Remaking Europe's Borders through the European Neighbourhood Policy

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Abstract

This Working Document explores the implications of the European Neighbourhood Policy (ENP) as an ambitious EU foreign policy for the development of a European political community. It suggests that the ENP can be viewed as an attempt to reconcile two potentially contradictory processes. The first – 'border confirming' – is about confirming border areas of demarcation and division, in which borders are conceived as boundary lines, frontier zones or barriers that protect the European Union and its citizens. The second – 'border transcending' – consists of a challenge to open EU borders and involves the transformation of the EU's external boundaries into zones of interactions, opportunities and exchanges, with the emphasis on the transcendence of boundaries. To unravel some of the contradictions surrounding the highly contested phenomena of mobility in the neighbourhood, this paper analyses three bordering strategies: state borders, the imperial analogy and borders as networks. Each corresponds to different forms of territoriality and implies a different mode of control over the population.

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REMAKING EUROPE'S BORDERS THROUGH THE EUROPEAN NEIGHBOURHOOD POLICY

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Introduction

This Working Document examines the European Neighbourhood Policy (ENP) as an attempt by the European Union to transform its external borders and to create an area outside its boundaries that constitutes a stable, prosperous and friendly neighbourhood. At the same time, the ENP can be viewed as an attempt to reconcile two potentially contradictory processes. The first – 'border confirming' – is about confirming border areas of demarcation and division, in which borders are conceived as boundary lines, frontier zones or barriers that protect the Union and its citizens. The second – 'border transcending' – consists of a challenge to open EU borders and involves the transformation of the EU's external boundaries into zones of interactions, opportunities and exchanges, with the emphasis on the transcendence of boundaries. Accordingly, one of the goals of the ENP is to soften the borders of the EU and to prevent the emergence of new dividing lines.

The ENP can therefore be read in terms of these two interrelated conceptions of border confirming and border transcending processes. While the ENP seeks to balance these two processes, this paper argues that greater emphasis has been placed on the former at the expense of the latter – especially where issues concerning the freedom of people to move and to travel are at stake. Hence, this paper suggests that the construction of the EU's neighbourhood can be seen as a testing ground for investigating the EU's claims to openness, solidarity and inclusiveness. The paper goes on to discuss the difficulties in reconciling these two simultaneously competing conceptions and to assess the continuing transformation of the Union's external borders.[1]

The key question this paper explores is what kinds of borders are emerging in the European neighbourhood. The paper asserts that no single model of borders is adequate to explain the complexity of the current geopolitical situation, in which a variety of actors, contradictory

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[1] The research for this paper was supported by the EU's 6th Framework Programme under Priority 7, Area 4.2.1 "New Borders, New Visions of Neighbourhood" (CIT5-028804). It draws upon a series of interviews conducted with European Commission (EC) officials, members of the European Parliament (MEPs) and representatives from European civil society organisations in Brussels, who agreed to be quoted as part of this research in exchange for being granted anonymity. It also utilises official documentary sources connected with the ENP, in particular ENP policy documents and the speeches of Benita Ferrero-Waldner, the former European commissioner for external relations and the ENP (retrieved from http://europa.eu.int/comm/world/enp/document_en.htm). In the interests of brevity and consistency, extracts from interviews with EC officials are cited in the text according to the particular Directorate-General (DG) they represented followed by the date of the interview. The DGs involved included DG RELEX (External Relations), DG JLS (Justice, Freedom and Security) and DG REGIO (Regional Policy).

processes of integration and disintegration, cultural openness and anxiety are all at play in this diverse and contested neighbourhood space.[2] To unravel some of the contradictions surrounding the highly contested phenomena of mobility in the neighbourhood, the paper examines three bordering strategies: state borders, the imperial analogy and borders as networks. Each corresponds with different forms of territoriality and implies a different mode of control over the population, while showing how borders have been associated with alternative meanings and have acquired diverse functions and significance in specific times and places.

