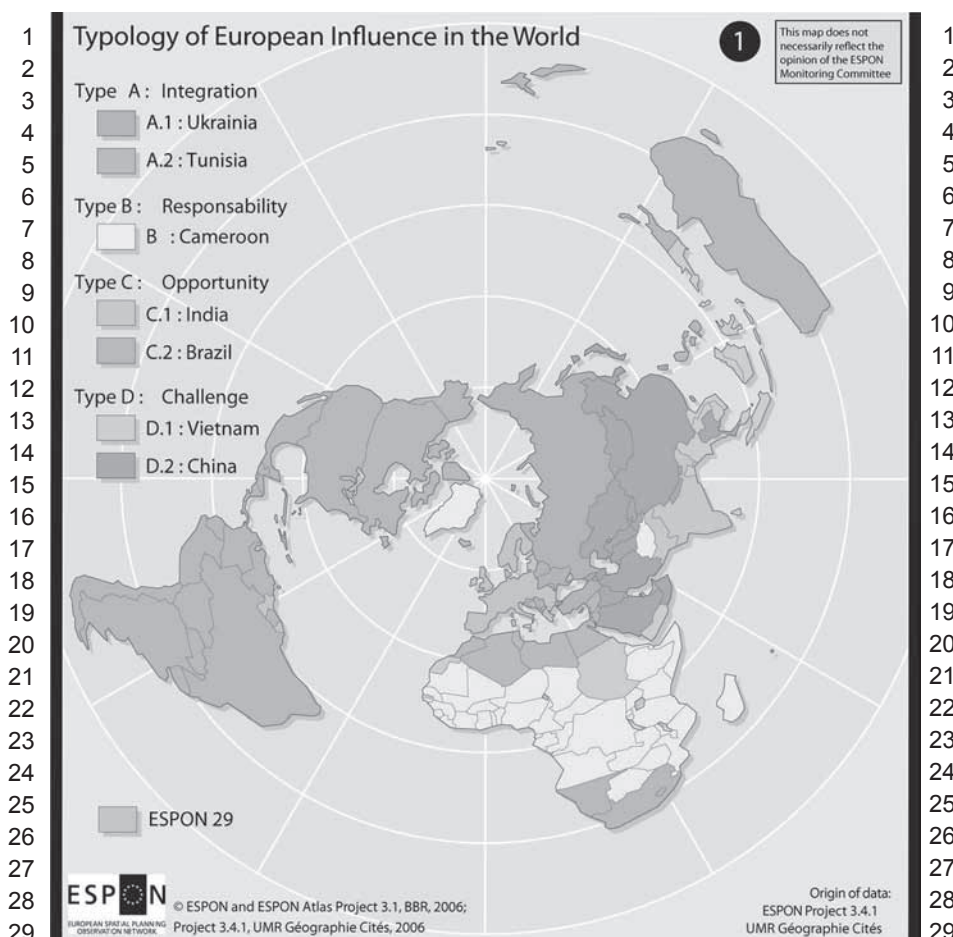
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40 <sup>6</sup> These differentiations have been adopted and adapted from Fioramonti and 40  
41 Poletti (2008). They are, naturally, simplifications and should not be regarded as definite 41  
42 distinctions. Instead, they are to be seen as flexible categories that aim to characterise and 42  
43 describe some of the multifaceted aspects of European development policy. 43

44 <sup>7</sup> With respect to foreign policy, as early as the 1970s in the form of European Political 44  
Cooperation (EPC) (see Allen, Rummel and Wessels 1982).



31 **Figure 3.1 Typology of European influence in the world**

32 *Source:* ESPON 2006: 64.

35 Such understandings are also represented cartographically by EU agencies such as ESPON. Figure 3.1 outlines a typology of four different types of European 'influence' in the world. Type A (*integration*) comprises a group of states in the immediate neighbourhood and with strong connections to EU territory. Type B (*responsibility*), are mainly African states (plus Afghanistan) where the EU plays a key development (and sometimes security) role. Type C (*opportunity*) includes places such as Australia, Brazil or South Asia, distant from the EU, but that share widespread use of a European language and colonial history, and that are envisaged as partners in a context where services represent a major part of added value and where scientific and cultural innovations are major factors for long-term



1 development. Finally, Type D areas present a *challenge* to Europe, as these are the 1  
 2 parts of the world where historical links with European countries remain relatively 2  
 3 weak (such as China) and/or whose rapid development poses special challenges 3  
 4 (ESPON 2006: 64–65). 4

5 Whilst the ESPON typologies have no formal influence on European external 5  
 6 relations, they depict distinct geopolitical imaginations of the regulated spaces of 6  
 7 interaction between ‘EU’rope and the rest of the world. ESPON is a Commission 7  
 8 agency, physically headquartered in Esch-sur-Alzette, Luxemburg and networked 8  
 9 with universities and spatial planning agencies in all EU member countries (except 9  
 10 Cyprus and Lithuania, but including Iceland, Norway and Switzerland). It develops 10  
 11 and utilizes such cartographic tools in order to map the territorial expressions of 11  
 12 EU power and influence, both within the EU and beyond. By so doing, ESPON 12  
 13 forms part of ‘a new discourse of European space [through which] new modes 13  
 14 of thought, forms of knowledge and practices emerge, which significantly shape 14  
 15 the EU policy agenda’ (Jensen and Richardson 2004: ix, see also Moisiu in this 15  
 16 volume). 16

17 Nonetheless, such ‘modes’, ‘forms’ and ‘practices’ are not necessarily new. 17  
 18 Neither is the categorization of Africa as part of Europe’s responsibility. Figure 18  
 19 3.2 shows a map that appeared in a 1951 book by the Austrian geopolitical writer/ 19  
 20 journalist Anton Zischka (Zischka 1951). The book is entitled *Afrika – Europa’s* 20  
 21 *Gemeinschaftsaufgabe Nr. 1* (‘Africa – Europe’s Common Duty No. 1’) and lays 21  
 22 out a vision of how Europe should collectively exploit Africa’s vast resources. 22  
 23 Zischka, clearly frustrated by Europe’s, in particular Germany’s, diminished global 23  
 24 role among the superpowers, is captivated by those arguments of a bright joint 24  
 25 European future; independent and freed from Anglo-American ‘Westernization’ 25  
 26 just as from Sovietization. In a world dominated by superpower rivalry, the only 26  
 27 possibility for a neutral, prosperous and peaceful Europe lies in its orientation 27  
 28 towards Africa and the creation of what he highlights in the map (Figure 3.2) 28  
 29 as *Eurafrika*, ‘the most centrally located third of the earth’; essentially what 29  
 30 the German Geopolitician Karl Haushofer (1938) had roughly described as the 30  
 31 ‘Eurafrican’ pan-region (see also O’Loughlin and Van der Wusten 1990). On the 31  
 32 map, the ‘naturally’ given unity of *Eurafrika* conveniently includes the resource 32  
 33 rich parts of Western Asia. Whilst Zischka did not occupy any political position and 33  
 34 there is no evidence that his work had significant political impact, his journalistic 34  
 35 books enjoyed great popularity and resonated with popular imaginations of 35  
 36 Europe’s collective role towards Africa in the 1950s. 36

37 The illustration of Zischka’s *Eurafrika* map (Figure 3.2) thereby bears 37  
 38 remarkable similarity to that of the ESPON map (Figure 3.1) of Europe’s influence 38  
 39 in the world<sup>8</sup> that similarly envisions Africa as an area of European responsibility, 39  
 40 to be engaged with through European development policy. Zischka’s book 40  
 41 appeared a few years before the first attempts at collective European relations 41

42 \_\_\_\_\_ 42  
 43 8 Here it is worth noting that the ESPON map carries the title *European influence in* 43  
 44 *the world*, not a more neutral alternative such as *European relations with the world*. 44



29 **Figure 3.2 Zischka's Eurafrika**

30 *Source:* Zischka 1951: 2.

33 with Africa were formulated in the Treaty of Rome. At that time, those too  
 34 focussed on European economic interests and accessibility to African resources.  
 35 Also throughout the next decades, the long-term frameworks for relations with  
 36 the ACP-countries have traditionally been strongly determined by 'economic'  
 37 interests (Gibb 2000, 2006, SAHA 2002, Holland 2002); even though more  
 38 recently 'political' and developmentally-oriented interests appear to be gaining  
 39 a stronger influence on European development policy (Carbone 2007, Holland  
 40 2008). However, given the asymmetries of global influence of the European Union  
 41 in 'economic' and 'political' terms, and the powerful role of the Commission in  
 42 the 'economic' realm relative to the 'political', it is no surprise that Duchêne's  
 43 'economic medium' looms large over collective external relations. In this context,  
 44 Dodds (2000: 70) points out that 'for many commentators in the South, the

1 current penchant for securing ‘market access’ to the world economy will ensure 1  
 2 that Northern states continue to exploit the vulnerable and poorer zones of the 2  
 3 world economy’. Similar resentments have frequently been voiced during the 3  
 4 interviews conducted for this research. The coordinator for the African branch of 4  
 5 an international NGO for tax justice, for instance, argued that 5

6  
 7 there is a competition amongst powerful countries (EU, US, China) to dominate 7  
 8 African countries. They are competing to exploit countries that are not able to 8  
 9 protect themselves. The EU is yet another power in this game. (Author interview, 9  
 10 Nairobi, 27/11/2007) 10

11  
 12 The programme coordinator of another NGO in Nairobi condemned the exploitation 12  
 13 of power relations in EU-ACP relations in the context of the negotiations on the 13  
 14 new EPAs: ‘It is economic imperialism. The historical background of the Lomé 14  
 15 Convention was to maintain access for European countries to raw materials from 15  
 16 their former colonies. Now it is to maintain market access for European companies’ 16  
 17 (Author interview, Nairobi, 20/11/2007). 17

18 In its 50 years of existence, EU development policy has thus often served as a 18  
 19 particular mode of external relations towards developing countries, aligned with 19  
 20 the broader objectives of European geoeconomic power. European development 20  
 21 policy is thus highly complex and ambiguous. Its complexity is rooted in the 21  
 22 multitude of actors and policy fields through and in which it is conducted. Its 22  
 23 ambiguity is based on the binary of underlying interests influencing development 23  
 24 policy, roughly differentiated here as ‘economic’ and ‘political’. On the one hand, 24  
 25 ‘EU aid policy’, as Holden (2009) terms it, is a ‘global political instrument’ in the 25  
 26 exercise of EU structural power beyond the borders of the EU. On the other hand, 26  
 27 the EU’s role as a development actor draws on its value-orientation and aims to 27  
 28 promote social and economic development in the Global South. Given the EU’s 28  
 29 position as the largest integrated economy and donor of development assistance 29  
 30 in the world, ‘development’, in particular in combination with a focus on trade, is 30  
 31 thereby seen as a field for the EU to distinguish itself as a major global power. This 31  
 32 also reflects the EU’s endeavour to regulate international spaces of interaction as 32  
 33 both a geoeconomic power, for instance through global trade regimes, but also as 33  
 34 a geopolitical model for a civilianized international system and a ‘helping hand’ 34  
 35 (EC 2007b) for developing countries. 35

36

37

### 38 **The Region as Geopolitical Space** 38

39

40 As previously outlined, the broad parameters of the EU’s current policy agenda 40  
 41 with respect to the relations with ACP-countries are set within the framework of the 41  
 42 Cotonou agreement (EC 2000, 2006). In addition to its guiding focus on economic 42  
 43 cooperation and trade issues, the Cotonou agreement includes a variety of other 43  
 44 mechanisms aimed at shaping political relations and development cooperation 44

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**EPA = RECOLONISATION OF KENYA. SAY NO TO EPA!**

**Stop Think & Resist**

**EPA**

We are urging you to fight the **ECONOMIC PARTNERSHIP AGREEMENTS (EPAs)** which are threatening our African Economies, your livelihood and hindering efforts to build unity in our beloved continent. Our future is at risk and only YOU can put an end to what will be modern day slavery. For more information please contact us on [admin@khrcc.or.ke](mailto:admin@khrcc.or.ke) or 0733 629034 / 0722 264 497

**What are our MPs doing to stop the EPA?**  
*Make your voice heard. Get Up, Stand Up! Stop EPAs Now!*

**KENYA HUMAN RIGHTS COMMISSION**

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Figure 3.3 Advertisement denouncing Economic Partnership Agreements

Source: Daily Nation, 05/12/2008.

1 between the EU and the ACP-countries. As such, the Cotonou agreement sets 1  
 2 the framework for the main tool of collective European development policy: the 2  
 3 European Development Fund (EDF). Holden (2009: 133) describes the EDF as 3  
 4 ‘standard development aid tweaked toward European interests and influence. [...] 4  
 5 Its purpose is to promote poverty reduction and economic growth, which should 5  
 6 enable regional integration and the EPAs’. Both regional integration and the EPAs 6  
 7 reflect the EU’s ambition to create coherence between the internal and external 7  
 8 spaces of interaction; regional integration because of the preference to interact 8  
 9 with other regional institutions, and the EPAs because of the ambition to include 9  
 10 developing countries in an international trade framework (primarily the WTO) 10  
 11 partially set by, and favourable to, the EU. 11

12 On the one hand, the EPAs were a point of frequent criticism in the interviews 12  
 13 conducted with African informants. During the EPA negotiations between the 13  
 14 European Commission and East African countries, an EAC official recounted 14  
 15 that the Europeans ‘had been pushing their interests quite heavily (government 15  
 16 procurement amongst other things) and were arm-twisting the ACP countries. 16  
 17 There was also a strong push on part of the EU to comply with WTO regulations’ 17  
 18 (Author interview, Arusha, 18/03/2008). In fact the entire language of the Cotonou 18  
 19 Agreement, Hurt (2003: 163) argues, ‘cleverly blends the ideas of consent 19  
 20 and coercion’ whereby consent is achieved through ‘notions of “dialogue”, 20  
 21 “partnership” and of ACP-states “owning” their own development strategies’. 21  
 22 At the same time coercion ‘is present in the EU’s presentation of Economic 22  
 23 Partnership Agreements (EPAs) as the only viable alternative and also through 23  
 24 the implementation of frequent reviews of aid provision that have conditionalities 24  
 25 attached’. In many ways Figure 3.3 is illustrative of the prevalent perceptions in 25  
 26 East Africa. It shows an advertisement by the Kenya Human Rights Commission<sup>9</sup> 26  
 27 that appeared in Kenya’s most widely circulating daily paper, the *Daily Nation*, on 27  
 28 5 December 2008. It is entitled ‘EPA = Recolonisation of Kenya’ and describes the 28  
 29 EPAs as ‘modern day slavery’ showing a picture of Africans in chains. With such 29  
 30 images resembling slave deportations, citizens are supposed to mobilize their MPs 30  
 31 to oppose the Kenyan government’s agreement to the EPAs with the European 31  
 32 Commission. However, the advertisement neither explains what the Economic 32  
 33 Partnership Agreements are, nor does it mention the European Commission, the 33  
 34 European Union, the EAC, or the ACP-group of countries. 34

35 On the other hand, aspects of regional integration feature prominently in 35  
 36 both the EU’s external relations agenda and respective expectations of the EU’s 36  
 37 cooperation partners.<sup>10</sup> Holden argues that 37

38  
 39  
 40 9 A Nairobi-based private NGO.

41 10 The involvement of European agencies in the EAC’s regional *Strategy on Scaling*  
 42 *Up Access to Modern Energy Services in Order to Achieve the Millennium Development*  
 43 *Goals* is one example of European support to regional integration approaches in Africa.  
 44 Despite significant problems, the process is continuously being revitalized by both local  
 44 stakeholders and the development agencies involved, albeit for different reasons. For local

1 On a more general level the EU attempts to develop forms of global governance 1  
 2 conducive to its model of operation and its values. One noteworthy aspect of this 2  
 3 is the EU's efforts to develop region-region level cooperation. (Holden 2009: 17) 3  
 4 4  
 5 Just as in Europe, ideas of regional integration in Africa and pan-Africanism look 5  
 6 back to a long history (Griggs 2003: 73–74). Prominent proponents prior and 6  
 7 during the decolonization period in the 1950s and 1960s included Ghana's Kwame 7  
 8 Nkrumah and Tanzania's Julius Nyerere. Fifty years later, the EU is seen by some 8  
 9 as a 'realised version of Nkrumah's ideas and illustrates a functioning community' 9  
 10 (Author Interview, Nairobi, 07/11/2007). When the African Union replaced the 10  
 11 Organization of African Unity in 2002, its institutional structure was modelled 11  
 12 on the EU. The orientation on and the model character of the EU is particularly 12  
 13 pronounced with respect to the AU. According to a European official in Addis 13  
 14 Ababa there is a strong European interest in 14  
 15 15  
 16 promoting regional integration in Africa, because in the age of globalisation 16  
 17 Africa can only compete if it is integrated and speaks with one voice. But 17  
 18 Europe also needs to interact with Africa in an integrated way, speaking with one 18  
 19 voice (of the Commission and the Council), otherwise it will not work. Thereby 19  
 20 Europe has to be an example on the global basis on how regional integration 20  
 21 makes the bloc much more powerful and 'prepare' the world for such kind of 21  
 22 actors within the system; it has to pave the way for Africa as regional bloc to 22  
 23 enter the global scene. (Author interview, Addis Ababa, 22/02/2008) 23  
 24 24  
 25 In both policy papers and interviews conducted for this research it is frequently 25  
 26 articulated that EU-African relations aim to build partnerships between European 26  
 27 and African actors to jointly address international problems (see above). A 27  
 28 Brussels-based EC official pointed out that the relations should move away from 28  
 29 their focus on dealing exclusively with development issues in Africa to building 29  
 30 wide-reaching partnerships for jointly addressing global problems, such as climate 30  
 31 change, international extremism, etc. In international fora, such as the UN General 31  
 32 Assembly, these partnerships should utilize the immense inherent potential and 32  
 33 attempt to voice a common position, constituting a very powerful voting bloc of 33  
 34 roughly 80 countries (Author interview, Brussels, 04/07/2008). 34  
 35 Despite the rhetoric on African-European 'partnerships', in many ways 35  
 36 European relations with African countries were far more conducive for creating 36  
 37 a climate of partnerships between different European actors to conduct external 37  
 38 relations collectively than they were for partnerships with the African cooperation 38  
 39 39  
 40 \_\_\_\_\_ 40  
 41 stakeholders the process constitutes a means to mobilise external resources and/or to 41  
 42 assert sovereignty through participating in such regional integration processes that are only 42  
 43 open to state actors (as opposed to NGOs, civil society organization or others). For the 43  
 44 development agencies it is a means to project their wider geopolitical agendas. For further 43  
 44 discussion see Bachmann and Sidaway (2010). 44

1 partners. In addition to the early rounds of the EDF, European attempts for 1  
 2 collective external relations started in the 1970s in the form of European Political 2  
 3 Cooperation (EPC). These mechanisms and procedures have since constituted 3  
 4 an integral part of the development policy of the Commission and the Member 4  
 5 States in the sense that EPC aimed to institutionalize cooperation on wider foreign 5  
 6 policy issues. Initial agreements were signed by the then six Member States of the 6  
 7 European Community in October 1970 and subsequently built upon and intensified 7  
 8 over the following years, including the newly acceded members in 1973. As early 8  
 9 as 1976, in consideration of the Tindemans<sup>11</sup> report, the then nine foreign ministers 9  
 10 of the EC noted that ‘European Political Cooperation *must* ultimately lead to a 10  
 11 common foreign policy’ (ENA 2009a). The EPC was a precursor to what became 11  
 12 the second pillar of the EU from 1993 to 2009, the Common Foreign and Security 12  
 13 Policy (CFSP). It led to what Wessels (1982: 4–6) described as a ‘coordination 13  
 14 reflex’ that has been injected into the diplomatic behaviour of EC Member States 14  
 15 so that national policy positions were increasingly developed only after having 15  
 16 consulted with European partners. These processes have evolved considerably 16  
 17 since the 1970s, however, laying the foundation for the institutionalized processes 17  
 18 of current harmonization of European external relations. The adaptations of 18  
 19 national policy-making to processes of European integration are widely elaborated 19  
 20 in the literature on Europeanization (Shore 2000, Knill 2001, Jachtenfuchs 2001, 20  
 21 Tonra 2001, Tonra and Christiansen 2004, Delanty and Rumford 2005, Graziano 21  
 22 and Vink 2008, Clark and Jones 2008, 2009). With regard to external relations 22  
 23 these processes can be described as 23

24  
 25 a transformation in the way in which national foreign policies are constructed, 25  
 26 in the ways in which professional roles are defined and pursued and in the 26  
 27 consequent internalisation of norms and expectations arising from a complex 27  
 28 system of collective European policy making. (Tonra 2000: 229) 28  
 29 29

30 This largely also holds value for European development policy. Despite the 30  
 31 multitude of European actors in the development industry, it is a policy field where 31  
 32 national policies have been significantly influenced by processes of European 32  
 33 integration as well as debates in the wider development community. Clearly the 33  
 34 level of external integration is less visible than that of internal integration, yet also 34  
 35 in external relations a ‘*reflexe communautaire*’, as Wong (2008: 323) describes it, 35  
 36 has become ‘the norm rather than the exception’. 36

37 The EU’s nature as a regional organization thereby marks it as a distinctive 37  
 38 actor in the international system and thus partially defines its role as a model for 38  
 39 regional integration in developing countries. ‘The Europeans’ are often regarded 39  
 40 as the only reference point and the EU’s nature as an actor in the international 40  
 41 system and the development community is clearly defined by its uniqueness as a 41

42  
 43 \_\_\_\_\_ 42  
 44 11 For more information on the Tindemans Report on ‘how the term “European 43  
 44 Union” can be interpreted’ see (ENA 2009b). 44

1 supranational entity grouping together 27 countries. Not only internally, but also 1  
 2 externally ‘the inherently “European thing”’, an EC official in Brussels pointed 2  
 3 out, ‘is regional integration’ (Author interview, Brussels, 04/07/2008). The 3  
 4 promotion of regional integration and the ‘EU’s efforts to develop region-region 4  
 5 level cooperation’ (Holden 2009: 17–18) are thus major components of European 5  
 6 development policy. As outlined above, regional integration is a key aspect of the 6  
 7 European project and the promotion thereof a key aspect of the external projection 7  
 8 of European space (Duchêne 1972, 1973, Maull 2005, Hettne and Söderbaum 8  
 9 2005, Beck and Grande 2006, Telò 2006, Bretherton and Vogler 2006, EC 2007a, 9  
 10 2007b, 2007c, 2008). 10

11 In line with these conceptual and official positions, the interview data obtained 11  
 12 during this research also indicates matching expectations on the part of the 12  
 13 African cooperation partners. Key informants at the EAC and the AU pointed 13  
 14 to the understanding of ‘the Europeans’ of the problems and difficulties of a 14  
 15 regional integration process as opposed to other actors, notably the US. An EAC 15  
 16 official, for instance, argued that ‘the EU succeeded very well in its own regional 16  
 17 integration and had to go through its own troubles in that respect. It therefore 17  
 18 appreciates much more the efforts of regional integration the EAC is encountering. 18  
 19 The US does not have that level of understanding’ (Author interview, Arusha, 19  
 20 18/03/2008). Similarly, another EAC official asserted that especially on issues of 20  
 21 regional integration 21

22  
 23 the EU is very different to the US because the EU understands the intricacies of 23  
 24 sovereignty when dealing with regional integration, it understands the process 24  
 25 and the difficulties when trying to reach a common consensus amongst the 25  
 26 Member States, it *is* like the EAC and has gone through the processes the EAC 26  
 27 aims to go through. The common market the EAC is negotiating at present is 27  
 28 almost an exact replication of the EU’s. The EAC is following the steps of the 28  
 29 EU, also when it comes to getting others ready to join. The EU’s Neighbourhood 29  
 30 Policy is about getting neighbours to a point where the structures are already 30  
 31 fairly similar to ones of the Union once they get to the point of accession. 31  
 32 (Author interview, Arusha, 18/03/2008) 32  
 33 33

34 For both the EAC and the AU, the EU is the key reference point and cooperation 34  
 35 partner on issues of regional integration. An AU official in Addis Ababa 35  
 36 emphasized that ‘the EU is the only actor which can serve as a model for regional 36  
 37 integration. All of the AU aspirations are modelled on the EU’ (Author interview, 37  
 38 Addis Ababa, 21/02/2008). 38

39 In many ways, regional integration is the process through which the EU’s 39  
 40 model of political-economic organization becomes operationalized and a 40  
 41 civilianized international system established. Internally, it functions as a testing 41  
 42 mechanism for the applicability and functionality of the respective spaces of 42  
 43 interaction. It set the framework for overcoming war and creating relative peace 43  
 44 and prosperity in Western Europe in the second half of the twentieth century. 44



1 Externally, these achievements are now seen as legitimizing the role of the EU 1  
 2 as a global actor. It is therefore no surprise that the EU aims to project its internal 2  
 3 system of political-economic organization ‘in its external relations as the preferred 3  
 4 world order model’ (Hettne and Söderbaum 2005: 538) because in these modes of 4  
 5 policy conduct, developed and practiced internally, the EU possesses the greatest 5  
 6 experience and finesse in how to influence an international system within which 6  
 7 those are practiced. 7

8 8

9 9

## 10 **Concluding Remarks** 10

11 11

12 Despite long-held claims ‘to go from speaking with one voice in the international 12  
 13 arena to projecting the European model of international development’ (Carbone 13  
 14 2007: 130), European development policy remains highly diverse. Not only are 14  
 15 there differences in the development policies of the various European actors, also 15  
 16 the collective policies are subject to varying underlying interests that can lead to 16  
 17 substantial variations and sometimes contradictory effects of different policies. 17  
 18 Where a collective approach is apparent, it is predominantly focused on regional 18  
 19 integration. Two factors have proven crucially conducive to this preference. 19  
 20 First, it appears that the promotion of regional approaches has developed over 20  
 21 time through a general belief in the benefits of the European model of political- 21  
 22 economic organization and aligned expectations of Europe’s role in the world – on 22  
 23 the part of both European external relations personnel and African cooperation 23  
 24 partners. Such perceptions, frequently voiced during the interviews conducted, 24  
 25 echo the literature on Europe’s role in the world. They invoke Europe’s aspiration 25  
 26 to counteract ‘appalling injustice, suffering, conflict, and fears of shifts in the 26  
 27 balance of power’ (Duchêne 1972: 37), to promote ‘sustainable development 27  
 28 for social, ecological and economic balance’ (Kirste and Maull 1996: 301–302), 28  
 29 and to provide ‘greater economic justice’ (Telò 2006: 242) for a ‘more legitimate 29  
 30 world order’ (ibid.: 82). 30

31 Second, the regional approach appears as a means for the EU to distinguish 31  
 32 itself as a legitimate and powerful global actor. At the time of the foundation of 32  
 33 the European Union, Jürgen Habermas (1992: 12–13) suggested that, in contrast 33  
 34 to previous empires, ‘Europe as a whole is being given a second chance’ to 34  
 35 influence world history. A decade later Nicolaidis and Lacroix (2003) claimed that 35  
 36 the EU constitutes a ‘miniature world’ (127) and a ‘laboratory not only for other 36  
 37 regional endeavours but more importantly for global forms of cooperation’ (152). 37  
 38 Similarly, Bialasiewicz (2008: 79) indicates the possibility of ‘new configurations 38  
 39 of political, economic and cultural influence where Europe increasingly plays 39  
 40 a perhaps ‘quiet’ but certainly leading role’. Based on the ‘unique historical 40  
 41 lesson which it [Europe] teaches the world, namely, how enemies can become 41  
 42 neighbours’, Beck and Grande (2007: 264) argue, ‘there exists a global alternative 42  
 43 to the *American way*, namely, a *European way* that accords priority to the rule of 43  
 44 law, political equality, social justice, cosmopolitan integration and solidarity’. 44

1 The second factor is thereby rooted in the first. The EU's ambition to play 1  
2 a leading role in the world is based on its post-World War II history of creating 2  
3 a civilianized international system in (Western) Europe. Regional integration 3  
4 was the process through which this model could develop and mature, and that 4  
5 now legitimates Europe's aspirations as a global actor and 'partner' (EC 2007b) 5  
6 to developing countries. Consequently, aspects of regional integration and a 6  
7 civilianized international system feature prominently in the conception and 7  
8 conduct of collective European external relations. This is in tune with the stated 8  
9 objective to align the domestic and external agendas (EC 2007d: 1), in particular 9  
10 with respect to modes of political-economic organization and interaction. It 10  
11 is within such established *modi operandi* that the most pronounced collective 11  
12 European mark is increasingly apparent. 12

13 In this context, the political/economic differentiation outlined above is clearly 13  
14 reflected in the EU's external relations with respect to underlying interests and 14  
15 the institutional set-up of a Union that is economically relatively integrated and 15  
16 politically relatively fragmented. Based on the internal common market and the 16  
17 European Commission's pooled competences for external economic relations, 17  
18 the EU possesses considerable power to influence global economic relations. 18  
19 Economically, European integration is relatively advanced and the spaces of 19  
20 interaction are highly regulated both within the EU and with regard to its external 20  
21 relations. Politically, on the other hand, the integration process is much less 21  
22 advanced, internally as well as externally. Just as we can identify a multitude 22  
23 of political actors *within* Europe, these European actors are also engaged in a 23  
24 multitude of *external* political relations. This applies in particular to development 24  
25 policy as it is conducted both collectively through the European Commission and 25  
26 bilaterally through the Member States, whereby the fragmentation of European 26  
27 foreign and development policy undermines a stronger collective role in these 27  
28 policy fields. 28

29 As part of an extensive study on *The External Image of the European Union* 29  
30 (Lucarelli and Fioramonti 2009a, 2009b) Fioramonti and Poletti (2008: 178) point 30  
31 out that 31

32  
33 a number of issues (particularly free trade, non-tariff barriers and agricultural 33  
34 subsidies) produce an image of the EU as an actor that perpetuates Western 34  
35 domination [...] As regards the more "political" dimension, political elites' [in 35  
36 India and Brazil] discourse points to a qualitative difference between the EU and 36  
37 the USA with respect to issues such as the strengthening of global democratic 37  
38 governance mechanisms, support for multilateralism and a more balanced 38  
39 distribution of power at the global level [...] the EU is recognised as promoting a 39  
40 principled and rules-based foreign policy. Nevertheless, one should observe that 40  
41 those policy areas in which the EU's self-representation is closest to its external 41  
42 image (e.g. diplomacy, promotion of democracy, etc.) are also those in which the 42  
43 EU's power is perceived to be less developed and effective vis-à-vis areas such 43  
44 as international trade, where the EU could make a real difference. 44

1 My research supports these observations, indicating that the EU's claim to 1  
 2 a normative global role is recognized in what Fioramonti and Poletti refer 2  
 3 to as a 'more 'political' dimension'. In the realm of the 'political', official 3  
 4 articulations (both documents and the enunciations of European external relations 4  
 5 personnel), are generally coherent with policy practices and the perceptions of 5  
 6 external cooperation partners. Clearly, as a model for regional integration and 6  
 7 as a civilian(ized) system of political-economic organization, the EU possesses 7  
 8 substantial appeal and credibility as a normative actor (see also Manners 2002, 2006). 8

9 With respect to the EU's global 'economic' role, however, the EU's normative 9  
 10 claims reveal discrepancies with both policy practices affecting developing 10  
 11 countries (for instance, the push for market liberalization or agricultural subsidies 11  
 12 within the EU) and the perceptions of external cooperation partners (who 12  
 13 frequently characterize these policies as 'economic imperialism', 'coercive', 13  
 14 'exploitative'). In this context, the preponderance of European economic interests 14  
 15 in the EU's political portfolio, as well as the respective institutional set-up, often 15  
 16 relegate other areas of external relations to lesser importance. Development policy 16  
 17 is no exception. It has often served as a testing ground for joint approaches to 17  
 18 external relations conduct by functioning not (merely) as a means of regulating 18  
 19 the spaces of interaction of European actors with developing countries, but rather/ 19  
 20 also as a way of regulating relations *between* different European actors in the 20  
 21 formulation of their own external policies. European development policy is thus 21  
 22 not only highly diverse since articulated by a variety of actors, but also ambiguous 22  
 23 in that the EU's (claimed) normative character is often undermined by the use of 23  
 24 development policy as a tool of structural power (see Holden 2009) to influence 24  
 25 the international system along the lines of European geopolitical and geoeconomic 25  
 26 objectives. 26

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Chapter 4  
The Masks of Europe in Contemporary  
Bosnia and Herzegovina

Alex Jeffrey

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12 The recent expansion of the European Union (EU) into Central and Eastern 12  
13 Europe has prompted sustained scholarly deliberation over who, what or where 13  
14 counts as ‘European’. This work has isolated a familiar binary at the heart 14  
15 of such identity formation, citing that the making of the ‘European’ Self has 15  
16 simultaneously depended upon the casting out of a ‘non-European’ Other (see 16  
17 Fleming 2003, Kuus 2004, Kuusisto 2004). This chapter engages with one site 17  
18 that experienced such abandonment: the Balkans. It is an enduring refrain to 18  
19 identify the Balkans as Europe’s internal Other, a liminal space ‘on the doorstep 19  
20 of Europe’ to use Tony Blair’s phrase (see Glenny 1999: xxi). Historical surveys 20  
21 of European fiction and travel literature have identified the role played by 21  
22 Balkan localities as sites of deviance and criminality, juxtaposed with evidence 22  
23 of European rationality and progress. The identification of a binary between 23  
24 Europe and the Balkans has led scholars to apply the critical tools of Said’s 24  
25 (1978) *Orientalism* to representations of the Balkans. In so doing, ‘Balkanism’ 25  
26 has emerged as a distinct form of discursive critique, isolating the power relations 26  
27 masked in representations of Balkan identities and locations. 27

28 Over the last two decades Bosnia has acted as a fulcrum for Balkanist 28  
29 imaginaries. In particular, the 1992–5 conflict led to certain observers and 29  
30 combatants explaining the violence as a consequence of ‘ancient ethnic hatreds’ 30  
31 or ‘primordial evil’. There are two key observations to be made regarding such 31  
32 discursive strategies. The first is that these enunciations do not simply circulate 32  
33 within an aesthetic realm, disconnected from political decisions and actions. 33  
34 They are, to draw on Judith Butler’s terminology, ‘performative’ in that they act 34  
35 as ‘citational practice[s] by which discourse produces the effects that it names’ 35  
36 (Butler 1993: 2). Thus the labelling of the conflict by politicians in Western 36  
37 Europe as a product of ‘ancient hatreds’ shaped the terms of political and military 37  
38 intervention (see Campbell 1998, Ó Tuathail 2002, Jeffrey, 2007). 38

39 Secondly, the production of Balkanist explanations of the conflict was not 39  
40 restricted to Western Europe. Such practices have been observed within the 40  
41 former Yugoslav republics, for example Močnik (2005) notes the efforts made 41  
42 by Slovenia’s political leaders to present their country’s secession as virtuous, 42  
43 progressive and ‘European’ in comparison with the immoral, retrogressive and 43  
44 ‘Balkan’ nature of attempts to retain the integrity of the Yugoslav state (see also 44

1 Patterson, 2003). In the case of Bosnia, the ‘othering’ of political opponents was 1  
2 not directed at agents acting outside the state, but rather at political opponents 2  
3 operating within Bosnia. For example, politicians and paramilitary leaders 3  
4 deployed Balkanist rhetoric to essentialize Bosnian identities and cast enemy 4  
5 groups as ‘primitive’ in comparison with the enlightened and ‘European’ nature 5  
6 of their own dispositions. Such discourses attached specific character traits to 6  
7 the binary between ‘Europe’ and ‘the Balkans’, varying from religious affiliation 7  
8 (Christian versus Muslim), alphabet (Latin versus Cyrillic) or cultural outlook 8  
9 (multicultural versus mono-ethnic). 9

10 The expansion of the EU into the Balkans has led scholars to reconsider 10  
11 the production of Balkanist binaries and their political effects. In Bosnia, the 11  
12 simultaneous embrace of Europe by both international agencies and local 12  
13 nationalist political parties has re-emphasized the role played by ‘being 13  
14 European’ in the construction of the Self. The process of consciously staking 14  
15 out European credentials has been explored in the case of Croatia by Slavenka 15  
16 Drakulić (1996), where she highlights the trend for commercial buildings 16  
17 previously named ‘Balkan’ to be re-branded in the mid-1990s as ‘Europa’. ‘The 17  
18 new name’, she notes ‘is loaded with a complexity of positive values’ (Drakulić 18  
19 1996: 11). While a similar reliance on the virtue of European associations can be 19  
20 observed in contemporary Bosnia, the implications of divergent political groups 20  
21 using European rhetoric requires analysis. Therefore, as claims to Bosnia’s 21  
22 Balkan past legitimized particular styles of international intervention during 22  
23 the conflict, articulations of Bosnia’s European future are equally performative. 23  
24 And just as such imaginaries were not restricted to external actors outside 24  
25 the Bosnian state, so too has ‘being European’ become a universal aspiration 25  
26 amongst Bosnian political parties. The question, then, is not whether Europe is 26  
27 perceived in a positive sense in contemporary Bosnian political discourses, but 27  
28 rather what is conceived as ‘European’ in such rubrics. 28

29 In this chapter I will seek to address this question through an examination of 29  
30 the political effects of European discourses in contemporary Bosnia. Through an 30  
31 examination of ‘geopolitical’ and ‘nationalist’ discourses, I will look to explore the 31  
32 forms of solidarity and territorialization on which contemporary Europeanization 32  
33 depends. In doing so I will argue that a sovereignty paradox underpins both 33  
34 ‘geopolitical’ and ‘nationalist’ European rubrics in Bosnia: while idealizing 34  
35 forms of solidarity based on broad social and cultural affiliations such discourses 35  
36 simultaneously seek to promote the state as the primary territorialization of 36  
37 political life. Though notionally cosmopolitan in its invocation of an ethical and 37  
38 political community operating beyond the particularities of an individual state, 38  
39 the evidence from Bosnia suggests that European ideals look to solidify forms of 39  
40 citizenship and territory firmly rooted in the state. I argue that we should better 40  
41 understand the invocation of Europe as a mask, a performance that occludes 41  
42 political power behind a discourse of democratic virtue. 42

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1 This argument draws on qualitative ethnographic fieldwork conducted in the 1  
2 Bosnian towns of Brčko and Sarajevo between July 2002 and August 2003, with 2  
3 follow-up visits in 2004 and 2007. This research focused on the role of civil 3  
4 society actors in post-conflict Bosnia, and their relationship with political parties 4  
5 and international organizations. Using qualitative methodologies of participant 5  
6 observation and semi-structured interviews, I explored the ambiguous position of 6  
7 civil society organizations within networks of patronage in post-Dayton Bosnia. 7  
8 In the process, representatives of international organizations and Bosnian political 8  
9 parties firmly rooted Bosnian politics in the wider historical drama of European 9  
10 enlargement. Such discussions provide qualitative evidence of the political 10  
11 imaginations underpinning European discourses in contemporary Bosnia. In the 11  
12 following argument, this interview data is corroborated and compared to two 12  
13 archives of textual material: documentation connected to political parties and 13  
14 reports produced by the international organizations supervising and observing 14  
15 Bosnia. It is not my intention to use this data to draw expansive conclusions 15  
16 regarding the Bosnian state, but rather collate these different forms of evidence 16  
17 in order to explore a number of situated European vocabularies in Bosnia. 17

18 The argument in this chapter is made over three sections. The first surveys 18  
19 the recent history of Balkanist interpretations of Bosnia's past. This theoretical 19  
20 work stakes out two particular points for critique within Balkanist interpretations 20  
21 of Bosnian history: first, the notion of a coherent, democratic Western European 21  
22 polity that is required to intervene and 'correct' social failings in Bosnia; and 22  
23 second, that this binary can be spatially delineated between West and East. 23  
24 Building on this material, the second section traces how international agents 24  
25 in Bosnia have relied on Balkanist binaries to shape international interventions 25  
26 both during the conflict and in the post-conflict period. In particular, the 26  
27 notion of 'transition', suggesting that Bosnia must travel from its Balkan past 27  
28 to a European future, has become normalized within international discourses. 28  
29 Through analysis of the political effects of such enunciations, I argue that 29  
30 European aspirations mask the preoccupation of intervening agencies with 30  
31 strengthening the power of the Bosnian state. In the third section I contrast such 31  
32 international invocations of Europe with the narratives of local Bosnian political 32  
33 party activists and civil society organizations. Recalling Bakić-Hayden's (1995) 33  
34 notion of 'nested orientalisms', this material highlights the multiple scales and 34  
35 locales of Balkanist imaginaries. In particular I illustrate how Serb politicians 35  
36 have staked claim to their European credentials while simultaneously stressing 36  
37 the centrality of cultural difference in structuring social life. Again, I focus on 37  
38 the political effects of discursive strategies. While challenging the notions of 38  
39 'transition' present within the discourses of international agencies operating in 39  
40 Bosnia, discourses of Serbian Europeanism legitimize the continued Serb state 40  
41 project in Bosnia: the Republika Srpska. 41

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1	<b>Balkanism</b>	1
2		2
3	The land was wild, the people impossible. What could be expected of women	3
4	and children, creatures whom God had not endowed with reason, in a country	4
5	where even the men were violent and uncouth? Nothing these people did or said	5
6	had any significance, nor could it affect the affairs of serious, cultivated men.	6
7	(Andrić 2000: 24)	7
8		8
9	In <i>The Days of the Consuls</i> , originally published in 1941, Nobel Laureate Ivo	9
10	Andrić describes the reaction of a young French consul on arrival to the Bosnian	10
11	town of Travnik at the beginning of the nineteenth century. The author uses irony	11
12	to expose the pejorative preconceptions of the Western European diplomat; since	12
13	Andrić originates from Travnik, this is a self-description through the eyes of an	13
14	agent of colonial rule. This ‘Othering of the Self’ animates a key theme of Andrić’s	14
15	writings, namely the quotidian conflicts and traumas caused by the foreign	15
16	occupation and colonization of Bosnian territory (see Longinović 1995). Thus	16
17	Andrić highlights a central aspect of postcolonial critique, that colonial power is	17
18	not derived solely through practices of government, but is formulated, legitimized	18
19	and reproduced through representations and discourses of the Other.	19
20	In drawing attention to the importance of imaginary geographies within	20
21	projects of colonial rule in the Balkans, Andrić’s work serves as a relevant starting	21
22	point for an exploration of the role of Balkanism within the enactment of foreign	22
23	and domestic policy in Bosnia. For Maria Todorova (1997) critiques of Balkanism	23
24	draw attention to the multiple mechanisms and registers through which the	24
25	Balkans have served as a ‘repository of negative characteristics against which	25
26	a positive and self-congratulatory image of the ‘European’ and the ‘West’ has	26
27	been constructed’ (Todorova 1997: 188). Within this discourse ‘Europe’ stands for	27
28	modernist ideals of rationality, morality and consensual politics while the ‘Balkans’	28
29	are cast as a place of barbarism, irrationality and ‘ancient hatreds’. In critiquing	29
30	this binary, a series of studies have explored the representation of the Balkans	30
31	within the imagined geographies of Western European travel writers, novelists,	31
32	scholars and politicians. Vesna Goldsworthy’s <i>Inventing Ruritania</i> (1998: 126)	32
33	serves as a key example of this literature, where she suggests that authors such as	33
34	Bram Stoker, Anthony Hope and George Bernard Shaw locate their narratives in	34
35	the Balkans as a means of ‘subverting a variety of taboos and satisfying hidden	35
36	desires’. Goldsworthy is clear that these representations, which she argues amount	36
37	to ‘imaginative colonialism’, have a performative force: ‘a cultural great power	37
38	seizes and exploits the resources of an area, while imposing new frontiers on its	38
39	mind map and creating ideas which, reflected back, have the ability to reshape	39
40	reality’ (Goldsworthy 1998: 3).	40
41	As alluded to earlier, this exploration of the representative mechanisms	41
42	through which Self and Other are mapped onto Europe and the Balkans draws	42
43	on Edward Said’s <i>Orientalism</i> (1978). But as a number of scholars have argued,	43
44	there are specificities to the intellectual and imperial histories of the Balkans that	44

1 preclude unproblematic transpositions of Said's reflections on the portrayal of the 1  
 2 Orient (Bakić-Hayden 1995, Fleming 2003, Todorova 1998). As Fleming (2003: 2  
 3 13) suggests, both Balkanism and Orientalism focus their critique on a 'system 3  
 4 of representation' but 'this system is based on different referents – historical, 4  
 5 geographical, and conceptual'. Specifically, despite Ottoman rule, the Balkan 5  
 6 countries were not colonized in the same fashion as the Orient. It is argued the 6  
 7 absence of Western European colonial rule cannot be adequately replaced by an 7  
 8 'imaginary colonialism' of the style articulated by Goldsworthy (1998: 3). 8

