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ENP as an External Border Policy: Textual Analysis

Abstract: The paper considers the European Neighbourhood Policy (ENP) as a by-product of the EU's external governance. It identifies the vital role of external borders in the integration processes of the European Union (EU). The paper analyzes the border component of the ENP's key documents and respective communications covering the period from 2003 to 2017. The ENP texts recognize external borders as zones of contact and dynamic collaboration. The documents reveal the imperialistic incentives of the EU and identify the management of external borders as a matter of joint responsibilities among the Union and partners.

Key words: European Neighbourhood Policy (ENP), border politics, external governance, Europeanization

Introduction

Currently, there is an outburst of literature on the significance of borders and border-related effects. As Malcolm Anderson clarifies, the main purpose of state frontiers was to establish physical control over territory and "exercise exclusive legal, administrative and social controls over its inhabitants" (Bucken-Knapp, Schack, 2001, p. 15). Overtime, the meaning and functions of borders changed. They have become explanatory variables of a broader range of political and social transformations. For a long period, borders were regarded as fixed, dividing lines on the ground (state-centered conceptual narratives); later, they have turned out to be key actors in the organization, construction and re-production of social life. Moreover, the discourse of globalization and regionalization in the 1980s questioned the role of the state and its borders in controlling flows of capital and mobility of people, and modified the spatial configurations to a large extent. Both "bottom up" and "top-down" processes ended up as "territorial absolutism" – the absolute control of the state through fixed territoriality (Newman, 2005,

p. 15). As Chris Rumford re-affirms, bordering is not always a business of the state, but ordinary people are also gradually involved (Rumford, 2006, p. 164).

Borders are often considered as barriers or gateways; a part of social life, "symbols and geopolitical manifestations of power relations and social institutions" (Berg, 2000, p. 82). Such outstanding scholars as Tuathail & Luke (1994), Paasi (1998), Kolossov & O'Loughlin (1998), Perkmann & Sum (2002), Newman (2005, 2006), Rumford (2006), Shields (2006), Delanty (2006), Ohmae (2007), Cooper & Perkins (2012), Jańczak (2014), Scott (2015) and so on, emphasize the never-ending impacts of bordering process on daily-life. They argue that borders are recognized, structured and treated in different ways and the meanings/functions attributed to them come from the experiences of the people settled nearby. Berg (2002) underlines that borders could be "conceptualized as social constructs of a functional or institutional and cognitive nature, products of not only history and geopolitics, but also created by norms, attitudes and interests and in response to changes in the external geopolitical environment" (Berg, 2000, p. 85).

In brief, bordering practices are not locked into state space, but open to contestation, incorporating local, regional, state-bound and supranational processes in complex ways. Borders are gradually losing their separating functions and are dynamically experienced by the populations settled in cross-border regions (Bioteau, 2015, p. 5). As the "engine of connectivity," borders facilitate the mobility of people locally and globally (Johnson et al., 2011, p. 67). Borders affect the overall development of state, regional and local entities.

Since the very beginning, the founders of the EU (Treaty of Rome, 1957) agreed to "ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe" (EC, 1957, p. 2). The European integration process is inevitably related to both internal and external border regimes. Furthermore, the EU's regional policy originates from the Treaty of Rome and highlights the external borders as a subject of joint responsibilities. To this point, the EU has deployed different geopolitical strategies which are crucial to outline the overall EU border politics inside (among member states) and outside (beyond the outer contour), to clarify the functions and meanings that the EU attaches to its borders and how they are regulated. The Schengen process (1985) constructed a "borderless" region inside the European community and contoured the outer edges. Later, EU trea-

ties (Maastricht, 1992; Amsterdam, 1997; Nice, 2003; Lisbon, 2009) all specifically discussed the importance of borders and their management. The enlargement waves of 2004 and 2007 re-booted the discussion on the significance of European borders and the borders of the EU. The most questionable aspects are the EU's eastward and southward frontiers covering highly varied terrain.

The European Union Neighbourhood Policy (ENP) is a good example of the EU's external eastward and southward governance – how the EU transfers its core democratic values and experience abroad. They have emerged to become geo-strategic tools of the Union to extend EU standards beyond its borders, without institutional enlargement. The paper provides textual studies of key ENP documents and outlines what kind of core strategies the EU directs towards ENP partners.