The state-centric paradigm of borders

> I think it is fair enough that each country controls and decides who comes to its territory because the governments are responsible for providing security to its citizens. So it is ridiculous to discuss if the visas are useful or not. Instead we need to think how to modernise visa regimes so that those who contribute to security risks are stopped before entering to our territory. Every sovereign state has the right to decide about the visas and who gets in. (Author's interview with a cabinet member of the former EU commissioner for external relations, Benita Ferrero-Waldner, 17 July 2007)

> We live in a world of separate states and states will not get rid of their border controls. So yes we need border control unless we get rid of sovereign states. There is perhaps still a tendency that states think border controls are absolute – if you have good border control you can stop anybody who should not be getting through. (Author's interview with an EC official at the DG JLS, 22 June 2006)

These two extracts from interviews with EC officials come as bad news for those who claim that post-national or post-modern borders are replacing classical nation-state borders. Each represents the view that states wish to remain in full control and in exclusive power within clearly demarcated territorial units. According to this state-centric position, states have exclusive power within their territories, domestic and foreign affairs are separate realms, and the boundaries of a state define the boundaries of its society (Agnew, 1999). This conception of borders reflects what John Agnew calls a "field of forces", more specifically "a geopolitical model of states as rigidly defined territorial units in which each state can gain power at the expense of others and each has total control over its own territory" (Agnew, 1999, p. 504). In this image of political space, the relationships among states are purely external and the boundaries of social relations are circumscribed by territorial nation-states.

In line with this state-centric thinking, border-related strategies remain a powerful instrument in the hands of states. On this reading, as states are conceived as the main containers of people and of society, state borders are to be regarded as barriers to human, economic, cultural and social cross-border contacts represented by the lines that separate territorially defined units. Yet an increasing number of scholars (e.g. Brenner, 1999; Beck, 2007) argue that such state-centrism is no longer an appropriate methodological strategy to explain the dynamics of contemporary trans-boundary practices. Nevertheless, it can be maintained that to a certain extent the ENP has transformed the modernist understanding of singular state sovereignty and rigidly defined territorial units in which each state controls and regulates its affairs within its own territory. In this respect, the ENP seeks to move beyond the traditional outside–inside dichotomy and the

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[2] The territory designated as part of the EU neighbourhood includes Algeria, Armenia, Azerbaijan, Belarus, Georgia, Egypt, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Syria, Tunisia and Ukraine. This gives the European neighbourhood space an extremely heterogeneous character and composition.

frontiers between the internal and external are becoming increasingly interwoven – notwithstanding the above remarks of EC officials.

In this connection, it is important to note the regulatory function of states in the field of cross-border mobility. Borders are about the concentration of power, hierarchy, sovereignty and homogeneity. The first and the most frequent questions EU officials hear from their 'friends' and 'partners' in the EU neighbourhood concern freedom to travel (visa regimes) and migration (the opening of labour markets). As pointed out by several EC officials and MEPs, states appear ready to accept the free movement of goods, capital and services, but baulk at the prospect of the free movement of people from non-EU countries – with one EC official expressing this stance as follows:

> We need to guard our precious freedom of movement within the Schengen area. I don't appreciate border controls myself. But we have a common bloc, a common market, so we need to take care of external borders to fight against illegal migration. So here border controls are necessary because not all the people just want to come to the EU for a visit. (Author's interview with an EC official at the DG REGIO, 8 June 2007)

Despite the proclaimed goals of inclusiveness, integration and associated claims regarding the opening of EU borders, EU member states remain reluctant to offer any large-scale concessions to ease travel or legal migration quotas for work for those within the EU neighbourhood area. Closer scrutiny reveals that member states are not ready to deliver these promises or to meet such expectations from their neighbours. The original incentive of a 'stake' in the internal market (European Commission, 2003a) has been reduced to the three long-term objectives of the free movement of goods, capital and services.

Accordingly, EU member states still regard visa procedures as a fundamental means to control the proliferation of cross-border movement and to reduce the risks of illegal immigrants arriving in the EU. This state-centric scenario implies that states are encouraged to be in charge of their borders. Similarly, the implementation of the latest Commission proposals on a global approach to migration (European Commission, 2006c) depends on the regulatory mechanisms and willingness of the member states. As stated by one official from the DG JLS, "the Commission has to sit and wait because it is entirely up to member states how many people they let in. If member states were to offer incentives for mobility I think our relationship with these countries would move on very quickly" (author's interview with an official at the DG JLS, 15 June 2007).