9 Thus despite the clear parallels between Balkanism and Orientalism in the field 9  
 10 of knowledge production, the specific history of the Balkans renders the distinction 10  
 11 between a colonial West and a colonized East more difficult to delineate. Indeed, 11  
 12 one of the strengths of Balkanist critique is its encapsulation of the hybridity 12  
 13 and dynamism of relations of domination, in a situation where Balkan people 13  
 14 perceive each other as 'both colonial rulers *and* colonial subjects' (Bjelić 2005: 6). 14  
 15 Recent studies of political discourses within the Former Yugoslavia have drawn 15  
 16 attention to this appropriation of Balkanist tropes by local politicians in order 16  
 17 to demonstrate 'Western' credentials while orientalizing political opponents as 17  
 18 betraying 'Eastern' cultural or social practices (see Bakić-Hayden 1995, Bjelić 18  
 19 and Savić 2005). It has thus been argued that Balkanism 'meanders between 19  
 20 *Orientalism* and *Occidentalism*, once as a representational mechanism, again as a 20  
 21 *subjectivational* process' (Bjelić 2005: 5; emphasis in original). 21

22 Building on this distinction between the representational and the 22  
 23 subjectivational, Močnik (2005: 79) isolates two types of relations of domination 23  
 24 encompassed within the ideology of Balkanism: 'the relations of geo-political and 24  
 25 economic hegemony, and the relations of internal domination within the societies 25  
 26 geopolitically stigmatized as "Balkan"'. This is an important distinction that 26  
 27 highlights the two spheres in which the binary between 'Europe' and 'non-Europe' 27  
 28 is analysed in this chapter. In the first instance, I explore the geopolitical making 28  
 29 of Bosnia as a site of intervention, cast out as a 'non-European' Other. It is not 29  
 30 my intention to provide a full exegesis of the cultural foundations of what can be 30  
 31 termed 'Balkanist geopolitics', but rather to focus on its effects. This discussion 31  
 32 thus explores the mechanisms that have been put in place to bring Bosnia 'into 32  
 33 Europe'. In the second instance I build on what Močnik terms 'internal domination', 33  
 34 the means through which Balkanism is reasserted within Bosnia in order to stake 34  
 35 claims to resources and establish respect. The strategies through which European 35  
 36 credentials are articulated in Bosnia serves to both mirror Balkanist geopolitics 36  
 37 (the casting out of a Balkan other as socially and culturally inferior) while also 37  
 38 deploying a radically contrasting image of European belonging. 38

39

40

#### 41 **Balkanist Geopolitics** 41

42

43 Balkanist accounts of the fragmentation of Yugoslavia between 1991–1999 43  
 44 presented an essentialized view of the Balkans, where attributes were temporally 44

1 fixed and constituted through a pre-existing tendency towards inter-ethnic 1  
2 antagonism and conflict. Silber and Little (1995) lament how foreign diplomats 2  
3 'behaved as though the war had no underlying structural causes at all [...]. They 3  
4 behaved as though all they had to do was to persuade the belligerents of the folly 4  
5 of war' (Silber and Little 1995: 159). In place of criticizing nationalistic political 5  
6 rhetoric in Bosnia, political leaders and strategists in Western Europe turned to 6  
7 trusted Balkanized accounts to explain the conflict (see Major 1999, Owen 1998). 7  
8 Crucially, such interpretations of the conflict led to an assumption that the only 8  
9 means of resolution of the violence was the partition of territory down ethno- 9  
10 national lines. 10

11 Drawing on Jacques Derrida (1994), David Campbell (1998) describes this 11  
12 alignment between territory and identity as 'ontological', as national identities 12  
13 are fused with the particular territories (Derrida 1994 in Campbell 1998: 80). 13  
14 Reflecting this logic, the 1995 Dayton Agreement finally ended the violence 14  
15 through the division of the Bosnian territory into two sub-state 'entities' divided by 15  
16 the Inter-Entity Boundary Line: the Muslim-Croat Federation<sup>1</sup> and the Republika 16  
17 Srpska (RS), plus a small 'special district' in the north-east municipality of Brčko. 17  
18 In doing so, the very measures used to mediate the worst excesses of nationalistic 18  
19 politics created the conditions for its continued survival in post-conflict Bosnia. 19  
20 The central state institutions were left with little power and a cumbersome tripartite 20  
21 presidential system consisting of eight-month rotating tenures. Consequently, 21  
22 many of the central Bosnian government powers were devolved to the two entities 22  
23 and Brčko District, loosely federated as they were within the Bosnian state. 23

24 The sub-division of Bosnia into the two entities and a 'special district' has 24  
25 served to both limit the power of state level institutions and entrench support 25  
26 for nationalist political parties in the ten years since the Dayton Agreement. The 26  
27 elections in late 1996, held to demonstrate to American and Western European 27  
28 electorates that progress was being made in Bosnia, only served to entrench the 28  
29 power of nationalist political parties in the immediate post-war period (Donais 29  
30 2000, International Crisis Group 1996). Despite fluctuating backing for the more 30  
31 moderate and multi-ethnic *Socijaldemokratska Partija* (SDP), support for the 31  
32 three main nationalist political parties (the Serb *Srpska Demokratska Stranka* 32  
33 or SDS, the *Stranka Demokratska Akcije* or SDA, and the Croat *Hrvatska* 33  
34 *Demokratska Zajednica* or HDZ) remains relatively strong across the country; 34  
35 in the 2004 election these parties gained 71 percent of the popular vote (OSCE 35  
36 2004). The fractured nature of the Bosnian state has been masked through intense 36  
37 international supervision and intervention. The Office of the High Representative 37  
38 (OHR), the international body established to implement the civilian aspects of the 38  
39 Dayton Agreement, has provided supervision of political processes, with other 39  
40 international agencies focusing on security (NATO, EU-For), democratization and 40  
41 elections (OSCE), police reform (UN and EU) and financial structures (World 41  
42 Bank, IMF). 42

43 \_\_\_\_\_ 43  
44 1 Hereafter referred to as 'the Federation'. 44

1 Somewhat counter-intuitively, the powers of the OHR have increased since the 1  
2 Dayton Agreement as a response to intransigent local political parties and growing 2  
3 international impatience at the slow rate of Bosnian state reform. In the initial 3  
4 post-conflict period the OHR felt that conditionalities and indirect influence could 4  
5 shape the reform of the Bosnian state. But in light of the failure of this strategy to 5  
6 enact reform or establish the basic rule of law, the High Representative was granted, 6  
7 at the Bonn Peace Implementation Conference in 1997, wide ranging executive 7  
8 and legislative powers to intervene in Bosnian political processes. These ‘Bonn 8  
9 powers’ have been criticized by certain scholars as constituting imperial ‘rule by 9  
10 decree’, where policies enacted in the name of ‘Bosnian democratization’ have 10  
11 been passed behind the closed doors of OHR meeting rooms without consultation 11  
12 of the Bosnian public (see Chandler 2000). This aspect of Bonn Powers has been 12  
13 demonstrated on numerous occasions, for example by the sacking of the President 13  
14 of the Serbian Radical Party Vojislav Šešelj in March 1998 by High Representative 14  
15 Wolfgang Petritsch, or High Representative Lord Paddy Ashdown’s decision in 15  
16 March 2005 to sack the Croatian Bosnian presidential candidate Dragan Čović for 16  
17 charges of serious corruption. These powers have also been used to intervene in 17  
18 more symbolic matters of Bosnian politics, such as the decision in October 2005 18  
19 to block the renaming of Sarajevo airport after the wartime leader of the Bosnian 19  
20 Muslim (or Bosniak) orientated SDA, Alija Izetbegović (see OHR 2005a). 20

21 Just as the conflict in Bosnia was used to justify Balkanist readings of the 21  
22 region’s history (see above), so the use of Bonn Powers has only served to validate 22  
23 nationalist political rhetoric branding the West as imperial invaders, particularly in 23  
24 light of the NATO intervention in Kosovo in 1999, the death of Slobodan Milosevic 24  
25 in the custody of the International Criminal Tribunal for the Former Yugoslavia 25  
26 (ICTY) in March 2006, and the transfer of Radovan Karadžić to the ICTY in 26  
27 July 2008. The continued strength of nationalist political parties means limited 27  
28 progress has been made in Bosnia in establishing a meaningful and universally 28  
29 accepted Bosnian citizenship. Instead, solidarities still appear to be shaped 29  
30 by ethno-national identity. Perhaps the most significant element of the denial 30  
31 of the past in contemporary Bosnia is the lack of attention by the international 31  
32 community to issues of reconciliation between ethno-national groups, leading to 32  
33 the proliferation of memorials commemorating mythologized nationalist events 33  
34 and figures (Jeffrey 2006). 34

35 The notion that Bosnia must ‘find its feet’, break its ‘culture of dependency’, or 35  
36 even ‘let go of nurse’, is prevalent across Western commentary on the post-conflict 36  
37 political landscape of Bosnia (see Conces 2001, Intermedia 2005, International 37  
38 Crisis Group 2003). In the decade following the Dayton Agreement, international 38  
39 observers have been keen to point to the growing independence of Bosnia, citing that 39  
40 the country is no longer ‘post-conflict’ but is now confronting similar challenges to 40  
41 other post-socialist states.<sup>2</sup> These comments would suggest that the challenges of 41

42 \_\_\_\_\_ 42  
43 2 This shift was given the shorthand ‘from emergency to transition’ by a United 43  
44 Nations Development Programme official in Sarajevo, 29/05/03. 44

1 fitting the remnants of Bosnian industrial production into international circuits of 1  
 2 capital and labour have come to take precedence over issues of keeping belligerent 2  
 3 parties at peace. Certainly, it was the preoccupation of local government officials 3  
 4 surveyed during the research in Brčko to conform to budgetary norms set out 4  
 5 by the United States Agency for International Development (USAID)-funded 5  
 6 ‘District Management Team’.<sup>3</sup> But more recently, this neoliberal transformation 6  
 7 has been encapsulated in stark geographical terms: that Bosnia must move ‘from 7  
 8 Dayton to Brussels’ (see Ashdown 2005a, Judah 2000, Ó Tuathail, 2005). 8

9 This Balkanist concept of ‘transition’ (from a Balkan past to a European 9  
 10 future) was neatly captured the then High Representative, Lord Paddy Ashdown, 10  
 11 in a speech in late 2005: 11

12  
 13 [...] EU membership will lock this country firmly into the democratic 13  
 14 mainstream. It means access to EU development funds that can help turn the 14  
 15 economy around. It means more foreign investment, creating more jobs. It means 15  
 16 European standard justice. It means that – in the run up to membership – Bosnian 16  
 17 politicians will have to show common sense and legislate the huge number of 17  
 18 laws that are required to bring Bosnia into line with European standards. Each 18  
 19 of those laws will help initiate improvements in living standards. (Ashdown 19  
 20 2005b) 20  
 21 21

22 In setting EU membership in these terms, Ashdown makes a connection between 22  
 23 accession and the establishment of democratic norms and values. The close 23  
 24 articulation between Europeanization and democratization is understandable 24  
 25 given that within EU enlargement documentation Europe is presented as ‘an area 25  
 26 of freedom, security and justice’ (Commission of the European Communities 26  
 27 2004). Where the Bosnian state has failed to act as a locus of citizenship or 27  
 28 democratization, Ashdown’s invocations of supra-national sovereignty looks 28  
 29 beyond the nation-state to the protective and democratizing values of the EU. This 29  
 30 rhetoric conjures an image of democratic cosmopolitanism, where membership of 30  
 31 the EU establishes an accountable structure of governance ‘above’ the scale of the 31  
 32 state (see Held and Archibugi 1995). In contrast to OHR-led practices of Bosnian 32  
 33 state building, where a large percentage of the population (predominantly Serb and 33  
 34 Croat constituencies) did not consent to the project, there appears to be universal 34  
 35 support from Bosnian political parties for integration into Europe (Commission of 35  
 36 the European Communities 2003, Hayden 2002). 36

37 But this virtuous narrative of Europeanization, where increasing integration 37  
 38 into European structures affords democratic opportunities for the Bosnian citizen, 38  
 39 underplays the conflicts and contingencies that have shaped the implementation 39  
 40 of this policy in Bosnia. With particular reference to the chapter’s core argument 40  
 41 relating to the politics of Balkanist imaginaries, in what follows I will draw out 41  
 42 two points that serve to problematize the invocation of a ‘transition’ from an 42  
 43 43

44 3 Interview with Brčko District Mayor, Brčko 08/05/03. 44



1 imagined Balkan past to a European future. First, the process of ‘Europeanization’ 1  
2 has not significantly reconfigured the power relations of international intervention: 2  
3 the OHR’s repeated references to ‘European values’ masks the differential power 3  
4 positions of the actors involved in this political negotiation, while the abstract 4  
5 claims to democratization pay little attention to meaningful participation at the 5  
6 local level. Second, despite the rhetoric of democratization and cosmopolitan 6  
7 political values, the central political effect of closer integration with Europe has 7  
8 been the strengthening of the Bosnian state. These two points are explored below 8  
9 through an examination of conditionalities relating to Bosnian entrance to the 9  
10 Council of Europe and the opening of Stabilisation and Association Agreement 10  
11 (SAA) talks. 11

12 Until the opening of SAA talks in November 2005, the EU had no formal 12  
13 contractual relationship with Bosnia; their contact has thus been ‘short, but intense’ 13  
14 (Commission of the European Communities 2003: 5). But despite the absence 14  
15 of formal obligations, the EU and Bosnia have been in ‘structured dialogue’ 15  
16 since the Dayton Agreement (see Commission of the European Communities 16  
17 2005). In recent years, this dialogue has stimulated a number of high profile 17  
18 contacts between the EU and Bosnia. For example, since March 2002 the High 18  
19 Representative (then Lord Paddy Ashdown) has simultaneously held the post 19  
20 of EU Special Representative, the central point of contact between the EU and 20  
21 Bosnia. The EU has, as stated in the introduction, also taken over other defence 21  
22 and security competences since 2005, most notably with the EU police mission 22  
23 and the EU security force EU-For (see Juncos 2005). 23

24 But to reduce the role of Europe to these tangible aspects would be to overlook 24  
25 the patterns of influence and authority European institutions have exercised in 25  
26 Bosnia since the Dayton Agreement. Part of this influence has been mobilized 26  
27 through the lengthy procedures to join the Council of Europe (CoE), an organization 27  
28 that, while not directly affiliated to the EU, seeks to monitor and harmonize social, 28  
29 governmental and legal structures across its 46 Member States (see Council 29  
30 of Europe 2006). In 2001 the CoE gave Bosnia a series of political, social and 30  
31 economic criteria as conditions for gaining membership of the group. The level of 31  
32 detail within this document indicates how the conditionality of CoE membership 32  
33 was closely embroiled with the objectives of the international supervision of 33  
34 Bosnia. In particular, the first criterion set out by the CoE is ‘[t]o co-operate fully 34  
35 and effectively in the implementation of the Dayton Peace Agreements, which 35  
36 notably require the settlement of internal and international disputes by peaceful 36  
37 means’ (Council of Europe 2001). While further criteria refer to the cooperation 37  
38 with the International Criminal Tribunal for Former Yugoslavia (ICTY) and the 38  
39 ratification of the European Convention for the Protection of Human Rights and 39  
40 Fundamental Freedoms (ECHR), other aspects articulate closely with the practices 40  
41 of the OHR. For example, criterion IV(c) states that the Bosnian government 41  
42 must ‘adopt, within six months after its accession, if it has not yet been done, the 42  
43 laws which have been temporarily imposed by the High Representative’ (Council 43  
44 of Europe 2001). This presents the Bosnian interlocutors with an open-ended 44

1 conditionality, where membership of the CoE is dependent upon the fulfillment 1  
2 of laws that are yet to be imposed by the OHR. This situation became tautological 2  
3 when the then High Representative Wolfgang Petritsch placed pressure on the 3  
4 Bosnian House of Representatives in 2001 to adopt a new election law, since they 4  
5 were failing in their fulfilment of CoE conditions (see OHR 2001). 5  
6 The OHR and CoE conditionalities are thus seemingly entangled, their 6  
7 combined instruments of authority urging the implementation of the Dayton 7  
8 Agreement, while reproducing international authority. Following the adoption of 8  
9 a new election law in August 2001, Bosnia was successful in its accession to the 9  
10 Council of Europe in April 2002, leading the then High Representative Wolfgang 10  
11 Petritsch to celebrate that Bosnia had found a ‘European perspective’: 11  
12  
13 [n]one of the mainstream parties now dispute the central political tenet that 13  
14 integration in Europe is the overarching aspiration of politics, economy and 14  
15 society in Bosnia and Herzegovina. (OHR 2002) 15  
16  
17 The penetration of the ‘European aspiration’ to the heart of political, economic 17  
18 and social life in Bosnia was acutely felt through the subsequent conditionalities 18  
19 attached to opening negotiations on the SAA. Like the CoE criteria, a ‘road 19  
20 map’ was produced for Bosnian accession to the EU, identifying eighteen steps 20  
21 necessary for the opening of negotiations on SAA. The EU deemed these initial 21  
22 steps ‘substantially completed’ in 2002, leading to a broader feasibility study for 22  
23 opening SAA talks. This study grouped the remaining objectives of SAA criteria 23  
24 under three headings: political criteria (democracy, the rule of law, compliance with 24  
25 the ICTY and human rights), economic criteria (fiscal sustainability, privatization 25  
26 and financial sector review) and criteria relating to the ability to assume the 26  
27 obligations of the SAA (covering issues of the implementation of reform, foreign 27  
28 policy and regional co-operation) (Commission of the European Communities 28  
29 2003). The primacy of compliance with the ICTY within this document has led 29  
30 Ó Tuathail (2005: 57) to remark that the ‘the road to the EU runs through the 30  
31 Hague’. 31  
32 The political and social priorities contained in the SAA feasibility study 32  
33 emerged from Bosnia’s membership of the Stability Pact, an EU initiative 33  
34 established as a conflict-prevention measure ‘aimed at strengthening the efforts 34  
35 of the countries of South East Europe in fostering peace, democracy, respect 35  
36 for human rights and economic prosperity’ (Stability Pact 2006). The resulting 36  
37 criteria for SAA differ from the CoE in that they purposefully look beyond 37  
38 Dayton, acknowledging its flaws as a cumbersome and inefficient architecture of 38  
39 governance. In particular, the SAA criteria seek to dilute the primacy of ethnic 39  
40 identity with the territorialization of Bosnia through the strengthening of the state- 40  
41 level Council of Ministers, removing parallel functions at municipal, canton and 41  
42 entity levels and strengthening a professionalized civil service (Commission of 42  
43 the European Communities 2003). In doing so, SAA criteria have served a useful 43  
44

1 function for the OHR as a means of revising the Dayton constitution under the 1  
2 auspices of European integration. 2

3 While the OHR may enroll the powerful imagery and vocabulary of a decisive 3  
4 break from international supervision through Europeanization, the conditionality 4  
5 of CoE and SAA reforms seem to suggest significant continuities in the exercise 5  
6 of international authority in Bosnia. Thus I would suggest that three key points 6  
7 can be made in relation to emergent European rubrics in contemporary Bosnia. 7  
8 First, the deployment of Balkanistic rhetoric by international agencies (such as the 8  
9 OHR) continued since the conflict, principally through the assertion that Bosnia 9  
10 is a state ‘in transition’ from a past of ancient hatreds to a new European future. 10  
11 Second, though the OHR has connected Europeanization and democratization, 11  
12 the discussion demonstrates that the conditionalities inherent in the process of 12  
13 Europeanization, both through the CoE and the EU, are intricately bound into the 13  
14 priorities and practices of the existing international agencies in Bosnia. When I 14  
15 met an assistant to the High Representative in Sarajevo in 2003, he spoke at length 15  
16 of the importance of European criteria in instigating state reform and integration, 16  
17 acting as a ‘pull’ factor, against the ‘push’ of the OHR.<sup>4</sup> This rhetoric echoes the 17  
18 oft-stated division between ‘hard’ Bonn Powers with the ‘soft’ conditionalities 18  
19 associated with membership of European frameworks. In practice the evidence 19  
20 presented in this discussion suggests that the distinction between these variants 20  
21 of international influence cannot be so cleanly delineated. Third, though bound in 21  
22 rubrics of cosmopolitan affiliation to a European citizenry, the conditionalities of 22  
23 SAA and CoE accession have been firmly rooted in the cultivation of strengthened 23  
24 state sovereignty and citizenship. The spatialities and chronologies of such 24  
25 geopolitical Balkanism can be usefully compared with the emerging European 25  
26 rubrics within Bosnia, where designations of ‘European’ and ‘Balkan’ are flexibly 26  
27 applied between opposing political groups. It is within such Balkanist scripts that 27  
28 radically oppositional concepts of Europe emerge. But despite diverging from the 28  
29 earlier narratives of Balkanist geopolitics, these concepts of ‘Europeanization’ 29  
30 retain an attachment to state sovereignty as the primary unit of political life. 30

31 31

32 32

### 33 **Nested Balkanism** 33

34 34

35 Between 1992–1995 Serb paramilitary groups supported by the *Jugoslovenska* 35  
36 *Narodna Armija* (Yugoslav Peoples’ Army or JNA) carved the Republika Srpska as 36  
37 an exclusively Serb territory from the Bosnian state. The political underpinnings of 37  
38 such military and paramilitary actions emerged from the ultra-nationalist rhetoric 38  
39 of Radovan Karadžić, founder of the SDS, who outlined the exclusive spatiality 39  
40 of the RS through the blunt refrain that ‘our territories are ours, we can go hungry 40  
41 but we shall remain on them’ (Karadžić 1991). Such a geographical imagination 41  
42 does not simply outline a set of spatial objectives, but simultaneously emphasizes 42

43 43

44 <sup>4</sup> Interview with assistant to the High Representative, Sarajevo 28/05/03. 44

1 the absolute nature of cultural difference within the political philosophy of the 1  
 2 SDS. Echoing the 'integralist' rhetoric of the French and British nationalist 2  
 3 politicians studied in the work of Douglas Holmes (2000), it was 'heterogeneity' 3  
 4 and 'rootlessness' that was perceived to pose a threat to Serb national interest 4  
 5 in Bosnia. An SDS representative in Brčko alluded to this when he stated the 5  
 6 key failing of (the multi-ethnic) Brčko District was its heterogeneity, offering 6  
 7 the explanation that 'we don't like being mixed, when there is mixing there are 7  
 8 problems'.<sup>5</sup> This notion of 'mixing' relies on stable, knowable and essentially 8  
 9 different ethnic groups comprising the key social and political cleavage in Bosnia. 9

10 The creation of the RS, then, was a process of 'un-mixing' the Bosnian 10  
 11 population and creating an ethno-nationally homogenous territory. The violence 11  
 12 that accompanied this process was both physical and symbolic, from the expulsion 12  
 13 of the non-Serb population through to the destruction of references to other ethno- 13  
 14 national groups within the built environment. Since Brčko occupied a key strategic 14  
 15 location connecting the two halves of the RS, the town constituted a particular 15  
 16 focus for Serb paramilitary action (see Kadrić 1995). Such 'ethnic cleansing' 16  
 17 continued in the post-conflict period in both the RS and parts of the Federation 17  
 18 through policies passed at the entity level designed to dissuade returns and solidify 18  
 19 the gains of the war (see Coward 2002, Dahlman and Ó Tuathail 2005). From 19  
 20 1996, towns that had previously held a Bosniak majority within the RS, such as 20  
 21 Brčko, underwent a rapid Serbianization, involving the renaming of streets, the 21  
 22 construction of Serb orientated memorials and the building of Serb Orthodox 22  
 23 churches, often on the site of vacated Bosniak homes (International Crisis Group 23  
 24 1998, Jeffrey 2006). The intention was to create an ethnically homogenous state- 24  
 25 like territory, whilst simultaneously removing the possibility of heterogeneous 25  
 26 identities and affiliations. 26

27 The violence of the formation of the RS highlights the potential paradox of the 27  
 28 current European preoccupations of Serb political parties. Over the last decade, 28  
 29 the manifestos of the main political parties in Bosnia have converged on the issue 29  
 30 of Europe, each stating the 'overriding value of European integration' (UNDP 30  
 31 2002: 4). In the case of Brčko, the political parties contesting the 2002 presidential 31  
 32 election embedded their campaign materials in the language and symbolism of the 32  
 33 European Union. For example a billboard advertisement for the PDP, a moderate 33  
 34 Serb nationalist political party, declared their party's European credentials by 34  
 35 exclaiming '*Да, Портале Европска а ортале Српска*' ('Yes, you can be European 35  
 36 and you can be Serbian') (see Figure 4.1). The words are adorned with juxtaposed 36  
 37 European and Serbian flags, and a picture depicting a woman standing over a child 37  
 38 doing written work, under the phrase '*Да, Учимо*' (Yes, We Study'). Animating 38  
 39 what Ó Tuathail refers to as the RS's 'existential crisis' (2005: 59), the wording 39  
 40 of this advertisement appears to pose a direct challenge to the image of Serbian 40  
 41 nationalism as parochial, traditional or depending on founding myths, and instead 41  
 42 offering an alternative vision of a cosmopolitan Serbianism accommodated within 42  
 43 43

44 5 Interview with SDS representative, Brčko 14/04/03. 44



21 **Figure 4.1 PDP Election Poster, Brčko 2002**

22 *Source:* Author's collection.

25 the EU. It could be argued that rather than celebrating an established national  
 26 space, this poster offers an anti-ontological vision, one where solidarity does  
 27 not rely on a particular fixed identity but rather a shared modernity.

28 But an interpretation of the poster, and the political rubrics from which it  
 29 emerges, as a performance of a 'new' Serbian political imagination ignores the  
 30 extent to which such pronouncements of Europeanism are strategically relational.  
 31 This point was clear in discussions with Serb political party members and  
 32 representatives of Serbian civil society organizations in Brčko, where Serbian  
 33 Europeanism was justified in *relation* to other non-European groups. 'You need  
 34 to be realistic', said the founder of a Serbian Orthodox youth organization: 'Serbs  
 35 are part of Europe, we have a Christian past'.<sup>6</sup> The idea of 'being realistic' was  
 36 often used a means through which nationalist viewpoints could be raised in the  
 37 interview setting, presenting the opinion as common sense in comparison to the  
 38 'unnatural' nature of multi-ethnic Bosnia. In this register of cultural difference  
 39 Serbian claims to European membership stem from their religious heritage, a trait  
 40 that sets them apart from the Bosniak community.

41 Thus a new terrain of Balkanism is opened where a Bosnian Serb claim to  
 42 Europeanism is structured around the identification of a non-European other.

44 <sup>6</sup> Interview with the founder of the St. Sava's Youth Association, Brčko 3/12/02.

1 Following Bakić-Hayden (1995: 922), this can be described as ‘nested Balkanism’ 1  
 2 since ‘the designation of ‘other’ has been appropriated and manipulated by those 2  
 3 who have themselves been designated as such in orientalist discourse’. This 3  
 4 Balkanist ideology reflects arguments made in relation to the Battle of Kosovo 4  
 5 Polje in 1389, where certain Serbian commentators and politicians have portrayed 5  
 6 the battle as a defence of Europe (the Serbian Kingdom) against invading Ottoman 6  
 7 troops (see Kalajić 1995). Echoing strands of contemporary resistance to Turkish 7  
 8 membership to the EU, this vision promotes European unity as a Christian 8  
 9 affiliation rather than based on the spread of democratic principles of freedom and 9  
 10 security. This directly challenges the rhetoric of CoE and SAA criteria, since these 10  
 11 political requirements are structured around Bosnian state membership as a multi- 11  
 12 ethnic polity, not on the membership of the Serb minority as part of a normative 12  
 13 vision of Christian European identity. 13

14 While promoting the notion of a set of enduring cultural differences fragmenting 14  
 15 Bosnian society, such nested Balkanism simultaneously serves to disrupt the 15  
 16 chronology of the geopolitical imaginaries of intervening agencies in Bosnia. 16  
 17 Rather than seeing European membership as a claim that is accredited through 17  
 18 the recognition of certain criteria by international actors, the SDS representative 18  
 19 criticized the process of European integration and simply stated that ‘Serbs have 19  
 20 a right to be part of Europe’.<sup>7</sup> Probed further, the representative of the SDS based 20  
 21 this assertion of entitlement on the high culture of Serbian society reflecting its 21  
 22 inherently civilized nature. Indeed, the central preoccupation of the three Serbian 22  
 23 youth organizations in Brčko was the preservation of cultural heritage and 23  
 24 ‘developing spiritual identity’,<sup>8</sup> through ‘trips to monasteries’,<sup>9</sup> ‘youth discussion 24  
 25 groups’<sup>10</sup> and a range of sporting activities. The conception of an enduring threat to 25  
 26 Serbian cultural heritage articulated in these research encounters echoes a strand of 26  
 27 contemporary Serbian victimhood, where notions of Serbian identity are mobilized 27  
 28 as a means of explaining the marginalized position of Serbs within the European 28  
 29 Union. In such accounts, Serbs are again the sole defenders of Europe, as they 29  
 30 were in 1389, though this time from the secular and commercialized European 30  
 31 values invading from the West (Čolović 2002). These interpretations of European 31  
 32 enlargement have redeployed Balkanist language to suggest that ‘the shadow of 32  
 33 the collapse [of Europe] began to spread the moment people in west European 33  
 34 countries lost their sense of real values, that is, when money, material concerns 34  
 35 and economic interest took the place of philosophy, religion, history and politics’ 35  
 36 (Čolović 2002: 39). This concept of a ‘collapse’ of European cultural values 36  
 37 seems to reflect the assertions of Milan Kundera’s *Tragedy of Central Europe* 37  
 38 (1984) where he explores the disjunction between perceptions of ‘Europeaness’ 38  
 39 between Central and Western Europe. Kundera outlines the irony of the cherishing 39

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7 Interview with SDS representative, Brčko 14/04/03. 41  
 8 Survey of the Serb Youth Association, Brčko 21/10/02. 42  
 9 Interview with the Grčica Youth Association, Brčko 21/10/02. 43  
 10 Interview with representative of the Serb Sisters’ Association, Brčko 23/10/02. 44

1 of a 'European' cultural identity in then Communist Central Europe at a time 1  
2 when 'Europe' was no longer perceived as a cultural value in Western Europe. 2  
3 Through such tropes RS politicians can present intransigence at the requirements 3  
4 of the CoE or SAA as the 'authentic' defence of European values against the 4  
5 neoliberal interventions made in the name of the European Union (Kalinić 2004), 5  
6 a stance that has found fertile ground in some strands of the academic left (see, 6  
7 for example, Johnstone 2002). Concurring with the study of Holmes (2000), this 7  
8 political project appears to foreground the essential cultural difference of Serbs 8  
9 as a means of mediating the alienation of neoliberal reform. Within this optic, 9  
10 'being European' is stripped of its cosmopolitan affiliations, and replaced with a 10  
11 parochial connection to the Serbian nation. 11

12 Mirroring the Balkanist geopolitics of the Bosnian war, this interpretation of 12  
13 Serbian Europeaness creates an idealized Serb (cultured and sacred) against a 13  
14 vilified European (vulgar and profane). But more than a judgment of character 14  
15 traits, this Balkanist binary has political effects. In shifting the debate to questions 15  
16 of essential identities, this register of Europeanization ignores the tangible political 16  
17 necessities of Bosnian accession, such as the reform of the Bosnian state. Indeed, 17  
18 this concept of Europeanism is structured around a competing state project, 18  
19 the defence of the sovereignty of the RS. This tension between the demands of 19  
20 European integration and the desire to retain the sovereignty of the RS has been 20  
21 demonstrated in the recent protracted negotiations over Bosnian police reform (see 21  
22 DTT-NET.COM 2006, OHR 2005b). In the case of Brčko, a number of NGOs felt 22  
23 that operating projects between the two entities (the Federation and the RS) was 23  
24 difficult due to the lack of cooperation from RS authorities. This was evidenced 24  
25 by one youth NGO coordinator, who was responsible for five NGO projects 25  
26 across Bosnia operating on both sides of the Inter-Entity Boundary Line, who 26  
27 expressed frustration at the obstructive practices of RS officials towards reform of 27  
28 the Bosnian state: 28

29  
30 [...] there is not a willingness in RS to have projects on their territory that are 30  
31 governed by the state level, because it is seen as a weakening of the powers of 31  
32 RS. They [RS officials] have said to me "we are never going to accept the state 32  
33 system, you know, the state level has been devised to allow the ethos of the 33  
34 Federation to have its power, and it will weaken the RS to support anything that 34  
35 gives the state level credibility, we would undermine the power of the RS. So 35  
36 we have to hold very tight to RS power and not give anything". (Interview with 36  
37 youth NGO coordinator, Brčko 07/05/03) 37

38  
39 Thus being European, within the optic of Serbian political parties, involves 39  
40 a defence of the RS against the erosion by international agencies seeking to 40  
41 strengthen the Bosnian state. Blurring sovereignty and cultural identity, this 41  
42 motivation to retain the distinction of Serbian cultural heritage allows RS 42  
43 politicians to simultaneously announce European aspirations while defending the 43  
44 considerable powers of the RS. The evidence from Brčko would suggest caution 44

1 in interpreting the circulation of European rhetoric within Serbian political parties 1  
 2 as a shift to a more cosmopolitan ethos based on the spread of shared values. 2  
 3 Rather, this discussion has challenged such an image through a consideration of 3  
 4 radical cultural Europeanism that does not promote a trans-national belonging, 4  
 5 but rather essentializes particular cultural traits as representing 'Europeanness'. In 5  
 6 this way, political parties, such as the PDP, create a discursive space to promote 6  
 7 Europeanism, while simultaneously blocking constitutional and institutional 7  
 8 reform that would assist Bosnian accession to the EU. 8

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### 11 **Concluding Remarks**

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13 One of the darkest moments of the conflict in Brčko was the destruction of the 13  
 14 large nineteenth-century Hotel Posavina in the centre of town in April 1992. 14  
 15 The hotel's popular coffee lounge and cinema were destroyed, leaving a charred 15  
 16 shell overlooking the town's central square. The hotel was not targeted for its 16  
 17 military threat for it was not used as a barracks and held no strategic value within 17  
 18 the geography of the conflict in Brčko. Rather, the threat posed by the hotel 18  
 19 was a cultural one, as it symbolized the possibility of inter-ethnic exchange and 19  
 20 heterogeneity. The international response to the Bosnian conflict was to subscribe 20  
 21 to the central logic of such attacks, explaining the violence as a consequence 21  
 22 of intractable cultural differences across the Bosnian state. The solution to the 22  
 23 conflict, the creation of exclusive ethno-national territories in Bosnia, served to 23  
 24 sustain this vision and created the conditions within which nationalist political 24  
 25 parties could continue to thrive. 25

26 This chapter has explored how such material and cartographic violence has 26  
 27 been inserted into discourses of Europeanization by international agencies and 27  
 28 nationalist political parties in the post-conflict period. This discussion has used 28  
 29 the analytical tools developed by critics of Balkanism to explore how assertions 29  
 30 of 'Europeanness' have relied on a simultaneous casting out of a non-European 30  
 31 'Other'. The chapter identified these practices in two arenas. The first, within a 31  
 32 geopolitical register, explored the current attempts by international agencies 32  
 33 to position Bosnia as a state 'in transition' to European norms, a practice that 33  
 34 serves to entrench a Balkanized imaginary of a state confined by its past and in 34  
 35 need of expert assistance. By constructing a purportedly 'undemocratic' Bosnia, 35  
 36 international agencies serve to recover an image of Western Europe as a symbol 36  
 37 of democratic virtue. This dual identity formation accords with Žižek's (1990: 37  
 38 50) assertion that it is in Eastern Europe that the West constructs its 'Ego-ideal', 38  
 39 banishing the 'decay and crisis' of its own democratic practices and looking to 39  
 40 the East 'for the authentic experience of 'democratic invention'. Nonetheless, the 40  
 41 analysis of interview and textual material drew into question the entanglement of 41  
 42 'Europeanization' and 'Democratization'. Rather, the conditionality related to CoE 42  
 43 and SAA negotiations suggested continuity in the mechanisms of international 43  
 44 intervention and the reliance on building state sovereignty. In the second arena, 44



1 the chapter explored how processes of ‘Europeanization’ have seen the adoption 1  
 2 and redeployment of Balkanist imaginaries by nationalist political parties. 2  
 3 This material brought to the fore the ‘nested Balkanism’ of a radical Serbian 3  
 4 Europeanism, structured around essential cultural differences and founded on the 4  
 5 rejection of Bosniak claims to a European heritage. 5  
 6 The mirrored discourses of Self and Other present in these two arenas of enquiry 6  
 7 demonstrate the enduring flexibility and political force of labelling social, cultural 7  
 8 or political practices as ‘European’ or ‘Balkan’. It is here that this discussion 8  
 9 makes its central contribution to the overall aims of this book. This chapter has 9  
 10 sought to move beyond the identification of scripts of similarity and difference and 10  
 11 to focus on their political effects. I have argued that ideas of Europe circulating 11  
 12 in contemporary Bosnia do not challenge the primacy of the state, despite the 12  
 13 prevalence of references to forms of solidarity beyond the nation state. Rather, the 13  
 14 virtue of European association has been deployed to legitimize the strengthening 14  
 15 of competing visions of statehood in Bosnia. ‘Europe’, then, does not act as a 15  
 16 marker of virtue, a sign of the benevolent intentions of international agencies or 16  
 17 a radical break from the nationalist past of parties such as the SDS. Rather it is a 17  
 18 discourse of occlusion, a term that serves to mask the political practice structured 18  
 19 around struggles over state power. 19

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21

## 22 Acknowledgement 22

23

24 This chapter is an updated and extended version of my 2008 article entitled 24  
 25 ‘Contesting Europe: the politics of Bosnian integration into European structures’ 25  
 26 that appeared in *Environment and Planning D: Society and Space* 26(3) 428–443. 26  
 27 I would like to thank Pion Limited, London for their kind permission to republish 27  
 28 the piece. 28

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## Chapter 5

# From the Northern Dimension to Arctic Strategies? The European Union's Envisioning of the High Latitudes

Richard C. Powell

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There are different ways of mapping the Arctic. Whether the signifier 'the Arctic' is taken to be the Arctic Circle, the Arctic Ocean, delineations based on temperature or tree-line isographs, or the total geographical area north of 60°N, depends as much on political as geophysical factors. As is well established, these competing definitions have allowed for many narratives to be constructed about the northern latitudes. In what follows, I will focus on the attempts by the European Union (EU) to contribute to these mappings and, in turn, to influence future stories about the Arctic region. In many recent commentaries, the EU has been characterized as a new actor, often meddling, in discussions about the Arctic. As this chapter will argue, it is difficult to decipher a singular approach by the European Union to the northern latitudes. Indeed, an appreciation of the evolution of the EU's interest in the Arctic region highlights a number of important themes – expansionism, energy security, climate change, and interactions, even conflicts, between its constituent institutions.

### **The Arctic as an International Region**

It is impossible to understand the European Union's voice in contemporary discussions without considering the emergence of the notion of an *international* Arctic. Unlike some other regions of the world, the Arctic has had a peculiar relationship with area studies. Disparate national traditions of scholarship about the northern latitudes have resulted in different understandings. Within the British tradition, for example, the Arctic has often been twinned with Antarctica in studies of exploration and adventure (Spufford 1996). In Sweden, however, twentieth-century histories often stressed the importance of northern resources as critical parts of a narrative of nation-building (Sörlin 2002). These different approaches have meant that historically there has been opposition to attempts to construct understandings of some form of Circumpolar entity.