This paper studies the border component of the following documents, and strives to identify what type of external border regime the ENP creates:

1. Communication from the Commission to the Council and the European Parliament, Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours (COM 2003, 104 final, Brussels 11.3.2003);
2. Communication from the Commission, Paving the Way for a New Neighbourhood Instrument (COM 2003, 393 final, Brussels 01.07.2003);
3. ENP Strategic Paper (COM 2004, 373 final, Brussels 12.5.2004);
4. Communication from the Commission to the Council on the Commission Proposals for Action Plans under the European Neighbourhood Policy ENP (COM 2004, 795 final, Brussels 9.12.2004);
5. Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy (COM 2006, 726 final, Brussels 4.12.2006);
6. Communication from the Commission, A Strong European Neighbourhood Policy (COM 2007, 774 final, Brussels 05.12.2007);
7. Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Delivering on a New European Neighbourhood Policy (JOIN 2012, 14 final, Brussels 15.5.2012); Review of the European Neighbourhood Policy (JOIN 2015, 50 final, Brussels 18.11.2015); Report on the Implementation of the European Neighbourhood Policy Review (JOIN 2017, 18 final, Brussels 18.5.2017).

Setting the Scene

ENP – Tool of External Governance

Following the enlargement cycles, the Union has become more focused, creating a common *external mode of governance* and respective mechanisms for implementing external policies. To that end, the EU initiated some improvements in the area to enhance its legitimacy, to reduce economic disparities and create well-off conditions for security. The EU's intention to foster the "legislative and regulatory approximation" of its neighbors is frequently explained by the Union's ambitions to dominate and/or civilize, rather than be universalistic and cosmopolitan (Barbé et al., 2009, p. 379). The attempts of the Union to produce an EU-specific system of governance beyond its borders are conceptualized under the "Europeanization" approach, the concept of "external governance" and a value-laden foreign policy (Barbé et al., 2009, p. 380). Scholars in the field frequently use these terms to explain deliberate promotion of the EU's principles beyond its borders. Barbé et al. define the following approaches accordingly (Barbé et al., 2009, pp. 380–381):

1. "Europeanization" as a process where the "EU's economic and political dynamics become part of the organizational logic of national policy making;"
2. "External Governance" is a "dynamic which spurs the extension of parts of the Union's *acquis communautaire* beyond the circle of member states;" Campain defines it as an over-arching and consensus-based foreign policy tool to socialize neighboring countries in line with its internal standards without them becoming a part of the EU's institutional framework (Campain, 2012, p. 125);
3. The value-laden foreign policy explains the EU's purpose as a civilizing and dominating, or ineffective and contradictory foreign policy.

The fourth approach of "policy convergence," which Barbé et al. (2009) are in favor of, is based on the complex interaction between the EU and its neighbors to enhance policy similarities rather than unidirectional "policy transfers" (ibid., p. 382). As the authors remark, relations between the EU and its neighbors converge on the adoption of international norms (often cited in ENP Action Plans), bilateral negotiations (tailor-made deals) and EU norms (EU-based convergences). "Policy convergence" stands on the *structure of incentives* (where the interests of both sides are accounted),

mutual perception of legitimacy (aptness of the adopted rule) and *intra-EU Cohesion* (internal cohesion between the EU instruments, structures and practices) (ibid., pp. 384–86). Berg and Ehin (2006) characterize EU external policies as "composite"[1] when different parts of the policy are elaborated by different decision-making agencies, whose references are shaped by sectoral policy paradigms (Berg, Ehin, 2006, p. 56).

The ENP policy fits all these theoretical reflections well. It could be regarded as an attempt by the Union to Europeanize or transform outsiders, or a tool of policy transfer or convergence, or a common foreign policy instrument towards the neighboring partners. ENP documents firmly reflect the EU's interests in cooperative engagement with neighbors to find common solutions.