ENP documents recognise the need to facilitate trade and socio-economic and cultural exchanges but also simply to allow people from the ENP countries to travel under better conditions into the EU. In its Communication on Strengthening the European Neighbourhood Policy, the European Commission has explicitly acknowledged this weakness in its cross-border mobility practices: "[O]ur existing visa policies and practices often impose real difficulties and obstacles to legitimate travel. Long queues in front of EU consulates are highly visible signs of the barriers to entry into the Union" (European Commission, 2006b).

Nonetheless, the Commission itself is divided on the issue of reducing the conditions for travel for people from non-EU countries. On the one hand, the DG RELEX advocates a gradual opening of EU borders that would transform them into integrated borderlands. But as expressed by one of its officials, "our hands are tied when it comes to the mobility – we play the role of advocates because we are not the master of the game here" (author's interview with an official at DG RELEX, Brussels, 6 June 2007). At the same time, the DG JLS formulates its policies on mobility based on real or perceived threats or risks to national sovereignties, and hence remains rather reluctant to offer any further concessions on travelling.

On this reading, EU citizens who otherwise remain divided on border-related issues such as questions of membership, deeper economic cooperation or the finality of EU borders, reach at

least one point of consensus, *viz* that the uncontrolled cross-border movement of people (or what is labelled as 'illegal migration') presents one of the biggest challenges or threats coming from the EU's neighbourhood. Thus, borders entail impeding illegal migration, organised crime and trafficking.

'Bordering' practices are underpinned by images of boats full of immigrants arriving on European coasts, Africans climbing over the walls in Ceuta or the influx of immigrants into EU territory. In a situation where immigrants are being portrayed as threats and criminals, it is not surprising that a survey on the EU's relations with its neighbours conducted in 2007 showed that a large majority of respondents (89%) think it is very important to cooperate with neighbouring countries on organised crime and terrorism (see European Commission, 2007c). Accordingly, immigrants are not only recipients of the policies designed in EU capitals but they are also influential in shaping borders through policies designed to regulate migration. In this case, the emphasis on confirming borders permeates the discourse of EU decision-makers and the wider EU public(s), although a higher share of respondents from older EU member states considers immigration to be very important while newer member states give more weight to economic development. But there is less agreement among European decision-makers in Brussels and in national capitals on how to address the common threat of illegal immigrants.

This debate concerning the mobility of people clearly suggests that Beck's notion of "the paradox of frontier mobile Europe" (Beck, 2005, p. 131) – i.e. that the more that frontiers within the EU are dismantled – the more forcefully they are invoked and strengthened in relation to 'others', is also taking place in the EU neighbourhood. When in December 2007 the Schengen area was enlarged by nine new member states, it was accompanied by further fortification of the external borders of the EU. Hence, while new member states can finally enjoy the benefits of being part of the Schengen accord, their neighbours in the immediate vicinity once again feel the negative consequences of being only a neighbour.

This limitation on the freedom to travel has been heavily criticised by the new member states, with some arguing that "freedom to travel for our eastern neighbours should be a priority because it affects perceptions and what you express as exclusion. We talk about a friendly neighbourhood and yet ordinary people are deprived from a fundamental right to travel" (author's interview with an EC official at DG RELEX, 15 July 2007). The introduction of visa regimes by new member states has had particularly negative effects on people-to-people contacts in the border regions in Eastern Europe, where cultural, familial and economic ties exist (Dimitrovova, 2007).

Many commentators (especially human rights and civil liberties activists) have described these border practices in terms of an emerging 'fortress Europe': a metaphor denoting a rather centralised EU with impregnable and recognisable external borders.[3] This conception, however, is challenged on several occasions in the framework of cross-border cooperation practices as well as by continual migration flows into the EU. When one route into the EU is shut down another is just as often discovered. Consequently, even if the construction of a fortress Europe might be thought desirable within certain EU circles (or in ministries of the interior in national capitals), it is exceptionally difficult to keep the gates of the fortress firmly shut against those seeking entry.