Moreover, the Cold War had an important impact on how the Arctic was conceptualized (Heininen 2008). As Kari Möttölä demonstrates, in a comment

1 indicative of commentary during this period, '[t]he significance of the Arctic is, 1  
2 first of all, its role in great-power strategies' (Möttölä 1988: xv). At least within 2  
3 the USSR and NATO Member States, the region was envisaged as a potential 3  
4 front, where defensive positions were militarily weak. US and Soviet submarines 4  
5 conducted continuous exercises during the Cold War that envisaged the Arctic 5  
6 Ocean as a potential theatre. 6

7 Notwithstanding the superpower tensions of the post-1945 period, it must be 7  
8 remembered that the Soviet Union took the initiative in recasting the policy agenda 8  
9 of the Arctic. In October 1987, General Secretary Mikhail Gorbachev's speech in 9  
10 Murmansk made a number of proposals that would re-imagine the region as a zone 10  
11 of cooperation. This resulted in discussions amongst Arctic states, especially the 11  
12 Nordic countries and Canada, about possibilities of cooperation around particular 12  
13 issues, such as environmental management (Åtland 2008).<sup>1</sup> Responding to these 13  
14 developments, Canadian political scientist Franklyn Griffiths argued that: 14

15  
16 As stewards of the Arctic, the ice states have a special responsibility to look 16  
17 beyond the pressing needs of the day, to take account of the effects of their 17  
18 actions on the political development of the area. But who among them will show 18  
19 leadership in the task of region-building and of building the preconditions for 19  
20 considered choice in the first place? (Griffiths 1988: 11) 20

21  
22 Critically, Gorbachev departed from previous Soviet policy by arguing that the 22  
23 new Arctic was to include the northern land territories of Europe, Asia and North 23  
24 America, as well as the Arctic Ocean (Keskitalo 2004). 24

25 In her excellent discussion of 'Arctic discourses', Carina Keskitalo (2004) 25  
26 demonstrates that establishing the notion of a Circumpolar *region* required a 26  
27 significant degree of epistemic work. The conceptualization of the Arctic as an 27  
28 international region that has emerged over the past three decades, Keskitalo (2004) 28  
29 argues, follows initiatives by a variety of actors, including states, environmental 29  
30 NGOs and representatives of indigenous peoples. In these discussions to create 30  
31 'such a broadly delineated Arctic', the dominant state actors have been Canada 31  
32 and Finland (Keskitalo 2004: 2). 32

33 The first initiative that contributed to this re-scripting of the region was the 33  
34 Arctic Environmental Protection Strategy (AEPS). The Finnish government 34  
35 embarked on consultations with the other seven Arctic states about some sort 35  
36 of 'broad but environmentally oriented cooperation' in October 1988 (Keskitalo 36  
37 2004: 55). Finland, previously constrained in its northern policy through its 37

38

39  
40 <sup>1</sup> During different epochs, the eight 'Arctic states' are often distinguished between 40  
41 the five littoral states bordering the Arctic Ocean – Russia, the US, Canada, Norway and 41  
42 Denmark/Greenland – and the other three states with territories north of, or bordering, the 42  
43 Arctic Circle – Iceland, Sweden and Finland. It is worth noting that, during the 1980s, 42  
44 Iceland was often considered as the sixth littoral state, but it has often been excluded from 43  
44 this status during discussions in recent years (Möttölä 1988). 44

1 relationship with the Soviet Union, took the opportunity to become an important 1  
2 actor. At the same time, this initiative showed Finnish leadership in the context 2  
3 of wider political concerns in Europe around acidification, eutrophication and 3  
4 environmental pollution (Keskitalo 2004). The resulting AEPS was launched by 4  
5 Finland on 12 January 1989. As well as the gradual development of formal political 5  
6 groupings, such as Green Parties, across Europe, the Exxon Valdez oil spill of 6  
7 March 1989 further reinforced perceptions of the environmental risks of poor 7  
8 regulation in Arctic areas. The AEPS was instituted, following further refinement 8  
9 with a large degree of Canadian involvement, with the 1991 Declaration on the 9  
10 Protection of the Arctic Environment, commonly understood as initiating the 10  
11 'Rovaniemi Process' (Keskitalo 2004, Scrivener 1996). The AEPS involved four 11  
12 main programmes, each with an environmental dimension: the Conservation of 12  
13 Arctic Flora and Fauna (CAFF); the Arctic Monitoring and Assessment Program 13  
14 (AMAP); the Protection of Arctic Marine Environment (PAME); and Emergency 14  
15 Prevention, Preparedness and Response (EPPR) (Huebert and Yeager 2008). 15

16 Initiatives around cooperation between the Arctic states, especially around 16  
17 environmental issues, became critical in Canada's proposal to form an Arctic 17  
18 Council (Scrivener 1999). The Arctic Council was formed through the Ottawa 18  
19 Declaration of the eight states in 1996. Following further discussions during 19  
20 the 1990s, the AEPS was officially subsumed into the Arctic Council at the 20  
21 last Ministerial Meeting of the Arctic Environmental Protection Strategy in 21  
22 1997 (Scrivener 1999, Koivurova 2010).<sup>2</sup> What was most important for later 22  
23 developments with respect to the EU, however, were the negotiations about how 23  
24 indigenous peoples should be incorporated into the new governance structures 24  
25 as 'Permanent Participants' (Scrivener 1999). The inclusion of representatives 25  
26 of indigenous peoples in this way is, in many ways, the unique feature of the 26  
27 Arctic Council as an institution of governance (Keskitalo 2008). However, 27  
28 tensions emerged during the final discussions about the Arctic Council around 28  
29 an US-suggestion that certain non-Arctic states, such as the UK, should have an 29  
30 'Observer' status distinct from that of NGOs and other observers. At the time, the 30  
31 Permanent Participants, such as the Inuit Circumpolar Conference and the Sami 31  
32 Council, argued that this 'Observer' category potentially emasculated the status 32  
33 of 'Permanent Participant' (Scrivener 1999). As I will demonstrate, these issues 33  
34 surrounding the exact status of 'Observers' were to resurface in later debates about 34  
35 the EU. 35

36 A number of commentators have argued that the Finnish motivation 36  
37 in establishing AEPS had as much to do with foreign policy goals as with 37  
38 environmental concerns (Scrivener 1996, Keskitalo 2008). Certainly, during the 38  
39 early 1990s, Finland drew closer to Europe and made new allegiances, broadening 39  
40 its activities away from Soviet influence. As Keskitalo puts it, 'In 1989, Finland was 40

41 \_\_\_\_\_ 41  
42 2 Canada has remained a major interlocutor of Finnish policy initiatives about the 42  
43 Arctic as evidenced, for example, in the joint Finnish-Canadian seminar, 'Canada's and 43  
44 Europe's Northern Dimension', held at the University of Oulu, Finland in May 2008. 44

1 a non-aligned country with close relations to the Soviet Union; in 1995, six years 1  
 2 later, Finland had joined the EU' (Keskitalo 2004: 61). The embryonic discussions 2  
 3 around AEPS were therefore of critical importance during the development of the 3  
 4 Northern Dimension of the European Union 4

5 5  
 6 6

## 7 **The 'Northern Dimension' of the European Union** 7

8 8

9 During the discussions around the development of the AEPS in 1988, a forum at 9  
 10 the Kuhmo Summer Academy had acted as an early locus for the elaboration of 10  
 11 Finnish northern policy (Keskitalo 2004). The accession of Finland and Sweden to 11  
 12 the European Union in 1995 resulted in a 1300km border between the EU and the 12  
 13 Russian Federation (Ministry for Foreign Affairs of Finland 2009). In this context, 13  
 14 it was decided that a northern dimension could form an important contribution by 14  
 15 Finland to EU geopolitics. Indeed, when launched at the Luxembourg European 15  
 16 Council in 1997, the Northern Dimension Initiative was Finland's first major 16  
 17 political activity since accession to the EU. It is critical to recover this history 17  
 18 because the latest 'Northern Dimension' document published by the Ministry for 18  
 19 Foreign Affairs of Finland makes no mention of any discussions held before 1997 19  
 20 (Ministry for Foreign Affairs of Finland 2009). 20

21 The first form of the Northern Dimension (ND) policy was launched, during the 21  
 22 Finnish Presidency, at the Helsinki European Council in December 1999 (European 22  
 23 Commission 2003). The ND was elaborated as a partnership between the EU, 23  
 24 Norway, Iceland and the Russian Federation. The First Northern Dimension 24  
 25 Action Plan was approved in 2000 and, subsequently, a Second Northern Dimension 25  
 26 Action Plan was established for 2004–06 (European Commission 2003, Ministry 26  
 27 for Foreign Affairs of Finland 2009). Both Action Plans focused on four major 27  
 28 sectors: environmental issues, nuclear safety, organized crime and the special 28  
 29 status of Kaliningrad (Ministry for Foreign Affairs of Finland 2009). 29

30 The ND was envisaged as 'EU-led', but its success was dependent on 'the 30  
 31 active participation of all actors involved' (European Commission 2003: 2). 31  
 32 Acknowledging the extent of natural resources in the area, there was a heavy 32  
 33 focus in the ND on providing 'better security of energy supply to the European 33  
 34 continent', especially through strengthening dialogue with Russia (European 34  
 35 Commission 2003: 5). There was also acknowledgement within the ND of the 35  
 36 need for coordinated environmental management and the dangers of pollution, 36  
 37 especially with respect to the Arctic (European Commission 2003). 37

38 During the Finnish Presidency of 2006, the Northern Dimension policy was 38  
 39 revised to focus further upon the promotion of dialogue, economic integration and 39  
 40 sustainable development. The ND was thus re-launched at the Helsinki summit 40  
 41 in November 2006 (European Commission 2006a, 2006b). In the meantime, the 41  
 42 EU had developed a Common Economic Space agreement with Russia in 2004 42  
 43 that negotiated four common spaces – economic cooperation; freedom, security 43  
 44 and justice; external security; and research, education and culture (European 44



1 Commission 2005). The revised ND policy stressed that it was the ‘regional 1  
2 expression of the four EU-Russia common spaces’ (European Commission 2006b: 2  
3 1). Support for the existing framework of regional councils, such as the Arctic 3  
4 Council and the Barents Euro-Arctic Council, was reaffirmed; the principle of *co-* 4  
5 *ownership* across the EU, Iceland, Norway and Russia was also stressed (European 5  
6 Commission 2006b). The ND was ‘henceforward a common project and a common 6  
7 responsibility. It will help ensure that no dividing lines are established in the 7  
8 North of Europe’ (European Commission 2006a: 1). Following the first Foreign 8  
9 Ministers’ Meetings under this reformed ND in 2008, a number of partnerships 9  
10 have been established concerning issues such as transport, logistics, health and 10  
11 culture (Ministry for Foreign Affairs of Finland 2009). These partnerships are 11  
12 envisaged as the mechanisms to put the ND policy into practice (Ministry for 12  
13 Foreign Affairs of Finland 2009). 13

14 The successive refinements of the Northern Dimension have meant that the 14  
15 policy has become geographically focused especially upon northwest Russia, 15  
16 as well as Kaliningrad, the Baltic and Barents Seas and other areas (European 16  
17 Commission 2006a). The revised 2006 declaration gives it a ‘broad geographical 17  
18 definition’: 18

19  
20 from the European Arctic and Sub-Arctic areas to the southern shores of the 20  
21 Baltic Sea, including the countries in its vicinity and from North-West Russia in 21  
22 the east to Iceland and Greenland in the west. (European Commission 2006b: 1) 22  
23 23

24 By the autumn of 2009, the Finnish Minister for Foreign Affairs, Alexander Stubb, 24  
25 was able to state that ‘[t]he Northern Dimension has developed into a common 25  
26 policy of the EU and its partners – Russia, Norway and Iceland – and is now an 26  
27 established element of relations between the EU and Russia’ (Stubb 2009: 1).<sup>3</sup> In 27  
28 October 2009, the European Council adopted the EU Baltic Sea Strategy as an 28  
29 internal policy declaration, but this agenda is seen as ‘mutually complementary 29  
30 and reinforcing’ with the ND (Stubb 2009: 1). 30

31 It should therefore be stressed that Finland’s role was critical in the development 31  
32 of northern perspectives within the European Union, especially in this shaping 32  
33 of policy-relations with Russia. Discussing the northern dimension of Finland’s 33  
34 affairs in 2009, Minister Stubb summarized: 34

35  
36 Since the very beginning of our EU membership, one goal of Finland’s EU policy 36  
37 has been to draw the Union’s attention to the special features of its northern 37  
38 regions, and especially to the challenges and possibilities presented by having 38  
39 39

40  
41 3 Finland continues to position itself as the leader in Arctic expertise within the 40  
42 EU (Kankaanpää and Saarinen 2009). The Arctic Centre at the University of Lapland 41  
43 (Rovaniemi, Finland), encouraged by the Finnish Ministry for Foreign Affairs, for example, 42  
44 has actively campaigned to become the European Arctic Information Centre (Arctic Centre 43  
44 2010). 44

1 Russia as a neighbour. The core of the Northern Dimension policy is mutual 1  
2 dependence between the EU and Russia in the joint border regions. The Northern 2  
3 Dimension also encompasses the “Arctic window”, which means cooperation on 3  
4 issues concerning the whole circumpolar Arctic region. The Northern Dimension 4  
5 policy aims to promote stability, well-being and sustainable development through 5  
6 concrete cooperation benefiting the region. (Stubb 2009: 1) 6  
7 7

8 The Northern Dimension of the EU, then, should be seen as, in the first place, a 8  
9 Finnish initiative that was concerned with establishing relations with Russia. At the 9  
10 same time, the ND provided the opportunity for the development of an EU regional 10  
11 presence in the policy-making with regards to the Arctic region, in partnership 11  
12 with EEA members Iceland and Norway. Moreover, the present iteration of the 12  
13 ND can be understood as part of the post-enlargement EU’s broader attempt ‘to 13  
14 devise an explicit security policy’ based on distinct policy approaches to different 14  
15 bordering neighbourhoods (Joenniemi 2007: 127). As such, the ND needs to be 15  
16 understood as involving embryonic elements of a strategy for the Arctic. However, 16  
17 the development of the European Union’s approach to the Circumpolar region has 17  
18 involved a range of different actors from the constitutive institutions of the EU. 18  
19 As I will argue, often these arms of European governance have acted as much in 19  
20 conflict and disagreement as in cooperation. 20  
21 21  
22 22

23 **Changing Europes – Different Arctics?** 23  
24 24

25 It has become a cliché of political commentary on the European Union to highlight 25  
26 the arguments between its three arms. As Merje Kuus has recently noted in a study 26  
27 of the civil service in Brussels: ‘Henry Kissinger’s famous question – “you say 27  
28 Europe but can you tell me which number I should call?” – is often quoted today’ 28  
29 (Kuus 2010: 382). However, in order to understand the evolution of the European 29  
30 Union’s policy regarding the Arctic, an appreciation is needed for how agendas 30  
31 emerge in a context of constant tension, collaboration and cooperation between the 31  
32 Council of Ministers, the European Commission, and the European Parliament. 32

33 The 1992 Treaty of Maastricht first formalised the principle of a common 33  
34 foreign and security policy for the EU (European Commission 2007b). Over 34  
35 the past decade, global climate change and energy security have become issues 35  
36 governing policy across the EU. In June 2007, for example, the European 36  
37 Commission warned: 37  
38 38

39 The EU already depends on just three countries, Russia, Norway and Algeria, 39  
40 for nearly half of its supplies of gas, the least polluting fossil fuel, and without 40  
41 radical action in the short term, its dependence on imported oil will rise from the 41  
42 present 50% to 70%. (European Commission 2007b: 18) 42  
43 43  
44 44

1 The EU aimed to consolidate a ‘coherent Neighbourhood Policy’ with regional 1  
 2 partners such as Russia, Ukraine, Iceland and Norway, focused on cooperation on 2  
 3 energy supply (European Commission 2007b: 21). In many ways, the revised ND 3  
 4 was central to this policy agenda. 4

5 The first evidence of a re-scripting of the EU’s approach towards the Arctic 5  
 6 is directly linked to discussions about the Northern Dimension. The 2006 6  
 7 Political Declaration on the revised ND made reference to a ‘Northern Dimension 7  
 8 Parliamentary Forum’ (European Commission 2006b: 2). The first meeting of 8  
 9 a Parliamentary Conference on the ND, including Members of the European 9  
 10 Parliament and representatives from other regional parliaments, such as the Baltic 10  
 11 Assembly and the Nordic Council, met in Brussels, 28 February–1 March 2007 11  
 12 (Parliamentary Conference on the Northern Dimension 2007a, 2007b). This 12  
 13 conference reported support for the extended ND, but also stressed ‘the role of 13  
 14 the Arctic as an early warning area for global climate change’ (Parliamentary 14  
 15 Conference on the Northern Dimension 2007a: 2). In turn, the conference called 15  
 16 for ‘the adoption of a clear cut, visible and dynamic Arctic policy within the 16  
 17 Northern Dimension’ (Parliamentary Conference on the Northern Dimension 17  
 18 2007a: 2). What is perhaps most striking is that this Parliamentary Conference 18  
 19 appears to be the first European political forum in which the idea of a new Arctic 19  
 20 Treaty was seriously discussed.<sup>4</sup> In its report, the conference: 20

21 21  
 22 recognizes the significance and the potential that International Polar Year 22  
 23 2007/2008 holds for the promotion of the Arctic region and the development 23  
 24 of Arctic science, as well as *for the possibility of creating a Charter for Arctic* 24  
 25 *Governance*. (Parliamentary Conference on the Northern Dimension 2007a: 2; 25  
 26 my emphases) 26  
 27 27

28 Importantly this announcement occurred a number of months *before* the media 28  
 29 circus of August 2007, following the alleged planting by a submersible of a 29  
 30 Russian flag on the seabed of the North Pole (Powell 2008, 2010).<sup>5</sup> 30

31 The EU’s position on the Arctic, then, is embedded within debates around 31  
 32 climate change and energy security. In March 2008, the High Representative and 32  
 33 the European Commission presented a paper to the Council that argued for a new 33  
 34 approach in the context of changing global geopolitics (High Representative and 34  
 35 35

36 4 It is important to note that this notion of a new political governance regime for the 36  
 37 Arctic based upon the Antarctic Treaty System was not invented by Northern parliamentarians 37  
 38 in 2007 and has surfaced in discussions across numerous arenas since the early 1990s. 38  
 39 Examples include recommendations by the Nordic Council, 1992–94 (Scrivener 1996), by 39  
 40 the Canadian Arctic Resources Committee in the early 1990s, and, during the International 40  
 41 Polar Year 2007–09, in reports by NGOs such as the WWF (Huebert and Yeager 2008). 41

42 5 At the same time, it does appear that the international media coverage of the events 42  
 43 of August 2007 has unfortunately influenced some policy-makers into thinking that the 43  
 44 Arctic region lacks any existing frameworks on political cooperation and environmental 44  
 44 management. 44

1 the European Commission 2008). Stressing the ‘unique position’ of the EU to 1  
 2 respond to global climatic and security challenges, the report listed a number of 2  
 3 possible future conflicts over natural resources, and noted that ‘[a]s previously 3  
 4 inaccessible regions open up due to the effects of climate change, the scramble 4  
 5 for resources will intensify’ (High Representative and the European Commission 5  
 6 2008: 2, 5). These disputes included ‘potential conflict over resources in the Polar 6  
 7 regions which will become exploitable as a consequence of global warming’ (High 7  
 8 Representative and the European Commission 2008: 4). This report is governed 8  
 9 by the perspective that ‘the EU’s neighbours include some of the most vulnerable 9  
 10 regions to climate change’ (High Representative and the European Commission 10  
 11 2008: 6). And it is within this atmosphere of anxiety that the Arctic region is 11  
 12 positioned: 12

13  
 14 The rapid melting of the polar ice caps, in particular, the Arctic, is opening up 14  
 15 waterways and international trade routes. In addition, the increased accessibility 15  
 16 of the enormous hydrocarbon resources in the Arctic region is changing the geo- 16  
 17 strategic dynamics of the region with potential consequences for international 17  
 18 stability and European security interests. The resulting new strategic interests 18  
 19 are illustrated by the recent planting of the Russian flag under the North Pole. 19  
 20 There is an increasing need to address the growing debate over territorial claims 20  
 21 and access to new trade routes by different countries which challenge Europe’s 21  
 22 ability to effectively secure its trade and resource interests in the region and may 22  
 23 put pressure on its relations with key partners. (High Representative and the 23  
 24 European Commission 2008: 8) 24  
 25 25

26 On the basis of these arguments, the report suggests possible courses of action, 26  
 27 including the development of ‘an EU Arctic policy based on the evolving geo- 27  
 28 strategy of the Arctic region’ (High Representative and the European Commission 28  
 29 2008: 11). 29

30 Most controversially however, at least for the Arctic coastal states outside of 30  
 31 Europe, the paper suggests, on two separate occasions, that there is ‘a possible 31  
 32 need to strengthen certain rules of international law, including the Law of the 32  
 33 Sea’ (High Representative and the European Commission 2008: 10). The report 33  
 34 argues that this will be necessary to allow the security risks from climate change 34  
 35 to be dealt with in multilateral arenas (High Representative and the European 35  
 36 Commission 2008). 36

37 Believing this widening of the political actors willing to speak about Arctic 37  
 38 futures to be a provocation, the five littoral states began to respond. Following an 38  
 39 invitation by the Danish Minister of Foreign Affairs and the Premier of Greenland, 39  
 40 a ministerial summit of representatives from the five Arctic Ocean coastal states 40  
 41 met to discuss the changing geopolitical situation in Ilulissat, 27–29 May 2008. 41  
 42 This resulted in the Ilulissat Declaration of 28 May 2008 (Arctic Council 2008). 42  
 43 43

44 44

1 Given the complexity of issues involved, the Ilulissat Declaration is relatively 1  
 2 brief. Importantly, it responds to the challenge posed by the High Representative 2  
 3 and European Commission's report, as well as directly replying to its language: 3  
 4

5 By virtue of their sovereignty, sovereign rights and jurisdiction in large areas 5  
 6 of the Arctic Ocean the five coastal states are in a unique position to address 6  
 7 these possibilities and challenges. In this regard, we recall that an extensive 7  
 8 international legal framework applies to the Arctic Ocean[.] ... Notably, the 8  
 9 law of the sea provides for important rights and obligations concerning the 9  
 10 delineation of the outer limits of the continental shelf, the protection of the 10  
 11 marine environment, including ice-covered areas, freedom of navigation, marine 11  
 12 scientific research, and other uses of the sea. We remain committed to this legal 12  
 13 framework and to the orderly settlement of any possible overlapping claims. 13  
 14 This framework provides a solid foundation for responsible management by the 14  
 15 five coastal states and other users of this Ocean through national implementation 15  
 16 and application of relevant provisions. *We therefore see no need to develop a* 16  
 17 *new comprehensive international legal regime to govern the Arctic Ocean.* 17  
 18 (Arctic Council 2008: 1–2; my emphasis) 18  
 19

20 A direct attempt is made in this Declaration to position the five coastal states as 20  
 21 the sole arbiters of the future of the region, rather than other Arctic states, the 21  
 22 indigenous peoples of the Arctic, other states, the EU, NGOs or, even, global civil 22  
 23 society.<sup>6</sup> In short, the littoral states envisaged this to be the end of the matter. 23

24 I should note, given that it has often been missed by the new generation of 24  
 25 geopoliticians of the polar regions, that the other Member States of the Arctic 25  
 26 Council – Finland, Sweden and Iceland – were conspicuous by their absence at 26  
 27 the Ilulissat summit.<sup>7</sup> As Koivurova (2010) shows, Iceland expressed the most 27  
 28 manifest concerns about this exclusion. As such, the only EU member state 28  
 29 involved at Ilulissat was Denmark, and even then only at the behest of Greenland, 29  
 30 which remains outside the EU. 30

31 The association between Greenland, Denmark and the EU is complicated and 31  
 32 interconnects with issues around restrictions on traditional practices, such as the 32  
 33 hunting of seals and whales, and perceptions of neo-colonialism. Greenland joined 33  
 34 the European Economic Community (EEC) as part of the Danish accession in 34  
 35 1972. Following conflicts over fishing rights and arguments that membership of 35  
 36 such a supranational institution would further suppress Greenlandic desires for 36  
 37 self-determination, a majority of Greenlanders voted in a referendum to leave the 37  
 38

39  
 40 <sup>6</sup> The use of a Declaration has important symbolism within discourses of Arctic 40  
 41 governance. The US was also critical in ensuring that the Arctic Council was formed via 41  
 42 Declaration rather than a Charter or Convention (Scrivener 1999). 42

43 <sup>7</sup> As I have argued in other work, recent social and political studies of 'the Arctic' 43  
 44 maintain a lack of dialogue between northernists and the new polar geopoliticians (Powell 44  
 2010).

1 EEC in February 1982 (Loukacheva 2007). Greenland formally seceded from the 1  
 2 EEC on 1 February 1985, leading to ‘a new legal designation ... as an overseas 2  
 3 country and territory (OCT), with special arrangements regarding its unique 3  
 4 circumstances’ (Loukacheva 2007: 116). The current position is that, although 4  
 5 Greenland is not a Member, the EU and Greenland have a longstanding association 5  
 6 and have signed bilateral agreements, such as over fisheries in 2007 (European 6  
 7 Commission 2007a, 2008d). 7

8 Moreover, through the Ilulissat Declaration, the Arctic Council itself was 8  
 9 marginalized as the usual venue for discussion of issues about the region. The 9  
 10 Declaration concludes with the statement that ‘[t]he five coastal states of the Arctic 10  
 11 Ocean will continue to contribute actively to the work of the Arctic Council and 11  
 12 other relevant international fora’ (Arctic Council 2008: 2). But the implication is 12  
 13 clear. The Ministerial Summit of the five coastal states is where the Arctic *Ocean* 13  
 14 should, indeed will, be discussed. 14

15 Despite this radical shift in the tone of the geopolitics of the Arctic, discussions 15  
 16 across the branches of the EU about Arctic policy were already in process. On 16  
 17 9 October 2008, the European Parliament (EP) debated a resolution on ‘Arctic 17  
 18 Governance’ (European Parliament 2008b). Starting from the premise that 18  
 19 ‘the geopolitical and strategic importance of the Arctic region is growing’, the 19  
 20 resolution claims that the ‘Arctic region may contain approximately 20% of the 20  
 21 world’s undiscovered oil and gas reserves’ (European Parliament 2008b: 1, 2). The 21  
 22 text of the resolution again questioned the framework of the UN Convention on 22  
 23 the Law of the Sea (UNCLOS), and drew attention to the fact that this agreement 23  
 24 had still not yet been ratified by the US Senate. It also deploys for the first time the 24  
 25 term the ‘A5 countries’ to refer to the coastal states (European Parliament 2008b: 25  
 26 2, Dodds 2010). 26

27 Most importantly, the resolution made a number of provocations. First, it 27  
 28 identifies that given that three EU Member States (Finland, Sweden and Denmark) 28  
 29 and two further members of the EEA agreement (Norway and Iceland) are ‘the EU’s 29  
 30 closely-related neighbours’, then, ‘the EU and its associated states comprise more 30  
 31 than half the numeric membership of the Arctic Council’ (European Parliament 31  
 32 2008b: 2). Second, the resolution states that the European Parliament ‘is convinced 32  
 33 that awareness of the Arctic’s importance in a global context needs to be raised 33  
 34 further by delivering a standalone EU Arctic policy’ (European Parliament 2008b: 34  
 35 3). Third, the European Parliament expresses particular concern ‘over the ongoing 35  
 36 race for natural resources in the Arctic which may lead to security threats for the 36  
 37 EU and overall international instability’ (European Parliament 2008b: 4). Fourth, 37  
 38 it expressed that the ‘first step’ for a ‘proactive role in the Arctic’ for the European 38  
 39 Commission is to gain ‘observer’ status on the Arctic Council (European Parliament 39  
 40 2008b: 4). And, finally, and most controversially, the desire is expressed for a new 40  
 41 treaty regime for the Arctic based on the Antarctic Treaty. The EP 41

42  
 43 [s]uggests that the Commission should be prepared to pursue the opening of 43  
 44 international negotiations designed to lead to the adoption of an international 44

1 *treaty for the protection of the Arctic, having as its inspiration the Antarctic* 1  
 2 *Treaty*, as supplemented by the Madrid Protocol signed in 1991, but respecting 2  
 3 the fundamental difference represented by the populated nature of the Arctic and 3  
 4 the consequent rights and needs of the peoples and nations of the Arctic region; 4  
 5 [it] believes, however, that as a minimum starting-point such a treaty could at 5  
 6 least cover the unpopulated and unclaimed area at the centre of the Arctic Ocean. 6  
 7 (European Parliament 2008b: 4; my emphasis) 7

8  
 9 Although there has been a high degree of commentary about perceived political 9  
 10 clumsiness here, it has hardly ever been remarked that this resolution passed 10  
 11 through the EP with outstanding support – 597 votes in favour, 23 against and 41 11  
 12 abstentions (European Parliament 2008a). 12

13 Responding to these debates within the EP, the European Commission's long- 13  
 14 awaited Communication, *The European Union and the Arctic Region*, was finally 14  
 15 published on 20 November 2008 (European Commission 2008d). Opening with 15  
 16 the bold statement, '[t]he European Union is inextricably linked to the Arctic 16  
 17 region ... by a unique combination of history, geography, economy and scientific 17  
 18 achievements', this Communication surprised many political commentators 18  
 19 through its directness (European Commission 2008d: 1). The intention was that 19  
 20 this 'should also lead to a structured and coordinated approach to Arctic matters, 20  
 21 as a first layer of an Arctic policy for the European Union' (European Commission 21  
 22 2008d: 12, 2008a, 2008b). 22

23 The emphasis throughout the document is on the need for *global* responses to 23  
 24 changes in the Arctic. It is stressed that both the EU and its Member States are 'major 24  
 25 contributors to Arctic research', and are thus involved in answering important 25  
 26 questions about the changing Arctic environment (European Commission 2008d: 26  
 27 5). Having established this, the European Commission argues that the EU should 27  
 28 be an obvious leader in the region, given its history in debates about climate change 28  
 29 and sustainable development. The Communication sets out three main policy 29  
 30 objectives for the EU in the Arctic: 'Protecting and preserving the Arctic in unison 30  
 31 with its population'; 'Promoting sustainable use of resources'; and, 'Contributing 31  
 32 to enhanced Arctic multilateral governance' (European Commission 2008d: 3). 32

33 The Communication reiterates that, as a starting point for its Arctic policy, 33  
 34 it will apply for 'permanent observer' status in the Arctic Council. This was a 34  
 35 discernible change in strategy towards the Arctic Council by the European 35  
 36 Commission. Hitherto, the policy had been to gain 'ad hoc observer' status, 36  
 37 rather than attempt to become a 'permanent observer' (Koivurova 2010). The 37  
 38 Communication emphasizes the complementarities between the EU's Arctic policy 38  
 39 and the Integrated Maritime Policy, which argues for individual attention to the 39  
 40 particularities of each of Europe's regional seas (European Commission 2008d: 40  
 41 1, 2008b). It is suggested that the Northern Dimension partners might investigate 41  
 42 mechanisms for projects around environmental projects that could cover wider 42  
 43 areas of the European Arctic. For the first time in European Union discourses 43  
 44 on the Arctic, the Communication explicitly draws attention to the importance of 44

1 hydrocarbons in the region for energy security: ‘Arctic resources could contribute	1
2 to enhancing the EU’s security of supply concerning energy and raw materials in	2
3 general’ (European Commission 2008d: 6). <sup>8</sup>	3
4 The most controversial sections of the Communication were again around the	4
5 issue of a treaty regime for the region. However, the statement of the Commission is	5
6 less confrontational than the October 2008 resolution of the European Parliament:	6
7	7
8 There is no specific treaty regime for the Arctic. No country or group of countries	8
9 have sovereignty over the North Pole or the Arctic Ocean around it. ... An	9
10 extensive international legal framework is already in place that also applies to the	10
11 Arctic. The provisions of the UN Convention on the Law of the Sea (UNCLOS)	11
12 provide the basis for the settlement of disputes including delimitation. ...	12
13 The European Parliament has recently highlighted the importance of Arctic	13
14 governance and called for a standalone EU Arctic policy urging the Commission	14
15 to take a proactive role in the Arctic. The parliamentary dimension of Arctic	15
16 cooperation is crucial to raise awareness and to strengthen policy input. The	16
17 European Parliament has been playing a valuable role in this respect. ... The	17
18 main problems relating to Arctic governance include the fragmentation of the	18
19 legal framework, the lack of effective instruments, the absence of an overall	19
20 policy-setting process and gaps in participation, implementation and geographic	20
21 scope. (European Commission 2008d: 9–10)	21
22	22
23 Importantly, then, the European Commission significantly diverts from the	23
24 European Parliament’s call for a new legal governance regime for the Arctic based	24
25 upon the Antarctic Treaty. Indeed, the Communication seems closer to the position	25
26 of the Ilulissat Declaration when it states:	26
27	27
28 The EU should work to uphold the further development of a cooperative Arctic	28
29 governance system based on UNCLOS. ... The full implementation of already	29
30 existing obligations, rather than proposing new legal instruments should be	30
31 advocated. (European Commission 2008d: 10)	31
32	32
33 However, the Communication continues with some further suggestions on	33
34 governance, as well as highlighting the exclusion of Finland, Sweden and Iceland	34
35 from the Ministerial Summit of the five coastal states in May 2008:	35
36	36
37 This however should not preclude work on further developing some of the	37
38 frameworks, adapting them to new conditions or Arctic specificities. The	38
39 EU should promote broad dialogue and negotiated solutions and not support	39
40	40
41	41
42 <sup>8</sup> Following the Georgia-Russia conflict during that summer, the EU also reviewed its	42
43 relationship with Russia during November 2008, stressing interdependence around energy	43
44 security (European Commission 2008c).	44



1 arrangements which exclude any of the Arctic EU Member States or Arctic EEA 1  
2 EFTA countries. (European Commission 2008d: 10) 2  
3 3 3  
4 During the meeting of the Council of the European Union in Brussels on 8 4  
5 December, an Arctic policy for the EU was discussed (Council of the European 5  
6 Union 2008a; Council of the European Union 2008b, 2008c). Conspicuously less 6  
7 direct than both the Parliament and the Commission, the Council nevertheless 7  
8 welcomed the decision for the Commission to apply for observer status at the 8  
9 Arctic Council (Council of the European Union 2008a; Council of the European 9  
10 Union 2008b). Critically, the Council stressed that the ‘goals of the EU can be 10  
11 achieved only in close cooperation with all Arctic partner countries, territories and 11  
12 communities’ (Council of the European Union 2008b: 2).<sup>9</sup> 12  
13 In late December 2008, the High Representative responded to the Ilulissat 13  
14 Declaration and developments in the European Parliament by agreeing that the 14  
15 European Commission’s communication ‘marks an important first step towards an 15  
16 EU Arctic policy, including on environmental and geo-political challenges’ (High 16  
17 Representative 2008: 2). 17  
18 Following the reception of its Communication, the European Commission 18  
19 has perhaps adopted a more conciliatory tone towards other interested parties in 19  
20 continuing to develop its Arctic Policy. Joe Borg, the Member of the European 20  
21 Commission with responsibility for Fisheries and Maritime Affairs, spoke about 21  
22 the EU’s Integrated Maritime Policy at the Arctic Frontiers conference in Tromsø, 22  
23 19 January 2009 (Borg 2009): 23  
24 24 24  
25 The European Union’s Integrated Maritime Policy works on the fundamental 25  
26 premise that each sea region is unique and needs individual solutions in order 26  
27 to maximise the sustainable use of resources. The Arctic is no different, and 27  
28 so it is in this respect that the European Union has an interest in securing a 28  
29 sustainable future for the Arctic. More than that, the Union feels quite strongly 29  
30 that it would also be failing its citizens, and the world at large, if it did not 30  
31 take its responsibility in this regard. The European Union has a clear vision of 31  
32 the path it would like to take with regard to the Arctic, in cooperation with its 32  
33 international partners. (Borg 2009: 2) 33  
34 34 34  
35 These comments were also indicative of a shifting emphasis in the goals of the 35  
36 European Commission on the Arctic, following the response of the Council to its 36  
37 Communication. The Commission therefore, by early 2009, seemed to have moved 37  
38 closer to the position of the coastal states in placing reliance upon UNCLOS for 38  
39 the building blocks of a new Arctic governance regime. As Borg put it: 39  
40 40 40  
41 41 41  
42 9 ‘Les objectifs de l’UE ne pourront être atteints qu’en coopération étroite avec tous 42  
43 les pays partenaires, territoires et communautés de l’Arctique’ (Council of the European 43  
44 Union 2008a: 2). 44

1 We are convinced that an enhanced system of governance in the Arctic could 1  
2 prove to be a real asset. ... But we don't need to reinvent the wheel to build 2  
3 a governance system for the Arctic. Indeed, the structures we need for this, 3  
4 already exist. We believe an UNCLOS-based governance system could deliver 4  
5 security and stability, strict environmental management and the sustainable use 5  
6 of resources subject to open and equitable access – precisely the aims contained 6  
7 in our strategy. ... If the Arctic is our ship then we must all take the helm to 7  
8 preserve its future. (Borg 2009: 2–3) 8  
9 9

10 This change in tone must be considered within the context of the European 10  
11 Commission's application to gain permanent observer status in the Arctic Council 11  
12 during the early months of 2009. However, immediately before this application by 12  
13 the European Commission was considered by the Arctic Council, the European 13  
14 Parliament emphatically re-entered the debate. A Joint Motion for a Resolution 'on 14  
15 the international treaty for the protection of the Arctic' was put before the European 15  
16 Parliament on 30 March 2009 (European Parliament 2009b: 1). This rearticulated 16  
17 many of the arguments of the earlier Resolution on 'Arctic Governance' of 9 17  
18 October 2008. However, it made two further demands that escalated the situation. 18  
19 First, the Joint Motion called again for a new treaty, this time to be based even 19  
20 more directly upon the Antarctic Treaty. The Motion: 20  
21 21

22 Calls on the Council and Commission to initiate international negotiations for 22  
23 the adoption of an international treaty for the protection of the Arctic, along the 23  
24 lines of the existing Antarctic Treaty, in order to make the Arctic a zone of peace 24  
25 and cooperation reserved solely for peaceful activities and free of disputes over 25  
26 sovereignty. (European Parliament 2009b: 2–3) 26  
27 27

28 Second, and most provocatively of all the various policy statements on the Arctic 28  
29 issued by the various EU institutions to date, the Joint Motion requested a fifty 29  
30 year moratorium on oil and gas exploration. The Motion: 30  
31 31

32 Calls on the Commission and the Council to work towards *establishing a* 32  
33 *moratorium on the exploitation of geological resources in the Arctic for a period* 33  
34 *of 50 years* pending fresh scientific studies. (European Parliament 2009b: 3; my 34  
35 emphasis) 35  
36 36

37 During the debate at the EP on this Joint Motion, it was requested by Avril Doyle 37  
38 MEP that the vote be adjourned, so that any such resolution would not impact 38  
39 malignly on the European Commission's concurrent application to gain observer 39  
40 status at the Arctic Council (European Parliament 2009a, 2009c). The EP voted 40  
41 to postpone the vote – 352 in favour, 241 against and 13 abstentions (European 41  
42 Parliament 2009c). 42  
43 The application by the Commission to the Arctic Council was considered in 43  
44 April 2009. Given the changing geopolitical situation, China, Italy and South Korea 44

1 had also applied for Permanent Observer status. At the Arctic Council's biannual 1  
 2 ministerial meeting in Tromsø in April 2009, after significant doubts were raised 2  
 3 by the six 'Permanent Participants' representing the Circumpolar indigenous 3  
 4 peoples, it was resolved to discuss further the actual role of an 'Observer'. In the 4  
 5 event, as the next full ministerial meeting of the Arctic Council was not scheduled 5  
 6 until 2011 in Denmark, this effectively means that the Commission's application 6  
 7 was turned down, together with those of the three other applicant states (Phillips 7  
 8 2009, CBC News 2009). This situation also highlights the endemic anxiety within 8  
 9 the structures of the Arctic Council around what 'Observer' status entails. As 9  
 10 mentioned earlier, these uncertainties have existed since the founding negotiations 10  
 11 of the Arctic Council. Moreover, in the aftermath, the Canadian Foreign Minister, 11  
 12 Lawrence Cannon, was recorded as stating that the EU lacked an appreciation 12  
 13 of the pertinent issues in the Arctic, especially with respect to sensitivity to the 13  
 14 indigenous peoples of the region (Phillips 2009). Canada had been opposed to 14  
 15 the European Commission's application, given recent EU restrictions on goods 15  
 16 deriving from the hunting of seals. Like many Inuit leaders, Eva Aariak, the 16  
 17 Premier of Nunavut, was also fiercely opposed because of the EU bans on seal 17  
 18 products (Somy 2009). 18

19

20

## 21 **Extending the European Arctic?** 21

22

23 Following the entry into force of the Treaty of Lisbon on 1 December 2009, 23  
 24 there may be significant developments with respect to the EU's policy towards 24  
 25 the Arctic. Under the Treaty, the European Council, has also become a separate 25  
 26 institution, whose quarterly meetings of the European Heads of States are now 26  
 27 to be chaired by the President, Herman Van Rompuy (General Secretariat of the 27  
 28 Council 2010). One of the objectives of the re-constituted European Council is, 28  
 29 indeed, to build consensus on strategy amongst the leaders of the 27 Member 29  
 30 States (General Secretariat of the Council 2010).<sup>10</sup> 30

31 The most important change with respect to EU foreign policy is the formation 31  
 32 of the European External Action Service (EEAS, to be operational by 2012), and 32  
 33 the establishment of Baroness Caroline Ashton as the EU High Representative 33  
 34 for Foreign Affairs and Security Policy and effective head of the EEAS (Kuus 34  
 35 2010). The Foreign Affairs Council is chaired by the High Representative for 35  
 36 Foreign Affairs and Security Policy, and is the only Council configuration not 36  
 37 chaired by the rotating presidency from the Member States (General Secretariat 37

38

39

40 \_\_\_\_\_ 40  
 41 <sup>10</sup> Since 1 December 2009, the Council (or Council of Ministers) continues to meet, 41  
 42 attended by the relevant ministers from each Member state for the issues under discussion, 42  
 43 and enacts legislation, regulations and directives. The presidency of the Council continues 43  
 44 to rotate, on a six-monthly basis, between the Member States (General Secretariat of the 44  
 45 Council 2010).

1 of the Council 2010). Baroness Ashton already serves as the Vice-President of the 1  
 2 European Commission, 2010–14. 2

3 It should be evident that these institutional shifts provide for significant changes 3  
 4 in foreign policy, not least towards the Arctic region. Although there are still 4  
 5 ambiguities about how exactly the EEAS will function – it is to be independent but 5  
 6 also accountable to three main institutions of the EU – in broad brush, it highlights 6  
 7 ‘the operation of the Union as a (geo)political subject’ (Kuus 2010: 381). As Merje 7  
 8 Kuus argues, ‘the everyday social alchemy through which power relations are 8  
 9 misrecognized within EU institutions’ will become critical in the development of 9  
 10 new forms of European geopolitics (Kuus 2010: 386). 10

11 As well as reaffirming the central importance of EU-wide climate change and 11  
 12 energy policies, further critical aspects of the vision of the Lisbon Treaty for the 12  
 13 Arctic are the promotion of the ‘territorial cohesion’ of the EU, and the ‘strict 13  
 14 observance and development of international law’ (European Commission 2009c: 14  
 15 3). Another reform introduced by the Lisbon Treaty, that of ‘strengthening the 15  
 16 role of the European Parliament’ such that the directly-elected MEPs are granted 16  
 17 greater law-making powers, has also already begun to contribute to discussions 17  
 18 about the Arctic (European Commission 2009c: 2). 18

19 The European Commission presented a separate EU Strategy for the Baltic 19  
 20 Sea Region in June 2009 (European Commission 2009a). As the President of the 20  
 21 European Commission, José Manuel Durão Barroso, puts it, the ‘Baltic Sea region 21  
 22 is where EU and Russia meet’ (Barroso 2010: 2). It has been suggested within the 22  
 23 European Parliament that, following the publication of this Baltic Sea strategy, the 23  
 24 Arctic angle of the Northern Dimension might be now be strengthened. 24

25 A greater degree of realism over the need to engage the indigenous peoples 25  
 26 of the Arctic in dialogue is common in more recent statements by the European 26  
 27 Commission and the Council. The Council of the European Union discussed 27  
 28 Arctic issues in Brussels on 8 December 2009, and when reporting, took a much 28  
 29 less bold approach than previously (Council of the European Union 2009). The 29  
 30 ‘Council recognises that EU policies on natural resource management that impact 30  
 31 on the Arctic should be formulated in close dialogue with arctic states and local 31  
 32 communities’ (Council of the European Union 2009: 2). The Council did, however, 32  
 33 ‘promote a precautionary approach to new fishing activity in Arctic high seas’ 33  
 34 (Council of the European Union 2009: 3). Perhaps most significant, however, is 34  
 35 the Council’s *return* to the Northern Dimension in the future development of an 35  
 36 EU Arctic policy: 36

37 37  
 38 The Council notes that the Arctic is also one of the priority areas of the revised 38  
 39 Northern Dimension policy. ... It encourages development of the ND Arctic 39  
 40 Window without duplicating work within the mandates of the Arctic Council 40  
 41 or the Barents Euro-Arctic Council. In particular, the Council notes that further 41  
 42 consideration would be needed on how indigenous peoples could be included 42  
 43 in the deliberations on the ND Arctic Window. (Council of the European Union 43  
 44 2009: 5) 44

1 Although it cannot detain us further here, the return to the ‘Arctic Window’ 1  
2 emphasizes the critical issue of relations between the EU and Greenland, 2  
3 potentially the best angle for European access to discussions on the future of the 3  
4 Arctic Ocean. As early as 1999, the Greenlandic government had presented the 4  
5 Arctic Window as ‘the political space within the Northern Dimension where the 5  
6 Arctic nations and the EU share mutual interests’ (Loukacheva 2007: 120). Indeed, 6  
7 the Arctic Window initiative was originally presented by the then Prime Minister 7  
8 of Greenland, Jonathan Motzfeldt (Rasmussen 2008). During the Danish Council 8  
9 Presidency of 2002, a conference was convened jointly with the Greenland 9  
10 Home Rule Government on the ‘Northern Dimension and the Arctic Window’ 10  
11 (Asgrimsson 2002). This stressed that the Northern edge of the EU was ‘not just 11  
12 the outskirts or the periphery but a meeting place and a centre’ (Asgrimsson 2002: 12  
13 1). The EU was to be a strategic partner of Greenland, and, in August 2002, the 13  
14 Prime Minister of Greenland was encouraging a more prominent role for it within 14  
15 the Arctic Council. Moreover, the Arctic Window was seen as a further angle in 15  
16 the continuing rapprochement between the EU and Russia. 16

17 A Ministerial meeting of the renewed Northern Dimension in November 2009 17  
18 suggested that there might be ways to develop the ‘Arctic Window’ of the ND, 18  
19 as well as soliciting greater involvement from indigenous peoples (European 19  
20 Commission 2009b). In March 2010, the European Commission also convened a 20  
21 workshop in Brussels ‘to establish a constructive dialogue on areas and means of 21  
22 cooperation between the Commission and Arctic indigenous peoples’ (European 22  
23 Commission 2010: 1). During workshops in the European Parliament in June 23  
24 2010, Diana Wallis MEP suggested that the ‘Arctic Window’ of the Northern 24  
25 Dimension might provide possibilities for a stronger EU role. Moreover, in 25  
26 discussions the view was expressed that concerns raised by MEPs about future 26  
27 resource developments in the Arctic are not being adequately reflected in policy 27  
28 suggestions by the Commission, especially given concerns about the impact of the 28  
29 blow-out of the BP Deepwater Horizon on 20 April 2010 in the Gulf of Mexico. 29  
30 Under the Lisbon Treaty, it was suggested, the directly-elected representatives will 30  
31 be increasingly able to direct the overall policy-goals of the EU on such matters. 31

32 This notion of widening the democratic constitution of the European Union 32  
33 is, of course, completely understandable. However, the Arctic does raise issues 33  
34 about the *extent* of Europe. The underlying basis for future EU foreign policy 34  
35 is that of a range of different ‘Neighbourhood spaces’ each requiring particular 35  
36 policy-responses. It is still unclear as to what the Arctic means for the European 36  
37 Union. Or, rather, that perhaps the Arctic means either energy security and climate 37  
38 change, or the spatial expansion of compassionate concern, to the Council and the 38  
39 Commission, or the Parliament respectively. 39

40 This discussion of the growth of an Arctic policy reveals some of the new forms 40  
41 of geopolitics in which the EU, or at least the European Parliament, wants to be 41  
42 involved. In the longer-term, there is a problematic, even fundamental, issue with 42  
43 the EU’s approach to the Arctic, however. One of the founding principles of the EU 43  
44 has always been *subsidiarity*, or the idea that the ‘EU’s decisions must be taken as 44

1 closely to the citizens as possible' (European Commission 2009c: 16). As the EU 1  
 2 constantly strives to expand both its spatial extent and its legal/epistemic sphere 2  
 3 of influence, arguably often into areas occupied by citizens of other polities, it has 3  
 4 to be questioned as to whether subsidiarity retains in central place in decision- 4  
 5 making. It may well be that international regions like the Arctic are not suited 5  
 6 to the subsidiarity principle, in that they are of global importance at many levels 6  
 7 beyond indigenous inhabitants or the Arctic states. But this viewpoint perhaps 7  
 8 undermines the many successes that have been established in Arctic governance 8  
 9 by devolving decision-making to indigenous groups and organizations. It is ironic, 9  
 10 of course, that these changes were brought into force precisely because of the 10  
 11 acceptance of the principle of subsidiarity within their national boundaries by the 11  
 12 Arctic states. The issue remains as what governance mechanisms should be in 12  
 13 place, for whom, and how the EU might shape them, if at all. These are not easy 13  
 14 questions to answer, but they need to be borne in mind as the future of the Arctic 14  
 15 is shaped in a number of political fora. 15