The Project of European Integration and ENP

The project of European integration covers both internal and external borders. The models of EU integration emphasize the different functions of the external borders and how space is organized near them. Zielonka (2001) distinguishes two possible models for European integration: the Westphalian type of super-state and the neo-medieval empire. The first model is related to the concentration of power, hierarchy, sovereignty and precise identity, with fixed and relatively hard external border lines. The second model is associated with divided sovereignty, diverse institutional arrangements and multiple identities, with soft border zones which are subject to regular shifts (Zielonka, 2001, p. 509).

It seems now very difficult to evaluate which model explains the EU integration process better. As Zielonka discusses, the Union is attempting to introduce the idea of a European central government in the fields of home affairs and justice, monetary policy or defense policy, but it still lacks a strong cultural identity and sovereignty. According to Zielonka's (2001) assumptions: if the EU veers toward the Westphalian super-state type, it means that the Union will have centrally governed hard borders; if the Union looks like the neo-medieval model, it will have a soft border zone. As he (2001) evaluates, the current border regime of the EU is in compliance with the neo-medieval model rather than the Westphalian one. He mentions several arguments for this (Zielonka, 2001, pp. 518–519):

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[1] Berg & Ehin borrow the notion "composite" from Sedelmeier (2002).

1. Despite the fact that Schengen became a symbol of border harden-ing and visa regulations for eastern European countries, the policy is about the free movement of people;
2. It may be very difficult to maintain a hard external border regime with the most successful states of the ENP/EaP;
3. The hard border isn't an absolute concept; fuzziness and openness of borders differ due to various functional fields.

Additionally, the approach of Zielonka demonstrates that a hard bor-der may not be sustainable, durable or effective due to practical, moral and ideological reasons, or due to national minorities and other concerns. Kramsch et al. (2004) share the same assumptions and compare contem-porary EU development to a neo-medieval model where multiple sover-eignties, powers and authorities exist. The organization of the EU's ex-ternal borders is still far from a super-state model, because EU members have not ceded their sovereignty, and national identities still matter. The impermeability of the external borders of the EU is visible, but on the other hand, the neighborhood policy opens up new cooperative initiatives across borders (Kramsch et al., 2004, p. 15).

Another explanation over the evolving nature of the EU external bor-der regime is provided by Browning and Joenniemi (2008). They ana-lyze the models of a Westphalian, imperial and neo-medieval EU. The Westphalian model regards the EU as a modern statehood (unitary actor), where power is concentrated in Brussels and applies across the territory up to the border (Browning, Joenniemi, 2008, p. 522). The use of this model is limited due to the failed EU projects (such as the army, constitu-tion or bilateralism in Security and Foreign Policy) and their intergovern-mental nature. Moreover, this model says less about the EU's interests in managing the external frontiers. In the imperial model, power is centered in Brussels and scattered over many levels. The logic of this model indi-cates that the EU exists to bring stability, to organize space with moral prerogatives and spread European values beyond its borders. The model considers the EU's exterior as a source of threats, and accordingly, with the intention to provide stability inside, the Union tends to develop imper-meable borders to exclude any danger. On the other hand, the EU strives to extend the system of the EU's governance beyond its borders, as an effective tool for building a peaceful neighborhood. The third geopolitical model – a neo-medieval Europe – suggests that power is not concentrated in a single centre (Brussels), corresponding to the logics of networked and regionalized governance.

Walters outlines four EU geostrategies towards borders: a *networked (non) border* refers to the existence of networked cooperation among insiders and outsiders; a *march* is a borderline which creates a dynamic buffer zone between territorial entities; a *colonial frontier* is outward-oriented, a line of demarcation characterized by asymmetric relationships, and is related to the transformation of the outside in accordance with internal preferences and then absorbing the territory under influence; a *limes* is a defensive line intended to keep what has been achieved to date (Jańczak, 2015, pp. 18–19; Browning, Joenniemi, 2008, pp. 527–29). Scholars advocate different strategies to analyze the ongoing bordering processes of the EU. But the real nature of the EU's external border actually depends on which type of strategy the EU chooses towards the immediate neighborhood and how the partner state sees the Union (Iso-Markku, 2009, p. 50).