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[3] This term recurred in many different interviews with European civil society organisations conducted in Brussels during June and July 2007, particularly with activists from Aprodev (the Association of World Council of Churches-related Development Organisations in Europe), Eurostep (European Solidarity Towards Equal Participation of People) and WWF (World Wide Fund for Nature).

In this context, it is worth noting that the ENP has been designed to mitigate the negative effects of new dividing lines and to avoid breaking historical, economic, cultural and social ties in the Eastern European neighbourhood (Kazmierkiewicz, 2005). When the local communities in the Polish–Ukrainian, Slovak–Ukrainian and Hungarian–Ukrainian border regions expressed opposition to the strengthening of border controls that was to accompany the implementation of the Schengen system after December 2007 – creating new barriers to travel and trade among local communities – the European Commission responded by proposing to introduce local border traffic and visa facilitation agreements. The European Council adopted (in December 2006) a new regulation on local border traffic that provides borderland communities with simplified provisions to travel across borders, provided member states reach such an agreement with neighbouring non-EU countries. Yet so far only Ukraine and Moldova have concluded visa facilitation agreements with the EU under the terms of 'strict conditionality' (readmission agreements). Among the EU's southern neighbours, Morocco continues to negotiate with the EU for similar arrangements, but it remains reluctant to conclude readmission agreements on account of the large number of migrants that utilise Morocco as a transit zone for entry into the EU. As one diplomat from the Moroccan mission to the EU explained, "Morocco has become a transit country. We can readmit our own citizens but most migrants originate from the sub-Saharan countries and here we have no financial means to take them back" (author's interview, Brussels, 10 December 2007).

A second feature of borders concerns the prevailing mistrust among states, particularly between insiders and outsiders. Here borders express a state's powers but also a dividing line among distrustful states. Perceptions of the ineffectiveness of border controls, corrupt border guards and a general lack of trust among state officials are widespread among European actors. As stated by one Dutch MEP, "we need to protect our system and our society against the fact that in Russia or in Moldova you cannot entirely trust the system. These are countries with lots of corruption and criminal activities where they don't have proper border control[s] themselves and for this reason we have these visa restrictions" (author's interview, 15 June 2007). Under such circumstances of high levels of mistrust between the EU and its neighbours, combined with common perceptions of high security risks, it is hard to sustain the notion that state borders are fading away. On the contrary, the ENP operates primarily within an intergovernmental framework through national institutions, and aims at building up the capacities of member state institutions to better control their territories and to better manage their borders. Instead of downgrading state borders, state institutions and agencies are being encouraged to establish absolute control over their territorial areas and to exercise legal, administrative and social controls over the inhabitants. This process of "encaging" socio-economic and politico-cultural relations within the state's boundaries (Mann, 1997) can be seen at work within the ENP.

One final remark concerns debates about the ultimate borders of the EU. A proposal by French president Nicolas Sarkozy for a "fundamental reflection" on the future of the EU – including its borders (Mahony, 2007) – suggests that similar to the ways in which state borders come to define the very essence and identity of a political community, the nature and extent of its (external) borders are important aspects of the EU as a polity. As expressed by one Polish MEP, "any political community has grown up in a defined territory. You have to somehow circumscribe territory and within this territory you can build up political community" (author's interview, 14 September 2007). Such a desire or intention to delineate the EU's final borders can also be found within the ENP framework. The fact that candidate countries are explicitly excluded from the ENP suggests that at least for now, it is clear to EU officials where the

ultimate borders of the EU lie.[4] This shift towards fixing the Union's final borders, however, has not gone unnoticed, and it has given rise to criticism in the neighbourhood, particularly in Ukraine and Moldova. There is a clear feeling within these countries of being downgraded by the current classification of neighbourhood countries, and deep dissatisfaction at being included in the same policy framework as the EU's southern neighbours. On its eastern front in particular, the Union faces several challenges in sustaining 'everything but institutions'. As put by a member of Ferrero-Waldner's cabinet, the challenge in the east is "how to support those who choose democratic and European values and at the same time trying not to [let] their disappointment [grow] too deep because the Union doesn't want them in" (author's interview, 25 May 2007).