16

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PART II  
The EU as (B)ordering Actor

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# Chapter 6

## Outsourcing Asylum: The Advent of Protection Lite

Thomas Gammeltoft-Hansen

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12 The last decade has seen the dawn of a common European asylum and immigration 12  
13 policy. One of the more remarkable features of this still developing *acquis* is 13  
14 the distinct desire to extend asylum and migration policy outside the territorial 14  
15 confines of the European Union. Since the first comprehensive framework for 15  
16 this policy area was laid down at the EU summit in Tampere in 1999, the EU 16  
17 has substantially expanded its economic and political involvement with non-EU 17  
18 countries on asylum and migration issues. As development assistance is now being 18  
19 increasingly tied to cooperation on ‘migration management’ and all foreign-policy 19  
20 agreements include standard clauses on readmission, these hitherto internal policy 20  
21 domains are increasingly colonizing the European foreign policy agenda. 21

22 In this process, asylum occupies a special position. As one scholar notes, 22  
23 the refugee is poised squarely between state sovereignty, understood in terms 23  
24 of territorial supremacy and the power to control access to that territory on the 24  
25 one hand, and humanitarian considerations and international legal obligations 25  
26 requiring states to moderate this sovereignty on the other (Goodwin-Gill 1996: 26  
27 v). While political concerns over numbers of asylum-seekers have risen across 27  
28 Europe, states have been keen to come up with policy innovations to somehow 28  
29 relieve them of these obligations or distribute them differently. For a long time 29  
30 this game has been played out among EU states themselves, in which a race for 30  
31 the most restrictive or unwelcoming asylum system was seen as a prerequisite. As 31  
32 growing asylum harmonization may be seen to somewhat alleviate this dynamic, 32  
33 the venue seems to be changing. Today, the EU is becoming the primary platform 33  
34 for attempts by European states to recruit neighbouring and developing countries 34  
35 into schemes to move the regulation of asylum and provision of protection away 35  
36 from Europe. 36

37 This *externalization* or *extra-territorialization* of asylum raises important 37  
38 questions of international law and future responses to the plight of refugees. 38  
39 Whereas refugee advocates normally refer to international law to harness restrictive 39  
40 developments in European asylum policy, one should realise that this framework 40  
41 continues to be understood and effected in territorial terms. Both the assignment 41  
42 of state responsibility and the provision of protection ultimately follow territorial 42  
43 principles. As this chapter will try to show, European states have been keen to 43  
44 exploit this very structure in order to outsource asylum thereby changing the 44

1 obligations associated with refugee protection altogether. The result is the advent 1  
 2 of ‘protection lite’, in which European states are driving a race to the bottom in 2  
 3 search of what counts for ‘effective protection’. 3

4 4

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## 6 **The Westphalian Heritage of the Refugee Protection Regime** 6

7 7

8 Across Europe, policy-makers have claimed that the present refugee regime is 8  
 9 becoming increasingly inadequate in structuring state responses to the plight 9  
 10 of refugees (Hathaway 1997: xviii). At the same time, refugee advocates and 10  
 11 scholars have proclaimed a ‘crisis of asylum’, unable to see how the present legal 11  
 12 framework will be able to survive the surge in restrictive policies (Zolberg 2001). 12  
 13 On the other hand, on several occasions European states have reaffirmed their 13  
 14 commitment to the rules and principles set out in the Refugee Convention.<sup>1</sup> 14

15 Thus, rather than a crisis threatening to overthrow the refugee regime as such, 15  
 16 this chapter suggests that European developments represent a move to redefine the 16  
 17 existing *modus operandi* for how refugee protection is realized. Yet this process 17  
 18 of testing new policies against the boundaries of refugee law does not seem to 18  
 19 reflect the optimistic hopes of some scholars that the global refugee regime may be 19  
 20 reformed for the benefit of those in need of protection (Hathaway 1997). Rather, 20  
 21 recent policies seem to instrumentalize the refugee protection framework itself as 21  
 22 a vehicle for strategically shifting the protection burden away from Europe. 22

23 To understand this, one needs first of all to consider how the legal refugee 23  
 24 protection regime operates and is bound within a territorial logic. Despite the 24  
 25 appearance of universality, this regime is in the true sense of the word *inter-* 25  
 26 *national*. Protection is not guaranteed in a global homogenous juridical space but 26  
 27 materializes as a patchwork of commitments undertaken by individual states, tied 27  
 28 together by multilateral treaty agreements (Palan 2003: 87). This should be easily 28  
 29 realized not only when looking at the global provision of protection but also when 29  
 30 examining the fundamental principles upon which the international legal norms 30  
 31 are premised. 31

32 At the core of this regime is the obligation on states not to send back, or 32  
 33 *refouler*, a refugee to a place in which he or she risks persecution.<sup>2</sup> This basic 33  
 34 obligation kicks in when an asylum-seeker or a refugee is present within the 34  
 35 territory or jurisdiction of the state in question. States that fear the burden of 35  
 36 asylum processing have been keen to develop mechanisms preventing asylum 36  
 37 seekers from even arriving, such as the growing nexus of off-shore migration 37

38 38

39 39

40 1 Most notably, the UNHCR’s process of Global Consultations witnessed wide 40  
 41 support for the core legal framework, while at the same time opening up a discussion of the 41  
 42 operational flexibility that refugee law affords. 42

43 2 In effect this also applies to asylum-seekers, as refugee status is declaratory, not 43  
 44 constitutive. This necessarily requires the application of principles such as non-refoulement 44  
 44 presumptively. 44

1 control mechanisms,<sup>3</sup> or being obliged to admit them into their asylum systems. 1  
 2 These so-called *non-entrée* policies (Hathaway 1992) have entailed a drive among 2  
 3 European states to shift the responsibilities for asylum-seekers and refugees, first 3  
 4 among each other and subsequently to third states. In this game, the defining 4  
 5 mechanism for allocating responsibility to states remains firmly grounded in the 5  
 6 principle of territorial division; whatever state territory or jurisdiction a refugee is 6  
 7 within, that state is responsible for not returning that person to a place in which he 7  
 8 or she may be persecuted. 8

9 Beyond this fundamental obligation, however, rights under the refugee 9  
 10 protection regime are granted according to a *principle of territorial approximation*. 10  
 11 The rights stemming from the 1951 Refugee Convention are not granted en bloc, 11  
 12 but rather progressively, according to the ‘level of attachment’ a refugee obtains 12  
 13 to a given country. Thus, the most sophisticated rights, such as access to welfare, 13  
 14 employment and legal aid, are only granted when the refugee is ‘lawfully staying’ 14  
 15 or ‘durably resident’ in the territory of the host state. Conversely, refugees or 15  
 16 asylum-seekers that are not present in a state’s territory but de facto under its 16  
 17 jurisdiction, such as on the high seas or in the territory of a third state, are only 17  
 18 entitled to a very basic set of rights centred upon the non-refoulement obligation.<sup>4</sup> 18

19 This incremental approach reflects a seemingly sensible concern of the drafters 19  
 20 not to immediately extend the full scope of rights in situations where refugees may 20  
 21 arrive spontaneously in large numbers (Hathaway 2005: 157). However, at a time 21  
 22 when states are moving both migration control and the management of asylum 22  
 23 outside their own territorial confines, this notion of progressiveness risks being 23  
 24 compromised, as refugees and asylum-seekers may never reach the territory of 24  
 25 the acting state. 25

26 Lastly, protection is not just protection. Despite the nearly global applicability 26  
 27 of human rights instruments such as the 1951 Refugee Convention, the protection of 27  
 28 refugees – understood as the rights afforded to them under the Refugee Convention 28  
 29 and related instruments – is ultimately dependent on individual sovereign states, 29  
 30 which are obliged to guarantee them. This variation can be seen to have at least 30  
 31 three dimensions. First of all, one could ask whether it can be assumed that the 31  
 32 rights owed to refugees under the Refugee Convention are actually afforded? As 32  
 33 proved repeatedly by the agency responsible for supervising the application of the 33  
 34 34

35 3 The developing body of what could be called ‘remote migration control’ instruments 35  
 36 operated by the EU and its Member States includes, for example, visa policies, carriers 36  
 37 sanctions, the posting of immigration liaison officers in transit and origin countries, and 37  
 38 inter-State arrangements to control migration in, e.g., the Mediterranean. See, for example, 38  
 39 Gammeltoft-Hansen 2005: 72ff, Guild 2002, Guiraudon 2002, Lahav 2003, as well as Levy 39  
 40 and Vaughan-Williams in this volume). 40

41 4 The most pertinent rights under the Refugee Convention that are specifically 41  
 42 granted without reference to being present or staying at the territory include Article 33 42  
 43 (non-refoulement), Article 16 (access to courts) and Article 3 (non-discrimination). Of 43  
 44 somewhat lesser importance, Articles 13 (property), 22 (education) and 20 (rationing) also 44  
 44 apply extraterritorially (Hathaway 2005: 160ff). 44

1 Refugee Convention, the degree of certainty with which rights are realized and 1  
 2 adherence to the obligations owed should not be taken for granted even for states 2  
 3 that are a party to the Convention. 3

4 Secondly, even though a certain adherence to the formal protection requirements 4  
 5 is taken for granted, specific rights may not be implemented or implemented rather 5  
 6 differently in different countries. Thus, the scope of rights afforded can be said to 6  
 7 vary. Only four (Arts. 3, 4, 16(1) and 33) of the 33 articles specifying the right 7  
 8 of refugees (Arts. 2–34) are exempt from the possibility of reservations. In some 8  
 9 cases, reservations have been employed to derogate from the way in which a 9  
 10 specific right is granted.<sup>5</sup> 10

11 This leads to the last, but perhaps most important aspect. A great number of 11  
 12 rights pertaining to refugees are specifically granted at a level *relative* to how each 12  
 13 country treats different categories of people. The freedom of religion guaranteed 13  
 14 under Article 4 of the Refugee Convention is thus not absolute, but only enjoyed 14  
 15 in relation to the freedom of religion afforded to nationals of a particular country. 15  
 16 This is particularly pertinent to the social rights and services that can be claimed by 16  
 17 refugees, where the great differences between living standards are likely to make 17  
 18 the refugee experience dramatically different between more or less developed 18  
 19 countries. 19

20 Together these three dimensions can be termed the ‘quality of protection’, 20  
 21 understood as the *certainty*, *scope* and *level* of rights afforded to refugees. They 21  
 22 paint a rather chequered picture of the entitlements that are actually provided to 22  
 23 refugees under the international refugee regime. Thus, when states attempt to 23  
 24 prevent the triggering of the territorial mechanism that make them responsible 24  
 25 for granting certain rights to asylum-seekers or subsequently to shift the burden 25  
 26 for bestowing these rights on to third countries, it may be relevant to consider not 26  
 27 only whether protection will be afforded elsewhere, but also the quality of this 27  
 28 protection. 28

29 There has been a tendency to overlook this point when considering the transfer 29  
 30 of responsibility for protection as, for example, under the ‘safe third country’ rule. 30  
 31 As the House of Lords of the United Kingdom declared: 31

32  
 33 the Convention is directed to a very important but very simple and very practical 33  
 34 end, preventing the return of applicants to places where they will or may suffer 34  
 35 persecution. Legal niceties and refinements should not be allowed to obstruct 35  
 36 that purpose. It can never, save in extreme circumstances, be appropriate to 36  
 37 compare an applicant’s living conditions in different countries if, in each of 37  
 38 them, he will be safe from persecution or the risk of it. (R v. Secretary of State 38  
 39 for the Home Department, *ex parte* Yogathas, [2002] UKHL 26, 29 October) 39  
 40

41  
 42 <sup>5</sup> For instance, Denmark has a reservation towards Article 17 (the right to labour), as 41  
 43 it has been reluctant to extend to refugees similar access to the labour market as enjoyed by 42  
 44 ‘most favourable foreigners’, that is, the Nordic countries, with whom Denmark has entered 43  
 44 into special agreements. 44



1 However, such a limited interpretation of the Refugee Convention fails to 1  
 2 acknowledge the array of rights bestowed even before the status of a refugee is 2  
 3 recognized (Hathaway 2005: 332). To the extent that protection responsibility is 3  
 4 deflected or transferred to less developed states, or even to states with poor human 4  
 5 rights records or undeveloped asylum systems – as has indeed been the case – this 5  
 6 may effectively erode the quality of protection afforded under the present refugee 6  
 7 regime. 7

8 The result is what could be termed ‘protection lite’, understood as the presence 8  
 9 of formal protection, though with a lower certainty, scope and/or level of rights 9  
 10 afforded. It is important to note that, within a strict or *restrictive* reading, this 10  
 11 may well fall within the operational flexibility made possible by the international 11  
 12 legal framework. Indeed, the territorial principle of dividing responsibility and 12  
 13 bestowing rights relative to the practices and situation of each particular country 13  
 14 enshrined in the 1951 Refugee Convention is the very premise for this development. 14  
 15 Whether it is within the spirit of the present regime, however, is another question.<sup>6</sup> 15

16

17

#### 18 **The Mechanisms of the EU ‘Rights Management Regime’** 18

19

20 To appreciate how the rights management logic is enacted in the European context, 20  
 21 the next sections will focus on the mechanisms through which these deflection and 21  
 22 burden-shifting strategies are institutionalized. More specifically, the chapter will 22  
 23 first examine the so-called ‘safe third country’ rule as it has been developed in the 23  
 24 EU as a procedural mechanism for shifting responsibility for asylum processing. 24  
 25 Second, policies to ‘externalize’ or ‘outsource’ migration control will be discussed 25  
 26 as attempts to geographically decouple the performance of control from correlate 26  
 27 refugee and human rights obligations. Last, recent policy proposals to set up 27  
 28 protection and asylum-processing mechanisms outside EU territory will be 28  
 29 highlighted in order to illustrate the continued political salience of creating extra- 29  
 30 territorial solutions to replace the need for processing asylum claims in Europe. 30

31 The idea of ‘safe third countries’ is among the most fiercely debated issues 31  
 32 within international refugee law for the past two and a half decades. While the 32  
 33 UNHCR maintains that ‘safe third countries’ remains a notion, as opposed to 33  
 34 an established legal principle or concept, EU Member States have been keen to 34  
 35 integrate it into national legislation. With the incorporation of this principle as part 35  
 36 of the evolving EU asylum *acquis*, a regional legal base for this concept has now 36  
 37 been established. As I will argue, the political allure of the ‘safe third country’ 37  
 38 notion should be viewed primarily in light of the flexibility it provides to states in 38  
 39 transferring responsibility for protection to third states, which may subsequently 39  
 40 alter the content of the obligations owed to refugees. 40

41

42 \_\_\_\_\_ 42  
 43 6 As is noted in the preamble to the 1951 Refugee Convention, ‘the grant of asylum 43  
 44 refugee problem ‘cannot therefore be achieved without international co-operation’. 44

1 The central aspect of the safe third country notion is the principle that a state 1  
 2 may deny access to substantial refugee status determination on the grounds that 2  
 3 he or she had already found protection, or could reasonable have been expected to 3  
 4 find protection, in another country (Lassen and Hughes 1997: 1). In their inception, 4  
 5 safe third country rules have often been justified with reference to the practical 5  
 6 and administrative demand for the more efficient management of asylum-seekers 6  
 7 among host states. In this perspective, instruments such as the ‘safe third country’ 7  
 8 are tools of burden-sharing, ensuring that asylum-seekers are processed efficiently 8  
 9 by preventing asylum-shopping (Selm 2001: 3, 25). 9

10 In practice, however, the safe third country notion has become a cornerstone of 10  
 11 European *non-entrée* regimes (Byrne et al. 2002: 16, Hathaway 1992). Whereas 11  
 12 off-shore migration-control policies represent policies proactively preventing 12  
 13 the geographical precondition for a state’s obligations towards asylum-seekers, 13  
 14 namely access to the territory or sovereign jurisdiction of the receiving state, the 14  
 15 underlying logic of the ‘safe third country’ instrument is to limit entry reactively 15  
 16 to the procedural door of the European asylum system for those who do arrive. 16

17 As such, it forms part of an increasingly popular nexus of measures, such as 17  
 18 ‘safe country of origin’ policies, ‘time limits’ for lodging an asylum application 18  
 19 and the notion of ‘manifestly unfounded claims’, which all aim to restrict access 19  
 20 to or cut short ordinary asylum procedures (Selm 2001, Gibney and Randall 2003, 20  
 21 Vedsted-Hansen 1999b). Yet, while these instruments generally target specific 21  
 22 categories of asylum-seekers on the basis of their nationality, claim or manner 22  
 23 of entry, the particular importance of safe third country policies in this context 23  
 24 is their broad scope and territorial assumptions. The safe third country concept 24  
 25 potentially affects all protection seekers who have transited a country designated 25  
 26 ‘safe’ before reaching the country in which they are actually seeking protection. 26  
 27 Secondly, safe third country policies build on the assumption that protection can 27  
 28 be found ‘elsewhere’ and that the responsibility for processing the asylum-seeker 28  
 29 thus rests with the third state in question. 29

30  
 31

### 32 **The EU ‘Safe Third Country’ Rule** 32 33 33

34 In the EU context, the safe third country notion had its first manifestation in the 34  
 35 1992 London Resolutions.<sup>7</sup> Following the collapse of communism in Eastern 35

36  
 37

38 <sup>7</sup> The two London Resolutions and one Conclusion were adopted at the Edinburgh 38  
 39 Council in 1992. Although not legally binding, they came to institutionalise the ‘safe third 39  
 40 country’, ‘safe country of origin’ and ‘manifestly unfounded’ concepts in European asylum 40  
 41 systems (Boccardi 2002: 74). The ‘Resolution on a harmonised approach to questions 41  
 42 concerning host third countries and the problem of readmission agreements’ does not use 42  
 43 the term ‘safe third country’, but instead ‘host third country’. In the original definition, this 43  
 44 had the important implication that asylum-seekers were assumed actually to have applied 44  
 45 for asylum in these countries (equivalent to the dominant understanding of the ‘first country

1 and Central Europe, Western European states quickly pushed efforts to shift the  
 2 responsibility for providing protection to asylum-seekers and refugees on to the  
 3 new Central and Eastern European states (Byrne et al. 2002: 16). This was also  
 4 enshrined in paragraph 3(5) of the 1990 Dublin Convention, which gives the  
 5 state liable under the Dublin Convention the possibility to shift responsibility for  
 6 processing asylum claims on to countries of origin or transit (Byrne et al. 2002:  
 7 19). Yet, unlike the Dublin redistribution system, 'safe third country' policies  
 8 involving Central and Eastern European states have generally been implemented  
 9 unilaterally, with no corresponding duty for the third state in question to admit  
 10 third country nationals and afford them protection (Lavenex 1999: 52).

11 Due to the intergovernmental nature of the London Resolutions, 'safe third  
 12 country' rules have been realized rather differently in each Member state. The  
 13 countries that are designated 'safe' vary substantially among European states:  
 14 where some countries apply the safe third country rule to deny access entirely to  
 15 substantial determination, others merely apply accelerated procedures (Vedsted-  
 16 Hansen 1999b, Lavenex 1999: 77f).<sup>8</sup>

17 The 2005 EU Directive on Minimum Standards on Procedures in Member  
 18 States for Granting and Withdrawing Refugee Status (Procedures Directive)<sup>9</sup>  
 19 thus includes provisions for the further harmonization of the 'safe third country'  
 20 concept (Article 27), as well as introduce binding obligations as to a special  
 21 category of 'European safe third countries' (Article 36, also known as 'super safe  
 22 third countries').<sup>10</sup>

23 According to Article 27.1 of the Procedures Directive, the 'safe third country'  
 24 rule may be applied if, and only if:

25  
 26  
 27

28 of asylum' notion), yet over time this condition was generally disregarded and the phrase  
 29 'safe third country' more commonly adopted. The controversy has nonetheless persisted in  
 30 national interpretations and implementations of the concept (Selm 2001: 8, 16, Legomsky  
 31 2003: 570). On the national level, a 'safe third country' rule was first implemented by  
 32 Denmark in 1986 by virtue of the so-called 'Danish Clause'.

33 8 The Commission eventually realised that the 'first country of asylum' principle  
 34 applied under the Dublin Convention may require a more substantial degree of  
 35 harmonisation:

36 Problems can arise in cases where the Member State to which a transfer request is  
 37 made would apply the 'safe third country' concept in a case where the requesting  
 38 State would not do so because it does not consider that the third country can be  
 39 regarded as safe for the applicant. (European Commission 2000)

40 9 Council Directive 2005/85/EC.

41 10 It also inserts a distinction between 'safe third countries' and 'first country of  
 42 asylum' (Article 26). For the latter, the asylum-seeker must have obtained protection  
 43 already, either in the form of refugee status or 'otherwise ... sufficient protection', which is  
 44 left somewhat undefined beyond protection from non-refoulement (Article 26.2b).

- 1 a. life and liberty are not threatened on account of race, religion, nationality, 1
- 2 membership of a particular social group or political opinion; 2
- 3 b. the principle of non-refoulement in accordance with the Geneva Convention 3
- 4 is respected; 4
- 5 c. the prohibition on removal, in violation of the right to freedom from torture 5
- 6 and cruel, inhuman or degrading treatment as laid down in international 6
- 7 law, is respected: and 7
- 8 d. the possibility exists to request refugee status and, if found to be a refugee, 8
- 9 to receive protection in accordance with the Geneva Convention. 9

10  
11 Compared to the various applications of the safe third country rule in European 11  
12 countries, the Directive does aim to raise the standard with regard to two of the 12  
13 most contentious issues. The first three clauses above clearly set out to avoid direct 13  
14 or indirect non-refoulement as defined in the Refugee Convention and the related 14  
15 obligation in Article 3 of the European Convention on Human Rights. This is a 15  
16 clear improvement compared to many national practices hitherto (Lassen and 16  
17 Hughes 1997) and an important step in avoiding chain-refoulement. 17

18 Secondly, the blanket application of safety is moderated by Article 27.2, which 18  
19 requires national legislation, including: 19

- 20  
21 c. rules in accordance with international law, allowing an individual 21
- 22 examination of whether the third country concerned is safe for a particular 22
- 23 applicant which, as a minimum, shall permit the applicant to challenge the 23
- 24 application of the safe third country concept on the grounds that he/she 24
- 25 would be subjected to torture, cruel, inhuman or degrading treatment or 25
- 26 punishment. 26
- 27 27

28 It seems strange, however, that only the right to challenge in respect to the absence 28  
29 of torture or other inhumane treatment as defined in Article 3 of the European 29  
30 Convention on Human Rights is specifically guaranteed. Although this is clearly 30  
31 essential in order to ensure compliance with the extra-territorial responsibilities 31  
32 under this Convention as outlined above, one might think that a right to challenge 32  
33 a potential situation of refoulement as defined by the first two clauses of Article 33  
34 27.1 would be even more crucial (see Guild 2004a). 34

35 Secondly, no requirements are specified that national legislation should allow 35  
36 asylum-seekers to challenge the application of the safe third country principle 36  
37 because of a lack of 'protection in accordance with the Geneva Convention'. 37  
38 Thus, the asylum-seeker may be left with no opportunity to challenge the quality 38  
39 of protection provided. Most relevant here, no safeguards are provided against 39  
40 cases in which the application of the 'safe third country' rule will result in the 40  
41 effective withdrawal of certain rights acquired when responsibility for protection 41  
42 is transferred from one state to another. 42

43 The explanation for these crucial omissions in the right to challenge the 43  
44 conformity of a 'safe third country' to the Refugee Convention may be seen in 44

1 conjunction with the fact that only the European Convention on Human Rights 1  
 2 allows a state's conduct to be tested subsequently under judicial review, with 2  
 3 all that follows from this, both legally and politically. This is equally evident 3  
 4 when examining the 'super safe third countries' dealt with under Article 36. As 4  
 5 these countries are assumed to have ratified both the Refugee Convention and 5  
 6 the European Convention on Human Rights, the right to challenge is completely 6  
 7 curtailed. Needless to say, this exemption has attracted criticism from several sides 7  
 8 (ECRE 2005, Hathaway 2005: 328). 8

9 Beyond these issues, however, one might ask whether assurance against 9  
 10 persecution or torture, whether in the destination country or as a result of 10  
 11 refoulement, is enough to validate the implementation of the safe third country 11  
 12 rule? Only the last clause of the EU Directive's Article 27.1 deals with the 12  
 13 protection afforded to refugees beyond the non-refoulement requirement.<sup>11</sup> 13

14 The lack of consideration given to rights beyond non-refoulement creates 14  
 15 a pretext for the deflection of asylum-seekers to third states in which they may 15  
 16 receive a markedly lower standard of protection. Although little research has been 16  
 17 done into the protection conditions for those returned to 'safe third countries' 17  
 18 outside the EU, studies conducted in the context of the enlargement process point 18  
 19 to the conclusion that candidate countries designated as 'safe' as regards formal 19  
 20 and procedural requirements provided little and clearly insufficient protection in 20  
 21 respect of other rights (Byrne et al. 2002, Guild 2004a, 2004b, Lavenex 1999). 21

22 Secondly, although the reference to protection in accordance with the Geneva 22  
 23 Convention marks an improvement in comparison to the London Resolution, 23  
 24 which merely required 'effective protection in the host third country against 24  
 25 refoulement' (Article 2d), it remains to be seen how this will be transposed 25  
 26 into national law. Although the general reference to protection in accordance 26  
 27 with the Geneva Convention marks an improvement over the bulk of safe third 27  
 28 country rules implemented in Europe (Hathaway 2005: 328), no consideration 28  
 29 is given to the specific quality of protection and its implementation. So far, 29  
 30 European applications of the safe third country rule have generally been limited to 30  
 31 considering the negative obligations of third country responsibilities, such as the 31  
 32 non-refoulement principle (Noll 2000: 201). As the limited guarantees provided 32  
 33 for in Article 27.2(c) illustrate, obvious problems persist in adjudging and ensuring 33  
 34 that the protection provided in third countries is in accordance with the Refugee 34  
 35 Convention, especially with regard to the positive obligations owed by states. 35

36  
 37

38 <sup>11</sup> This is not unique to European harmonisation. As Hathaway points out: 38

39  
 40 Despite the fact that refugees under the Convention are entitled immediately to 40  
 41 receive a small number of core rights and to benefit over time from the full range 41  
 42 of rights set out by Arts. 2-34 of the Refugee Convention, judicial commentary on 42  
 43 whether the 'safe third country' has thus far been strictly limited to determining 43  
 44 whether the 'safe third country' will respect the duty of non-refoulement. (Hathaway 44  
 2005: 329)

## 1 The Political Management of 'Safety'

2  
3 In essence, the safe third country notion has become a management tool for EU  
4 Member States. At the immediate level, it does away with the possibility for  
5 refugees to determine their preferred country of asylum, leaving it to states to  
6 distribute the 'burden' of asylum-seekers among themselves.<sup>12</sup> Some scholars  
7 have argued that this could be seen as achieving a 'procedural economy' where  
8 safe third country rules allow European states to minimize substantive processing  
9 among themselves (as under the Dublin system) or to deflect it to third countries  
10 (Noll 2000: 200, Selm 2001: 14).

11 On the one hand, this deflection is made possible because the safe third country  
12 principle establishes an exception to the responsibility otherwise owed by states  
13 to process protection seekers present in their territory or at their borders. In this  
14 sense, it works to absolve the territorial principle of responsibility inherent in  
15 the refugee protection regime and to replace it with a norm of redistribution  
16 (Lavenex 1999: 165). On the other hand, it does this by invoking this very same  
17 principle with respect to a third country. By declaring a third country equally  
18 fit and first in line to process a given claim, a norm is inserted that prevents the  
19 successive movement of refugees by requiring them to seek asylum in the first  
20 country they can.

21 On a second level, the safe third country notion may also serve to achieve  
22 what could be called a 'rights economy'. The push to redistribute responsibility  
23 for protection on to third states could be seen as an attempt by European states to  
24 achieve a market mechanism of rights, in which protection is routinely realized at  
25 the lowest possible cost. This will obviously affect the quality of the protection  
26 provided and possibly the protection regime overall. First of all, the unchecked  
27 shifting of burdens on to states situated closer to the country of origin is likely  
28 to become an incentive for these states to introduce more restrictive recognition  
29 procedures, thus limiting the number of asylum-seekers who gain access to these  
30 rights in the first place. Further, the shifting of responsibility on to third states with  
31 less developed human rights and asylum systems may entail a reduction in the  
32 quality of protection owed to refugees. *In extremis*, the risk is that an interpretation  
33 of the safe third country concept is applied that 'effectively nullifies the ability of  
34 refugees to claim all but one of their Convention rights' (Hathaway 2005: 332).

35 In both cases, the designation of which countries can be considered 'safe' is  
36 crucial. The usefulness of the safe third country notion as a redistribution system  
37 is dependent on the possibility for states to positively identify a third country to  
38 which responsibility may be assigned instead.<sup>13</sup> Although present EU rules set out

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40  
41 <sup>12</sup> For a comprehensive discussion of the refugee's right to choose, see Vedsted-  
42 Hansen 1999b.

43 <sup>13</sup> And under the EU Directive ultimately also the acceptance of these countries to  
44 receive those asylum seekers returned. This has been achieved largely through readmission  
45 agreements. In recent decades more than a hundred such agreements have been signed

1 some minimum requirements for declaring a country ‘safe’, considerable scope is 1  
 2 still left to Member States to apply varying interpretations, which may continue to 2  
 3 apply different lists and criteria. 3

4 Indeed, national practices hitherto suggest that the designation of ‘safe third 4  
 5 countries’ has more to do with foreign-policy priorities and interests in achieving 5  
 6 a redistribution of asylum-seekers away from Europe than merely achieving 6  
 7 effective burden-sharing (Lavenex 1999: 167, Selm 2001: 13ff). Consequently, 7  
 8 even within the current EU *acquis*, formal requirements, such as being a party to 8  
 9 the relevant instruments and having an asylum procedure, are likely to outweigh 9  
 10 more substantial examination of the implementation of these instruments and of 10  
 11 the actual protection afforded. In this eagerness to expand the circle of ‘safe third 11  
 12 countries’, a strange and self-sustaining dynamic may develop, as the designation 12  
 13 itself becomes an endorsement that the procedures and protection afforded in these 13  
 14 countries is ‘sufficient’ to comply with international standards. 14

15 In addition to procedural barriers like ‘safe third country’ rules, European states 15  
 16 have been keen to prevent asylum-seekers and irregular migrants from reaching 16  
 17 their territories in the first place. The *non-refoulement* principle has been seen by 17  
 18 some states as an open door or ‘blank cheque’ for any migrant claiming to be an 18  
 19 asylum-seeker, leaving little control to states in determining how many must be 19  
 20 admitted to its asylum procedures. In practice, many states have further found it 20  
 21 difficult to return failed asylum-seekers because of lack of nationality identification 21  
 22 or a country willing to accept them. Intercepting asylum-seekers and irregular 22  
 23 migrants before they reach their destination has thus become a particularly popular 23  
 24 strategy for states looking both to reduce the numbers of asylum-seekers and to 24  
 25 avoid the trouble and costs associated with returning those rejected (Guild 2002, 25  
 26 Guiraudon 2002). 26

27 As a result, forms of extraterritorial or externalized migration control have 27  
 28 been rapidly expanding both at individual member state and EU level. This 28  
 29 involves first the *offshoring* of the state’s own migration authorities. From the 29  
 30 enforcement of visa regulations at consulates to the sending of immigration 30  
 31 liaison officers to key transit countries and the deployment of warships to intercept 31  
 32 migrant boats on the high sea, migration control is no longer something that is 32  
 33 being performed only at the perimeter of a state’s sovereign territory, but rather a 33  
 34 set of progressive mechanisms to check travellers at every step of their prospective 34  
 35 journey (Gammeltoft-Hansen 2005, see also Vaughan-Williams in this volume). 35  
 36 Secondly, the externalization of migration control has been carried out through 36  
 37 delegation, as an *outsourcing* of control responsibilities and duties to third states. 37  
 38 The international cooperation regarding migration management is illustrative of 38  
 39 39

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40 between third countries and individual EU Member States. However, the competence to 40  
 41 sign such agreements was formally transferred to the EU by the Treaty of Amsterdam. 41  
 42 By 2009, common EU readmission agreements have been concluded with Albania, Hong 42  
 43 Kong, Macao, Russia and Sri Lanka, and negotiations initiated with Algeria, China, 43  
 44 Morocco, Pakistan, Turkey and Ukraine. 44

1 the fact that migration, and migration control in particular, has become a foreign 1  
 2 policy issue in its own right and transit and origin countries of migration are both 2  
 3 directly and indirectly being wooed to carry out exit border control of national and 3  
 4 transiting emigrants. 4

5 A mechanism that plays an important practical role in preventing asylum- 5  
 6 seekers from reaching Europe is the growing network of immigration liaison 6  
 7 officers, which many Member States have stationed in strategic countries of transit 7  
 8 or origin. In an EU Regulation of 2004,<sup>14</sup> the tasks of such attachés are defined as 8  
 9 gathering of information about ‘flows’, ‘routes’ and ‘modus operandi’ for irregular 9  
 10 immigration towards Europe, helping with identification and repatriation, and 10  
 11 maintaining regular contact with the authorities in the host countries. 11

12 The Regulation presupposes that immigration liaison officers do not influence 12  
 13 the host country’s execution of sovereign tasks, but instead provide support and 13  
 14 advice to the national authorities. However, in practice the relationship is more 14  
 15 unclear. According to the Regulation, immigration liaison officers are responsible 15  
 16 for communicating and supporting the introduction of EU norms, standards and 16  
 17 recommendations in relation to e.g. border control and asylum processing. Liaison 17  
 18 officers are therefore often directly involved in training authorities and secondment 18  
 19 of public employees from the Member States to the border and asylum authorities 19  
 20 of the host countries is getting increasingly common. 20

21 In addition, immigration liaison officers are often the operational factor in 21  
 22 relation to more structurally motivated pressure on third countries to make them 22  
 23 take on tasks in relation to migration control. Today, migration is an important 23  
 24 element in all EU foreign political relations and all foreign political agreements 24  
 25 made by the EU as a starting point include standard clauses containing obligations 25  
 26 to receive the EU’s rejected asylum-seekers and help combat irregular immigration. 26

27 This is evident in EU’s relations with developing countries in Africa, the West 27  
 28 Indies and the Pacific Rim, where collaboration in relation to migration control 28  
 29 and readmission is made a condition of development subsidy from the EU.<sup>15</sup> 29  
 30 Similarly, migration is a key element in the EU’s Neighbourhood Policy, which 30  
 31 covers the neighbouring countries to the east, North Africa and various countries 31  
 32 in the Middle East. Among other things, this provides support in the form of 32  
 33 technical border control equipment such as electronic document readers, X-ray 33  
 34 machines, infrared cameras and speed boats. Together with the above-mentioned 34  
 35 training projects, such support is the starting point of the capacity development of 35  
 36 the neighbouring countries’ border and migration control. The individual country 36  
 37 agreements under the Neighbourhood Policy thus contain political obligations 37  
 38 requiring these countries to collaborate about migration control of immigrants 38  
 39 towards Europe – not merely in relation to their southern borders, but also by 39  
 40 assuming responsibility for ‘exit control’ and thereby preventing irregular 40

41 41

42 14 337/2004 EUT L 64/1, Article 2. 42

43 15 Cotonou Agreement, EUT L 209, see especially Article 13. See also the discussion 43  
 44 in Bachmann in this volume. 44



1 migration from their own country towards Europe (Gammeltoft-Hansen 2006a, 1  
2 also Levy in this volume). 2

3 In addition to enlisting the authorities of third countries for the purpose of 3  
4 migration control, both individual Member States and the EU at large have also 4  
5 entered into cooperative arrangements to move their own migration control into 5  
6 the territory, and in particular territorial waters of north African and west African 6  
7 states. As Vaughan-Williams also highlights in his discussion of off-shoring, in 7  
8 2009 Italy signed a 'Friendship Treaty' with Libya promising Libya five billion 8  
9 dollars over 25 years in structural development in exchange for patrols inside 9  
10 Libyan waters and cooperation in returning migrants and asylum-seekers stopped 10  
11 in the Mediterranean. Italy has further supplied sophisticated control equipment to 11  
12 Libya and a reception centre has been set up in Tripoli by IOM with EU funding 12  
13 to warn and deter potential migrants and asylum-seekers wanting to travel on to 13  
14 Europe. Libya, which significantly has not signed the Refugee Convention, has also 14  
15 introduced additional controls along its borders towards Chad, Niger and Sudan 15  
16 in order to block the migration further south (for a more complete discussion, see 16  
17 Andrijasevic 2009, 2010). 17

18 Under the auspices for EU's border agency, Frontex, Spain has signed similar 18  
19 accords with Mauritania, Senegal and Cape Verde to prevent boat migrants 19  
20 from arriving at the Canary Islands. The Frontex operation HERA thus involves 20  
21 EU coordinated vessels patrolling within the territorial waters of Senegal and 21  
22 Mauritania. According to information from Frontex, more than 3,500 immigrants 22  
23 were prevented from reaching international or EU waters during the first four 23  
24 months of the operation in 2006. These were returned straight to the ports they 24  
25 had left. At the same time, a number of people who allegedly facilitated this 25  
26 immigration were arrested by the Senegalese and Mauritanian authorities on the 26  
27 basis of European interrogation of immigrants.<sup>16</sup> 27

28 Both the above schemes to externalize EU's own migration control and the 28  
29 growing set of outsourcing mechanisms to enlist authorities of third countries in the 29  
30 endeavour to prevent migrants from reaching Europe may be considered as instances 30  
31 of 'jurisdiction shopping' where the exercise of EU (and member state) sovereign 31  
32 power is geographically shifted to third country territories willing (or forced) to 32  
33 commercialize their territorial jurisdiction for this purpose. For irregular migrants 33  
34 trying to reach Europe, this outsourcing and off-shoring of migration control means 34  
35 that they typically meet the EU control regime and risk being rejected long before 35  
36 they physically set foot on European soil. For refugees and other persons in need 36  
37 of international protection among these, this poses a particular concern since none 37  
38 of the above initiatives provide a possibility to apply for asylum. Instead, asylum- 38  
39 seekers are referred to the authorities of the territorial state in question, provided that 39  
40 effective asylum procedures are operated in such countries.<sup>17</sup> 40

41 41

42 16 Press release, 19 December 2006, available at: <http://www.frontex.europa.eu>. 42

43 17 As mentioned above, Libya for instance, has not signed the 1951 Refugee 43  
44 Convention, nor does it operate any national asylum system. 44

1 This sort of ‘jurisdiction shopping’ should be seen in close connection to 1  
 2 how the legal boundaries for the application of international refugee and human 2  
 3 rights obligations are being interpreted. The Refugee Convention itself is silent 3  
 4 on this matter, leading some states, like the United States, to deny any sort of 4  
 5 extraterritorial application. While in Europe a general consensus exists that the 5  
 6 core provisions of non-refoulement – as enshrined in Art. 33 of the Refugee 6  
 7 Convention as well as other human rights instruments like Art. 3 of the European 7  
 8 Convention of Human Rights – all apply wherever a state ‘exercises jurisdiction’, 8  
 9 it is generally held that ‘jurisdiction’ primarily relates to a state’s territory and that 9  
 10 extraterritorial jurisdiction is exceptional, demanding a higher threshold of control 10  
 11 (Gammeltoft-Hansen 2010). This is particularly so where exercises of power 11  
 12 occur inside another state’s territorial jurisdiction, such as European migration 12  
 13 control within Senegalese or Libyan waters. In these instances, the view is that 13  
 14 the territorial state’s jurisdiction takes precedent, either excluding or substantially 14  
 15 reducing European responsibilities in regard to refugees and asylum-seekers 15  
 16 (Gammeltoft-Hansen 2010).<sup>18</sup> 16

17 Maybe even more importantly, the remote and delegated control means that 17  
 18 precisely some of the procedural rights are lost. Few of the institutions that secure 18  
 19 the individual access to rights which we, European citizens, normally take for 19  
 20 granted, apply in the middle of the Mediterranean or when the control is carried 20  
 21 out in third countries. This applies to rights of trial such as access to the courts and 21  
 22 other public appeal bodies, but also the access to legal assistance by lawyers or 22  
 23 private aid organizations, which often plays a significant part in the individual’s 23  
 24 opportunity to submit an actual asylum application. Slightly simplified, it could 24  
 25 thus be said that insofar as asylum-seekers are out of sight, the right to an asylum 25  
 26 process is likewise out of mind. Hereafter, states can, without disturbance, use 26  
 27 their sovereign right to control and reject persons trying to get to Europe for one 27  
 28 reason or another. 28

29 29  
 30 30

31 **Outsourcing Asylum:** 31  
 32 **Third Country Asylum Processing and Regional Protection Programmes** 32  
 33 33

34 In February 2003, a UK proposal for a ‘new vision’ for refugee protection was 34  
 35 leaked to the press. The proposal contained two main elements. The first was to 35  
 36 improve the management of asylum-seekers in the region. Under this heading, 36  
 37 it was suggested that ‘regional protection areas’ in asylum-producing regions 37  
 38 be set up as a means to reduce secondary movement and return failed asylum- 38  
 39 seekers who for other reasons cannot be returned to their countries of origin 39  
 40 40

41 \_\_\_\_\_ 41  
 42 18 It should be underscored that as a matter of law, this view is highly debatable. A 42  
 43 substantial and growing set of case law exists to establish state jurisdiction for human rights 43  
 44 violations occurring within the territory or territorial waters of another state (Gammeltoft- 44  
 44 Hansen 2010).

1 (UK Home Office 2003: 11f).<sup>19</sup> It was the second half of the proposal, however, 1  
 2 that sparked the most furious debates.<sup>20</sup> This part envisaged the establishment of 2  
 3 ‘transit processing centres’ in third countries on the major transit routes to the 3  
 4 EU. Asylum-seekers arriving spontaneously in the EU would thus, as a rule, be 4  
 5 sent back for status determination to centres managed by the IOM and operating 5  
 6 a screening procedure approved by UNHCR (UK Home Office 2003: 13f). Those 6  
 7 who were approved would be resettled within the EU or in the region, while those 7  
 8 who failed to be approved would be returned to their country of origin under new 8  
 9 and strengthened readmission agreements (UK Home Office 2003: 20). 9

10 Though the scheme was eventually vetoed by Germany and Sweden at the 10  
 11 June 2003 Thessaloniki European Council, the UK proposal has nonetheless 11  
 12 served to frame subsequent and ongoing initiatives to dissolve the traditional link 12  
 13 between the provision of protection and asylum processing and the territory of the 13  
 14 state undertaking these functions. In this sense, these initiatives seem to adhere to 14  
 15 a somewhat different logic than the safe third country policies discussed above. 15  
 16 Rather than merely deflecting the responsibility on to third states or neglecting 16  
 17 it altogether, the current surge in initiatives to offshore asylum processing and 17  
 18 out-source protection all presuppose some sort of responsibility on the part of 18  
 19 the externalizing state, ranging from the formal assertion of authority to merely 19  
 20 providing financial assistance or compensation. 20

21 Nevertheless, European states have been keen to emphasize that this 21  
 22 responsibility is not to be equated with that owed to asylum-seekers who are present 22  
 23 in their territory. Rather, these extra-territorial initiatives are seen to provide a 23  
 24 context for achieving operational freedom unconstrained by national law and, to 24  
 25 some extent, international law too. Thus, even though some of these proposals 25  
 26 have been framed in a spirit of solidarity and been seen by some academics as 26  
 27 having the potential to revitalize the delivery of protection beyond territorial limits 27  
 28 (Peral 2005: 19), one should be aware that they may also become instruments of 28  
 29 ‘rights management’ in the sense that European states may paradoxically assert 29  
 30 increased sovereignty, or executive power, when acting outside their territory. 30

31 Though the UK proposal was never realized in an EU context, the proposal 31  
 32 has continued to draw support from a number of Member States, in particular the 32  
 33 Netherlands and Denmark, which are keen to see parts of the plan implemented 33  
 34 among themselves (Danish Memorandum 2003). Other proposals drawing their 34  
 35 inspiration from the UK plan have similarly continued to surface. Thus more 35  
 36 recently, the German Minister of the Interior, Otto Schily, launched a similar 36  
 37 37

38 38  
 39 39  
 40 40  
 41 41  
 42 42  
 43 43  
 44 44

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19 As the February edition is not publicly available, this reference is to a slightly revised March edition.