It is quite hard to evaluate which model of EU integration the ENP as a single policy responds to. The situation differs on the eastern (ENP/EaP) and southern borders (ENP/UfM) of the Union. The current visa-free regime towards Moldova, Georgia and Ukraine is a sign of the imperial model of EU integration, while the Union tends to the lime geostrategy in the south.

Textual Analysis of ENP Documents

The Communication from the Commission to the Council and the European Parliament in 2003 describes the EU's interests in enhancing cooperation on its external land and sea borders. The Communication underlines the "equal stake" of the enlarged EU and its neighborhood to encourage transnational trade, mobility, political stability and mutual production. In the context of proximity, the border zone is considered as an area of joint responsibilities. For that purpose, it considers regional and sub-regional cooperation as preconditions for economic development, political stability and social cohesion. An important part of the document is dedicated to the joint management of new external borders, transboundary flows of goods and mobility. Joint border management covers infrastructure, interconnected transports, energy and telecommunication networks, cultural and ethnic affinity, security, migration policies, environmental issues and so on (COM, 2003b, p. 6). Another Communication from the Commission (393 final) in 2003 covers the following objectives in the border area (COM, 2003a, pp. 5–6):

– Sustainable economic and social development – cross-border cooperation on economic and social issues to increase the economic attractiveness of external edges;
– Accelerate joint working to address comprehensively common concerns in the border regions;
– To ensure secure borders – multi-level approach to implementation of border politics;
– Border as a zone of interaction – people-to-people contacts among local communities.

The Communication lists the European financial instruments (INTERREG Community Initiative, PHARE CBC, TACIS CBC, CARDS and MEDA) supporting cross-border, sub-national and transnational cooperation along external borders. These financial perspectives lasted till 2006, while from 2007 onwards the EU committed to create a new financial instrument to increase the effectiveness and visibility of cross-border collaboration (ibid., p. 7).

After the enlargement in 2004, the EU has striven to deal with the new reality: first, to stabilize its external borders, second, to avoid "dividing lines" between the Union and its neighborhood, and third, to enhance cooperative relationships. For these purposes, the EU has introduced a proximity policy, the European Neighbourhood Policy (ENP), with the ultimate aim of offering "more than partnership, less than membership." As Romano Prodi, President of the European Commission, stated in 2002: the proximity policy "should not start with the promise of membership and would not exclude eventual membership, as it describes 'sharing everything with the Union, except its institutions'" (Romano Prodi, 2002). The ENP is based on the idea of "wider Europe" with blurred borders, a space of common values, convergence and integration (Celata, Coletti, 2015, p. 3). Celata and Coletti (2015) argue that the ENP seeks to avoid the "dividing lines" resulting from the Schengen Agreement (territorial metaphors "Wider Europe" vs. "Fortress Europe").

The European Neighbourhood Policy Strategy Paper (2004) sets the goals to "prevent the emergence of new dividing lines between the enlarged EU and its neighbours" and to provide the neighbors with opportunities to take part in EU projects (COM, 2004b, p. 3). The ENP brings economic and political reforms to "promote a ring of well-governed countries." The document stresses regional cooperation and integration over the EU's external edges by developing divergent forms of cross-border cooperation with the involvement of multiple actors (local,

regional, state and non-state). The document evidently prioritizes cross-border, transnational and regional cooperation with ENP partners, with concrete positive impacts on economic and political performance. The strategy paper declares border management a matter of common interest, in order to provide legitimate and secure mobility. ENP Action Plans are "both realistic and ambitious," also contribute to the CBC among the EU and partners (COM, 2004a, p. 4).

The Communication from the Commission to the Council and Parliament 2006 again highlights the vital role of the EU in developing better governance in the neighborhood. The Commission reviews cross-border cooperation programs (under ENPI) as a real foundation for grass-root cooperation among sub-national and local entities to tackle common concerns (environment/transport/communication/maritime/socio-cultural exchanges, etc.) collectively (COM, 2006). Through the ENP, the EU is actively involved in spreading peace across its borders to neighboring regions engaged in conflict. In 2007, under the ENPI, the Commission drafted CBC programs covering external borders to reduce disparities between EU and ENP border regions and make the neighborhood stronger (COM, 2007, p. 10). Later in 2012, another Joint Communication paper introduced the new European Neighbourhood Instrument (ENI), designed to replace the ENPI in 2014 (JOIN, 2012). As the Communication states, the new financial instrument will simplify the implementation of cross-border cooperative programs on the EU's external borders.