The empirical evidence presented in this section in relation to the movement of persons therefore supports an argument that state borders are important objects of analysis – despite claims that they are rapidly fading in a globalising world. Their degree of transformation consequently warrants analysis and their continued importance in this regard should not be dismissed.

The imperial analogy

> Empires need to be big. If they were not they would not live up to their high appellation. Since nobody can tell how big is big enough in order to attain an imperial dimension, *in dubio* bigger is better. (Somek, 2005, p. 9)

> It is in the European interest that countries on our borders are well-governed. Neighbours who are engaged in violent conflict, weak states where organized crime flourishes, dysfunctional societies or exploding population growth on its borders all pose problems to Europe. (European Council, 2003, p. 7)

The first of the above quotations commenting on the expansionist nature of empires can be applied to the Union's strategy towards its periphery. The second quotation suggests there is something imperial about the Union's intentions in an unstable and 'troublesome' neighbourhood where the core of the EU seeks to insulate itself from 'dark zones'. Building upon the recent work in the social sciences addressing the theme of the 'return of empire',[5] this paper argues that we can observe some features of imperialism in rebordering practices in the EU neighbourhood.[6]

Unlike state-centric approaches centred on notions of inclusion and exclusion, imperial rule is based on indirect rule over a vast territory where the empire in question (in this case the EU) seeks to assert control of its surrounding territories (the ENP countries) through cooperation and negotiations with the elites of these territories, rather than through the traditional methods of war. As suggested by O'Dowd (2007, p. 9), "multiple and overlapping expressions of territoriality are the consequences of imperial rule delegated to various subordinate authorities". This use of the notion of empire therefore detaches it from its traditional military associations. Consequently, it is not problems of a military nature or territorial conquest that dominate EU

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[4] Thus Turkey, as a candidate for EU membership, is not included in the ENP (although many interviewees mistakenly imagined it was).

[5] See Weaver (1997), Christiansen and Jorgensen (2000), Zielonka (2001), Browning (2005), Holm (2005) and Anderson (2007).

[6] The following discussion draws upon previous work suggesting that an empire entails several features that can help us to unmask some aspects of rebordering processes in the neighbourhood (Dimitrovova, 2006).

discourse on its neighbourhood borders. Through negotiations, persuasion and cooperation – often labelled as 'soft imperialism' – the EU characteristically seeks to exert its influence and power in the European neighbourhood. The question, therefore, is what happens if these soft tools are not sufficient? For instance, so far the ENP has been a very weak instrument in the southern neighbourhood, where designated states are neither responsive towards the Union's soft mode of action nor convinced of its attractiveness.

Empires sustain a range of relationships and levels of influence with neighbouring countries and populations. Accordingly, the ENP can be seen as setting up asymmetric relations among and between states in the EU's neighbourhood, thereby allowing the EU to establish its rule in particular zones of interest or influence. Such unbalanced and asymmetric power enables the EU 'empire' to impose its understanding of borders upon peripheral states. Marchetti (2006) nevertheless argues that the EU cannot have an interest in growing these asymmetries as the costs will ultimately be too high – the greater the differences, the higher are the costs to maintain these differences.

Some authors (Zielonka, 2001; Weaver, 1997) conceptualise this current constellation of states as a series of concentric circles developing formally or informally around power centres. This concept of concentric circles is about degrees of (geographical) proximity as well as participation in policy-making processes and regulatory spaces. The latter depend upon a variety of factors, which include EU prescriptions along with the willingness of the ENP countries to cooperate with EU plans and programmes. The ENP envisages various modes of participation in the EU's agencies and programmes if certain conditions are met (European Commission, 2006a). The three partners Israel, Ukraine and Morocco are identified as being the most likely to benefit from these programmes, reflecting the ranking of potential friends and neighbours participating in the ENP.