20 The two parts were conflated in a later version presented to the EU Commission in March 2003 under the common heading of ‘regional protection areas’, although subsequent discussion papers and a Danish Memorandum retained the distinction. For an overview of the different language and content of these documents, see Noll (2003: 10ff).

1 proposal to send back asylum-seekers interdicted in the Mediterranean to UNHCR 1  
2 operated 'screening camps' in North Africa (Schily 2005). 2

3 While the UK proposal was new in the EU context, it is worth remembering 3  
4 that the idea of extra-territorial processing, or even transit processing centres, is 4  
5 not new as such. The proposal clearly drew inspiration from Australia's 'Pacific 5  
6 Solution' and US policies dating back from the mid-1990s, both of which 6  
7 involved the interdiction of spontaneous arrivals and subsequent processing in 7  
8 third countries in closed facilities.<sup>21</sup> Similarly, extra-territorial asylum processing 8  
9 as a *complementary* rather than *exclusive* solution is already being practised 9  
10 by a number of EU States in the form of 'protected entry procedures'. A 2003 10  
11 Commission study suggested that well-crafted consular procedures could be a 11  
12 valuable supplement to territorial asylum systems, thus alleviating the need for 12  
13 human smugglers and traffickers and delivering 'more protection for the euro' 13  
14 (Noll et al. 2003: 5). 14

15 Although the idea of 'transit processing centres' as a closed environment has 15  
16 so far not materialized, the other element of the UK proposal, the provision of 16  
17 protection closer to refugees' countries of origin, has generally fared better. Most 17  
18 notably, the Council adopted a plan for 'regional protection programmes',<sup>22</sup> with 18  
19 pilot projects in the western Newly Independent States and Great Lakes Region 19  
20 having started in early 2007. In contrast to the 'protection zones' under international 20  
21 authority envisaged by the UK plans, this programme works within the territorial 21  
22 structure seeking to assist third countries in regions of origin or transit to improve 22  
23 the national delivery of protection.<sup>23</sup> Secondly, rather than acting directly, EU 23  
24 states are relying primarily on non-governmental organizations and the UNHCR 24  
25 to implement the programmes with EU funding.<sup>24</sup> 25

26 Although the UNHCR, a key implementing partner, has generally endorsed 26  
27 the plans,<sup>25</sup> others have remained more sceptical. Several scholars have noted that 27  
28 28

29 \_\_\_\_\_ 29  
30 21 Similarly, the idea of a regional UN processing centre replacing spontaneous 30  
31 asylum-seeking with orderly resettlement had been tabled by Denmark as early as 1986, 31  
32 though it was rejected (Noll 2003: 8). 32

33 22 COM(2005) 388 final, 1.9.2005. 32

34 23 Ibid., para. 6. 33

35 24 Funding is assured primarily under the AENEAS budget line, which, unlike most 34  
36 other development and foreign-policy funding instruments, is managed directly by the JHA 35  
37 Council. In the 2005 call for proposals 6 m. Euros out of a total 40.5 m. Euros were earmarked 36  
38 for improving asylum and international protection in the designated RPP countries; in 2006 37  
39 this amount was increased slightly to 6.5 m. Euros out of a total budget of 40.7 m. Euros. 38  
40 European Commission. (2006). 'EuropeAid – Call for proposals – Financial and technical 39  
41 assistance to third countries in the field of migration and asylum', EuropeAid/124151/C/ 40  
42 ACT/Multi. Retrieved 26 October 2006 at: <http://ec.europa.eu/comm/europeaid>. 41

43 25 The UNHCR is a member of the European Commission Regional Protection 41  
44 Programmes Expert Group and thus actively involved in the programme planning. Further, 42  
43 the Regional Protection Programmes draw some of their inspiration from the UNHCR's 43  
44 development of 'Comprehensive Plans of Action' and the 'Strengthening Protection 44

1 the underlying principle still seems to involve the assumption that ‘protection 1  
 2 in the region’ is seen as a substitute for spontaneous arrivals in the EU (Pastore 2  
 3 in Bertozzi and Pastore 2006: 17, Peral 2005: 7, Betts 2005b: 30). It is notable 3  
 4 that the initial proposal of the Commission envisaged a strong resettlement 4  
 5 component, which was somewhat downplayed in the following discussions in 5  
 6 the Council, deferring a formal resettlement structure to a later phase.<sup>26</sup> Similarly, 6  
 7 while most of the programme’s content is still unclear, the strong emphasis on 7  
 8 a registration component, including biometric identification, stands out.<sup>27</sup> While 8  
 9 this is traditionally a core part of the status determination procedure, establishing 9  
 10 the identity, nationality and travel route of the asylum-seeker is also crucial in 10  
 11 ensuring returns to ‘safe third countries’ (Vedsted-Hansen 1999a: 4). 11

12

13

#### 14 **Transforming the Meaning of Protection** 14

15

16 It should be remembered that so far EU initiatives to realize extra-territorial 16  
 17 processing and protection have been presented as complementary to, rather than 17  
 18 substitutive of traditional European asylum systems. Does it matter, then, if such 18  
 19 benevolent efforts are not carried out to the same legal and material standards as 19  
 20 those within Europe? While it is hard to deny what many refugee advocates have 20  
 21 been calling for, namely a more comprehensive and global approach that takes into 21  
 22 account the protection of the vast majority of asylum-seekers and refugees who 22  
 23 never reach the industrialized world,<sup>28</sup> the context in which these initiatives have 23  
 24 been poised suggests otherwise. The proposed regional protection programmes 24  
 25 bear a close resemblance to earlier bilateral programmes carried out to prepare 25  
 26 Central and Eastern European States to take back asylum-seekers, as these states 26  
 27 were subsequently designated ‘safe third countries’ (Byrne et al. 2002: 17). The 27  
 28 continued political rhetoric to the effect that solutions in the region are more cost- 28  
 29 effective is likewise indicative of an underlying *substitutive*, or at least *preventive*, 29  
 30 premise (Betts 2005a: 13ff).<sup>29</sup> 30

31 In this context, the rights management benefits achieved by destination States 31  
 32 under these schemes as compared to territorial asylum processing and protection 32

33

34 Capacity Project’ in Tanzania, Kenya, Thailand, Benin and Burkina Faso, funded by the 34  
 35 European Commission and the governments of Denmark, the Netherlands and the United 35  
 36 Kingdom. 36

37 26 COM(2005) 388 final, 1.9.2005, par. 8. 37

38 27 Ibid., par. 3, 6 and 13. 38

39 28 See, for example, the contributions in Hathaway 1997. 39

40 29 Others, however, have pointed out that the total costs of returning asylum-seekers, 40  
 41 running transit-processing centres and ensuring cooperation with third countries is likely 41  
 42 substantially to outweigh the savings from deterring *mala fide* asylum applicants and 42  
 43 providing social services in cheaper geographical areas. In the Australian case, the budget 43  
 44 indicated a net loss of AUD 900 million over the three years the ‘Pacific Solution’ had been 44  
 45 operating (Noll 2003: 21).

1 should not be overlooked. While the UK proposal was widely seen as stretching 1  
 2 the present legal framework too far,<sup>30</sup> current initiatives, such as ‘protected entry 2  
 3 procedures’ and ‘regional protection programmes’, present few challenges to the 3  
 4 formal refugee protection regime, while still allowing states to exploit an increased 4  
 5 manoeuvrability with respect to actual obligations. The aim in pushing asylum 5  
 6 processing and/or the delivery of protection beyond the territory of the Union is 6  
 7 the eclipse of a range of legal constraints, giving EU States considerably more 7  
 8 freedom in defining procedural rights, to whom to afford protection and the exact 8  
 9 nature of these benefits. 9

10 Perhaps most fundamentally, it has proved difficult to construct a right of 10  
 11 subsequent entry following a successful asylum application made abroad. Even 11  
 12 though the non-refoulement principle has been argued to be applicable extra- 12  
 13 territorially by some scholars (Goodwin-Gill 1996: 43), this does not amount to 13  
 14 a positive obligation to allow onward passage to a host country by, for example, 14  
 15 granting a visa (Noll 2005). Only in the more limited cases where denying such 15  
 16 passage would amount to a violation of the European Convention on Human 16  
 17 Rights or the Convention on the Rights of the Child – both of which have explicit 17  
 18 extra-territorial applicability – could such an obligation be imposed. Consequently, 18  
 19 extra-territorial processing largely leaves states free to decide to whom they should 19  
 20 subsequently offer protection. 20

21 Secondly, the procedural rights are more limited. As demonstrated by the 21  
 22 Commission study on protected entry procedures, asylum-seekers processed 22  
 23 outside the destination state cannot generally invoke a right to a fair trial or 23  
 24 effective remedy as otherwise guaranteed in international law (Noll et al. 2003: 24  
 25 56).<sup>31</sup> Similarly, extra-territorial processing can be used to circumvent specific 25  
 26 national legislation in the destination states that provide for additional safeguards 26  
 27 for the asylum-seeker. In more practical terms, invoking a state’s responsibility 27  
 28 remains difficult in cases of extra-territorial processing for the same reasons 28  
 29 that apply to visas and carrier sanctions discussed above. As the asylum-seeker 29  
 30 is removed and confined to a third country, the ability to launch a claim with 30  
 31 the destination state is drastically reduced. The Australian and US cases further 31  
 32 suggest that access to authentic information for refugee advocates or courts is 32  
 33 similarly impaired (Noll 2003: 20). 33

34 Lastly, with regard to the protection that is provided, one could make a similar 34  
 35 argument to that concerning safe third countries above. By severing the link 35  
 36 between territoriality and the provision of protection, European states may be 36  
 37 able to achieve a ‘rights economy’ as compared to protection in the EU. Whereas 37

38  
 39  
 40 \_\_\_\_\_ 39  
 40 30 For a comprehensive analysis of the legal issues surrounding this proposal, see 40  
 41 Noll 2003. 41

42 31 The main exception seems to be the right to remedy enshrined in Article 13 of the 42  
 43 European Convention on Human Rights, which can be made applicable to the extent that 42  
 43 ECHR rights are effected by the omissions or actions of state representatives (Noll et al. 43  
 44 2003: 56). 44

1 standards of protection remained somewhat open under the UK proposal due to the 1  
 2 conflicting authorities, the ‘regional protection programmes’ are clearly tied to the 2  
 3 protection framework of the state in which the programme is being implemented.<sup>32</sup> 3  
 4 Consequently, the quality of protection need only be relative to overall rights and 4  
 5 living standards in that state, which, for developing countries with frail asylum 5  
 6 systems and poor human rights records, is most likely to work to the detriment of 6  
 7 the refugees. 7

8

9

## 10 **Concluding Remarks** 10

11

12 In developing an external dimension to the EU asylum policy, Member States seem 12  
 13 to be combining current policy innovations with older initiatives to redistribute 13  
 14 protection burdens and relieve them of obligations under international refugee 14  
 15 law. This dynamic can perhaps best be described as an *offshoring* and *outsourcing* 15  
 16 of asylum and refugee protection. By moving geographical venue, not only is the 16  
 17 host state shifting the responsibility for delivering protection, but the quality of 17  
 18 protection and procedural rights for asylum-seekers are also substantially altered. 18  
 19 There has been a tendency to overlook this point in discussions over burden- 19  
 20 sharing and burden-shifting within refugee studies. Offshoring and outsourcing 20  
 21 is not merely redistributing responsibilities; it also achieves a rights management 21  
 22 effect in changing the obligations owed to asylum-seekers and refugees under 22  
 23 international law. As such, the above policies seem to work by means of a basic 23  
 24 premise of the present refugee protection regime. Although they challenge 24  
 25 certain norms and most likely the spirit of Refugee Convention, these policies 25  
 26 are ultimately premised on the territorial principles of this very regime. Only by 26  
 27 upholding the territorially bounded spheres of state responsibility do these policies 27  
 28 become effective in achieving the above ambition. 28

29 Whether this outsourcing of asylum will achieve an actual cost-effectiveness 29  
 30 from the perspective of European states is debatable. While it seems obvious 30  
 31 that shifting protection obligations to less developed states will achieve a ‘rights 31  
 32 economy’ reducing the procedural and material obligations towards asylum- 32  
 33 seekers and refugees, the associated costs of such outsourcing may well exceed the 33  
 34 gains from a purely statist perspective. Analysis of the Australian ‘Pacific Solution’ 34  
 35 seems to suggest that the combined cost of relocation and ensuring the cooperation 35  
 36 of host states went far beyond the costs of traditional asylum processing in Australia 36  
 37 (Noll 2003). However, beyond the rationalist economic calculus, ‘outsourcing’ 37  
 38 may serve as a political strategy to satisfy domestic concerns over asylum and to 38  
 39 deter asylum-seekers bound for Europe. 39

40

41

42 \_\_\_\_\_ 42  
 43 32 The UK proposal did, however, state that the protection offered should not be to 43  
 44 a higher standard than that offered in the surrounding area, so as to not create a ‘magnet 44  
 45 effect’ (UK Home Office 2003: 13). 44

1 The off-shoring and outsourcing of asylum has two consequences. First, the 1  
 2 simultaneous extension of policy reach and retraction of international obligations 2  
 3 may fundamentally change the *modus operandi* of the present refugee regime. 3  
 4 While this could be seen as an opportunity to achieve a better distribution of the 4  
 5 global protection opportunities, the analysis above paints a different picture. Not 5  
 6 only do these externalization policies serve to provide host states with ever more 6  
 7 discretion regarding whom to offer protection, but the territorial principles of the 7  
 8 current regime seem to become a context for strategically shifting protection to 8  
 9 less developed states in order to achieve more cost-effective solutions. In doing 9  
 10 so, the progressive premise underlying traditional efforts to enhance the protection 10  
 11 capacity of less developed countries is cut short, as the desire of more developed 11  
 12 states to shift the burden is leading to the designation of inferior standards of 12  
 13 protection as ‘sufficient’ and a continuous race to the bottom for what counts 13  
 14 as ‘effective protection’ (Legomsky 2003). The result is what this chapter has 14  
 15 termed ‘protection lite’, understood as protection that may fall within the formal 15  
 16 requirements of the 1951 Refugee Convention, yet with substantially fewer 16  
 17 calories than the protection owed by EU Member States directly. 17

18 Secondly, it should be fully realized how these policies are affecting 18  
 19 neighbouring and developing countries. Already left to bear the brunt of the 19  
 20 world’s refugees, it seems unlikely that these developments will prove sustainable, 20  
 21 regardless of the present efforts to provide financial and political compensation 21  
 22 (Gammeltoft-Hansen 2006a). In this regard, one should not underestimate the 22  
 23 norm-setting power that European states have enjoyed in this field (Selm 2001: 9). 23  
 24 As third countries are becoming increasingly concerned at the administrative and 24  
 25 political costs of hosting more and more refugees, they are themselves adopting 25  
 26 mechanisms to push the burden of asylum even further away. *Non-entrée* policies, 26  
 27 readmission agreements and safe third country rules are already flourishing among 27  
 28 Central and Eastern European and North African countries (Byrne et al. 2002; 28  
 29 Rutinwa 1999). In this sense, current efforts to externalize asylum in Europe 29  
 30 may start a global trend to realize refugee protection at ever lower costs and to 30  
 31 continuously shift asylum responsibilities, undermining the very concept of refuge. 31  
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1	Chapter 7	1
2		2
3	The European Union Border Assistance	3
4		4
5	Mission (EUBAM) and the Remote Control	5
6		6
7	Border: Managing Moldova	7
8		8
9	Adam Levy	9
10		10
11		11
12		12
13		13
14	This chapter focuses on the EUBAM, the European Union's Border Assistance	14
15	Mission, designed to modernize and securitize the Moldova-Ukraine frontier in	15
16	line with Schengen standards. The aim of this 'strictly technical' mission is to	16
17	'modernize' the EU's eastern borderlands and assist the two host states in creating	17
18	a secure perimeter, especially along the separatist-controlled segments of the	18
19	Nistru <sup>1</sup> River around the Transnistrian region (TN). EUBAM is explicitly tasked	19
20	with contributing to conflict resolution in this area. The ideal of uniform, well-	20
21	organized borders is central to the European Union's – and therefore the EUBAM's	21
22	– hegemonic vision of collective security and territorial integrity. Despite the	22
23	tainted history of so-called 'modernization theory', the EUBAM remains true	23
24	to its heritage with its preference for technocratic institutions, security functions	24
25	and rule at-a-distance. At the macro-level, the following analysis considers how	25
26	efforts to govern the circulation of people and goods are managed around the EU	26
27	and its periphery. At the micro-scale, it considers how these same categories of	27
28	goods and persons move throughout the EU-monitored network of checkpoints	28
29	located at these outer limits of the Schengen space. Such mobility reflects how	29
30	different insecurities are recast and emerging along this frontier including the	30
31	EU's 'Eastern Partnership', Russia's 'Near Abroad' and NATO's 'Partnership for	31
32	Peace'. Accordingly, this analysis reconsiders how the EU perceives threats to	32
33	regional security and subsequently attempts to manage what it perceives as crises,	33
34	i.e. the risks of porous borders and what flows across them.	34
35	Why and how is the European Union working along the Moldova-Ukraine	35
36	frontier when neither state holds any immediate prospect of EU membership? This	36
37	question is as provocative for borderland residents and academic geographers as	37
38	for local politicians and EU officials. Conventional answers begin with a focus	38
39	on the TN located along a 400 km stretch of the Moldova-Ukraine border (see	39
40	Figure 7.1). The area holds the largest Soviet-era weapons cache in Europe and is	40
41	protected by Red Army 'peacekeepers'. It is seen as a real, if not imminent threat	41
42	to EU and NATO and EUBAM is designed in part to contribute to the resolution	42
43		43
44	1 The 'Nistru' is the Romanian language term for the river Russians call the Dniester.	44

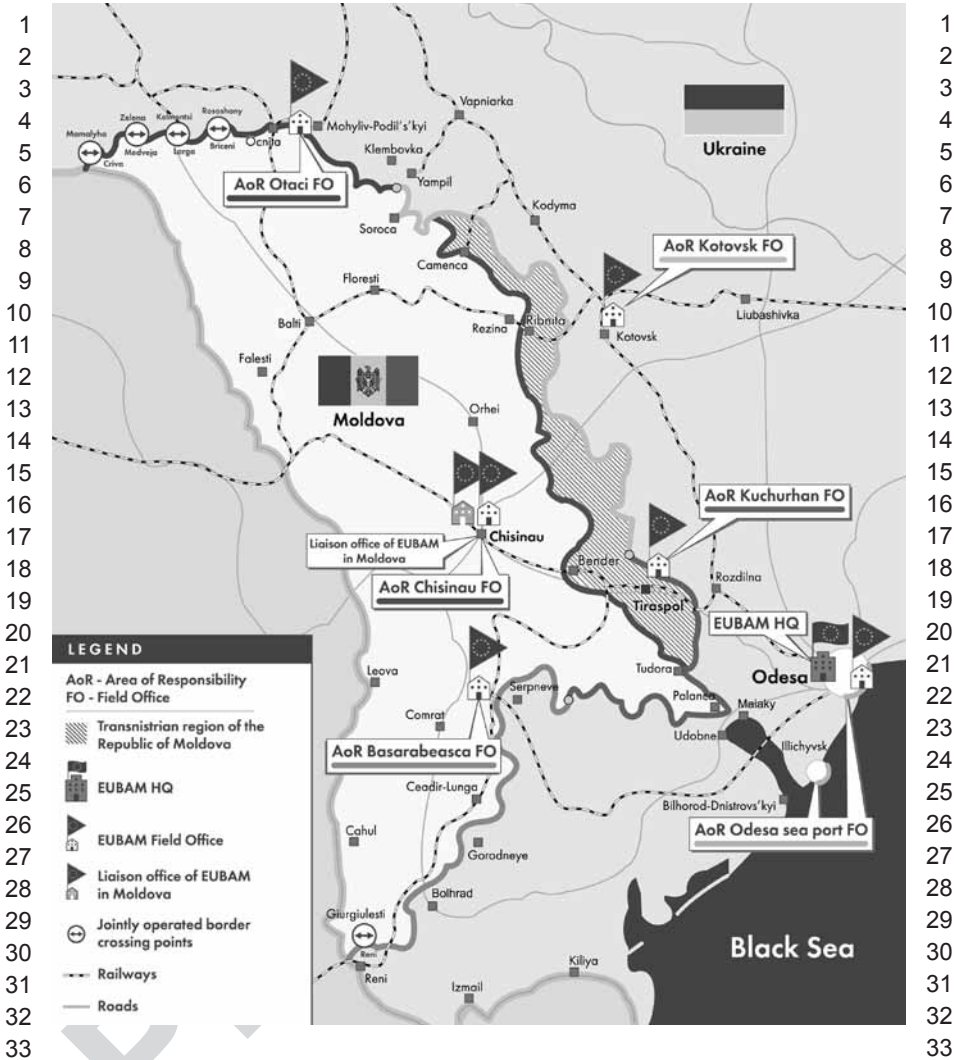


Figure 7.1 EUBAM areas of responsibility

Source: Courtesy of EUBAM.

of specific issues like border management preventing settlement. While the TN and the Romania-Moldova-Ukraine borderlands are visible in geostrategic studies (Kolossoff and O'Loughlin 1999, Kolsto 2006), the EUBAM itself has received limited academic consideration as a managerial project (Kurowska and Tallis 2009) or conceptual artifact. This oversight is odd because Schengen, the European Neighbourhood Policy (ENP) and Mobility Partnerships have all received scrutiny from critics as exercises in exclusion (Buckel and Wissel 2010, Carrera and Sagrera

1 2009, Pijpers 2009, Trauner and Kruse 2008a, 2008b). Some studies of the resulting 1  
2 border regions have considered migration controls and the ENP (Kostadinova 2  
3 2009, G. Popescu 2008, Scott 2006), though there is only passing mention of 3  
4 EUBAM (Avram and Muller 2008, Marcu 2009, Tomescu-Hatto 2008). A recent 4  
5 Eurocentric genealogy of EUBAM as a reactionary exercise in civilian crisis 5  
6 management explains the mission's origins using political opportunity structure 6  
7 arguments and the language of agenda setting. It acknowledges that little critical 7  
8 analysis focusing on EUBAM's obscure and hierarchical origins, 'institutional 8  
9 haggling', professional practices and public performances is available (Kurowska 9  
10 and Tallis 2009). The other relevant work in this regard has established that EU 10  
11 borders and their maintenance reflect distinct political technologies of border 11  
12 management (Balzacq 2008). Such views correspond with analyses of how the 12  
13 EU sustains distinctive and flexible (i.e 'European' or 'neoliberal') sovereignty 13  
14 regimes (see Agnew 2005, Andrijasevic and Walters 2010, Walters 2006). 14

15 As an effort to strengthen weak states' frontiers and thereby extend its own 15  
16 security network via improved border and risk management techniques, the EU 16  
17 has long supported efforts to improve territorial controls and standardize checks 17  
18 along its periphery. The Moldo-Ukraine frontier and attempts to centralize control 18  
19 over it remain localized geopolitical products because they reflect particular 19  
20 outcomes associated with (supra)state and regional efforts to manage national 20  
21 borders and individual movements. Formally, these regimes explicitly 'target' 21  
22 dynamic 'nodes' and 'flows'; they seek to 'combat' migration and organized 22  
23 crime, 'fight' corruption, and produce 'better border management' for 'citizens 23  
24 and businesspeople' (EUBAM 2006, 2008, 2009). This approach is distinct from 24  
25 earlier strategies designed to support border guards and their controls, bolster 25  
26 national defences, and protect human rights. It is rooted in efforts to apply 26  
27 dispersed, technology-based solutions to turn invisible, ungovernable flows into 27  
28 manageable subjects (Carrera 2007, Panagiotidis and Tsianos 2006 in Buckel 28  
29 and Wissel 2010). In Moldova, arguably the most remittance-dependent country 29  
30 on earth where a third of citizens have sought work abroad, these barriers also 30  
31 redefine the livelihood opportunities available to residents (CBS-AXA 2005). 31  
32 The result is a contested process where the re-scaling of European borderlands, 32  
33 territorial sovereignties, and circulation within them is redefined. 33

34 As Nick Vaughan-Williams suggests in his contribution to this volume, 34  
35 the vision of a seamless and secure Schengen space with defined edges and 35  
36 impermeable walls is an idealized model – a 'monotopia' – and is not reflected on 36  
37 the ground. Such world-views revolve around explicitly spatial policy metaphors 37  
38 like the 'Ring of Friends' or the 'European Neighbourhood' and demand 38  
39 geographic attention. These discursive devices and programmatic frames are often 39  
40 deployed as both descriptions and prescriptions in contradictory and sometimes 40  
41 ambiguous ways alongside 'harder', territorial notions of 'security', i.e. 'fortress' 41  
42 or 'maze' Europe. They also take 'softer' forms like the 'Mobility Partnerships' 42  
43 and involve non-binding legal technologies like readmission agreements and visa 43  
44 liberalization incentives administered across (supra)state bodies and (inter)national 44

1 organizations. Because the EUBAM is a model of such novel and ‘neighbourly’ 1  
2 successes in managing borders and securitizing responses to organized criminal 2  
3 threats, including trafficking and smuggling rings, it plays a privileged role in this 3  
4 vision. Considered in this light, EUBAM attitudes and practices suggest some of 4  
5 the many ways the EU is transforming as a geopolitical actor. The mission appears 5  
6 as a special kind of power with opaque and contradictory origins pushing for a 6  
7 particular kind of self-interested change, but its success and sustainability depends 7  
8 on the willingness of partner agencies in the host states. 8

9 Interestingly, EU strategists no longer discuss rights or freedoms and extending 9  
10 good governance. Instead, efforts now promise to weak states the fantastic 10  
11 potential of ‘integrated border management’ (‘IBM’) and ‘joint customs controls’. 11  
12 In June 2010, such plans gained even greater traction when visa liberalization 12  
13 plans specified biometric passport controls for document security alongside other 13  
14 illegal migration countermeasures including IBM and readmission agreements. 14  
15 These contemporary efforts preach more efficient approaches to harmonization, 15  
16 security and risk using the language of threat perception and intelligence 16  
17 assessment. They focus on data collection and document security, paying 17  
18 special attention to particular metrics and definitions like illegal entries, criminal 18  
19 apprehensions and expedited removals. EUBAM is designed to promote and 19  
20 observe the implementation of these ‘best practices’. As its director (Banfi 2009) 20  
21 stated during a lecture on Moldova’s European aspirations and regional security: 21  
22 ‘EUBAM is not against enemies, but is looking for friends’. Paradoxically, this 22  
23 focus on standardization and cooperation seeks to both promote freer movement 23  
24 for ‘legitimate trade and travel’ and better monitoring for illegal activities. As 24  
25 such, EUBAM is in line with similar EU border control efforts like FRONTEX, 25  
26 where insecurity and risk are seen as the chief enemies and legitimate travellers as 26  
27 friends (Neal 2009). The argument here is that EUBAM-style efforts to reframe 27  
28 borders reflect reactions indicative of the EU’s inability to manage Moldova as a 28  
29 source of insecurity and instability. 29

30 Related EU/ENP policies increasingly favour restrictive measures in this case 30  
31 and elsewhere. Their unifying strategy focuses on reaching one-sided agreements 31  
32 with the newest gatekeepers to externalize governance in forms such as migration 32  
33 and border management (Lahav 2000). This externalization is labelled a partnership 33  
34 and marketed as a fast track to full EU membership because of the assumed 34  
35 benefits of harmonizing controls with accession standards (Verdun and Chira 35  
36 2008). However, because this process is really securitization, the result is a more 36  
37 restrictive and asymmetric border that actually limits mobility for most categories 37  
38 and populations. Moreover, as Gammeltoft-Hansen notes in the preceding chapter, 38  
39 it imposes fresh obligations on countries of migrant origin, which are becoming 39  
40 destination- and transit states given their new proximity to the EU. The resulting 40  
41 zone of stratified rights renders the region as the latest kind of ‘buffer zone’ and 41  
42 reflects wider ENP asymmetries associated with highly differentiated action plans 42  
43 that are heterogeneous in practice (Balzacq 2007, 2008, Tassinari 2005). Rather 43  
44 than enhancing cooperation and promoting development as compensation, efforts 44



1 to enforce uniform controls have neither prevented unwanted flows nor reduced 1  
 2 related inequalities. In Moldova and Ukraine per capita GDP remains less than a 2  
 3 tenth of the EU average (*The Economist* 2009). To paraphrase an informal query 3  
 4 from an EU citizen working with the EC in Moldova: ‘I ask as a taxpayer, why is 4  
 5 the EUBAM not working along the Prut? That’s the real border’. 5

6 ENP policies have been far from consistent however and have, in fact, given 6  
 7 rise to new dividing lines and perceived insecurities. To demonstrate how and 7  
 8 understand why, it is important to focus on how the ‘Wider Europe’ vision is 8  
 9 articulated along the Moldovan-Ukrainian frontier. How borders are variously 9  
 10 inscribed matters. This approach follows O’Dowd’s (2002) claim that the key 10  
 11 lesson of European state formation is that the structure, function and meaning of 11  
 12 borders never remain fixed or stable. The territorial logic matters because it shows 12  
 13 how the EU perceives threats and understands risks at the (sub)national scale. In 13  
 14 examining how EUBAM approaches borders, the character of the contemporary 14  
 15 European border regime emerges. This case study details how the EUBAM 15  
 16 has emerged in a paradigmatic borderland and indicates how ‘remote control 16  
 17 strategies’ work along a frontier, not just in a consulate or airport. The resulting 17  
 18 view contributes to a more sophisticated understanding of how the EU operates as 18  
 19 a geopolitical actor. 19

20 20

21 21

## 22 **The Historical Geography of the Moldova-Ukraine Frontier** 22

23 23

24 As Jeffrey also suggests in his chapter, efforts to delineate the eastern frontiers of 24  
 25 Europe have a special place in the ‘Western’ geographic imagination. Historically, 25  
 26 interpretations of what exactly constitutes ‘Europe’ as a territory and ‘Europeanness’ 26  
 27 as an identity have shifted dramatically. As Orientalist scholarship has documented, 27  
 28 arguments about the defence of ‘Europe’ and ‘Europeans’ are always related to 28  
 29 disagreements concerning its eastern extent; these arguments are never settled 29  
 30 (Kuus 2004, 2005, *The Economist* 2010, Turnock 2004). Recognizing this pattern, 30  
 31 Walters (2006) has argued the political study of borders can benefit from greater 31  
 32 engagement with the theme of (geo)political imagination, like ‘where’ states such 32  
 33 as Moldova or Ukraine are located in influential visions and how their problems 33  
 34 might be contained. His focus is anchored in critiques of classical visions (i.e. 34  
 35 Spykman 1938) where chaotic eastern European borderlands are envisioned as 35  
 36 buffers against barbarians. The key conclusion to note about Europe’s boundaries 36  
 37 is that contextual approaches to their emergence and articulation across the ‘crush 37  
 38 zone’ – an area stretching between the Danube and the Dnieper – are mandatory 38  
 39 (O’Loughlin 2000, 2001). Instead of nomadic Sarmatians, Scythians or Slavs, 39  
 40 today’s folk devils are the equally elusive sex traffickers, chicken-leg smugglers 40  
 41 and migrant workers perceived to incubate in Moldova or Ukraine en route to a 41  
 42 besieged Europe (Finnegan 2008, Lee Meyers 2006). 42

43 Czars and commissars knew well the frustrations of trying to centralize control 43  
 44 over what is now the Moldova-Ukraine frontier. The Bessarabian borderlands have 44

1 featured paradoxically in the classical and contemporary geographic imaginations 1  
2 as an area of both central importance and peripheral value (Ascherson 1996, Brown 2  
3 2004). Until 1918, most of what is today Moldovan territory was transferred under 3  
4 different semblances of Ottoman, Romanian, Russian, and Ukrainian rule (King 4  
5 1999, 2004). Very briefly, over the last century Moldova's role in the vision of a 5  
6 'Greater Romania' was replaced with mixed Soviet-style ethno-territorial units 6  
7 and supplemented with Stalinist tactics of forced displacement and population 7  
8 exchanges. These transformations have rendered the modern borderland. 8

9 During the Soviet era, the Nistru River existed as an internal border within the 9  
10 USSR. The Prut River facing Romania marked the southern flank and Moldova 10  
11 served as a Slavic and socialist bridgehead to the Balkans. After independence 11  
12 in 1991, Cossack irregulars arrived to the TN (part of inter-war Soviet Ukraine) 12  
13 in Moldova to engage in a brief but brutal separatist war on behalf of perceived 13  
14 threats to the local Russian population. Post-independence fears including ethnic 14  
15 retribution, territorial isolation and persecution by ethnic-Romanian Moldovan 15  
16 nationals have since eroded in the face of economic stagnation and labour emigration, 16  
17 though an uneasy ceasefire remains on the river's left bank. Various peacekeeping 17  
18 missions and confidence-building measures have only served to legitimate and 18  
19 entrench the unrecognized Transnistrian regime. TN exists as a mix of classic 19  
20 Soviet-style nation building with contemporary Russian-approved protections, 20  
21 including preferential passport and energy policies. Consequently, large sections 21  
22 (421 km) of Moldovan territory along the border with Ukraine remain outside 22  
23 of Chisinau's control. Contradictory efforts to introduce uniform tax stamps and 23  
24 customs regimes and navigate anachronistic 'joint control commissions' have 24  
25 characterized the landscape of conflict resolution in the region. As commentators 25  
26 (N. Popescu 2008) have argued, these mechanisms are 1990s-era instruments 26  
27 and cannot resolve twenty-first-century problems given current power structures. 27  
28 Accordingly, EUBAM has emerged alongside pilot Mobility Partnerships where 28  
29 the emphasis on IBM is designed to 'identify novel approaches to improve the 29  
30 management of legal movements of people between the EU and third countries 30  
31 ready to make significant efforts to fight illegal migration' (European Commission 31  
32 2007: 2). Conventionally viewed as an isolated, impoverished intermediary 32  
33 between the European and Russian spaces, Moldova represents what many 33  
34 administrators see as a laboratory for experimenting with fresh forms of border 34  
35 and migration management like EUBAM (Parkes 2009). 35

36 Following the 2001 EU expansion, Jan Zielonka (2001: 515) presciently noted 36  
37 that '... [L]eaving divergent states of eastern and southern Europe outside the EU 37  
38 may solve some problems, but it will create new ones'. In the case of Moldova/ 38  
39 TN, the 'problem' was articulated in terms of the risks of 'weak statehood', as 39  
40 observers such as Heinz (2008: 1) suggested: 'From the perspective of the EU, 40  
41 historical Bessarabia today is a crisis zone on Europe's easternmost periphery and 41  
42 mass outmigration is perceived as a threat to the EU.' When Romania joined the 42  
43 EU, Moldova and Ukraine were left outside a new 2,000 km divide. Presently, 43  
44 Moldovan territory is marked using an uneven mosaic of border checkpoints 44

1 designed for international, bi-national and local-only traffic categories to cross 1  
 2 both formal and unrecognized controls countrywide. This situation contrasts 2  
 3 sharply with modern notions of an internationally recognized, clearly delineated, 3  
 4 uniformly policed and therefore spatially contiguous frontier. In the words of the 4  
 5 EUBAM chief (Banfi 2009), these changes mean ‘new security situations’ with 5  
 6 Moldova now ‘closer in the sense of geography’. The EU’s stance on Moldova is 6  
 7 to focus on stability and risk management alongside territorial reintegration. 7

8 Conventional approaches to this topic fail by characterizing Moldovans and 8  
 9 Romanians as one nation sharing two states. Revealingly, Skvortova’s (2006) 9  
 10 analysis of the impact of EU enlargement on Moldovan-Romanian relations 10  
 11 argues commonalities are not always helpful, though she was writing during a 11  
 12 tense period between Chisinau and Bucharest. According to Tomescu-Hatto 12  
 13 (2008), the differences between Moldova and Romania appear to result from an 13  
 14 ambiguous history, with Moldova again seen as a ‘bridge’ between Europe and 14  
 15 the post-Soviet World. For Brussels, the functional problem today is that Moldova 15  
 16 now shares an 862 km international border and nine checkpoints with Romania. 16  
 17 This border is jointly managed in concert with the EC’s own border monitors 17  
 18 (i.e. FRONTEX) and was home to key rail crossings through the iron curtain. 18  
 19 Following the 2009 democratic ouster of Moldova’s Communists after eight years 19  
 20 of rule, the *Alliance for European Integration* coalition has actively re-engaged 20  
 21 with Bucharest to make both EU membership and visa facilitation (especially for 21  
 22 residents within 30 km of the Prut) the top priorities in anticipation of a proper 22  
 23 **association agreement**. While the Romanian-Moldovan border represents the real 23  
 24 EU border even if the barbed wire was recently removed, the first territorial line 24  
 25 of control lies further east. 25

26 The Moldovan border with Ukraine is ambiguous and dynamic.<sup>2</sup> Though an 26  
 27 internal administrative border during the Soviet era, since 1991 about 75 crossings 27  
 28 have dotted the 1,222 km frontier. Today, modes of passage range from trains, 28  
 29 ferries and roads across well-marked checkpoints to foot and barge traffic across 29  
 30 poorly demarcated or seasonally closed water and land borders. The crossings 30  
 31 include approximately 31 international border controls where all nationalities 31  
 32 may pass, six intra-state crossings exclusively for Moldovans and Ukrainians 32  
 33 and about ten local seasonal or market-day only checkpoints. In 1993, Chisinau 33  
 34 and Kiev agreed to organize seven checkpoints that between 1997–2001 should 34  
 35 have functioned as jointly operated controls, though only two ever worked in this 35  
 36 way because Ukrainian laws were insufficient. In 2004, five of the original seven 36  
 37 checkpoints scheduled for joint control were linked via a revised protocol while 37  
 38 two in TN remain inactive. To complicate matters for border managers, Moldova’s 38  
 39 eastern Nistru river frontier with Ukraine contains 26 crossings controlled by the 39  
 40 internationally unrecognized regime in Tiraspol. With EUBAM assistance and 40  
 41 Ukrainian support, Chisinau is seeking to control the eastern border and tax TN- 41  
 42 registered firms. 42

43 \_\_\_\_\_ 43  
 44 2 The full demarcation process is not scheduled for completion until 2011. 44

1 As the EU has expanded east, newfound proximity to the unresolved conflicts 1  
 2 in the former Soviet Union has stimulated fresh efforts to promote their resolution. 2  
 3 Since the early 1990s, the *Organization for Security and Cooperation in Europe* 3  
 4 (OSCE) has served as the preferred vehicle for border management and conflict 4  
 5 resolution. However, given Russia's resurgence and its OSCE veto power, efforts to 5  
 6 enforce the 1999 Istanbul agreement dismantling the massive Colbasna arms depot 6  
 7 in TN remain unsuccessful. Following the stillbirth of these OSCE negotiations 7  
 8 scheduled to take effect in 2003 and the Moldovan President's subsequent decision 8  
 9 to scrap the Russian-backed, bi-lateral Chisinau-Tiraspol 'Kozak memorandum', 9  
 10 settlement negotiations have stalled. After rejecting requests to host Russian 10  
 11 peacekeepers until 2020 and denying Tiraspol's special status, Moldova began 11  
 12 looking west for other approaches. Currently, the EU prefers to work via the '5+2' 12  
 13 format of Russia, Ukraine, Moldova, TN and the OSCE as mediators with the EU 13  
 14 and US as observers. 14

15 The perceived need for alternative resolutions also reflects other political 15  
 16 tensions in the region. The Orange revolution of 2004–05, combined with 16  
 17 the Moldovan (Communist) President Voronin's newfound appreciation for 17  
 18 Europeanization<sup>3</sup> and rejection of the Russian-backed Kozak memorandum 18  
 19 led to fresh motivations to resolve the TN conflict. At Presidents Voronin and 19  
 20 Yuschenko's joint invitation for border assistance and in the face of Moscow's 20  
 21 reticence to withdraw its 'peacekeepers' or suspend support for the TN, the EUBAM 21  
 22 was launched in late 2005 as a diplomatic counter-weight to Russian influence 22  
 23 in regional conflicts. According to the formal *Memorandum of Understanding*, 23  
 24 EUBAM should observe, advise and assist efforts to facilitate trade and counteract 24  
 25 illegal activities using improved statistical analysis and risk management. It 25  
 26 explicitly seeks to benefit the host states, their internal institutions and the EC's 26  
 27 'rapid reaction mechanism' (EUBAM 2005). EUBAM, then, is a response to 27  
 28 threats to state sovereignty and national security in Moldova and Ukraine. This 28  
 29 move proved prescient given Russian efforts in Georgia following the 2008 war 29  
 30 where the OSCE's mandate was allowed to expire and Russian 'peacekeepers' 30  
 31 took over border control. 31

32 Fears of both Transnistrian separatism and illicit weapons export have been 32  
 33 used to frame a particular picture of Moldova's territorial 'black hole' (Buttin 33  
 34 2007). Despite allegations of rifle and rocket export manufacturing for Russian- 34  
 35 backed firms operating in TN, weapons are not the problem. Instead, consumer 35  
 36 goods present a threat to tax authorities, public health and national security. EU 36  
 37 experts claim the region is a profitable destination for American poultry products 37  
 38 and note '40,000 tons of chicken was shipped, legally, into Transnistria through 38  
 39 Black Sea ports in Ukraine. Because that amounted to 66 kilograms, or 146 39  
 40 pounds, for each Transnistrian, something was clearly amiss' (Meyers 2006). The 40  
 41 *Journal of the Border Guard Service* also reports that cigarettes, chocolates and 41  
 42 cars are smuggled routinely (2008). Free of taxes and health inspections, such 42  
 43

44 <sup>3</sup> See March 2007. 44

1 contraband flows offer lucrative opportunities for locals and threaten to render 1  
 2 governance efforts illegitimate. 2  
 3 Efforts to extend sovereign authority over trade (i.e. customs controls) and 3  
 4 mobility (i.e. migration categories) reflect a Brussels-backed effort to empower 4  
 5 Chisinau and Kiev at the expense of Tiraspol and Moscow. The assumption here 5  
 6 is that the ‘legitimate’ authorities must have control to qualify as ‘stable’ and 6  
 7 ‘secure’ to meet ENP standards. EUBAM promotional documentary-style videos 7  
 8 nevertheless acknowledge that locals are resisting these controls on their mobility 8  
 9 and experiencing hardship because of changes. According to public statements 9  
 10 by its chief, EUBAM is responsible for the border and it claims credit for closing 10  
 11 17 weapons firms (Banfi 2009). However, ‘officials’ from TN say the businesses 11  
 12 never existed. Additionally, some claim that the old weapons smugglers have 12  
 13 simply diversified their cargo and shifted operations east to Ukraine. Despite Mr 13  
 14 Banfi’s assurances to the contrary, such analysis also insists that planes can land in 14  
 15 TN and air traffic control is not within the EUBAM mandate. 15

16

17

18 **The EUBAM and the ENP:**19 **Standardization and Harmonization as Securitization**

20

21 The EUBAM and the ENP are part of enduring, if yet unsuccessful, attempts 21  
 22 to organize a unified border and migration regime in the region. EUBAM (€44 22  
 23 million) is only one of many ENP ‘instruments’ (€13 billion). The two are 23  
 24 connected via the provision of funding, equipment, and infrastructure. As one 24  
 25 of the most technical and territorial instruments in the toolbox, EUBAM is 25  
 26 grouped with the ENP’s efforts to meet EU objectives concerning long-term visas; 26  
 27 efficient small scale border traffic; facilitating movement for EU programs; visa 27  
 28 free travel for diplomats and reductions for students; wider visa-free regimes; 28  
 29 common integration of third country nationals; preventing illegal migration; 29  
 30 and readmission agreements with neighbours (European Commission 2009). 30  
 31 EUBAM links experts from 22 member-states to support the border management 31  
 32 aspect of this program and to transform a military structure of frontier guards and 32  
 33 customs agents into service-oriented law enforcement agents, enhance technical 33  
 34 demarcation and cross-border cooperation and provide training. EUBAM, like its 34  
 35 Schengen godmother and the *United Nations Development Program* (UNDP) or 35  
 36 *International Organization for Migration* (IOM) implemented projects before it, 36  
 37 seeks a uniform yet permeable border connected via risk management systems, 37  
 38 networked customs databases, biometric passports and thermal-vision goggles 38  
 39 (for a discussion of the IOM, see Andrijasevic and Walters 2010). 39

40 For a decade or more, millions of euros and dollars marked for improvements 40  
 41 have flowed east from Brussels and Washington. Aid was previously separated 41  
 42 across different donor-funded border management projects. Even today, the 42  
 43 €9.9 million ‘BOMMULUK’ border monitoring procurement package is funded 43  
 44 separately from EUBAM in Moldova and Ukraine as its ‘heavy infrastructure’ 44