The Joint Communication of 2015 mentions cross-border cooperation under the section on the security dimension. It prioritizes the active engagement of the partners to address cross-border threats and secure the common borders (JOIN, 2015, p. 12). The Joint Communication of 2017 re-affirms the continuation of territorial cooperation through drafting of new cross-border programs across the external outers of the EU (JOIN, 2017, p. 9).

To sum up, the ENP policy documents truly describe borders in a very positive way as a "zone of prosperity," "ring of friends" or "common spaces" and regard EU's eastward border as a porous zone, not as an outer security edge (Campain, 2012, p. 129).

But despite this, it is worth mentioning that after the enlargement of Schengen in 2007, the new members operationalized the key principles of the Schengen agreement, such as abolishing internal borders and hardening of external ones (EC, 2007). This situation negatively affected the

eastern border of the EU and a paradoxical situation has been created: on one hand, the Union contributes to harmonizing external relationships with its neighbors, and on the other hand, it obliges the members to implement the *Schengen acquis* on border control (Campain, 2012, p. 130). As a result, some scholars evaluate the ENP as a counterproductive, or inconsistent policy (Campain, 2012; Buşcaneanu, 2015). Kølvraa (2017) marks the policy as unclear, which "locks the neighbours into the perpetual Europeanization which would never lead to Europe" (Kølvraa, 2017, p. 21). Nevertheless, the official narrative truly identifies border regions as a permeable zone, open to reciprocal co-actions.

Conclusion

This study of the EU's external mode of governance and geostrategies on its external borders enables us to explain the complex chain of border policy construction at its external edges. The ENP enhances the imperialistic characteristics of the EU. Dealing with its eastern neighbors, the policy follows a colonial frontier geostrategy, as it believes in the potential of gradually transforming its neighbors towards democratic values (Browning, Joenniemi, 2008, p. 537). More explicitly, the ENP is devoted to internalizing EU values and EU-style policies beyond the EU.

The ENP strategic paper underlines the objectives of the ENP "to share the benefits of the EU's 2004 Enlargement with neighbouring countries in strengthening stability, security and well-being for all concerned. It is designed to prevent the emergence of new dividing lines between the enlarged EU and its neighbours, and to offer them the chance to participate in various EU activities, through greater political, security and cultural co-operation" (COM, 2004b, p. 3). Border management topped the priorities set out in the ENP-related communications, to facilitate legal border-crossings without extreme administrative barriers. Furthermore, the ENP stresses the importance of regional, sub-regional and local cooperation to address common solutions at the EU's external borders and calls for joint cooperative initiatives to develop cross-border cooperation eastward and southward. The ENP documents clarify borders as gateways and border regions as contact zones. As a border policy, the ENP is an umbrella of external institutionalized cross-border interaction among EU and non-EU members (Lavenex, Schimmelfennig, 2009, p. 807).

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Europejska Polityka Sąsiedztwa jako polityka granic zewnętrznych: analiza tekstowa

Streszczenie

W artykule przedstawiono Europejską Politykę Sąsiedztwa (EPS) jako produkt uboczny zewnętrznego zarządzania Unii Europejskiej. Uznaje ona kluczową rolę granic zewnętrznych w procesie integracji UE. W artykule przeanalizowano komponent graniczny kluczowych dokumentów EPS i odpowiednie komunikaty dotyczące okresu od 2003 do 2017 r. Teksty dotyczące EPS uznają granice zewnętrzne za strefę kontaktu i dynamicznej współpracy. Dokumenty ujawniają imperialistyczne tendencje UE i uznają zarządzanie granicami zewnętrznymi za kwestię wspólnej odpowiedzialności ponoszonej przez Unię i jej partnerów.

Słowa kluczowe: Europejska Polityka Sąsiedztwa (EPS), polityka graniczna, zarządzanie zewnętrzne, europeizacja