Indeed, although the official ENP documents declare that the same opportunities are open to all neighbours, closer scrutiny reveals the hierarchy of friends among the neighbours. Ukraine is considered to be a very good friend and an important neighbour of the Union in an otherwise post-Soviet space traditionally dominated by Russia, where the EU and Russia not only have conflicting interests but also different methodologies or practices. Russia opts for traditional means of threats and aggression whereas the EU exerts its soft power by offering deeper integration and a variety of incentives, hence attracting states into concentric circles. To formalise a privileged relationship, the EU is currently negotiating an enhanced agreement with Ukraine. In the south, Morocco remains an example of a very close partner and an ally and is discussing the possibility of 'advanced status' among the southern neighbours. Here, the EU finds the need to coordinate its policy with the US, but provides an alternative for the Arab countries that are increasingly dissatisfied with America's coercive interventions in domestic affairs.

In relation to the mobility of persons, the gates of an empire can be opened only for selected and differentiated groups of people – businessmen, public servants, diplomats, students or researchers. These categories are eligible to receive access to long-term and multiple visas – a practice introduced by the EU and subject to severe criticism. Guild (2005) has pointed out that this mechanism of privileging only some social groups as regards issuing visas can create deeper socio-economic gaps and fractions across already divided societies in the EU's neighbourhood. And in discriminating against some groups in favour of others, the opening and softening of borders promoted by the EU seems to serve the interests of 'elite' groups in neighbouring states. In the context of a first ENP conference, which brought together those ministerial and civil society representatives from the ENP countries who managed to receive visas in September 2007, the Commission proposed facilitation of short-term travel, particularly for participation in ENP meetings and events (European Commission, 2007b).

Like nation-states, each empire has its ideology. One of the main objectives of the ENP is to develop a zone of peace and stability – "a friendly neighbourhood", a "ring of friends" – with whom the EU enjoys close, peaceful and cooperative relations in an otherwise conflict-ridden neighbourhood (European Commission, 2003a). Just as empires seek to establish and maintain a zone of peace to enhance trade opportunities and generate wealth (Weaver, 1997, p. 63), so too can the ENP can be understood as a "peace project" with a similar mission. Thus, the EU is represented as open and vulnerable to trans-boundary threats ranging from illegal migration to organised crime, and from energy security to terrorism.

At least in rhetoric, the ENP highlights joint responsibility and common interests, especially when talking about a wide spectrum of security issues of a transnational character such as the fight against illegal migration, organised crime or terrorism. The Commission's Communication reflected this theme, declaring that "[a] shared neighbourhood implies burden-sharing and joint responsibility for addressing the threats to stability created by conflict and insecurity" (European Commission, 2003a, p. 12). This border-related need to jointly address new security concerns implies that states are no longer the sole safeguards and regulators of the affairs within their territorial spaces. Indeed, closer scrutiny of the document reveals that the language of 'commonality' is defined by the EU's understanding of political, economic and cultural values.

The EU's presentation of itself in the neighbourhood is focused on exporting and sharing its values with outsiders and hence the ENP can be read as a carrier of the values of modernity. As expressed by a DG RELEX official, "we do not need to impose our model. If you look around you see efforts to create the same model inspired by Europe. The EU model is seen positively and it is admired by countries elsewhere. That is our pole of gravity" (author's interview, 6 June 2006). Similar to the ideologies of empires, the ENP can be depicted as being based on a civilisational mission of universal values.

Some have rejected this "civilisational" discourse by arguing that EU policy does not involve the spread of a people or a civilisation across a continent: "[T]he EU expansion might diffuse certain norms, values and practices, but it leaves many others in place" (Anderson and Bort, 1998, p. 143). Walters (2004) argues that the norms are no longer associated with notions of civilisation – they are more neutral, technical and universal norms of political and economic governance. Nevertheless, while the ENP may not be concerned with spreading people across different countries, it is not difficult to detect a strong and distinctive sense of superiority on the part of EU officials when it comes to their understanding of diffusing EU/European values.