1 division. Though they share human resources occasionally, EUBAM is about 1  
 2 assessing situations, advising internal administration, organizing study tours and 2  
 3 hiring experts to make recommendations and deliver analysis. BOMMULUK is 3  
 4 a multi-stage ‘delivery arm’ providing equipment. UNDP-Moldova and -Ukraine 4  
 5 officers work outside EUBAM headquarters in Odessa as national portfolio 5  
 6 managers and implementing partners. This situation reflects a continuation of 6  
 7 earlier EU-funded, UNDP-administered projects that relied heavily on discourses 7  
 8 of standardization and danger. This trend is especially visible in terms of titles 8  
 9 chosen for projects tasked with ‘modernizing’ key border crossings via the ‘Better 9  
 10 Border Initiative’ implemented by the IOM and targeting both the *Moldovan* 10  
 11 *Customs Department (MDCD)* and its *Border Guards Service (MBGS)*. This suite 11  
 12 of multi-lateral border management assistance also included UNDP administered 12  
 13 projects like the ‘Monitoring and Control of Borders’ effort funded by the US 13  
 14 and the World Bank’s ‘Trade and Transport Facilitation in South East Europe’. 14  
 15 UNDP’s ‘Belarus Ukraine Moldova anti-drug’ effort (BUMAD), funded by 15  
 16 the EC already works with various institutions including *Ministries of Interior*, 16  
 17 MDCD and MBGS to fight narcotics trafficking. Cooperating across boundaries 17  
 18 and security fields is not new, and efforts to unify and coordinate them via expert 18  
 19 rule remain fractured. 19

20 Despite its observer-status and lack of investigative authority, EUBAM aims 20  
 21 to develop a modern ‘IBM’ system, like those in the EU, and link it to surveillance 21  
 22 networks and intelligence databases – including the latest *Schengen Information* 22  
 23 *System (SIS)* and Interpol platforms. The goal is to secure the border using tools 23  
 24 like job training and ‘European expertise’ to pre-empt, collectively, threatening 24  
 25 movements and flows. The first and acting chief of the mission, General Banfi 25  
 26 (EUBAM 2006) has argued for: 26

27  
 28 [...] a system which meets the needs and expectations of the citizens and 28  
 29 businesspeople of Moldova and Ukraine while at the same time contributing to 29  
 30 and benefiting from international cooperation. In today’s world, with organized 30  
 31 criminal groups constantly inventing new ways to evade border control, 31  
 32 it is essential that all European states work together to keep our common 32  
 33 neighbourhood stable and secure. 33  
 34 34

35 This apolitical self-image obscures the formal status of the project as an advisory 35  
 36 body with limited powers and a blurry view of outsiders as disruptive criminals. 36  
 37 However, this vision highlights the trend toward rescaling of state-based controls, 37  
 38 as different categories of travellers face harsher regulations than goods or money. 38  
 39 Institutionally, EUBAM reflects an extra-territorial yet extraordinarily geographic 39  
 40 strategy to render existential threats visible to state agents and to manage risks 40  
 41 associated with the latest round of expansion. Significantly, it recognizes frontiers 41  
 42 are no longer control points along a river separating states and sees border security 42  
 43 as ‘population management’. These efforts are consistent with critiques noting 43  
 44 ENP is one of the ‘most innovative and sophisticated tools to date’ though such 44

1 projects are actually an attempt to ‘extend Europeanization’ by alternative means. 1  
 2 For these critics, ‘mobility partnerships’ are ‘security partnerships’ for the EU 2  
 3 and ‘insecurity partnerships’ for (third country) nationals (Carrera and Sagrera 3  
 4 2009). Consequently, EUBAM appears as a new model of political and economic 4  
 5 exclusion despite claims of its purely technological and neutral function. 5

6 In practice, the EUBAM functions as the most contemporary form of EU 6  
 7 external governance as it is situated where both border security and migration 7  
 8 management policies converge. Such projects are not new and do not represent 8  
 9 a profound shift but rather a new kind of border and migration management. For 9  
 10 Lavenex (2004), such ‘external governance’ occurs when legal or institutional 10  
 11 boundaries go beyond the Member States. Nonetheless, the shift toward 11  
 12 extraterritorial control is less a new phenomenon than the continuation of 12  
 13 transgovernmental cooperation (Lavenex 2006). These practices function as part 13  
 14 of a strategy to navigate border permeability in an age where the ‘hard outer shell’ 14  
 15 (Herz 1957) of territoriality has dissolved and new spaces like airport checkpoints, 15  
 16 customs databases, and detention centres have emerged with their own geopolitical 16  
 17 and geostrategic logics. As such, borders should be understood not as the limits 17  
 18 of a sovereign, territorial state, but rather as an assemblage of social processes 18  
 19 and overlapping authorities enabling distinctive categories of people to move 19  
 20 in particular ways. Territorially, EUBAM thus emerges like a ‘vigilant sentry in 20  
 21 the outpost’ instead of an ‘impenetrable fortress’ or ‘gated community’ to secure 21  
 22 the European geopolitical imagination. Organizationally, EUBAM resembles an 22  
 23 ‘archipelago of police’ where expert networks are deployed ‘upstream’ along the 23  
 24 new borders (Bigo 2000, Kurokowska and Tallis 2009). Such thinking indicates 24  
 25 how efforts like the EUBAM are an attempt to re-scale border security and re- 25  
 26 territorialize human mobility using third-countries as ‘spatial’, i.e. territorial fixes 26  
 27 to avert threats like immigration or terrorism by relocating unwanted migrants 27  
 28 (as Vaughan-Williams and Gammeltoft-Hansen also suggest in their contributions 28  
 29 to this volume). These institutional approaches are not neutral efforts to upgrade 29  
 30 technology as presented in the formal diplomatic or public relations savvy language 30  
 31 of EUBAM. Instead, they reflect a shift in technologies of territoriality and the 31  
 32 parallel policies governing the (geo)politics of mobility and trade (Chalfin 2006). 32

33

34

### 35 **Border Regimes** 35

36

37 As territorial strategies designed to influence control over citizens, bordering 37  
 38 practices reify particular types of power and displace specific populations (Sack 38  
 39 1983). As instruments, Schengen borders function as a transfer of checks to 39  
 40 external frontiers and follow multiple trajectories, including the ‘geopolitical’ 40  
 41 (i.e. classical territorial), ‘national’ (i.e. nation-state) and ‘biopolitical’ (i.e. 41  
 42 populations) (Walters 2002). This view, like Bigo (1998), maintains borders are 42  
 43 political technologies reflecting a particular politics in a specific context. The 43  
 44 proliferation of border controls within other EU spaces like the ENP, including 44

1 the discontinuous enclaves Ceuta and Mellila, offers rich opportunities to consider 1  
2 how the EU b/orders (Ferrer-Gallardo 2008). In Moldova especially, there is much 2  
3 uncertainty over what such border regimes associated with the ENP mean (Avram 3  
4 and Muller 2008). For Marcu (2009), the territorial dialectic of globalization 4  
5 means that Moldovan borders are both opening in terms of cooperation and 5  
6 closing in terms of control and security. In contrast, the argument here is that 6  
7 this very cooperation is simultaneously a form of securitization. The following 7  
8 argument assumes permeability cannot be eliminated but must be rendered more 8  
9 visible and manageable via technologies like data sharing and IBM to re-scale 9  
10 control and redefine risk. 10

11 In contemporary analyses, to understand frontier management requires 11  
12 attention to the interactions among institutions and identities as narrated by (supra) 12  
13 state actors and citizens (Newman and Paasi 1998). As Megoran (2007) suggests, 13  
14 it is a mistake to suggest that borderland dwellers are simply passive victims of a 14  
15 totalizing power, especially in the face of corrupt officials. It is well known that 15  
16 Moldovan and Romanian migrants' efforts to elude border controls rely on multiple 16  
17 layers of agency across supranational/transnational bodies, states, and social 17  
18 networks to affect the character of the border regime (Culic 2008, Mungiu-Pippidi 18  
19 2010). Official corruption also affects permeability. *Transparency International-* 19  
20 *Moldova's* longitudinal studies with commercial agents in 2002 and 2006 have 20  
21 documented experiences and perceptions of *MDCS* – but not *MBGS* – to find that 21  
22 despite European training, standards and aid, state frontiers remain permeable 22  
23 and effectively unimproved given endemic corruption (Carasciuc 2007). In their 23  
24 typology of border regions of an enlarged EU, Topalogulou et al. (2005) argued 24  
25 that the new contradictions and mental maps emerging are redefining perceptions 25  
26 of community and mobility. Uneven border regimes securing the European 26  
27 periphery have already affected Moldovans and risk making permanent the 'paper 27  
28 curtain' that is appearing in place of the old iron one (Berg and Ehin 2006). 28

29 Other scholars focus on histories of border regimes and their territorial 29  
30 transformation. Some use metaphors like the 'great wall of Europe' to link diverse 30  
31 institutions, laws, and agreements (Balibar 2006). For Balibar (2009), conflicting 31  
32 patterns of representation dominate visions of European borders including the 32  
33 centre-periphery, or 'march', and are reflected when borders are relocated to 33  
34 'marginal' areas. Others have characterized these emergent geographies similarly: 34  
35 'as a return to the "colonial march", i.e. a "neutral strip or belt of severance... 35  
36 without inhabitants or value, awaiting settlement and apportionment"... The 36  
37 march, then, is something like an interzone between powers' (Pounds 1951 in 37  
38 Walters 2004: 683). As these scholars note, the precise meaning of 'Ukraine' is 38  
39 this 'march or border area' (Walters 2004: 684 from Foucher 1998). 39

40 Clearly, new concepts are required to understand the ambiguous character of 40  
41 European borders. Discussing borders and Europeanization, Walters (2004) has 41  
42 argued that state borders remain pre-eminent in geopolitics and questioned how 42  
43 regional blocs acquire frontier characteristics. Later, he suggested three spatial 43  
44 forms, including the emergent region-state, the gated community and the IT- 44



1 firewall. This thinking reflects the move beyond the ‘territorial trap’, explicitly, and 1  
 2 focuses on fuzzy borders across scales. In the ‘IT-firewall’, discontinuous nodes 2  
 3 exist to move border controls away from the EU and closer to countries of origin. 3  
 4 The notion of ‘firewall’ thus serves as an electronic version of the geostrategic 4  
 5 ‘chokepoint’. In the purest geopolitical tradition, such concepts function as barriers 5  
 6 and operate as an ‘update’ or ‘patch’ to secure smuggling routes or disrupt illegal 6  
 7 flows using surveillance systems to restrict access to an area (2006). EUBAM 7  
 8 risk managers seek to embody exactly this role as network architects and expert 8  
 9 observers. Similarly, Rumford (2006) has identified such results as a ‘complex, 9  
 10 networked border’ in the sense that frontiers are now less about military defence 10  
 11 and are notable for their permeability. In an effort to understand the new spatiality 11  
 12 of the EU, he considers borderlands at the edge of this single space as an area 12  
 13 signalling the spatiality of borders themselves, especially in their attention to 13  
 14 polycentricity. 14

15 It is important to consider these multiple border and security regimes active 15  
 16 throughout the European Neighbourhood. Indeed, as Lavenex (2004) has argued, 16  
 17 institutional, legal and territorial boundaries do not necessarily proceed together. 17  
 18 As ‘conditionality-lite’, the ENP appears to focus security concerns around 18  
 19 political stability at borders and is characterized by self-interest and a solid 19  
 20 policing focus (Sasse 2008). Recent work on the ENP has stressed the Policy’s 20  
 21 prescriptive and territorial nature and the ways in which it reflects a distinctive 21  
 22 aesthetics of European belonging and bordering, with bordering processes seen 22  
 23 as key indicators of Europeanization (see Bialasiewicz et al. 2009). Moreover, 23  
 24 discursive analyses of ‘soft vs. hard’ border narratives have shown how the 24  
 25 ambiguous character and results of ENP borders are reflected in transformations 25  
 26 of/in the ‘Neighborhood’ (see Jones 2006 as well as Jones’ contribution in this 26  
 27 volume, Jones and Clark 2008, Kostadinova 2009). 27

28

29

### 30 **The ‘Remote Control Border’** 30

31

32 Efforts to extend sovereign power beyond the EU are heterogeneous and have 32  
 33 taken both ‘hard’ and ‘soft’ forms. Border and migration management techniques 33  
 34 reflect this genealogy and demonstrate clear political and economic logics. Today, 34  
 35 the lack of a common EU border and migration regime policy is visible in tools 35  
 36 like the Tampere agreement, which alongside the Amsterdam and Schengen 36  
 37 treaties shows the shift from an economic union to a political Europe (Lavenex 37  
 38 2004). These cooperation instruments place a growing emphasis on extraterritorial 38  
 39 control but are not new. They reflect restrictive transgovernmental logics of 39  
 40 hardened border security and extended efforts at exclusion. They are rooted in 40  
 41 a conception of uncontrolled immigration as socio-cultural threat and linked to 41  
 42 criminality to blur the difference between different kinds of mobility while serving 42  
 43 to shift attention ‘outside’ (Bigo 2005, Huysmans 1995, 2000, Lavenex 2006). 43  
 44 As a management device, the externalization of transgovernmental cooperation 44

1 is dubbed ‘remote control’ (Zolberg 2003). Via ENP, Mobility Partnerships and  
 2 therefore EUBAM, an insistence on IBM serves to institutionalize policies and  
 3 practices that can shift border checkpoints further away from the common territory  
 4 to create the EU’s first ‘remote control border’.

5 Historically, this trend has relied on visa facilitation/restriction policies and  
 6 instruments. Today, the main strategy is the coordination of visa and safe third  
 7 country rules that have been described as a form of ‘burden shifting’ (Lavenex  
 8 2001, 2006, Neumayer 2006). While this notion of manipulating mobility by  
 9 externalizing controls first described the United States in the early twentieth  
 10 century, theoretically it remains useful to analyse the EU in the twenty-first century.  
 11 Accordingly, the EUBAM emerges as a model example of ‘border management’,  
 12 or what Van Houtum and Pijpers (2005) have compressed into a uniform logic  
 13 called ‘bordermanagement’. Others<sup>4</sup> have referred to these types of processes  
 14 using terms like ‘transnationalization’, ‘extra-territorialization’, ‘externalization’,  
 15 ‘internationalization’, ‘pre-border controls’ and ‘Europeanization’ (Balzacq 2008,  
 16 Boswell 2003, Geddes 2001, 2003, Guiraudon 2000, 2001, Haddad 2008, Lavenex  
 17 2006, Lavenex and Ucarer 2004, Leonard 2006, Rodier 2006, Van Selm 2002,  
 18 Weinzierl 2007). While some analysts use these terms interchangeably to discuss  
 19 the external relations aspect of the Justice and Home Affairs security portfolio,  
 20 others suggest blurring them leads to conceptual and analytical confusion (Leonard  
 21 2006). In this chapter, ‘extra-territorialization’ is the most accurate description of  
 22 those aspects labelled as ‘remote control’ (Rodier 2006).

23 Furthermore, there have been significant changes in the character of  
 24 ‘gatekeepers’ (Guiraudon and Lahav 2000). Specifically, commitments to control  
 25 borders remain uneven. The trend toward extending the buffer zone via immigration  
 26 policy (‘shifting out’), requires that borders are effectively moved away using  
 27 tools like carrier sanctions and pre-arrival screening to enhance security. The  
 28 current trend indicates external controls continue to function as exclusion as much  
 29 as ‘burden sharing’ (Lahav and Guiraudon 2006). In Moldova, they appear as  
 30 ‘common visa application centres’ or ‘migrant accommodation centres’. Similarly,  
 31 discussing European maritime borders Clochard and Dupeyron (2007) note that  
 32 controls are increasingly exported beyond national boundaries and the first contact  
 33 with Schengen is often well outside conventional borderland sites. In considering  
 34 the Moldovan-Romanian border challenges following accession, Trauner and  
 35 Kruse (2008a) argued for a ‘new EU security approach’ to explain these visa  
 36 facilitation and readmission agreements. They direct attention to the construction  
 37 of categories and categorization of dangers used to regulate populations. Focusing  
 38 attention on actors like EUBAM is consistent with this view of borders as  
 39 population management tools used to frame risk and govern mobility.

40 It is important to examine how states externalize migration and border  
 41 controls. Efforts to produce common standards across a space with divergent  
 42 technical practices and procedures yield what Barry (2006) calls a ‘technological

43 \_\_\_\_\_  
 44 4 For an excellent review see Chou 2009.

1 zone'. For him, 'A technological zone can be understood ... as a space within 1  
2 which differences between technical practices, procedures or forms have been 2  
3 reduced, or common standards have been established' (Barry 2006: 239). While 3  
4 certainly incomplete, EUBAM approaches to standardization and harmonization 4  
5 are hegemonic and operate in line with this brand of spatial extension to yield 5  
6 zones of stratified rights. Borrowing from Dunn's (2005) analysis of Poland, he 6  
7 argues the EU can operate as a 'zone' to expand into other territories. As EUBAM 7  
8 risk analyst perceptions and data collection categories show, it is just such efforts 8  
9 to establish 'common measures, connections, qualifications and limits' that are 9  
10 at work along the Moldovan frontier (Barry 2006). Though ostensibly technical, 10  
11 these zones are inescapably (geo)political and show how Europe's borders are 11  
12 emerging. 12

13

14

### 15 **The EUBAM Study** 15

16

17 The research informing this analysis was conducted in Moldova during 2008–2010. 17  
18 It includes data collected during visits to border communities and discussions with 18  
19 officials as well as private citizens. A series of focus groups and surveys with 19  
20 Moldovans occupying the zone within 15 km of both the Romanian and Ukrainian 20  
21 borders was also held to investigate territory and identity in the borderlands. 21  
22 The fieldwork involved visits to villages, institutions, and non-governmental 22  
23 organizations working on the left bank of the Nistru River that remain under 23  
24 Chisinau's control and regular border crossings throughout the region. Formal, 24  
25 semi-structured interviews with EUBAM agents, former employees, EC 25  
26 representatives, Moldovan officials and international and non-governmental 26  
27 organizations are the primary sources informing the findings. The meetings were 27  
28 held in university offices, government agencies, municipal centres and public 28  
29 cafes; almost all were recorded digitally. With the exception of public statements 29  
30 like those made by officials like Mr. Banfi, for anonymity other sources are listed 30  
31 using suitably vague titles. 31

32 Formally, the EUBAM's press officers located in the Odessa headquarters 32  
33 actively and openly facilitated access to its agents, including high-ranking ones, 33  
34 as did the Chisinau office. EUBAM also provided internal documents, invitations 34  
35 to public events and written answers to follow-up questions in a professional 35  
36 manner. Implementing partners and other stakeholders from outside the 36  
37 organization, including UNDP, also participated and their views are included. The 37  
38 goal in meeting with local field officers was to shed light on how experiences and 38  
39 relationships are formed and maintained. Meeting with them helped contribute 39  
40 to a better picture of the personnel aspect of EUBAM's management strategy in 40  
41 general, and the nature and style of personal working relationships with domestic 41  
42 agents/officers in particular. The topics of 'risk definition', 'threat perception', 42  
43 and border management' were all addressed. Meetings with risk analysts 43  
44 included discussions of 'risk systems' and 'security profiles' and their practical 44

1 implementation (but not their sensitive content, understandably) to question those 1  
 2 preparing daily assessments and analysis. In what follows, I present the results 2  
 3 thematically; after a brief overview of how EUBAM as a case fits the models and 3  
 4 theories described above, formal visions and informal understandings of EUBAM 4  
 5 operations are detailed. 5

6 The EUBAM embodies the modern remote control border and it highlights 6  
 7 how EU/ENP efforts are producing a borderland as an externalized object of 7  
 8 governance via expert rule. With a public relations staff of three, a dozen ‘field 8  
 9 offices’ organized as ‘areas of responsibility’ and a deep roster of experts and 9  
 10 translators, EUBAM is extending EU practices across competing territorial and 10  
 11 institutional regimes. Despite this inherently political existence, the images in 11  
 12 its glossy press kits, annual reports and promotional DVDs offer a benevolent, 12  
 13 seductively simple view of an ostensibly neutral and service-oriented effort. In its 13  
 14 videos, force and surveillance are swiftly deployed in a calculated and coordinated 14  
 15 manner. The responses appear uniform, organized and transparent and therefore 15  
 16 in direct contrast to existing orders. Local residents, government agents and 16  
 17 EUBAM observers are shown working together towards ‘progress’. Images of 17  
 18 x-ray machines, camouflaged speedboats and earnest officers delivering services 18  
 19 play a prominent role in this public persona. As models, they are included in ENP 19  
 20 website-based reports of regional border and migration management (European 20  
 21 Commission 2009). 21

22 In its more highbrow reports, lectures, statistics, charts, maps and graphs are 22  
 23 deployed in an equally technocratic and calculating fashion to rationalize and 23  
 24 organize ‘that which must be done’. With its ‘training and standards coordinators’ 24  
 25 EUBAM reflects a clear institutionalization of Barry’s ‘technological zones’. In 25  
 26 these spaces and on speaking platforms Mr Banfi argues (in English) for inclusion 26  
 27 and speaks of performance standards and seizure statistics with a no-nonsense 27  
 28 tone. He bluntly engages with the culture of corruption, holds a contextual and 28  
 29 sophisticated view of borders and seems personally convinced of Moldova’s future 29  
 30 in the EU after reflecting on Europeanization from his perspective as a longtime 30  
 31 Hungarian policeman. Using a less-sophisticated metaphor but more humanizing 31  
 32 tone, Banfi (2009) describes his job promoting increased border security and 32  
 33 improved risk management alongside better movement as ‘trying to swim in the 33  
 34 river and keep the suit dry’. 34

35 Below the top, interviews with agents from two-dozen Member States reflect 35  
 36 realistic concerns for ‘better border management’. Surprisingly, not all agents 36  
 37 express opinions consistent with the formal discourse of unidirectional knowledge 37  
 38 transfer and others challenge assumptions about which groups indeed exercise 38  
 39 the ‘best practices’. Informally, individual perspectives and experiences vary and 39  
 40 indicate a more complex reality where institutional and intergovernmental political 40  
 41 disagreements remain hidden under a veil of uniformity. These internal narratives 41  
 42 governing EUBAM’s role in the world highlight how ‘the border’ is emerging as 42  
 43 a ‘technological zone’ to be controlled as a ‘field’ with relevant areas of expertise 43  
 44 (Mitchell 2002). Because EUBAM only hires experts from ‘security’ backgrounds 44



**Figure 7.2 Border inspection**

*Source:* Courtesy of EUBAM.

listed on national rosters, border assistance necessarily acquires a certain state-sanctioned and restrictive orientation when the ‘field’ is populated with similarly trained personnel. The parallel proliferation of statistics, trainings, partnerships and study tours is making a new kind of borderland visible, if not more stable or secure. Surprisingly, according to expert experiences, ‘skills transfer’ can operate in two directions. In one instance, a western European customs expert learned from a Moldovan agent how to inspect cars for contraband in two low technology ways. Instead of expensive scanning, he learned how simply knocking on hollow sections of side panels or smelling for fresh or stale air in a tire can indicate suspicious activity and prove as effective as ‘more advanced’ risk analysis. Likewise, efforts to wipe mud off license plates or match trucking manifests with their contents are inexpensive analogue techniques that can secure the border and improve management. Such dynamics show how political will matters as much or more than skills or tools to measure EUBAM’s transformative power as an advisor and facilitator.

Other contradictory evidence indicates EUBAM efforts are incomplete and uneven. For instance, when EUBAM administered what it acknowledges as a very basic and non-scientific visibility surveys during ‘Europe Day’ celebrations recently, just over half the self-selected respondents were able to identify the

1 mission and its goals (EUBAM 2009). Conversely, in focus groups with 100 1  
 2 borderland dwellers countrywide during late 2009, only about ten could correctly 2  
 3 identify the mission and its goal when shown a photo of a uniformed EUBAM 3  
 4 agent observing an inspection at a checkpoint (see Figure 7.2). Still, in limited 4  
 5 ways EUBAM views this level of recognition as a success. Other findings situate 5  
 6 this contradictory evidence in a world governed by competing inter- and intra- 6  
 7 security organizations, institutional legacies and political wills. Here, internal 7  
 8 and external political disagreements remain hidden and hinder cooperation. For 8  
 9 example, a separately funded EU ‘flanking measure’ to introduce a €30 million 9  
 10 communication system to link MDBGS and MDCS is on hold. Intra-agency 10  
 11 competition resulted in a single proposal from the MDBGS and only a small part 11  
 12 of the pilot effort will materialize while the two key border control organizations 12  
 13 will continue to communicate separately or not at all. As an ironic expression 13  
 14 of this division, the closest the respective countries’ border guards and customs 14  
 15 service ever appear is when they share a page in the annual report’s introduction 15  
 16 (EUBAM 2006, 2008). While perhaps a small victory, such diplomatic maneuvers 16  
 17 will likely go unnoticed in smuggling and trafficking circles. In short, EUBAM’s 17  
 18 vision assumes that modern European technology and training can fix an antiquated 18  
 19 and anachronistic border regime. The reality, however, is more complex than the 19  
 20 risk management system and data collection and analysis practices designed to 20  
 21 contain it, and most agents acknowledge this situation. 21

22

23

#### 24 **EUBAM’s World-View and Threat Perceptions** 24

25

26 Despite its diplomatic credentials and outspoken assurances, EUBAM efforts 26  
 27 are hardly neutral and serve the interests of a particular pair of states and one 27  
 28 supranational project. A number of key documents, public statements and interview 28  
 29 responses are indicative of formal EU/ENP/EUBAM visions of the Moldova- 29  
 30 Ukraine border. Prior to EUBAM, external donors and local partners implemented 30  
 31 studies and assessments of Moldovan border guard capacities and structures to 31  
 32 identify migration management and border control gaps. The key limit in the eyes 32  
 33 of those outside experts was not capacity, but training. Regardless, immediately 33  
 34 after the founding memorandum was signed EUBAM issued its own 41-point 34  
 35 plan as a *Needs Assessment and Recommendations Report* (NARR), with each 35  
 36 item indicating how EUBAM initially understood its role. Almost all points were 36  
 37 subsequently adopted. 37

38 This initial list sought to ‘up-grade information flows and exchange of 38  
 39 information’ to build capacity and focused on illegal migration, contraband 39  
 40 smuggling and human trafficking as the chief threats to regional security and 40  
 41 stability. These threats took the form of illegal border crossings, false or incorrect 41  
 42 documents, stolen or unlicensed vehicles, undervalued goods, poor professionalism 42  
 43 or weak technical capacity. In 2008, an updated NARR was introduced to 43  
 44 guide ‘integrated border management, inter-agency cooperation, cross-border 44

1 cooperation, border demarcation, capacity building, TN conflict resolution and 1  
 2 joint border control'. This aggressive shift towards a more expansive mandate is 2  
 3 consistent with risk management techniques replacing older security structures and 3  
 4 has been subsequently articulated in situation reports and risk analysis, especially 4  
 5 in terms of the metrics and sources of information including the *Common Border* 5  
 6 *Security Assessment Report* (CBSAR), which prescribes actions in the field. For 6  
 7 MBGS and MDCS, integrated management is 'yet to come' according to a leading 7  
 8 EUBAM partner, which means that the mission is not complete, but entering a new 8  
 9 stage. Informally, knowledgeable agents see progress on IBM moving gradually, 9  
 10 not because of lack of infrastructure but because of lack of willingness. In this 10  
 11 way, integration must first take the forms of 'protocols, agreements, frameworks 11  
 12 and systems of compatibility' alongside other 'confidence building measures'. 12  
 13 IBM is vital for MDBGs because it effectively allows Chisinau to extend control 13  
 14 over the eastern TN border once Ukrainian officials begin checks as proxies. 14

15 The site selection reflects this vision of 'areas of responsibility' where the 15  
 16 EUBAM presence in the 'field' is deemed most urgent. After deployment, five 16  
 17 field offices were agreed but after a few months of operation, key ports like Odessa 17  
 18 remained absent. Internally with TN, and in terms of proportionality, relocating 18  
 19 the offices was necessary to improve controls and increase presence. This shift 19  
 20 away from rail and road crossings was quite sensitive as Ukrainians were guarding 20  
 21 their sovereignty and did not initially understand the need for a field office in 21  
 22 Odessa. After policy papers and shuttle diplomacy, Mr. Banfi was able to answer 22  
 23 key questions for Russians reacting to the new field office in Chisinau, which 23  
 24 covers the Red Army peacekeepers' security zone. After some concerns from 24  
 25 Brussels, EUBAM received permission to expand its presence. 25

26 As a service exercise, EUBAM stresses business, trade, travel and 26  
 27 professionalism. This globalized vision shows how permeability is regulated in 27  
 28 favour of categories of travellers like 'journalists' and 'businesspeople'. It assumes 28  
 29 that minimal state intervention is preferable. However, a focus on only human 29  
 30 flows ignores the state security function and advisory role of EUBAM. As part of 30  
 31 conflict resolution efforts, EUBAM is overseeing a 'certificate of origin' customs 31  
 32 system where Moldovan tax stamps allow firms in TN to trade more liberally 32  
 33 with EU partners. Territorially and commercially, the region remains fractured but 33  
 34 in this way economic ties are building confidence in settlement negotiations. In 34  
 35 interrogating EUBAM's vision of neoliberal borders, representatives responded 35  
 36 that 36

37 37  
 38 The use of "customer satisfaction" as a term describing the perceived quality 38  
 39 and efficiency of border crossing procedures should not be associated with any 39  
 40 changes in the discourse on national security in general or border management 40  
 41 in particular. We use the term "customer satisfaction" as a shortcut to refer 41  
 42 to travellers and trade crossing the border. It is correct to say, however, that 42  
 43 EUBAM is promoting service mentality in the partner institutions. This concept 43  
 44 includes a wide range of components, including competent border officials, 44

1 proactive provision of information to travellers about border crossing rules and 1  
 2 respectful treatment of travellers. 2  
 3 3  
 4 Their vision, crafted by an EUBAM public relations spokesperson, is illustrative 4  
 5 because it acknowledges that national security and border management are 5  
 6 not changing even if shorthand is used to recast the debate into ‘components’ 6  
 7 and ‘competences’ so they appear less threatening because they are now more 7  
 8 manageable. Furthermore, this attention to organizational culture is calculated to 8  
 9 mask security practices in consumer garb alongside the utterly foreign concept of 9  
 10 respect for travellers. 10  
 11 11  
 12 12  
 13 **Managing Risks and Mapping Objects** 13  
 14 14  
 15 The EC/EUBAM effort reflects a conventional approach to this borderland. Popular 15  
 16 views in speeches and documents focus on the ‘massive land border’ now marking 16  
 17 ‘Eastern Europe’, perceived as a monolithic threat to economic and demographic 17  
 18 security because of its external position. Even though a diplomatic approach 18  
 19 to such views masks the initial effort to differentiate between asylum seekers, 19  
 20 economic migrants and criminal smugglers (in that order), this view of migrants 20  
 21 requiring management remains the unifying theme (European Commission 2009). 21  
 22 Consistent with decades of thinking on eastern European borders as buffer states, 22  
 23 various geographical determinisms anchor this narrative. To the west, proximity 23  
 24 to Romania as a major destination country for smuggled cigarettes is seen as an 24  
 25 autonomous force. To the east, among the most appealing aspects of Ukraine for 25  
 26 participants in the drug trade are the ‘vast stretches of unguarded borders between 26  
 27 Ukraine and Russia’, which ‘enable’ the traffic of heroin from Central Asia to the 27  
 28 Caucasus. These ‘chaotic zones of wildness’ include the unprotected Black Sea 28  
 29 coastline, and make Ukraine a ‘natural’ choice for criminals and migrants. 29  
 30 Evidently, Moldova is also cursed by the environment and not just its 30  
 31 neighbours. In CBSAR and NARR overviews, Moldova is seen as having both 31  
 32 a relative geographical position and a climatological location conducive to 32  
 33 insecurity. In this thinking, ‘green’ and ‘blue’ borders represent different security 33  
 34 challenges because of their physical characteristics. Land borders, evidently, are 34  
 35 terrain ‘naturally conducive to unfettered movement of goods and people ... [and] 35  
 36 necessitating first-rate management ... Full demarcation is essential for reducing 36  
 37 the porosity of the border ... its lack precludes prosecution of offenders as there 37  
 38 can be no conclusive proof the border was crossed illegally’ (EUBAM 2006). Such 38  
 39 logic cannot explain the riddle of why the smuggled frozen American chicken is 39  
 40 crossing this frontier. 40  
 41 Illegal migrants and petty traders are indeed seen as the key problems by 41  
 42 risk analysts who work in terms of ‘imports’ and ‘exports’ as part of a general 42  
 43 framework to coordinate risk analyses. EUBAM analyses use attention to legal 43  
 44 frames like ‘proof’ and ‘prosecution’ to anticipate the insertion of durable state- 44



1 authorized documents. Their focus on ‘illegal migration’ reflects a preference for 1  
2 state-issued and internationally recognized identity papers including seasonal visas 2  
3 and biometric passports. Risk analysts focusing on false or forged or otherwise 3  
4 incorrect documents see them as the chief threat to controls though perhaps they 4  
5 are only more visible recently because of trainings. Within the IBM philosophy 5  
6 and ‘risk analysis unit’, ‘liaison officers’ work to reduce bureaucratic obstacles 6  
7 to cooperation. In this framework, as observers and analysts they are present 7  
8 (sometimes unexpectedly) to grant the first line of border control officials (in) 8  
9 direct access to (inter)national databases. In this way, institutions and agents can 9  
10 concentrate efforts to ‘tackle’ organized crime, especially where the undervaluation 10  
11 of goods and trafficking and smuggling of human beings demands better document 11  
12 detection and information exchange. This reorientation to a less centralized yet 12  
13 hierarchical extension of monitoring and population controls seeks to prevent 13  
14 unauthorized movement. It demands different techniques to make these threats 14  
15 visible and, therefore, manageable to intensify risk-management locally and offer 15  
16 solutions derived from superior surveillance and improved data collection made 16  
17 possible via better documents and access to them. 17

18 As EUBAM efforts are institutionalized and routinized, new information 18  
19 emerges that can affect how risks are seen to arise. Quarterly reports analyse these 19  
20 risks using information provided by partners, as EUBAM has no investigative 20  
21 authority nor do the partner agencies, except for MDCS. According to these 21  
22 recent reports, the majority of detainments along the green border are attempts 22  
23 to cross for domestic reasons or small-scale smuggling. Most of the detentions at 23  
24 control points and the green border were the failures to provide travel documents 24  
25 or people offering forged documents. In terms of contraband, drugs and weapons 25  
26 were smuggled on a small scale, though most involve isolated cases of hunting 26  
27 rifles, gas pistols and air guns, not crates of Kalashnikovs bound for terrorists. 27  
28 The trend is therefore to perceive the main categories of cross border violations 28  
29 as human trafficking, illegal migration and people smuggling. In some areas, joint 29  
30 border control operations have identified schemes for those trying to get to Western 30  
31 Europe, indicating how localized pressures along the border are a function of 31  
32 broader events. Because these risks are measured in ‘detainments’ and ‘seizures’, 32  
33 they are able to chart the variable character of objects entering their field of view. 33  
34 This ambiguity is reflected in the frequency of smuggling cases which decreased 34  
35 between 2006 and 2007. This could be interpreted as the result of reinforced 35  
36 operation skills, better border monitoring techniques or enhanced application of 36  
37 risk analysis. The dramatic increase in prevented attempts is significant, even if 37  
38 they are only for isolated cases of chicken meat and scooter smugglers headed to 38  
39 the ‘7 km market’ near Odessa. The causes remain obscured however, as food, 39  
40 alcohol and tobacco are smuggled in increased value in terms of goods detained. 40  
41 High-risk commodities like these remain the biggest threat to the two host states’ 41  
42 budgets. In terms of tax evasion, including undervaluation of illegal import of 42  
43 vehicles, no changes are evident. 43  
44 44

1 The results of the EUBAM mission to date are ambiguous. In terms of the ‘fight 1  
2 against cross-border crime’, the border remains a focus in the eyes of EUBAM. The 2  
3 most frequent justification for assistance requests involves illegal migration and 3  
4 human trafficking cases, more than smuggled goods, chicken meat and weapons 4  
5 or ammunition. Operational results include an increasing number of persons 5  
6 prevented from crossing the border, more people identifying an illegal border 6  
7 crossing, various document violations, possession of drugs and undocumented 7  
8 or unregistered vehicles. The formal ‘expected results’, including reduced illegal 8  
9 migration, trafficking in human beings, smuggling of goods and other threats that 9  
10 challenge border security in the region were anticipated after introducing the new 10  
11 enhanced border surveillance service. After risk analysis was established within 11  
12 the MDBGS and MDSCS, improved cross-border and interagency cooperation was 12  
13 supposed to follow with a reduced level of corruption. Targeted risk analyses and 13  
14 case-based targets established by individual services have produced successes 14  
15 such as identifying 100 ha fields of cultivated marijuana in Ukraine, for example. 15  
16 Enhanced professional capacity at the operational and tactical level remains 16  
17 unaltered in the eyes of outside observers though cross-border cooperation has 17  
18 improved by all accounts. Studies of corruption show no significant changes in 18  
19 terms of decreases among custom officials (border guards are excluded from the 19  
20 study) and improved risk analysis still depends on data collected by partners. Also, 20  
21 it is unclear if Moldovans or Ukrainians require educations in how organized crime 21  
22 works, though they might now be aware of European reporting requirements on 22  
23 the matter. 23

24 Clearly, there is improved knowledge of EU standards and best practices as a 24  
25 function of relationships with the Border Guard College in Ungheni, though the 25  
26 application and sustainability of this new knowledge is unknown. IBM remains 26  
27 elusive and the improved analytical overview of the cross-border movement 27  
28 of goods and persons continues to reflect a banal landscape of consumers and 28  
29 traders. These efforts to develop the comprehensive picture of criminal activity 29  
30 at the state border and produce CBSAR have proven successful in the sense that 30  
31 capacity is increased, with all variety of modern tools like field testing kits for 31  
32 drugs and x-ray scanners for cargo. Training sessions have also raised awareness, 32  
33 but political will and professional capacity are not the same things. In public 33  
34 venues, the head of the intelligence assessment unit has boasted of EUBAM’s 34  
35 ‘benefits for security and trade’ (Fallenegger 2009). For him, the model case in 35  
36 point involves an illegal cigarette shipment tracked by global positioning system 36  
37 and demonstrates the ‘added-value of sophisticated analyses’. In going further, 37  
38 he points to EUROPOL standards and ‘analytical work files’ as legal instruments 38  
39 organized to take advantage of different security databases. At the end of his 39  
40 lecture praising the power and utility of these modern technologies he concedes 40  
41 that Moldovan officials only own a single laptop compatible with this system. 41  
42 Moreover, the prize example of the lead analyst is not a container of rockets bound 42  
43 for Chechnya or Gaza, but the less immanently lethal if illegal load of cigarettes. 43  
44 44

1 In examining its own visibility and presence, EUBAM offers an optimistic self- 1  
 2 assessment. For the public relations representative, a ‘... 56 percent recognition rate 2  
 3 is rather good indication that the EUBAM community communication program is 3  
 4 delivering sufficient results. This program includes presentations in local schools 4  
 5 by EUBAM Field Office staff, local media relations and [a] celebration of Europe 5  
 6 Day in local communities’. For focus group participants, relations with border 6  
 7 guards were not so positive. Several participants noted that they would never 7  
 8 consider calling the complaint departments of various authorities and laughed 8  
 9 when others suggested they at least try. One participant recounted the drama of 9  
 10 triggering what appeared to be a successful investigation when a supervisor arrived 10  
 11 at the border hours after the complaint only to dismiss the claim hastily. The key 11  
 12 limit facing EUBAM, by its own admission, is ‘... the institutional subordination 12  
 13 of customs and border guard services as well as their law enforcement mandate. 13  
 14 In Moldova and Ukraine all four services are not subordinated to the respective 14  
 15 ministries; and except Moldovan customs, they do not have investigative powers’. 15  
 16 Put differently, EUBAM is bound in its success and results by its hosts. 16

17

18

### 19 **Concluding Remarks**

20

21 In many ways, the EUBAM, as part of the European Commission’s ENP efforts, is 21  
 22 the modern prototype of the ‘remote control border’. EUBAM embodies rule at a 22  
 23 distance and is seeking to re-territorialize and extend the surveillance of mobility 23  
 24 and security risks in order to re-scale vulnerabilities. Nevertheless, efforts to 24  
 25 institutionalize effective IBM, especially over the TN section of the border, 25  
 26 remain incomplete and no firm timetable for effective Ukrainian control over the 26  
 27 eastern section, in the form of joint controls, has appeared. Within this chapter, 27  
 28 I have adopted a genealogical approach in order to trace the transformations 28  
 29 of territorial and border regimes along this particular frontier and in relation to 29  
 30 Schengen standards, while also considering other traditional geopolitical concerns 30  
 31 such as regional stability and state sovereignty. The findings of this case study 31  
 32 shed important light on broader questions of (European) re-bordering and remote 32  
 33 control. As with the Mediterranean and African contexts of off-shoring discussed 33  
 34 by Vaughan-Williams (this volume), attention to the biopolitical and territorial 34  
 35 aspects of European expansion offers key indicators of both how and where the EU 35  
 36 is engaged in producing novel forms of sovereignty and generating new spaces of 36  
 37 (in)security. The EUBAM indeed embodies a complicated organizational strategy 37  
 38 to harmonize political practices in an uncertain arena. As such, it uses various 38  
 39 strategies to communicate its vision, from formal statements and institutional 39  
 40 cooperation to security statistics and quarterly analyses. These discourses and 40  
 41 narratives reveal a technical body that is well received but politically impotent. 41  
 42 The power of its purse appears as its most enduring legacy. In rethinking European 42  
 43 borders and developing new management models to focus fresh attention on 43  
 44 geopolitical imperatives and biopolitical problems, this approach to the EUBAM 44

1	as a ‘remote control’ apparatus helps explain why such a project formed and how	1
2	it does or does not work. Future research should take similarly critical and creative	2
3	approaches to consider how other managerial projects including the Eastern	3
4	Partnership and visa facilitation are integrated into ‘remote control’ bordering	4
5	processes around the EU’s ‘perennially problematic periphery’ in places like	5
6	Georgia, Moldova, Ukraine and beyond.	6
7		7
8		8
9	<b>Acknowledgements</b>	9
10		10
11	Research support generously provided by US National Science Foundation	11
12	and Colorado European Union Center of Excellence. The Author would also	12
13	like to thank EUBAM stakeholders and borderland residents for their time and	13
14	consideration.	14
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## Chapter 8

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# Off-Shore Biopolitical Border Security: The EU’s Global Response to Migration, Piracy, and ‘Risky’ Subjects

Nick Vaughan-Williams

14 What and where are the borders of Europe? The modern geopolitical imagination 14  
15 offers a series of powerful coordinates on the basis of which a seemingly 15  
16 commonsensical response to this apparently straightforward question is made 16  
17 possible. According to this imagination, itself a *European* historical construct, 17  
18 ‘the border’ is a fixed site at the outer-edge of the modern state; a thin line on 18  
19 a map that marks the ending of one sovereign territory and the beginning of 19  
20 another, where controls take place over the movement of people, services, and 20  
21 goods (Agnew 1994, Balibar 1998, 2009, Ó Tuathail 1996, Vaughan-Williams 21  
22 2009, Walker 1993, 2009). The concept of the border of the state has acted, and 22  
23 indeed continues to act, as a lodestar in global politics: it allows for the spatial and 23  
24 temporal compartmentalization of contemporary political life into two supposedly 24  
25 distinct realms (history and progress ‘inside’; timeless anarchy ‘outside’); it 25  
26 frames conventional conceptions of global security relations in terms of a series 26  
27 of associations of the ‘inside’ with amity, safety, normality and security, and of the 27  
28 ‘outside’ with enmity, violence, exceptionalism, and insecurity; and it orientates 28  
29 the convergence of people with a given territory and myths of a common history, 29  
30 nationality, identity, language, and culture, so that we have answers to questions 30  
31 about who we are, where we belong, and to whom our loyalties should lie. On 31  
32 this reading, the ‘borders of Europe’ are synonymous with the ‘external’ edges 32  
33 of European states, which demarcate the identity of those states (‘inside’) in 33  
34 contradistinction to their ‘non-European’ neighbours (‘outside’), as Jeffrey 34  
35 highlights in his chapter of this section. 35