Consequently, instead of the notion of 'fortress Europe' as a metaphor for understanding the ENP, van Houtum and Pijpers (2007) propose that paradoxical border policies can be better understood through the image of the "gated community", in which the European community fences itself off through fear and a desire to protect its property and prosperity. Others suggest the notion of Roman *limes* to characterise the construction of the external borders of the EU (Holm, 2005; King, 1998; Walters, 2004), according to which such *limes* are more like edges, fringes or limits (Walters, 2004) that materialise on the edges of the EU as a gated community. This notion finds support within the ENP strategy: "Securing borders and effective border management is essential for joint prosperity and security. Facilitating trade and passage, while securing European Union borders against smuggling, trafficking, organized crime (including terrorist threats) and illegal immigration (including transit migration), will be of crucial importance" (European Commission, 2003b).

Correspondingly, it seems that buffer zones are emerging throughout this new bordering policy. There are specific examples of neighbours being perceived as buffers that prevent negative developments reaching the EU's space. Readmission agreements and the establishment of an agency for external borders (FRONTEX) fit into this 'buffering logic' of the ENP. For example, readmission agreements entail a buffering function whereby the southern and eastern

neighbours are expected to capture immigrants and refugees that include both their own nationals and those who are transiting to reach their final destination in the EU. Many ENP countries have protested against this pressure to sign such agreements in exchange for the above-mentioned visa facilitation agreements, with only Russia, Ukraine and Moldova having signed these readmission agreements in return for receiving an attractive offer of simplified visa procedures. As noted above, Morocco is in the process of negotiating with EU representatives, yet remains reluctant to take on such responsibilities and burdens. In addition, several NGOs (e.g. Human Rights Watch, 2006) have voiced their criticism, arguing that most of these countries do not have the capacities to manage immigrants. Yet as expressed by a representative of Aprodev, "the EU is just buying readmission agreements. It is imposing and externalising its migration policy. But Morocco cannot manage such migration flows, so then you see what is happening. They send a truck full of Sudanese refugees to the desert and leave them" (author's interview, 14 July 2007). From this perspective, the EU is shifting responsibility towards the non-EU countries in order to create what van Houtum and Pijpers (2007) call "new zones of transition" or "buffer zones" (to use the language of empire).

A more positive example of extraterritorial practice is the establishment of a common visa application centre in Moldova. The purpose of the centre is to facilitate visa applications for ENP countries. Not all member states have joined this centre, however, and in its latest report (in 2007, European Parliament) the European Parliament's Committee of Foreign Affairs urged member states to improve the processing of visas and to establish common, Schengen visa-application centres in ENP states.

According to the imperial analogy, borders become fuzzy. The blurring of the frontiers between them and us, between in and out, might be beneficial for the Union's expansionist politics in the neighbourhood and exerting its influence in the periphery. It is seen as problematic in ENP countries, however, with Moldovan and Ukrainian officials perceiving the slogans around the fuzziness of borders with great suspicion and mistrust. In their view, the ENP is not about diminishing new dividing lines but is an artificial construct of the Union and is purposely an ambiguous policy (author's interviews, June 2007). These perceptions about the ENP stand against the conceptual backdrop of an increasingly popular neo-medieval model, which involves overlapping authorities, divided sovereignties, diversified institutional arrangements and multiple identities (Zielonka, 2001, p. 509; Tassinari, 2007).

To conclude, under the ENP, EU borders are primarily represented in terms of security, in which the goal of the policy is to protect the EU and its citizens and to maintain or even to gain control in the neighbourhood countries. In other words, similar to empires, the EU seeks to reach out across its borders to its neighbours or friends, inviting them to join some spheres of its domain depending on their performance, ambition, historical links or strategic values.

Borders as networks

> I think the only way is to develop a dialogue with the neighbours. You need to first get to know each other, gradually learn how they behave and if they are reliable partners. We need to build up confidence that the partner is pursuing what he says. That is of course mutual. (Author interview with an official of the General Secretariat of the Council of the European Union, Brussels, 15 June 2007)

> The ENP must have a 'human face', and citizens of the EU and of neighbouring countries should have more opportunities to interact, and to learn more about each others' society and understand better each others' cultures. The ENP cannot only be a matter for officials and politicians [*sic*]. (European Commission, 2006b)

These formulations suggest that building networks across EU borders is an important tool for the Union in engaging with its neighbours. As such, they chime with a growing literature that conceptualises borders in terms of networks.[7] Prominent in theorisations of globalisation and of transnational processes that appear to transcend geographical (territorial) boundaries in different ways, this conception of borders places primary emphasis upon dialogue, social learning, partnerships, networks and exchanges.[8]

Axford (2006) outlines three basic features of networks: first, they include horizontal communication and coordination; second, networks overlap and interconnect regardless of regional boundaries; and third, internal and external ties are sustained by trust and shared norms rather than by contractual relationships and administrative rules, which in the long term can lead to social changes. Walters (2004) characterises this shift as one whereby borders are regarded as escaping from fixed, geographical territory, with territorial controls being replaced by networks of controls and surveillance.