36 Nevertheless, such a formulation quickly runs up against considerable 36  
37 difficulties in the light of contemporary experiences. For a start, there is the 37  
38 obvious problem that the territory of ‘Europe’ is not coterminous with that of 38  
39 the European Union (EU). This gives rise to various anomalies: the geographical 39  
40 centre of the European continent, located in the Carpathian Foothills, falls outside 40  
41 of EU territory; some historically ‘European’ states – such as those in the Balkans 41  
42 – continue to be excluded from the EU; and, despite culturally being a non- 42  
43 European state, Turkey may nonetheless become part of the EU. The analytical 43  
44 purchase of the modern geopolitical imagination is also problematized, however, 44

1 if the ‘Europe’/EU distinction is put to one side and attention is given solely to 1  
 2 the nature and location of borders in the context of the EU. Indeed, *within* the 2  
 3 EU a further geopolitical division can be identified between Schengen states (22 3  
 4 Member States plus Iceland, Norway, and Switzerland) and non-Schengen states 4  
 5 (Bulgaria, Cyprus, Ireland, Romania and the United Kingdom). Moreover, as 5  
 6 existing research has shown, the EU’s border controls are not only to be found at the 6  
 7 outer-edge of Member States’ territory – as depicted by the popular, if somewhat 7  
 8 simplistic, metaphor of ‘fortress Europe’ – but also dispersed *throughout* that 8  
 9 territory (Walters 2002). 9

10 What has received comparatively little attention in the literature is the way 10  
 11 in which, conversely, EU border control is *also* increasingly projected globally 11  
 12 via an array of off-shore security measures, not only at the ‘extremities’ of 12  
 13 European space, but sometimes thousands of miles away from EU territory, as 13  
 14 Adam Levy outlines in his contribution. My chapter extends Levy’s analysis by 14  
 15 highlighting some other efforts to govern the mobility of people, services, and 15  
 16 goods into Member States via off-shore border security practices as a way of 16  
 17 analysing the evolving role of the EU as a global geopolitical actor. In particular, 17  
 18 it considers three recent examples of the exporting of the EU’s borders beyond 18  
 19 the traditional site of the border: attempts to deter illegal immigration via land, 19  
 20 air, and maritime surveillance in Western and Northern Africa; the policing of EU 20  
 21 maritime trade routes in response to the threat of piracy off the Somali coast in 21  
 22 the Indian Ocean; and new ‘virtual’ border security practices involving the on-line 22  
 23 monitoring of allegedly ‘risky’ individuals and groups in cyberspace. As well as 23  
 24 tracing the changing location of the EU’s borders, these examples are also used to 24  
 25 illustrate how new technologies, developed by private enterprises in concert with 25  
 26 Member States’ governments, have led to the playing out of ‘the border’ in ever 26  
 27 more sophisticated and often unexpected ways. Finally, the analysis draws on of 27  
 28 the thought of Giorgio Agamben to sketch out how the global projection of the 28  
 29 EU’s borders can be theorized in terms of the concept of a generalized biopolitical 29  
 30 border. 30

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33 **The Study of Europe’s Borders** 33

34 34

35 The fall of the Berlin Wall, the dissolution of the former Yugoslavia, and European 35  
 36 integration are all events in recent history that have stimulated widespread 36  
 37 interest in Europe’s borders (Donnan and Wilson 1999). By now there is a wealth 37  
 38 of detailed case-study research that examines specific European land borders 38  
 39 including, for example: the Finnish-Russian border (Paasi 1996); the Portuguese- 39  
 40 Spanish border (Sidaway 2002); and the United Kingdom (UK)-Irish border 40  
 41 (Anderson and Bort 1996). More generally, the theme of the changing nature of 41  
 42 European borders has been explored in relation to a variety of contexts, such as: 42  
 43 EU governance and Member States’ sovereignty (O’Dowd and Wilson 1996); 43  
 44 the effects of EU enlargement (Lawrence 2007); the emergence of new internal 44

1 borderlands (Kaplan and Häkli 2002); processes of de-and re-territorialization 1  
 2 under globalizing conditions (Berezin and Schain 2003); security practices and 2  
 3 zones of conflict (Brunet-Jailly 2007, Diez 2008, Ganster 1997, Rumelili 2007), 3  
 4 and immigration and asylum policy (Geddes 2000). 4

5 A common thread throughout this literature however, is a tendency to accept 5  
 6 the modern geopolitical imagination as the tacit ground upon which Europe's 6  
 7 borders should be analysed. In this context, European border case studies 7  
 8 typically focus on the experiences of EU citizens in relation to specific border sites 8  
 9 understood somewhat narrowly in terms of lines drawn across European territory. 9  
 10 Similarly, the idea of the 'changing nature' of Europe's borders commonly refers 10  
 11 to alleged shifts in where those lines can be found (while leaving conventional 11  
 12 understandings of the notions of the 'line' and 'European territory' intact). As 12  
 13 such, while this literature is extensive and often very rich in empirical detail, it 13  
 14 runs a risk of reifying a particular notion of what and where borders are and, 14  
 15 therefore, how they must be studied. A pre-existing notion of 'European territory' 15  
 16 is also sometimes taken for granted rather than examined as something produced 16  
 17 by different bordering practices that come to define 'Europe' as an entity. Further 17  
 18 still, an additional problem is that such an approach is potentially blind to bordering 18  
 19 practices that challenge the very spatial and temporal assumptions within which 19  
 20 'the border' has hitherto been studied. 20

21 By contrast, a growing critical genre calls into question what studying the 21  
 22 borders of Europe might mean. In this context, for example, Étienne Balibar has 22  
 23 argued against the backdrop of the development of trans-national governance and 23  
 24 citizenship in Europe that: '*Borders* are vacillating [...] *they are no longer at* 24  
 25 *the border*, an institutionalised site that could be materialised on the ground and 25  
 26 inscribed on the map, where one sovereignty ends and another begins' (Balibar 26  
 27 1998: 217–18, emphasis in original). Thus, instead of analysing shifting lines 27  
 28 on a given territory, Balibar opens up the more fundamental possibility that the 28  
 29 concept of the border is itself changing in ways that challenge spatial and temporal 29  
 30 assumptions about borders in the context of the modern geopolitical imagination. 30  
 31 Balibar's argument is echoed in Elspeth Guild's work on the shifting relation 31  
 32 between domestic and international law in the EU (Guild 2005), Didier Bigo's 32  
 33 analysis of the interweaving of internal and external realms of European security 33  
 34 (Bigo 2000, 2001, 2006), and William Walters' examination of the proliferation 34  
 35 and diffusion of Europe's borders throughout the territory of its Member States 35  
 36 (Walters 2002, 2006a, 2006b). 36

37 While there has been a recognition of the blurring of the 'inside/outside' 37  
 38 distinction in the context of European integration, this has primarily given rise 38  
 39 to analyses of the *internal* projection of EU border control. Thus, for example, 39  
 40 Walters has shown how, while the 1985 Schengen Agreement provided for the 40  
 41 lifting of internal borders among consenting states, a networked border has 41  
 42 emerged across EU territory in the form of hotel registers, social security data, 42  
 43 and the development of the Schengen Information System (Walters 2002, 2006a, 43  
 44 2006b). More recently, however, a range of actors, including EU Member States, 44

1 the EU border management agency Frontex, the EU Commission, as well as 1  
 2 private security companies, have increasingly sought to off-shore, out-source, 2  
 3 and down-load the EU's borders (as Gammeltoft-Hansen highlights). Yet, despite 3  
 4 these significant innovations, few studies in either the conventional or more critical 4  
 5 genres have considered the multifarious ways in which these bordering practices 5  
 6 are being projected globally or how this impacts on the EU as a geopolitical actor. 6

### 9 African Immigration and the Work of Frontex 9

10  
 11 The recent off-shore activities of Frontex in Africa illustrate how efforts to govern 11  
 12 the movement of people into the EU take place not only at the 'extremities' of 12  
 13 Member States' territory, but also in the 'domestic' space of non-European states. 13  
 14 According to one news report (Bailey 2006), between January and September 14  
 15 2006 an average of between 100 and 400 Africans attempted to enter the EU 15  
 16 via the Canary Islands every day. The Spanish government and the EU treated 16  
 17 the situation as a humanitarian crisis for the whole of Europe and responded in 17  
 18 part through the deployment of Frontex personnel from France, Portugal, Italy, 18  
 19 Germany, the Netherlands, Norway, and the UK. Operation HERA II, from 11 19  
 20 August to 15 December 2006, brought together technical border surveillance 20  
 21 equipment from several Member States with the expressed aim of preventing 21  
 22 'migrants from leaving the shores on the long sea journey' ([http://www.frontex.](http://www.frontex.europa.eu) 22  
 23 [europa.eu](http://www.frontex.europa.eu)). In order to achieve this, Frontex mobilized patrol boats supplied by 23  
 24 the Italian and Portuguese militaries off the West African coast near Mauritania, 24  
 25 Senegal, and Cape Verde. Moreover, surveillance planes from Finland and Italy 25  
 26 were flown along the coast and deeper into African territory in an attempt to deter 26  
 27 would-be migrants from making the journey to the EU in the first place. In this 27  
 28 way, a principle of pre-emptive bordering can be identified, which aimed to take 28  
 29 'the border' to the perceived locus of threat *before* that threat arrived on the shores 29  
 30 of the EU. 30

31 Following Operation HERA II, illegal migration to the Canary Islands fell 31  
 32 by 74 per cent in the period 2006–8 (UNHCR 2009a). Despite being hailed as 32  
 33 a success for Frontex, however, the effect of the Operation seems only to have 33  
 34 encouraged migration to the EU along different routes: during the same period, for 34  
 35 example, migration to Italy from Libya increased by 64 per cent (UNHCR 2009b). 35  
 36 While the case of HERA II is by now relatively well documented in the literature, 36  
 37 (Jorry 2007, Vaughan-Williams 2008), the Italy-Libya route has received much 37  
 38 less attention. On 30 August 2008 a 'Friendship Pact' was signed between Italy 38  
 39 and Libya declaring their cooperation in fighting terrorism, organized crime, drug 39  
 40 trafficking, and illegal immigration. Alongside the Pact, Prime Minister Silvio 40  
 41 Berlusconi pledged a \$5 billion compensation package for abuses committed 41  
 42 during the period of Italian rule in Libya between 1911 and 1943. Under the terms 42  
 43 of the agreement, the Italian government committed to \$200 million per annum 43  
 44 over a 25 year period in order to help fund the development of critical infrastructure 44



1 in Libya. In return, as well as winning contracts for Italian companies, the deal  
 2 provided for the off-shoring and out-sourcing of Italy's borders to Libya.  
 3 A report published by Human Rights Watch in September 2009, entitled  
 4 'Pushed Back, Pushed Around', documents some of the practices involved in the  
 5 efforts to secure the Italian/EU border in Libya. According to the report, on 6 May  
 6 2009 migrant boats were towed out of international waters by the Italian navy  
 7 and, without any screening, passengers were returned to Tripoli and arrested by  
 8 the Libyan authorities. This episode was followed by another incident on 18 June  
 9 when, as part of Frontex Operation Nautilus IV, a boat carrying 75 passengers was  
 10 intercepted by a German Puma helicopter 25 miles south of Lampedusa and taken  
 11 back to a Libyan military unit (Human Rights Watch 2009: 41). Evidence from  
 12 interviews with migrants reveals the extent of human rights abuse on return to  
 13 Libya at the end of their thwarted journeys to the EU:

14  
 15 We were in a wooden boat and Libyans in a [motorized inflatable] Zodiac started  
 16 shooting at us. They told us to return to shore. They kept shooting until they hit  
 17 our engine. One person was shot and killed. I don't know the men who did the  
 18 shooting, but they were civilians, not in uniforms. Then a Libyan navy boat came  
 19 and got us and started beating us. They collected our money and cell phones. I  
 20 think the zodiac boat was working with the Libyan navy. The Libyan navy took  
 21 us back in their big ship and they sent us to Bin Gashir deportation camp. When  
 22 we arrived there they immediately started beating me and the others. They beat  
 23 some of the boys until they could not walk. (Pastor Paul, a 32-year-old Nigerian,  
 24 quoted in Human Rights Watch 2009: 40)

25  
 26 As the report argues, these practices are in contravention of the principle of '*non-*  
 27 *refoulement*' in international law. According to this principle, enshrined in Article  
 28 3 of the European Convention of Human Rights, migrants have the right *not*  
 29 to be forcibly returned to places where their lives and freedom are potentially  
 30 threatened. Yet, in the name of the EU, the lives of non-EU migrants such as Pastor  
 31 Paul are habitually put in jeopardy by these off-shore border security practices  
 32 practised not only by the Italian state, but the Libyan authorities and also Frontex.<sup>1</sup>

### 35 **Somali Piracy and the EU NAVFOR Project**

36  
 37 The threat of piracy off the Somali coast is not a new phenomenon. Unabated civil  
 38 unrest in Somalia over the past decade has gone hand in hand with pirate activity.  
 39 In recent years, however, the frequency of attacks has increased, the methods used  
 40 now involve hostage-taking and ransoming, the range is further out to sea (up to  
 41 500 nautical miles), and no ship, including high-sided oil-tankers, is immune from

42  
 43 <sup>1</sup> For further discussion of Libya's role in 'managing migration', see Andrijasevic  
 44 (2009, 2010).

1 attack (Germond and Smith 2009). Between January and October 2008 over 300 1  
 2 people were taken hostage, 13 ships were hijacked, and an average of 2 vessels 2  
 3 were attacked each day in the Western part of the Indian Ocean ([http://www.](http://www.eunavfor.eu/) 3  
 4 [eunavfor.eu/](http://www.eunavfor.eu/)). 4

5 In February 2009, ‘Operation Atalanta’ was launched in response to these acts 5  
 6 of piracy under the auspices of the ‘EU NAVFOR Project’, the first EU maritime 6  
 7 operation under the framework of the common European Security and Defence 7  
 8 Policy (ESDP). Initially, the mission was scheduled to run until 13 December, 8  
 9 2009, however, permission was granted to extend it for further 12 months at 9  
 10 an initial cost of €8.3 million (<http://www.eunavfor.eu/>). The Project brings 10  
 11 together over 20 vessels and aircraft and 1800 military personnel from Spain, the 11  
 12 Netherlands, Germany, France, Greece, Italy, Sweden, Belgium, Luxembourg, 12  
 13 and Norway (the only non-EU member state). At any given time up to 12 EU 13  
 14 ships plus an unspecified number of Maritime Patrol Aircraft are active. Atalanta 14  
 15 aims to secure EU sea lanes in the Indian Ocean, vital for imports (particularly 15  
 16 oil) to Member States, by protecting: World Food Programme (WFP) vessels, 16  
 17 mainly between Mombasa-Mogadishu and Djibouti-Bossano, off the North coast 17  
 18 of Somalia; European ship-owners’ interests, particularly in the Gulf of Aden; and 18  
 19 European fishers around the Seychelles Islands. The link made between piracy and 19  
 20 international terrorism also means that Atalanta serves a broader purpose in the 20  
 21 developing field of EU security policy. 21

22 If a minimal definition of ‘the border’ is a site where controls on the movement 22  
 23 of people, services, and goods take place (Guild 2005), then Atalanta provides 23  
 24 another illustration of how the EU engages in bordering practices *outside* what 24  
 25 is conventionally understood to be ‘European space’. As Germond and Smith 25  
 26 (2009) point out, the advent of the European Security Strategy (ESS) in 2003 26  
 27 was a key moment in the recognition of the strategic importance of the sea for 27  
 28 EU security. This document refers to many sea-borne threats to Member States, 28  
 29 particularly in the Mediterranean and Black seas. In the ESS the significance of 29  
 30 the maritime borders of the EU is connected with the importance of the broader 30  
 31 relation between ‘Europe’ on the one hand and the rest of the world on the other. 31  
 32 Moreover, reflecting the pre-emptive bordering practices of Frontex in Northern 32  
 33 and Western Africa considered above, it is asserted that ‘with new threats, the first 33  
 34 line of defence will often be abroad’ (Council of the European Union 2003: 7). 34  
 35 Thus, as well as being located beyond the territorial waters of Member States, ‘the 35  
 36 EU’s maritime frontiers are hybrid spaces, which *legally* are situated outside of 36  
 37 the EU, but which *functionally* lie inside its strategic zone of interest, and whose 37  
 38 stability is essential’ (Germond and Smith 2009: 579). 38

39 Furthermore, despite the purportedly humanitarian framing of these activities, 39  
 40 the emerging work that EU NAVFOR performs in protecting particular economic 40  
 41 and political interests should not be overlooked. Some analysts have questioned 41  
 42 the extent to which Atalanta will ultimately be successful in its mission to stem 42  
 43 the threat of Somali piracy owing to the relative weakness of the overall fleet of 43  
 44 vessels at its disposal (Middleton 2008). While it may be too soon to evaluate the 44

1 'success' of the project in these terms, clearly the threat of piracy has nonetheless 1  
2 provided the EU with an opportunity to posture militarily as a global geopolitical 2  
3 actor. Thus, for example, Dominique Bussereau, French President-in-Office of 3  
4 the Council of the European Union, commented that, through Atalanta, the EU 4  
5 is 'not only showing its determination to act, but also affirming its position as 5  
6 a prime mover in the international scene' (quoted in Germond and Smith 2009: 6  
7 583). On this basis, the flexing of the EU's military muscle in the global projection 7  
8 of Europe's maritime borders is of symbolic importance in the attempt to cultivate 8  
9 the EU as an emerging power. 9

10

11

### 12 **e-Borders and the EUROSUR Project** 12

13

14 In February 2008, Franco Frattini, then EU Justice Commissioner (responsible, 14  
15 among other things, for Frontex), outlined a roadmap for the creation of a Europe- 15  
16 wide border security programme, referred to as the 'European Border Surveillance 16  
17 System' or 'EUROSUR', intended to cover the existing Schengen zone of 400 17  
18 million EU citizens. The stated aims of the programme are to prevent unauthorized 18  
19 border crossings, to reduce the number of illegal immigrants risking their lives 19  
20 at sea, and to enhance the security of the EU particularly in respect of cross- 20  
21 border crime. The proposals include the development of electronic authorization 21  
22 systems, automated entry/exit controls, and a 'trusted traveller' scheme, all to be 22  
23 implemented by relevant EU Member States. Given the emphasis on the use of 23  
24 electronic bordering practices, the EUROSUR project has looked to the UK's 24  
25 pioneering 'e-borders programme' as a testing ground for these new technologies 25  
26 designed to target supposedly 'risky' subjects in transit to the EU across the globe. 26

27 The United Kingdom Border Agency (UKBA) was launched in April 2008 and 27  
28 within its first year of operation the £1.2 billion e-borders initiative searched over 28  
29 400,000 pieces of freight, checked over 90 million passenger movements in and out 29  
30 of the UK, and collected 4 million sets of fingerprints at a cost of 14p per passenger 30  
31 (Cabinet Office 2009: 79). One of the main objectives of the new UKBA is to reach 31  
32 beyond Europe in an attempt to 'globalize' the UK's border and e-borders allows 32  
33 data capture and analysis *prior to* passengers' departure for the EU (Home Office 33  
34 2006: 11). By checking biometric data against Immigration and Asylum databases, 34  
35 it is possible to cross-reference back to any previous application and discover any 35  
36 history of criminality (Cabinet Office 2007: 33). New forms of identity capture 36  
37 and risk-management are central to e-borders and the technology behind these 37  
38 systems has relied heavily on private enterprise and investment. Contracts for 38  
39 designing and delivering the technological infrastructure necessary for the UK 39  
40 government's border transformation programme were put out for tender in 2007 40  
41 and have been won by global multinational corporations such as BT, Thales, 41  
42 Detica, and Raytheon Systems. Detica, for example, has developed an identity 42  
43 management system called 'NetReveal' which is able to discover different entities 43  
44 (people, places, vehicles, phones, etc.) and relationships between them over time. 44

1 A map of activities, such as financial transactions, web-bookings, and histories of 1  
 2 travel, can be compiled on the basis of billions of records from different agencies 2  
 3 in order to build up a dynamic risk profile of individuals or groups. Applying this 3  
 4 system to border security means that ‘groups of related identities can be identified, 4  
 5 correlated with known threats, and intercepted at the border before the threat can 5  
 6 enter the country’ (Detica 2009: 4). 6

7 The UK e-borders project thus offers a blueprint for the rolling out of new border 7  
 8 security technologies across EU Member States more generally. Such technologies 8  
 9 make bordering practices ever more virtual, ephemeral, and impalpable: not 9  
 10 fixed, but mobile; invisible, yet potentially global. This ‘electronification’ of the 10  
 11 border, as a down-loadable entity, challenges traditional notions of the relation 11  
 12 between borders and territory, as characterized by the idea of a ‘line in the sand’. 12  
 13 A more appropriate metaphor, as referred to by Walters (2006a, 2006b), is that 13  
 14 of a ‘firewall’, whereby border controls are seen as peripatetic nodes of security 14  
 15 that zigzag across ‘domestic’ and ‘international’ space globally. For this reason, 15  
 16 borrowing a formulation offered by Gilles Deleuze and Felix Guattari (2004), 16  
 17 e-borders do not *de*-territorialize so much as *re*-territorialize space in order 17  
 18 to enable the production of governable subjects at a distance. In this way, the 18  
 19 EUROSUR programme represents another means by which the EU’s borders are 19  
 20 projected beyond Member States’ territory, albeit virtually in cyberspace. 20

21

22

### 23 **The Transformation of Europe’s Borders** 23

24

25 It might be argued that a traditional understanding of what and where the borders 25  
 26 of the EU are can still be identified in contemporary political life. Conventional 26  
 27 forms of what Chris Rumford (2008) has called ‘borderwork’ are evident at 27  
 28 ports, airports, and the outer-edges of EU territory. Thus, for example, as well as 28  
 29 mounting off-shore surveillance missions in Western Africa, Frontex’s Operation 29  
 30 HERA in 2006 also involved more familiar *on*-shore patrolling of Spanish 30  
 31 territory (<http://www.frontex.europa.eu>). Similarly, many current operations 31  
 32 seeking to secure the Eastern frontier of the EU conform to expectations of 32  
 33 traditional sovereign border control (see Levy’s chapter in this volume). Further 33  
 34 still, even if off-shore bordering practices are particularly prevalent today, 34  
 35 the attempt to striate space to control the movement of subjects overseas is 35  
 36 hardly a ‘new’ phenomenon, as such. The global visa regime, for example, has 36  
 37 a long history of enabling states to govern mobility at an arm’s length from 37  
 38 their sovereign territory (Torpey 2000). In this context, Balibar has referred to 38  
 39 the exporting of the EU’s borders beyond the actual borderline as reproducing 39  
 40 colonial technologies of governance (Balibar 2009). 40

41 On the one hand, therefore, the three examples of off-shore bordering considered 41  
 42 above may be said to represent a continuation of, rather than a substantive 42  
 43 departure from, older sovereign logics of inside/outside, inclusion/exclusion, and 43  
 44 the (necessarily violent) attempt to territorialize space (Elden 2005, 2007, Hindess 44

1 2006). On the other hand, however, while these logics may not be entirely novel, 1  
 2 it is possible to see how the ways in which they play out are indeed historically 2  
 3 contingent. In other words, particularly in the light of technological developments, 3  
 4 the methods and locations through and at which attempts to inscribe the borders 4  
 5 of the EU are made is an area of considerable innovation. Moreover, although 5  
 6 the European ‘ideal-type’ of the Westphalian border has to a large degree always 6  
 7 been a historical myth, a series of observations can be made about how current EU 7  
 8 border security practices ever more deviate from this construction and the modern 8  
 9 geopolitical imagination from which it derives. 9

10 The examples of the EU’s recent efforts to deal with African migration, Somali 10  
 11 piracy, and detect the movement of ‘risky’ people *before* they travel to Member 11  
 12 States indicate that the borders of Europe are not only a static frontier at the 12  
 13 outer-edge of sovereign territory, but increasingly mobile and diffused across a 13  
 14 global terrain (and throughout land, sea, air, and cyberspace). This complicates 14  
 15 a straightforward geopolitical imagination of ‘Europe’ as being an entity whose 15  
 16 ‘inside’ and ‘outside’ is clearly definable. What is at stake here, however, is not 16  
 17 a question of whether Europe’s borders are simply present or absent – a theme 17  
 18 that the globalization literature of the 1990s was largely preoccupied with – but 18  
 19 rather the possibility that what we think of as ‘the border’ is, in Balibar’s terms, 19  
 20 ‘vacillating’ (Balibar 1998). Moreover, instead of passive territorial markers of 20  
 21 sovereign jurisdiction it is precisely *through* border performances that sovereign 21  
 22 authorities can be seen to be (re)produced across social space. For this reason, 22  
 23 then, it makes more sense to think in terms of EU *bordering practices*: a term 23  
 24 which denotes the activity and spatial (and *temporal*) ‘thickness’ of ‘the border’ 24  
 25 otherwise belied by the static metaphors of ‘lines’, ‘limits’, and ‘walls’. Most 25  
 26 radically of all, it is unclear that contemporary offshore EU bordering practices 26  
 27 are solely about *preventing* flows of people, services, and goods. Rather, the need 27  
 28 to balance the competing aims of ‘security’ and ‘prosperity’ leads to the filtration 28  
 29 of ‘risky’ subjects from ‘bonafide’ travellers in order that the latter might enjoy 29  
 30 faster, more efficient, and comfortable ‘customer experiences’. Paradoxically, the 30  
 31 need to ensure movement, circulation, and flow therefore leads to the situation 31  
 32 whereby potentially risky migrants are *both* attracted *and* repelled (Balibar 2009). 32  
 33 As the next section argues with reference to the work of Agamben, it is precisely 33  
 34 the cultivation of this perpetual state of uncertainty that techniques of governing 34  
 35 mobility into and within the EU through border security apparatuses rely upon. 35

36

37

### 38 **The Generalized Biopolitical Border** 38

39

40 For Michel Foucault (2004), ‘disciplinary power’ structures space by isolating, 40  
 41 concentrating and enclosing bodies to enable control over them. This is arguably 41  
 42 the register with which conventional understandings of ‘EU’rope’s borders 42  
 43 resonate: the notion of a line that *contains* European space within which individual 43  
 44 citizen-subjects can be governed. By contrast, Foucault (2004) argues that 44

1 *biopolitical* apparatuses of security work precisely by *allowing* circulation, flow, 1  
 2 and movement, in order to govern not individuals but entire populations in an ever- 2  
 3 expansive space. It is precisely this alternative register that more readily captures 3  
 4 the EU's off-shore bordering practices discussed in this chapter, as characterized 4  
 5 by: the enhancement of the mobility of some in order to detect risky illegitimate 5  
 6 others; the extension of control over movement beyond traditionally 'European' 6  
 7 space; the focus on the risk-profiling according to nationality, and so on. Despite 7  
 8 these connections, however, one concern with the Foucauldian understanding of 8  
 9 the biopolitical – with its focus on the *productive* relation between politics and 9  
 10 life (Coleman and Grove 2009) – is a lack of sensitivity to the multifarious ways 10  
 11 in which contemporary border security apparatuses are ultimately *sovereign* 11  
 12 practices that put lives of migrants in constant danger. For this reason, Giorgio 12  
 13 Agamben's modification of the Foucauldian thesis – one that attempts to bring 13  
 14 sovereign thanatopolitics (the politics of death) back into the biopolitical paradigm 14  
 15 – is arguably more apposite for an analysis of off-shore bordering. 15

16 According to Agamben (1998), as is well known, sovereign power relies upon 16  
 17 the production of a form of life that is amenable to its sway: a form of life he calls 17  
 18 'bare life'. Bare life does not exist before or outside sovereign power relations: it 18  
 19 is not something we are all born with and can be stripped down to. Rather, bare 19  
 20 life is a form of life that is *banned* by sovereign power from law and politics: its 20  
 21 undecidable status allows for the routinization of exceptional practices because 21  
 22 access to conventional juridical-political structures is denied (such as the forcible 22  
 23 return of migrants to their dangerous points of origin). Under biopolitical conditions 23  
 24 whereby security is said to have become the normal technique of government, 24  
 25 Agamben argues that the limits between the citizen and bare life are blurred: 25  
 26 'Living in the state of exception that has now become the rule has meant this: our 26  
 27 private body has now become indistinguishable from our body politic' (Agamben 27  
 28 2000: 139). As Claudio Minca has put it, there has been a 'normalisation of a 28  
 29 series of geographies of exceptionalism in Western societies' (Minca 2006: 388). 29  
 30 That is to say, the almost constant invocation of what are 'normally' considered to 30  
 31 be 'exceptional' practices reserved for emergency conditions threatens to collapse 31  
 32 the distinctions between 'norm' and 'exception', 'citizen' and 'bare life', 'security' 32  
 33 and 'insecurity', and so on. 33

34 What has gone relatively unnoticed, except in the work of Minca most 34  
 35 notably (2005, 2006, 2007), is the potential of Agamben's thesis to open up 35  
 36 provocative lines of enquiry for thinking differently about the politics of space 36  
 37 and bordering practices. Instead of viewing the limits of sovereign power as 37  
 38 somehow fixed at the outer-edge of sovereign territory, as per the conventional 38  
 39 understanding of the border according to the modern geopolitical imagination, 39  
 40 Agamben reconceptualizes these limits in terms of a generalized decision about 40  
 41 whether life is worthy of living on the one hand, or expendable on the other. Such 41  
 42 a decision performatively produces and secures the borders of the EU as a political 42  
 43 community, as the politically qualified life of the 'European citizen' is defined 43  
 44 against the bare life of the 'non-European' migrant. On this view, 'the border' 44

1 is re-read in terms of the sovereign decision to produce some life as bare life: 1  
 2 it is precisely this dividing practice, one that can effectively happen anywhere 2  
 3 (including traditional border sites at the outer-edges of sovereign territory as well 3  
 4 as throughout social space) that, for Agamben, is the ‘original spatialization of 4  
 5 sovereign power’ (Minca 2006: 388). 5

6 Although Agamben does not use this term in his work, one way of capturing 6  
 7 this alternative border imaginary is what I call the concept of the ‘generalized 7  
 8 biopolitical border’ (Vaughan-Williams 2009a, 2009b). The concept of the 8  
 9 generalized biopolitical border refers to the global archipelago of zones of 9  
 10 juridical-political indistinction in which sovereign power produces the bare 10  
 11 life it needs to sustain itself and notions of sovereign community. Thinking in 11  
 12 terms of the generalized biopolitical border unties an analysis of the operation of 12  
 13 sovereign power from the territorial confines of the state and relocates such an 13  
 14 analysis in the context of a global biopolitical terrain that spans ‘domestic’ and 14  
 15 ‘international’ space. With its focus on the production of zones of indistinction, 15  
 16 the concept of the generalized biopolitical border points to the way in which 16  
 17 bordering practices are rather more diffused throughout society than the modern 17  
 18 geopolitical imagination implies. Moreover, whereas that imagination conjures a 18  
 19 static immutable juridical-political structure, Agamben reveals this as a performed 19  
 20 fiction: a reiterative process that leads to the perpetuation of bare life detained 20  
 21 indefinitely in camps or left to die in cargo containers in the Mediterranean Sea. 21  
 22 Further still, this border performance is also a body performance. Bodies do not 22  
 23 simply encounter pre-existing borders as if they were timeless territorial artefacts. 23  
 24 Rather, borders are continually (re)inscribed through mobile bodies that can be 24  
 25 risk assessed, categorized, and then treated as either ‘trusted travellers’ or ‘bare 25  
 26 life’. An insistence on the significance of this marginal figure as the ‘proper’ 26  
 27 political subject highlights that, despite the seemingly benign language of ‘trusted 27  
 28 traveller’ and ‘customer experience’ used by EU Member States and Frontex, it is 28  
 29 vital that we continue to interrogate what is at stake when border security becomes 29  
 30 generalized as part of the normal technique of government. 30

31 By now possible criticisms of Agamben’s central theses are fairly well- 31  
 32 rehearsed. Both William Connolly (2004) and Judith Butler (2004) have highlighted 32  
 33 what they consider to be his totalizing treatments of sovereignty and subjectivity, 33  
 34 respectively. In a similar vein, and seeking to rescue what they consider to be a 34  
 35 more faithfully Foucauldian position, Coleman and Grove argue that ‘Agamben’s 35  
 36 approach to biopolitics [...] renders all places subject to the biopolitics of the 36  
 37 sovereign ban, without a differentiation, in so doing, it also uniformly treats bodies 37  
 38 across space, regardless of race, class, gender, sexuality, as all potentially *homines* 38  
 39 *sacri*’ (Coleman and Grove 2009: 498). According to this critique, the problem 39  
 40 with Agamben is that his ‘bare life’ thesis is too sweeping in its treatment of the 40  
 41 spatial dimensions of the production of bare life and, consequently, it runs the risk 41  
 42 of a fundamental ‘inattention to the complexly scaled habits and embodiments 42  
 43 of sovereign power’ (Coleman and Grove 2009: 498). On an alternative reading, 43  
 44 however, the very ‘totalizing vision of sovereign space’ Coleman and Grove 44

1 attribute to Agamben is precisely that which he diagnoses as animating the activity 1  
 2 of sovereign power (Coleman and Grove 2009: 498). In other words, this totalizing 2  
 3 vision is rather more accurately attributable to the structures of sovereign power 3  
 4 in the West than to Agamben's spatial-ontological assumptions. Such a vision is 4  
 5 evident in attempts at simulating the effect of total security in the EU, for example, 5  
 6 via the various off-shore activities considered earlier. 6

7 According to a recent formulation by Balibar, to 'territorialize' means 'to assign 7  
 8 "identities" for collective subjects within structures of power, and, therefore, to 8  
 9 categorize and individualize human beings' (Balibar 2009: 192). In these terms, 9  
 10 the activity of the generalized biopolitical border can be read as an attempt to 10  
 11 territorialize European space, albeit at sites often far removed from EU Member 11  
 12 States' territory, via the categorization of some life as bare, illegitimate, and risky, 12  
 13 against which the legitimate, secure, and protected life of the citizen-traveller is 13  
 14 (re)produced. It must be borne in mind, however, that attempts to territorialize 14  
 15 are indeed only ever *attempts* at securing the EU as a political community, and 15  
 16 while the model of off-shore security operates according to a totalizing vision 16  
 17 of sovereign space, it inevitably encounters resistance. Thus, for example, the 17  
 18 international 'No Borders' network have organized the recreation of a detention 18  
 19 camp in Brussels in order to take the issue of the treatment of migrants by Frontex 19  
 20 outside Europe to the heart of the EU (<http://noborders.org.uk/>). Further still, 20  
 21 despite the sophistication and complexity of emerging border security practices in 21  
 22 the EU, these regularly break-down on the basis of their own logic. In 2007, for 22  
 23 example, Javaid Iqbal, a 7-year-old boy with full UK citizenship, was repeatedly 23  
 24 stopped and barred from travelling with his family from Manchester to Florida 24  
 25 because he shared the same name as a 39 year old Pakistani man who had been 25  
 26 arrested two months after 9/11. By drawing attention to these misfires, and counter- 26  
 27 narratives provided by acts of collective resistance, EU border security practices 27  
 28 can be politicized as a costly artifice. 28

29

30

### 31 **Concluding Remarks** 31

32

33 The global projection of the borders of the EU, across land, sea, air, and cyberspace, 33  
 34 demands fresh critical reflection on the limits between 'Europe' and 'the world'. 34  
 35 While the attempt to control subjects' movement overseas may be nothing new in 35  
 36 the light of European colonialism, the locations and methods through which this b/ 36  
 37 order control takes place are, as we have seen in this chapter, arguably undergoing 37  
 38 a process of transformation. In recent years the response to the perceived threats 38  
 39 of migration, piracy, and 'risky' subjects overseas has created opportunities for 39  
 40 the EU to develop itself as a global geopolitical actor. Thus, for example, the 40  
 41 EU NAVFOR project has increased the visibility of the EU on the international 41  
 42 stage and helped to extend the reach of European values in the fight against 42  
 43 piracy. Significantly, the collaboration of Member States' navies in policing trade 43  
 44 routes in the Indian Ocean also points to the increasing militarization of off-shore 44



1 bordering practices conducted by the EU. The model of a rapid, armed, mobile 1  
 2 intervention unit on the high seas is one that connects nascent EU border security 2  
 3 activities with developments in warfare associated with the Revolution in Military 3  
 4 Affairs (RMA). Moreover, this is also reflected in the formation of Frontex's new 4  
 5 so-called 'Rapid Border Intervention Teams' (RABITs), which allows for the 5  
 6 expedited deployment of a pool of experts from EU Member States in the event of 6  
 7 urgent and exceptional migratory pressure.<sup>2</sup> In a slightly different, albeit related, 7  
 8 context, Balibar cites the work of Sandro Mezzadra, who has expanded upon the 8  
 9 model of war in order to include 'the study of the violent processes of control 9  
 10 and suppression which target 'illegal migrations' and also affect asylum-seekers 10  
 11 at the 'outer-borders' of the so-called 'Schengen space' (Balibar 2009: 202). On 11  
 12 this basis, it is not only the enigma of the EU's changing border regime outside 12  
 13 European space that demands critical attention, but also what increasingly appears 13  
 14 to be the merging of European bordering practices with practices of war. 14

15

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41

42

43

44 2 Deployed for the first time in 2010 along the Greek-Turkish border. 44

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1 Chapter 9 1  
2  
3 Geographies of Migration Across and 2  
4 Beyond Europe: The Camp and 3  
5 the Road of Movements 4  
6 5  
7 6  
8 7

9 Shinya Kitagawa 9  
10 10  
11 11  
12 12  
13 13

14 Up until this decade, the small island of Lampedusa, the southernmost point 14  
15 of Italy (located 200 kilometres south of Sicily), was predominantly known as 15  
16 an exclusive tourist destination and the vacation home of some of Italy's best 16  
17 known public figures and entertainers. In promoting itself as a tourist destination, 17  
18 Lampedusa drew on its proximity to North Africa, claiming to offer visitors the 18  
19 unique experience of 'a piece of Africa in Europe' (see Figure 9.1).<sup>1</sup> 19

20 Since 2000, however, this island of 20 square kilometers has become one of 20  
21 the principal gateways for immigrants attempting to enter 'EU'rope (together 21  
22 with Ceuta and Melilla, the two Spanish enclaves in Morocco, the Canary Islands, 22  
23 and, most recently, Malta and Greece). The migrants arriving in Lampedusa hail 23  
24 from across the African continent, but also from the Middle East and beyond, and 24  
25 the number of migrant arrivals has increased exponentially every year since the 25  
26 beginning of the decade: 9,669 in 2002; 8,819 in 2003; 10,497 in 2004; 14,855 26  
27 in 2005; 18,096 in 2006; 11,749 in 2007; and 30,657 in 2008 (Coslovi 2007; 27  
28 Fiorenza 2009). The challenge posed by such mass arrivals has been exacerbated 28  
29 by the island's limited 'carrying capacity', as many Italian newspapers would 29  
30 refer to it. Lampedusa forms a municipality in conjunction with the neighbouring 30  
31 island of Linosa, with the municipality's total population numbering 6,170 (as of 31  
32 1 January 2009), of which 5,500 live on the island of Lampedusa. The arrival of 32  
33 over 30,000 migrants in 2008 (bringing the total figure of immigrants 'present or 33  
34 passing through' the island in 2008 to 36,952) became a turning point in a national 34  
35 political reaction to the immigration 'situation' already bordering on panic. 35

36 Since 2006, major Italian newspapers had been reporting on immigrant 36  
37 arrivals on Lampedusa with a growing sense of emergency and 'crisis'. I will cite 37  
38 just a few such headlines here to convey the dominant rhetoric within which the 38  
39 39

40  
41 1 The 'Brief History of Lampedusa' (Taranto 2009) published by the island's art 40  
42 gallery, cites the writings of nineteenth-century botanist Giovanni Gussone, sent to study 41  
43 the island's natural landscape by Francis I of the Two Sicilies, to characterize Lampedusa as 42  
44 'a fragment of the African continent'. The 2008 edition of the Lonely Planet Guide to Sicily 43  
44 (Maric 2008) adopts a similar characterization. 44



Figure 9.1 Lampedusa tourist beach

Source:

'problem' was framed (also by admittedly left-of-centre newspapers such as *La Repubblica*): 'Lampedusa, one thousand landings already; countless others about to arrive from Libya' (*Corriere della Sera*, 16 March 2007); 'Crisis in arrivals on Lampedusa. 400 clandestine immigrants in a day' (*La Repubblica*, 14 May 2007); 'Lampedusa, shipwreck of clandestine immigrants, 11 bodies recovered, 3 still at sea' (*La Repubblica*, 17 June 2007).

Beyond intimations of impending (and uncontrollable) 'crisis', the 'immigration emergency' on Lampedusa has also been framed, however, by two seemingly conflicting/contradictory imaginary geographies and two distinct geopolitical discourses. On the one hand, Lampedusa has been represented as a *gateway into Europe*. On the other, Lampedusa has figured as a *gateway into Africa*. The first discourse, evoked by humanitarian organizations but also the Italian State, has represented the island as a place of hospitality, humanitarian assistance, and protection of human rights. As Laura Boldrini, the Italian spokesperson of the United Nations High Commissioner for Refugees (UNHCR) announced in her speech on the occasion of the unveiling of a new monument dedicated to immigrants entitled *Porta d'Europa* ('Gate of Europe') on 12 September 2009 (see Figure 9.2):

1 Lampedusa had been for many years a space of hope. This is not just rhetoric. 1  
 2 Over the past years we have seen a lot of people arriving upon our shores ... this 2  
 3 land had given hopes to thousands for a long time, [both] immigrants and asylum 3  
 4 seekers, those who escaped from wars, from persecution. [Although] they may 4  
 5 have desired to remain in their own countries, they didn't unfortunately have this 5  
 6 possibility. So, this land must continue to represent a space of hope. 6

7  
 8 In such geopolitical understandings Lampedusa is, as Boldrini suggests, 'a space 8  
 9 of hope'; it is the place where the migrant first encounters 'Europe', and it is here 9  
 10 that her/his European rights will (presumably) be affirmed/assured. It is a gateway 10  
 11 to the European dream. 11



34  
 35 **Figure 1** 'Porta d'Europa' monument 35

36 *Source:* 36

37  
 38  
 39 The second discourse, within which Lampedusa figures as 'the gateway to Africa', 39  
 40 is more recent and is directly related to the island's place in the 'push-back' 40  
 41 (*respingimento*) policies implemented by the Italian State since early 2009, with 41  
 42 the forced deportation of immigrants from Lampedusa to Africa. In January 2009, 42  
 43 Italian Minister of the Interior Roberto Maroni declared Lampedusa to be a site 43  
 44 from which immigrants could be directly deported to the opposite shore of the 44

1 Mediterranean: 'The persons who arrived in Lampedusa last week and the ones 1  
2 who will arrive next will remain on the island [in temporary fashion] and will be 2  
3 repatriated from there. The reason for this is that we want to give a clear sign that 3  
4 who disembarks here must be sent back home' (Ministero dell'Interno 2009). 4

5 Although these two discourses appear in contradiction – the former 5  
6 constituting Lampedusa as an 'entry point' into Europe and a 'space of hope', the 6  
7 latter rendering the island an 'exit point' and site of deportation – both are firmly 7  
8 grounded with the modern geopolitical imagination. Both place the island within 8  
9 a clearly delineated topography of national 'containers', the mark of the modern 9  
10 geopolitical imagination as Agnew (1998) suggests; both locate Lampedusa on 10  
11 a world political map 'on which each country has a different colour, and black 11  
12 lines separate each state from the next' (Cuttitta 2006a: 27). Both are premised 12  
13 upon a clear confine between a presumed Italian/European 'inside' and a putative 13  
14 'outside'. In both, Lampedusa is seen as a critical outpost in the control of flows 14  
15 across this imagined confine: whether the choice is one of hospitality and refuge 15  
16 (letting in) or immediate deportation (push-back). Lampedusa is imagined as a 16  
17 frontier, where questions of whether a national border is rendered open or closed, 17  
18 and whether immigrants can be accepted or expelled, are deliberated. Also from 18  
19 the perspective of the migrants crossing the Mediterranean, it may appear that 19  
20 Lampedusa is simply a goal or final destination in their migratory processes, 20  
21 where they will be met with 'success' or 'failure' in 'getting in'. 21

22 The aim of this chapter is to question such understandings that reinforce the 22  
23 vision of Lampedusa as a national and 'European' geopolitical border, struggling 23  
24 with the 'regulation' of immigration flows pressing at the 'gates' of Europe. 24  
25 Through an analysis of Lampedusa as a 'camp' (in the Agambenian sense) I will 25  
26 attempt to challenge taken for granted territorial understandings of European 26  
27 borders. Rather than as territorial-national-European border, I will argue that we 27  
28 should conceptualize places like Lampedusa as temporary 'stages' of a continuing 28  
29 bordering process that connects both European and non-European spaces. 29

30 As John Agnew (2008: 176) argues, 'borders matter [...] both because they 30  
31 have real effects and because they trap thinking about and acting in the world in 31  
32 territorial terms. They not only limit movements of things, money, and people, 32  
33 but they also limit the exercise of intellect, imagination, and political will. The 33  
34 challenge is to think and then act beyond their present limitations'. This chapter 34  
35 aims to be one step in this direction. 35

36

37

### 38 **The Emergence of the Camp** 38

39

40 As an island of only 20 square kilometres reliant mainly on tourism and second 40  
41 homes, Lampedusa has long lacked various necessary social services and 41  
42 infrastructures such as health services, a well developed transportation network, 42  
43 and schools. Faced with an uninterrupted flow of migrants, the island's limited 43  
44 services were quickly over-stretched (Costa 2009, Bellezza 2009: 11). In the 44



1 first years of this decade, a number of local volunteer organizations provided, in 1  
 2 informal fashion, those arriving on Lampedusa's shores with accommodation and 2  
 3 meals. In 1998, the Italian Red Cross set up an 'unofficial' facility to help deal with 3  
 4 the increasing number of arrivals. Its objective was to temporarily accommodate 4  
 5 migrants in order to give them refuge, necessary assistance, and provisions. In 5  
 6 2002, the management of the centre was entrusted to *Misericordia*, a Catholic 6  
 7 charitable organization authorized by the central government (Leone 2005). 7

8 The Lampedusa centre was one of a series of centres called the *Centri di* 8  
 9 *Permanenza Temporanea* (CPT, 'Temporary Stay Centres') institutionalized by 9  
 10 the Prodi government in 1998 with the passing of the Turco-Napolitano law.<sup>2</sup> 10  
 11 According to the law, the CPTs should serve to detain immigrants 'temporarily' 11  
 12 in the following cases in which it was not possible to expel them directly: they 12  
 13 required some form of assistance; their identities or nationalities needed to be 13  
 14 verified; their travel documents had to be inspected; or there was no transportation 14  
 15 available for their expulsion. The local chief of police could thus order 'temporary 15  
 16 detention' for a period of 30 days, with the possibility of extending that period for 16  
 17 an additional 30 days. An immigrant would be permitted to leave the CPT when 17  
 18 he or she was due for expulsion. Such expulsion could take the form of direct 18  
 19 repatriation (usually by air), or the chief of police could simply issue an order 19  
 20 requesting that the immigrant leave Italian territory within 5 days (Ministero della 20  
 21 Giustizia 2006).<sup>3</sup> 21

22 According to the official classification of CPTs by the Ministry of the Interior 22  
 23 in January 2007, the CPTs were divided into three types: 14 'Temporary Stay and 23  
 24 Assistance Centres' for the detention of foreign nationals waiting to be repatriated; 24  
 25 4 'Identification Centres' for persons recognized as asylum seekers; 6 'Acceptance 25  
 26 Centres' for migrants in need of assistance (Ministero dell'Interno 2007). Although 26  
 27 the Lampedusa centre was categorized as a 'Temporary Stay and Assistance 27  
 28 Centre', its true function was the detention of migrants in preparation for their 28  
 29 expulsion. It was a place where foreigners who had not committed any crime but 29  
 30 had only violated an administrative procedure (in other words, those not fulfilling 30  
 31 the requirements for 'legal entry' into the state's territory) were to be detained. 31  
 32 Although the arriving migrants could not, in first instance, be categorized as 32  
 33 'illegal'<sup>4</sup>, but rather simply as 'irregular' for administrative violation, they would 33  
 34 nonetheless be detained at this location. For security reasons, the Lampedusa 34  
 35 35

36 \_\_\_\_\_ 36  
 37 2 The status and function of CPTs was modified and extended in 2002 with the 37  
 38 Bossi-Fini law, passed by the Berlusconi government. Since May 2008, CPTs are called 38  
 39 'Identification and Expulsion Centres' (*Centri d'Identificazione ed Espulsione* – CIE). In 39  
 40 my analysis, however, I will focus upon the CPTs in their former role. 40

41 3 In the initial years of operation, most migrants left the CPTs in this fashion, 41  
 42 rather than through direct deportation. According to studies carried out by governmental 42  
 43 organizations, most remained (illegally) in Italian territory (Commissione per le verifiche e 43  
 44 le strategie dei Centri 2007). 44

44 4 As long as their status and right to asylum was not determined. 44

1 centre was surrounded by a metal fence with barbed wire and was monitored by 1  
2 CCTV cameras and guards. The centre and its associated structures also employed 2  
3 ‘more than 1,000 military men ... all the bars of the island [were suddenly] filled 3  
4 with policemen with shields and clubs’ (Giuseppe Costa, vice president of the 4  
5 association *SOS Isole Pelagie*, personal interview, 6 September 2009). 5

6 In their condemnation of the CPTs and their workings, the term *lager* has 6  
7 often been adopted by both Italian and other European intellectuals and left- 7  
8 leaning politicians and activists. The word *lager*, in both Italian and German, 8  
9 directly recalls the horrors of the Nazi concentration camps. The term has also 9  
10 been deployed by influential Italian theorist Giorgio Agamben in his discussion 10  
11 of the role of the ‘camp’ in the contemporary global order. In a 1998 interview 11  
12 following the formal institutionalization of the CPTs, Agamben argued that what 12  
13 should concern us is 13

14 14

15 not the name but juridical structure of these places. Names can be deceptive: 15  
16 even the procedure that regulated the Nazi concentration camps [and that 16  
17 instituted] the state of exception was called *Schutzhaft*, or “protective custody”. 17  
18 We should, rather, ask ourselves whether “camps” exist in today’s Europe or not. 18  
19 [This should be our concern], even beyond the question of their on-the-ground, 19  
20 material conditions, as important as these may be. These spaces have been 20  
21 conceived as “spaces of exception” from the start. They are spaces considered 21  
22 “exceptional” in the technical sense, spaces where the law may be suspended, 22  
23 just as concentration camps were spaces of the absolute suspension of the law 23  
24 where – as Hannah Arendt has said – “everything was possible”, precisely 24  
25 because the law was suspended. (Agamben in Caccia 1998) 25  
26 26

27 When questioned by his interviewer, Beppe Caccia, about the legal procedures 27  
28 through which those ‘to be expelled’ are brought into the camp, Agamben would 28  
29 add: 29

30 30

31 [Examining the text of the law instituting the camps] what struck me was that 31  
32 the persons being detained had already been marked for expulsion, but for whom 32  
33 expulsion had not been possible as yet. If the subjects in question are already 33  
34 considered “expelled”, they do not exist within the state’s territory from a legal 34  
35 point of view [...] they possess no legal status. It is as though their physical 35  
36 [bodily] existence were separated from their legal status. 36  
37 37

38 This is a crucial point that challenges our taken for granted understandings of both 38  
39 territorial borders and the ‘territorial’ rights usually associated with presence on 39  
40 state territory (including the right to asylum, as described by Gammeltoft-Hansen 40  
41 in this volume). For as Agamben notes, 41  
42 42  
43 43  
44 44

1 the “expelled” are there [in the CPT] but also elsewhere. They are not on the 1  
 2 territory of the Italian State, they aren’t *within* the national borders, but *upon* that 2  
 3 border, waiting [...]. (Agamben in Caccia 1998, emphasis added) 3  
 4 4  
 5 According to Agamben, then, it is not their poor sanitary conditions, overcrowding 5  
 6 or random violence but, rather, their juridical situation that urges a comparison 6  
 7 between the contemporary detention centres and the *lager*. In both the CPTs and 7  
 8 in the *lager*, the law is suspended. All human and citizenship rights are suspended; 8  
 9 indeed, the expelled or the detained loses entirely their legal status as a person, 9  
 10 since they are not within a national border, they are not within a territorialized- 10  
 11 national space. In his best known work, *Homo Sacer*, Agamben defines such 11  
 12 places where the law is suspended as ‘spaces of exception’, and existence in the 12  
 13 camps as ‘bare life’ (*nuda vita*). Bringing his theoretical reflection directly to the 13  
 14 question of the CPTs, he notes: 14  
 15 15  
 16 If the “camp” is the place in which, as a space of exception, there are no juridical 16  
 17 subjects but only bare lives (*nude esistenza*), then [in the case of the CPTs] it is 17  
 18 appropriate to speak of a “camp”, because in the thirty days during which the 18  
 19 migrants are detained in the Centres they exist there only as bare life, stripped 19  
 20 of every juridical status. [...] The expelled [or soon-to-be expelled] is no longer 20  
 21 even a foreign national but something completely stripped, removed from any 21  
 22 notion of citizenship. Who is the “stranger without a name”, why is he/she not 22  
 23 granted a specific name<sup>5</sup> by the law, who is this subject that exists for thirty days 23  
 24 in a complete legal vacuum? (Agamben in Caccia 1998) 24  
 25 25  
 26 In Anglophone political geography, Agamben’s theoretical opus has become 26  
 27 an indispensable reference point in conceptualizing the spatialities of the ‘War 27  
 28 on Terror’ (see, among others, Gregory 2006, Vaughan-Williams 2009, Elden 28  
 29 2009). Claudio Minca’s work, in particular, has offered a geographical reading 29  
 30 of the ‘camp’ as a space of exception, and an analysis of ‘the return of the camp’ 30  
 31 into contemporary political categories. Minca identifies ‘the insurmountable 31  
 32 contradiction between cartographic reason and political reason’ (Minca 2005: 32  
 33 410) that marks the global condition of the War on Terror and that has made 33  
 34 possible the imaginative – and real – return of the camp. The ‘camp’ today is 34  
 35 the Guantánamo ‘limbo’ and countless other ‘black holes’ in territorial-national 35  
 36 spaces: ‘the archetype of the spaces of exception produced by contemporary 36  
 37 geopolitics’ (Minca 2005: 406). 37  
 38 Minca’s work also focuses on the disruption in the nexus between ‘localization’ 38  
 39 and ‘ordering’ in the War on Terror. While the modern geopolitical imagination 39  
 40 relied on a stable and pre-ordained localization ‘with everything and every person 40  
 41 in their right place’ (ideally, within geometrically bounded national territories), 41  
 42 42  
 43 5 In the Italian original, ‘*nominato dalla legge*’, which also means granted a particular 43  
 44 legal denomination or status. 44



Fig 3 Wrecks of migrants' boats

Source:

with a distinct order(ing) corresponding to each localization, the current condition presents the challenge of 'governing the unlocalizable' (Minca 2005). Confronted by unlocalizable 'geographies of anarchy and chaos (or, terror)' (Minca 2005: 410), the order/law is suspended, bringing the emergence of state(s) of exception in global geopolitics.

The 'camp' is nothing other than an attempt to localize the unlocalizable without ordering; the camp's localization is no longer associated with an order, with the application of the law. This power to localize the unlocalizable through the state of exception – without ordering, without the law – into the camp is the original form of sovereign power. This power exceeds a given national territory. When the past 'tried to grant the unlocalizable a permanent and visible localization, the result was the concentration camp' (Agamben 1998: 20). Similar attempts in the present yield similar results: namely, the contemporary *lager*. It is appropriate, then, to consider detention centres like the Italian CPTs as a type of contemporary *lager*, serving as sites for the localization of the unlocalizable by sovereign power. In this case, those who are unlocalizable are the 'illegal immigrants'. In their detention/suspension in the camps, they become bare life, identical to the detained non-citizens in Nazi camps. As Agamben argues in his *Means without End*, 'what industrialized countries face today is a permanently resident mass of noncitizens

1 who do not want to be, and cannot be, either naturalized or repatriated. These 1  
2 noncitizens often have nationalities of origin, but, inasmuch as they prefer not to 2  
3 benefit from their own states' protection, they find themselves as refugees, in a 3  
4 condition of de facto statelessness' (Agamben 2000: 23). 4

5 Yet as theoretically and politically compelling such a reading of the CPTs 5  
6 (and of camps more broadly) may be to understanding the contemporary spaces 6  
7 of exception in Europe and elsewhere, it describes only one aspect/stage of the 7  
8 'border work' (Rumford 2008) taking place in the Mediterranean today. I will 8  
9 argue that such understandings of the camp still remain anchored firmly to the 9  
10 modern geopolitical imagination and the notion of territorial-national borders, 10  
11 failing to capture the de-territorialized and mobile nature of 'EU'ropean borders 11  
12 today. 12

13

14

### 15 **A Geography of Camps to Actualize De-Territorialized Borders** 15

16

17 In the week between 29 September and 6 October 2004, 1,787 immigrants arrived 17  
18 on the island of Lampedusa by boat. The detention centre on the island which 18  
19 had an official capacity of only 190 at that time was, literally, bursting. In order 19  
20 to alleviate the rapidly deteriorating humanitarian, hygienic and social conditions 20  
21 inside the CPT, the proposed solution was deportation. Of the migrants that had 21  
22 disembarked during this period, 408 were recognized as asylum seekers, while 22  
23 136 were detained 'awaiting detailed identification'. What of the remaining 1,153 23  
24 immigrants, however? How were they dealt with by the Italian authorities? 24

25 As a Ministry of the Interior communication later revealed (Ministero 25  
26 dell'Interno 2004), all 1,153 immigrants were deported straight from the island to 26  
27 Libya on private and military aeroplanes, without being told of their destination. 27  
28 Among this group were some who were deported just a few hours after 28  
29 disembarking in Lampedusa. Why were all 1,153 deported to Libya immediately? 29  
30 Were they all Libyans? According to the Italian authorities (that insisted that all 30  
31 the migrants had been identified one by one), the 1,153 actually consisted of 1,119 31  
32 Egyptians, 23 Bangladeshis, and 11 Moroccans (Ministero dell'Interno 2005a). 32

33 Why were the migrants sent 'back' to Libya then? Because it was assumed that 33  
34 these migrants had originally departed from the Libyan shores for Lampedusa. 34  
35 Had the authorities been able to 'verify' that the immigrants had departed from 35  
36 Libya to come to Lampedusa, it would have been de facto possible to send back all 36  
37 such immigrants to Libya. Such operations had been made possible by a recently 37  
38 concluded bi-lateral 'agreement of re-admission' between Italy and Libya that 38  
39 allowed for the deportation of all migrants (regardless of their nationality) to Libya 39  
40 (see Vaughan-Williams for further discussion); by the terms of this agreement, 40  
41 simply migrants' (often presumed) transit across Libya justified deportation from 41  
42 Italy to Libya. In the above-mentioned case, according to a list of migrant names 42  
43 that two Italian MPs were able to obtain from the CPT authorities of Lampedusa, 43  
44 all of the immigrants had been identified as Palestinian and their name listed 44

1 as ‘Mohamed Ali’ (Amnesty International 2005: 29, Comitato di Diritti Umani 1  
2 2006). A subsequent investigation by the Sicilian Anti-Racism Network revealed 2  
3 that the CPT ‘had not carried out the required recording of identification’ (Rete 3  
4 Antirazzista Siciliana 2004). 4

5 Immigrants typically pay between 1,700 and 3,400 Euro to human smugglers to 5  
6 cross the Sahara, and approximately another 1,000 Euro to cross the Mediterranean 6  
7 from Libya to Italy. This sea voyage lasts on the average between 15 hours and 7  
8 two or three days (International Organization for Migration 2009). The 1,153 8  
9 immigrants who arrived in the autumn of 2004 had endured great hardships and 9  
10 suffered substantial risks, given the possibility of accidents at sea or abuse by 10  
11 smugglers. Most were forcibly deported to Libya by plane in a matter of hours. 11  
12 Taking into consideration how these ‘Mohamed Alis’ were collectively (and 12  
13 speedily) deported from Europe to Africa, the geopolitical labelling of Lampedusa 13  
14 as a gateway to Africa seems apt. The camp at Lampedusa appeared to play the 14  
15 role of border at the outer-edge of the cartographically imagined Italian territory; 15  
16 as it were, of a ‘breakwater’ aimed at stemming the immigrant flood. What is 16  
17 more, in the CPT/border, sovereign power was performatively demonstrated in 17  
18 the (arbitrary) decision to detain the migrants, to decide who can remain and who 18  
19 cannot, who to expel administratively outside of the law. Migrants arriving at 19  
20 the camp were reduced to a mass without names, voices, and individuality, and 20  
21 were unconditionally deported; in Agamben’s terms, rendered as bare life and 21  
22 abandoned into a zone of indistinction between citizen and non-citizen, the human 22  
23 and non-human. 23

24 But is this understanding of the practices of bordering through the camp 24  
25 sufficient to capture the contemporary dynamism of border politics at the 25  
26 peripheries of ‘EU’rope? To further reflect on this question, I outline in the next 26  
27 sections how migrants who are deported from Lampedusa to Libya are dealt with 27  
28 subsequent to their deportation. According to reports by Amnesty International 28  
29 (2005), many of the deported migrants had been taken directly to Libya’s southern 29  
30 border and simply abandoned in the desert. The 2004 report of the Sicilian Anti- 30  
31 Racism Network, one of the most valuable sources of information on the CPT 31  
32 of Lampedusa, migrants awaiting detention had repeatedly asked for help, and 32  
33 communicated to the activists that they were on hunger strike for two days, that 33  
34 they were thirsty, but that they preferred to die inside the camp rather than to pass 34  
35 again through Libya’ (Rete Antirazzista Siciliana 2005). Indeed, at least 106 of 35  
36 the Nigerians who had been deported from Italy during the nine months following 36  
37 the signing of the agreement between Italy and Libya died during their crossing of 37  
38 the African desert (Comitato dei diritti umani 2006). The border-work of guarding 38  
39 ‘EU’rope’s confines does not, therefore, come to an end in Libya, but continues 39  
40 south, into the centre of the African continent. People sent back from Lampedusa 40  
41 to Libya are, moreover, often subjected to ‘chain-deportation’: they are forced 41  
42 to move ever further south, away from Europe, from Italy to Niger via Libya. 42  
43 Let us now consider how this geography of expulsion has been produced and, in 43  
44 particular, the key role played by ‘camps’ in such de-territorialized border-work. 44

1 As mentioned previously, following the bilateral re-admission agreement 1  
2 between Italy and Libya,<sup>6</sup> Italy can deport migrants to Libya, and Libya, as a 2  
3 country which allowed immigrants to transit through its territory, must accept the 3  
4 deportees. Accordingly, new detention centres have been set up in Libya to house 4  
5 the deported migrants, many constructed with Italian financing. Over the past 5  
6 decade, Italy has forged increasingly close ties with Libya in order to facilitate 6  
7 precisely such strategies for externalize its border. In addition to the construction of 7  
8 camps, the Italian authorities have provided Libya with ‘operational and technical 8  
9 assistance and cooperation’, including training in the investigation of falsified 9  
10 travel documents and in general border surveillance, transfers of equipment 10  
11 (such as patrol vessels) and, more remarkably still, support for the repatriation/ 11  
12 deportation of migrants from Libya to other countries (European Commission 12  
13 2005). 13

14 Libya is thus simply a next step in the migrants’ odyssey. Libya detains 14  
15 migrants who were ‘pushed-back’ (in the language of the most recent Italian 15  
16 legislation) from the opposite side of the Mediterranean in its own series of camps 16  
17 and then repatriates them once again to third countries. As of November 2004, 17  
18 Libya had similarly signed its own bilateral cooperation agreements on the control 18  
19 of migratory flows with its southern neighbours, Chad, Niger, and the Sudan, 19  
20 concluded an agreement with Egypt in 2005, and a further one with Niger in 20  
21 2006 (Cuttitta 2006b: 192). Between 16 August 2003 and December 2004, Libya 21  
22 deported a total of 5,688 people to Egypt, Syria, Eritrea, Pakistan, Niger, Nigeria, 22  
23 Ghana, Bangladesh, Mali, and the Sudan with 47 chartered planes financed with 23  
24 Italian assistance (European Commission 2005). Even in cases where the deportees 24  
25 faced the possibility of further detention or torture in their home countries, Libya 25  
26 proceeded with the expulsion.<sup>7</sup> More recently, a group of Eritreans deported from 26  
27 Italy had been placed into a forced labour camp (Fortress Europe 2009). 27

28 The Italian and Libyan camps are connected to one another. They are able 28  
29 to function only as part of a networked geography of expulsion, for each single 29  
30 camp is a transit point in the mobile flows of deportation. It is the connections 30  
31 between camps (created by ever-shifting and often informal bi-lateral agreements) 31  
32 that allow for the control of migrants’ mobility. In this sense, the contemporary 32  
33 camps are distinct from the Nazi *lager*, for while the *lager* functioned to maintain 33  
34 the imagined national integrity between life, order, and territory, detaining those 34  
35 categorized as a biopolitical threat to the integrity of the national body, the 35  
36 contemporary *lager*, such as the CPT, does not work to maintain bounded, territorial 36  
37 national space and its stable population, but, rather, *to prevent movement*. Indeed, 37  
38 as Agamben notes in his comments on the CPTs, the challenge to sovereign power 38  
39 39

40 \_\_\_\_\_ 40  
41 6 It should be pointed out that as of 2005, Italy had entered into this type of agreement 41  
42 with 29 additional countries (Ministero dell’Interno 2005b). 42

43 7 As Gammeltoft-Hansen points out in his discussion, Libya is not a signatory to the 43  
44 1951 convention on the Rights of Refugees and, indeed, does not recognise the institution 43  
44 of asylum (see also Andrijasevic 2009, 2010). 44

1 today ‘comes more from mobility than stasis. It must intervene upon subjects in 1  
2 motion. Sovereign power no longer has to face the problem of extermination, but 2  
3 rather the control of flows. Sovereign power today expresses itself in the regulation 3  
4 of flows, not in the exercise of the right to life or death on stationary subjects’ 4  
5 (Agamben in Caccia 1998). 5

6 If the operation of sovereign power is exercised precisely through the 6  
7 management of flows, we cannot clearly distinguish between Italy and Libya, 7  
8 nor between Italy, Libya and Niger or Eritrea. It is erroneous, then, to un- 8  
9 problematically identify only the northern side of the Mediterranean as a 9  
10 ‘European space’, since the southern shore is indispensably involved in European 10  
11 states’ migration control mechanisms, as the geography of expulsion produced 11  
12 by a network of connected camps described above highlights. William Walters 12  
13 (2002) has evocatively described the ‘extended’ spaces of European migration 13  
14 control as ‘Schengenland’. As Walters notes, the Schengen Agreement of 1985 14  
15 purported to ‘abolish checks on the movement of persons at ‘internal’ borders by 15  
16 transferring checks to ‘external’ frontiers. As part of this package there were to 16  
17 be ‘flanking measures’ entailing enhanced cooperation in such areas as asylum 17  
18 and immigration policy, policing, and the exchange of information’ (Walters 18  
19 2002: 561). Indeed, as Schengenland has expanded, European borders have been 19  
20 externalized ever further south (and also further east, as Levy notes in his chapter 20  
21 in this collection). What is more, Walters (2002: 571–576) argues that this process 21  
22 of the transformation of the ‘EU’ropean border has brought into existence a new 22  
23 ‘biopolitical’ border for the government of populations in the Foucauldian sense 23  
24 (see also Walters 2006, Vaughan-Williams 2009). 24

25 As Vaughan-Williams argues in his contribution to this volume, for the 25  
26 ‘biopolitical border’ mobility is indispensable, just as land is for the geopolitical 26  
27 border. The biopolitical border assumes mobility or population flow as a given, 27  
28 as ‘necessary, inevitable processes, as natural processes in the broad sense’ 28  
29 (Foucault 2009: 47). The biopolitical border presumes that flows can never 29  
30 be nullified. Taking flows as a given, it thus aims to limit, prevent, check, and 30  
31 regulate the quantity, nature and speed of flows. Schengenland, composed as it is 31  
32 of multiple biopolitical borders, considers all flows (whether they be of legal or 32  
33 illegal migrants, asylum seekers, potential terrorists or criminals or smugglers) as 33  
34 a ‘continuum of insecurity that connects one to the others’ (Guild and Bigo 2005: 34  
35 67). Its aim is to ‘maximize the positive elements ... minimizing what is risky 35  
36 and inconvenient’ (Foucault 2009: 19). Biopolitical borders thus do not aim to 36  
37 territorialize geographical spaces, but instead function to de-territorialize borders 37  
38 in order to govern the de-territorialized, namely, the unlocalizable. 38

39 From this perspective, the camps (or, rather, the network of camps) are a part 39  
40 of the biopolitical borders of Schengenland. In order to prevent and regulate 40  
41 uncontrolled mobility, the camps are set up and connected to temporarily restrain/ 41  
42 detain migrants, or to reverse the direction of their movement via deportation. 42  
43 Migrants’ mobility is controlled not merely by means of suppression and 43  
44 localization in the simple sense but, rather, by making them mobile to *some* 44



1 degree. Using the terms mentioned above, we can say that the role of the camps is 1  
2 to capture, to ‘ground’, the unlocalizable temporarily while leaving it/them at the 2  
3 same time mobile – and then make it/them move. 3

4 The Lampedusa CPT should thus be conceptualized not as a territorial- 4  
5 national border, but instead as just one stage in an on-going bordering process: 5  
6 in other words, as just one of ‘EU’rope’s borders. The geopolitical imagination 6  
7 that considers Lampedusa as the edge of national (and ‘EU’ropean) space must 7  
8 therefore be challenged. The network of connected camps and of chain deportations 8  
9 constitutes, rather, a geography of expulsion that stretches far beyond – but 9  
10 also within – the ‘EU’ropean space. In the next section, I explore this emergent 10  
11 European geography further from the perspective of those who are mobile, from 11  
12 the perspective of the unlocalizable. 12

13 13

14 14

### 15 **Mobile Migrants** 15

16 16

17 Over the past years, a wide variety of studies have described the changing nature 17  
18 of ‘border management’ and the emergence of ‘networked’ and ‘flexible’ borders 18  
19 (including several of the contributions to this volume). It is commonly understood 19  
20 by now that ‘rather than taking place only at borders upon a map, bordering 20  
21 practices are much more widely diffused geographically’ (Agnew 2008: 184, see 21  
22 also Balibar 2004: 109–112, Rumford 2008). The emergence of new mechanisms 22  
23 of border control is often cited as a key factor in this transformation, including 23  
24 the increased use of new technologies such as biometrics or radio-frequency 24  
25 identification (which gives state borders mobility), ‘policing at distance’ and 25  
26 ‘remote control borders’, facilitated by intergovernmental agreements, cooperation 26  
27 among national police agencies, common visa and passport policies, and the virtual 27  
28 participation in decision making by international and supranational organizations 28  
29 like Frontex and the International Organization for Migration (IOM). 29

30 Yet although such studies have served to highlight important transformations 30  
31 in the nature and ‘extension’ of European borders today, they have tended to 31  
32 neglect one key facet: the geographies of movements that migrants themselves 32  
33 create through their mobility. If the primary aim of the de-territorialized 33  
34 biopolitical border is to control migrants’ mobility, this mobility is a pre-condition 34  
35 for bordering practices. The configuration of these borders therefore depends upon 35  
36 the actualization of mobility. In other words, biopolitical borders would not be 36  
37 possible without mobility. 37

38 It is thus important to draw attention to mobility itself; in other words, to take 38  
39 the composition of the unlocalizable much more seriously. It is not adequate to 39  
40 discount the unlocalizable as simply something chaotic. Nor can we assume that 40  
41 dislocalization always results in subjects being unilaterally confined in camps by 41  
42 sovereign powers. In the paragraphs that follow, I will argue that in order to deepen 42  
43 our understanding of the operation of ‘EU’rope’s de-territorialized borders, we 43  
44 need to take mobility and its resulting trajectories into consideration. If it is the 44

1 unlocalizable that disrupts the modern geopolitical imagination, it is worthwhile 1  
2 analysing its/their mobility as a dislocalizing process that does not inevitably end 2  
3 at pre-established destinations, such as the camp. From the standpoint of mobility, 3  
4 we could even claim that even if migrants are held in the camp, a process of 4  
5 dislocalization continues and, indeed, traverses the camp. 5

6 I should make clear at this point what I intend by the term 'dislocalization'. I 6  
7 adopt this term to refer to two kinds of mobility: spatial mobility and subjective 7  
8 mobility. The former is, in a literal sense, physical movement; in this case, the 8  
9 'illegal' border-crossing movements of migrants. The latter is linked with an 9  
10 answer to the following question: what force generates these migrants' physical 10  
11 movement? The force to actualize dislocalization corresponds to the production of 11  
12 subjectivities, namely, distinct forms of subjectivation on the part of the migrants. 12  
13 The 'illegal' migrants' thus also act to 'dislocalize' themselves; in other words, 13  
14 they themselves desire (at least in part) to become unlocalizable. 14

15 Let us take a specific example: the migrants detained in the Lampedusa CPT 15  
16 and deported like the previously-mentioned 1,153 'Mohammed Alis' who, in the 16  
17 process of detention and deportation, lost not only their legal status but also their 17  
18 individual identities, including their name, date of birth, nationality, and sex. 18  
19 These migrants appear to be confined by sovereign power in a state of exception, 19  
20 unilaterally degraded into a zone of indistinction between human and non-human, 20  
21 reduced to bare life, deprived of all rights. Reports by human rights associations 21  
22 note, however, that when crossing a border without permission, migrants 22  
23 themselves frequently burn their passports and other identification documents to 23  
24 prevent identification and potential repatriation to their home countries. Given that 24  
25 a passport is the accepted form of identification within the international system 25  
26 of sovereign states, such actions risk literally 'erasing' the individual's political/ 26  
27 juridical existence: 'whoever loses her/his identity, reaching [such an] extreme 27  
28 situation, opens up the possibility that she/he may be treated like the detained in 28  
29 the concentration camp at Guantánamo Bay' (Sakai 2008: 281). 29

30 As some scholars have argued, such strategies of 'de-identification' can be 30  
31 seen as 'a voluntary "de-humanisation" in the sense that it breaks the relation 31  
32 between your name and your body. A body without a name is a non-human human 32  
33 being, an animal which runs. It is non-human because it deliberately abandons the 33  
34 humanist regime of rights' (Papadopoulos, Stephenson, and Tsianos 2008: 215). 34  
35 In this perspective, the unlocalizable migrant is therefore not simply a subject that 35  
36 cannot be localized and 'ordered' in national territories but, rather, is a subjective 36  
37 being that escapes from there voluntarily. It becomes unlocalizable for itself, with 37  
38 its own autonomous force. It is never automatically abandoned into bare life by 38  
39 sovereign power. Of course, such understandings overlook the durability of *de-* 39  
40 humanizing movements and of the mobility of becoming, of subjectivation, with 40  
41 the throwing away of passports as a start. The movements of de-humanization do 41  
42 not end at the stable point of being *non*-human. Movements of de-humanization, 42  
43 including dislocalization and de-identification, endure. The migrants do not know 43  
44 where they will arrive 'at the end'. For such movements do not end with the arrival 44

1 in a particular place, even in a particular camp. This understanding of migrant 1  
 2 mobility highlights, in other words, that spatial mobility can overlap with varied 2  
 3 mobilities of subjectivation. 3

4 Importantly, from this perspective, it seems reasonable to suppose that the 4  
 5 camp as a biopolitical border is a site within which both spatial and subjective 5  
 6 mobilities negotiate and struggle with bordering and governing practices. The 6  
 7 following example from the CPT of Lampedusa is relevant to this discussion. On 7  
 8 23 September 2005, Italian journalist Fabrizio Gatti succeeded in infiltrating the 8  
 9 CPT by pretending to be a migrant drowning in the sea off Lampedusa's shores. 9  
 10 Rescued by the Coast Guard, he was taken to the CPT and detained as an 'illegal 10  
 11 immigrant'.<sup>8</sup> Gatti 'the migrant' took on the fictitious identity of Bilal Ibrahim 11  
 12 el Habib, a Kurd born on 9 September 1970. He describes his identification 12  
 13 procedures the day following his arrival in the centre, on September 24, carried out 13  
 14 by policemen with the aid of an interpreter. 'Do you speak Arabic?', the interpreter 14  
 15 asked him. Bilal 'the Kurd' responded, 'Yes'. 'And where do you come from?' 15  
 16 Bilal replied: 'Kurdistan. But I would like to continue in English. Arabic is not 16  
 17 my language. Arabs occupied my land.' Bilal then explained his itinerary. He had 17  
 18 wanted to go to Germany. Having been locked up in a container and loaded on a 18  
 19 cargo boat, he was then loaded onto a motorboat at a point a few miles away from 19  
 20 the Italian coast. Although the motorboat capsized and sank, Bilal escaped unhurt 20  
 21 by swimming. Next, 'the Kurd' was asked what the Arabic writing on his life jacket 21  
 22 meant. The interpreter replied for him: 'it says "Happiness 3". Perhaps it is the 22  
 23 name of a ship'. Bilal was again questioned in English by another policewoman, as 23  
 24 to whether he knew the meaning of the writing on the life jacket. 'Yes' he replied, 24  
 25 'Soror, happiness: we all came to Europe in order to look for it'. Bilal then had 25  
 26 to repeat his travel story three times. The police attempted to catch contradictions 26  
 27 in his explanation. They said, 'If you are a Kurd, then you speak Urdu'. Bilal 27  
 28 responded, 'No, Urdu is a language of Pakistan'. This reply angered them. The 28  
 29 policewoman said, 'But you don't come from Turkey – you arrived from Libya. 29  
 30 The [Arabic] writing demonstrates it. Now we will send you back to Ghedaffi'. 30  
 31 'Shall we take him to the torture room and leave him there for a while?', she asked 31  
 32 jokingly in Italian to another policeman who had just joined the group (presumably 32  
 33 in order to see whether Bilal understood Italian and to scare him). 33

34 Bilal was then asked to give his fingerprints. He pressed his fingers and the 34  
 35 palms of his hands onto the red glass of a scanner. The data collected was sent 35  
 36 to the data bank of the Eurodac system, established in December 2000 to gather 36  
 37 all the biometric data of 'illegal' immigrants and asylum seekers who have ever 37  
 38 attempted to cross any border of any member state of the EU (European Union 38  
 39 2007). The operation of identifying Bilal was then concluded. Or so it seemed. That 39  
 40 same evening, Bilal was called up again by the police because it was discovered 40

41 \_\_\_\_\_ 41  
 42 8 Gatti described his experiences in an article ('I am an illegal immigrant in 42  
 43 Lampedusa', Gatti 2005a: 36-50) and a subsequent best-selling book *Bilal* (Gatti 2007), 43  
 44 revealing to the Italian public the situation inside the CPT. 44

1 that his fingerprints matched exactly those of another migrant on the data base. 1  
2 This migrant was Roman Ladu, a Romanian born on 29 December 1970. The 2  
3 biometric record appeared to show that the Kurd Bilal and the Romanian Ladu 3  
4 were one and the same person. 4

5 The fact that the fingerprints matched a set that had already been registered 5  
6 clearly indicated that Bilal had been previously detained in another European 6  
7 camp. The presumed ‘certainty’ of biometric technology makes all verbal data 7  
8 irrelevant and makes it possible to complete identification solely on the basis of 8  
9 the uniqueness of a human being’s fingerprints, voice timbre, facial expression, 9  
10 body heat, and DNA sequence. Verbal evidence cannot refute biometric evidence 10  
11 and details such as nationality, age, and sex are similarly irrelevant. So too are 11  
12 the migrant’s unique motives for border crossing. So whether the person facing 12  
13 the guards at the Lampedusa CPT that September was Bilal or Ladu was of little 13  
14 consequence. It did not really matter whether he was Kurdish or Romanian. 14  
15 What mattered was that this man was attempting to enter Europe illegally for a 15  
16 second time. 16

17 There remained, however, one unresolved issue. Whoever he was, where did 17  
18 this corporeal being now called Bilal come from? Via which routes and which 18  
19 modes of travel did he arrive at Lampedusa? All the biometric data could determine 19  
20 was that he had no right to enter Europe. In such cases, the police face difficulties 20  
21 regarding the migrant’s deportation, for they cannot determine *where* it is that they 21  
22 should deport him to. Also in Bilal’s case, it remained entirely unclear whether he 22  
23 was from Romania, or had come via Turkey from Iraqi Kurdistan. A Moroccan 23  
24 interpreter called up to question Bilal argued: ‘I don’t think he is Romanian. He 24  
25 speaks Arabic. But he continues to ask that the interrogation be carried out in 25  
26 English’. Yet not being Ladu the Romanian did not make him necessarily Bilal 26  
27 the Kurd. We know, of course, that Bilal was actually the Italian Fabrizio Gatti 27  
28 who, having Italian citizenship, should not have been detained in the *lager* at all. 28  
29 A subsequent biometric check by the CPT revealed, in fact, that Bilal, Ladu, and 29  
30 Gatti were actually the same person.<sup>9</sup> 30

31 What kind of conclusions can we draw from this seemingly absurd situation? 31  
32 This scenario highlights one of the greatest concerns in migrants’ struggle with 32  
33 biopolitical borders in attempting to avoid being returned their countries of origin. 33  
34 Papadopoulos, Stephenson, and Tsianos, in their 2008 book *Escape Routes*, stress 34  
35 the importance of ‘movements of de-humanization’ triggered by actions such 35  
36 as the burning of passports. But the authors also insist that it is not sufficient to 36  
37 merely burn passports. Such a ‘formal’ process of de-humanization is not enough 37  
38 to overcome borders. They argue that to cross borders ‘you have to become a dog, 38  
39 to become an animal yourself [...] Becoming is essential to mobility. The trope 39  
40 of becoming animal is only one of the options migrants employ in order to claim 40  
41 their freedom of movement. Becoming woman, becoming child, becoming elder, 41

42 \_\_\_\_\_ 42  
43 9 Gatti had taken on the identity of Roman Ladu for a previous investigative report 43  
44 and under this identity was detained in the CPT in Milano in 2000. 44

1 becoming soil, becoming fluid, becoming animal is the migrants' answer to the 1  
 2 control of their desire' (Papadopoulos, Stephenson, and Tsianos 2008: 218–219). 2  
 3 As migrants move, the authors argue, they shift 'bodies, voices, accents, patois, 3  
 4 hair, colour, height, gender, age, biographies, and transform gradually, carefully, 4  
 5 and painfully their existing bodily constitution' (Papadopoulos, Stephenson, and 5  
 6 Tsianos 2008: 216). 6

7 From this point of view, we could note that the mobility of de-identification, of 7  
 8 becoming, can lead to multiplication of being. The 'illegal migrant' detained in the 8  
 9 CPT on Lampedusa on 23 September 2005 is thus the Kurd Bilal, the Romanian 9  
 10 Ladu, and the Italian Gatti at the same time. He is all three men at once: Bilal- 10  
 11 Ladu-Gatti. It is not that three distinctive independent subjects exist, however. In 11  
 12 the camp, it is an error to suppose that Fabrizio Gatti is real, and not Bilal Ibrahim 12  
 13 el Habib or Roman Ladu. What is at stake is not merely a change of identity 13  
 14 itself but, rather, the de-identification from identification itself. The forces of de- 14  
 15 humanization brought by this subject's mobility generate a process of becoming 15  
 16 that disturbs the distinction between Bilal, Ladu, and Gatti. It is too simplistic, 16  
 17 then, to discount the detention of Gatti, an Italian citizen, as an error. 17

18 'If being is a passport number, the migrant's becomings are countless' 18  
 19 (Papadopoulos, Stephenson, and Tsianos 2008: 217). While 'being' may be 19  
 20 registered as a biometric datum, becoming cannot. While biometrics unites the 20  
 21 three subjective forms of Bilal, Ladu, and Gatti into one calculable being, the 21  
 22 mobility of becoming multiplies this being into three or even more. 22

23 What happens to Bilal, however, following his identification in the CPT? On 30 23  
 24 September, seven days following his detention, Bilal along with 44 other migrants 24  
 25 is taken out of CPT and put on a police vessel. The migrants are not taken to Libya 25  
 26 (as they fear), but to Porto Empedocle in Sicily. Once disembarked, the 36 minors 26  
 27 among them are taken to be reunited with their parents, while the remaining nine 27  
 28 adults, including Bilal, are taken to the railway station. There, they are told (in 28  
 29 English): 'You have five days to leave Italy. You are free'. 29

30 Rachid, a Moroccan detainee explains to Bilal what this means: '[t]he police 30  
 31 give you an expulsion order. You keep it for five days and in the meantime travel 31  
 32 to where you have to go. And then you destroy it. That's what I will do. In Padova, 32  
 33 where my cousin lives, I already have a job waiting for me. There are no other 33  
 34 ways to enter Italy'. The expulsion order given to the nine men states that they 34  
 35 must 'leave the State within five days from notification of the present measure at 35  
 36 the frontier of Lampedusa'. None of the nine intend, however, to leave Italy. They 36  
 37 are 'free' and, indeed, their migratory travels do not conclude in Sicily but, as for 37  
 38 Rachid, continue to another location. Together, they board a train for Palermo with 38  
 39 a ticket for nine adults, with the cost of 48.50 Euros paid for by the police. They 39  
 40 are now 'free' to become 'illegal' migrants, free to remain and work (illegally) in 40  
 41 Italy or other parts of Europe. 41

42 Gatti subsequently traced some of the migrants who left Lampedusa together 42  
 43 with Bilal (Gatti 2005b). Ibrahim, a 22-year-old Egyptian from Cairo, travelled 43  
 44 from Sicily to Northern Italy. Through his cousin, he got a job in just a week, 44

1 working in a cement yard in Lombardy. Two Moroccans, Rachid and Mohammed, 1  
 2 went to look for jobs in agriculture in the provinces of Naples; Ahmed and Hassan 2  
 3 took the train to Torino. Abdrazak remained in Sicily where his uncle works as 3  
 4 a house painter. As Gatti notes, their subsequent routes into Italy's underground 4  
 5 economy should make us reflect upon the function of camps (also) as a reservoir 5  
 6 of the cheapest (and most desperate) labour force, as well as upon the migrants' 6  
 7 continuing negotiation of borders *within* 'EU'rope's territory. Rather than an 7  
 8 end point to their voyage, the camp on Lampedusa is thus simply a transit point. 8  
 9 While some, like the over one thousand 'Mohamed Alis', are directly repatriated 9  
 10 'South', others are expelled 'into' Italy/Europe, continuing their voyages and 10  
 11 'transformations'. 11

12 Here, too, we must be careful not to fall prey to the modern geopolitical 12  
 13 imagination. Even if 'liberated' from the camp, migrants usually end up in very 13  
 14 poorly paid jobs and very difficult conditions (such as many of the migrants that 14  
 15 end up in the fields of Southern Italy, picking tomatoes or oranges). What is more, 15  
 16 their status is always precarious, faced with possible 'interpellation' by the police 16  
 17 every day and constantly in fear of detention and deportation. It is important, 17  
 18 however, to understand migrants' trajectories after being released from the camp 18  
 19 as part of the same geography of spatial and subjective movements that brought 19  
 20 them to Italy. Their mobility does not end as soon as they successfully 'pass' what 20  
 21 appears to be the national border. 21

22 Migrants' do not stop 'actualizing' their mobility after arriving in 'EU'rope, 22  
 23 or after being released from the camp. Both their spatial movements and their 23  
 24 subjective movements of becoming continue, in Italy and indeed throughout 24  
 25 Europe. Migrants move to other Italian or European cities, change jobs, are fired, go 25  
 26 on strike, occupy vacant houses or churches protesting for their rights of residence, 26  
 27 or may even succeed in escaping their 'illegal' status through legalization (many 27  
 28 legal migrants in Italy today are, in fact, 'legalized illegal migrants'). 28

29 We shouldn't therefore see the island of Lampedusa as a border at the edge 29  
 30 of a territory cartographically imagined as a singular block. It is not a 'gateway 30  
 31 into Europe', for Lampedusa (and countless other centres like it, in Italy and 31  
 32 elsewhere) is never the arrival point or final destination for migrants. Lampedusa 32  
 33 is just one of the points through which they pass in a continuing migratory process 33  
 34 along the borders (physical but also subjective) of Schengenland. Yet while such 34  
 35 an understanding can open up new ways of thinking about migrants' travels and 35  
 36 the increasingly de-territorialized borders of 'EU'rope, it also brings our attention 36  
 37 to fundamental questions of rights, and how these may be guaranteed to those 37  
 38 permanently 'on the road': 38

39 39  
 40 The UNHCR convention for asylum seekers protects the rights of refugees 40  
 41 upon arrival, but not when they are upon the road. [Yet] migration does not 41  
 42 really concern the moment of arrival, but the whole trip, almost your whole life. 42  
 43 (Papadopulos, Stephenson, and Tsianos 2008: 215) 43  
 44 44

1 The challenge for 'EU'rope, then, is to fully engage with migrants' mobility, 1  
 2 not just through the institution of ever-new biopolitical bordering mechanisms, 2  
 3 but also through new understandings of 'mobile' rights, new understandings of 3  
 4 the border that recognize, as Sandro Mezzadra has suggested, the rhythms of 4  
 5 becoming of mobility itself (Mezzadra 2004, 2006). 5

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