The principal explanation of this thesis focuses on the proliferation of networks and the fluidity of borders both within and beyond nation-states, where the states are no longer the sole power-holders. The emphasis on the downgrading of nation-state borders is perhaps more problematic outside the EU, however, where states are hesitant to share sovereignty across their boundaries. Nonetheless, the value of this conception can be seen as reflected in some of the rebordering practices put in place as part of the ENP.

The notion of transcending borders and building networks of cooperation across them can be viewed as a response to increasing interdependency or dependency, economic pressures, geographical proximity and the impossible task of the EU insulating itself from its neighbours. It is driven by a rationale to remove barriers to cross-border movement, originating in the ideas of European integration, and to eliminate new divides in Eastern Europe. Here borders acquire substantially different meanings. They become areas of exchange, interaction and integration. Likewise state borders are downplayed, such that they are losing their privileged status.

In this context, the EU wants to give the impression that borders are geographically wider, politically inclusive and economically active. The EU's neighbourhood is no longer described as a space in which different identities are allowed to exist and encouraged to flourish. To financially support the objectives of integration, inclusiveness and the openness of borders, the EU has put aside specific funds – in the form of the European Neighbourhood and Partnership Instrument (ENPI)[9] – to provide certain mechanisms such as the opening of EU programmes and agencies to 'outsiders' who are, in exchange, willing to cooperate and to accept the Union's rules. Nevertheless, these seem to be only complimentary to a highly securitised neighbourhood policy, particularly in the south where the US remains the major sponsor. In the east, new member states play an important role in promoting cross-border practices with the EU's direct neighbours. Yet the existing visa regimes and other barriers to cross-border mobility remain a great obstacle. As expressed by an official from DG REGIO, "we always receive complains from our partners that they often cannot even attend the project meetings because they haven't managed to receive their visas on time or it takes very long to cross the borders. Hopefully, with the visa facilitation agreements we will make their lives easier" (author's interview, 8 June 2007).

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[7] See Axford (2006), Lavenex (2007), Rumford (2006) and Walters (2004).

[8] See, for example, the work and activities of a recently established research network studying the transformation of borders and their diffusion through society (http://www.globalborders.org.uk).

[9] The ENPI has a budget of €15 billion for 2007–13.

There are different forms and manifestations of border transcendence in the neighbourhood. These may occur in various ways, and in a range of sectors that are negotiated and mutually defined by the EU and the ENP countries. For instance, enhanced cross-border cooperation, border management and economic integration can lead to increased border transcendence where cross-border networks of cooperation are being promoted and established.

With respect to this conception of borders as it concerns the ENP, the integration tendencies of the ENP appear to encourage the emergence of different forms of territoriality. Following the EU experience in which EU integration was initially limited to trade, this border transcendence first of all involves economic cooperation by offering assorted schemes for free trade agreements to its neighbours. The ENP also seeks to go beyond this economic rationale, as reflected in action plans that offer a rich menu to move "beyond cooperation to a significant degree of integration, including…a stake in the EU's Internal Market, and the possibility…to participate progressively in the key aspects of EU policies and programs".[10] If the ENP countries agree and implement their action plans they will become significantly integrated into the EU space of governance, although not on an equal footing.

This scenario implies that certain regulatory functions traditionally performed within territorial states are no longer the sole responsibility of these states. Still, it is too early to evaluate the results of shifting and reconfiguring regulatory power in different fields. For the time being, integration and cross-border practices are still heavily directed towards state-centric territorial frameworks and networks are mainly of an intergovernmental character, bounded in territorial units.

Another fundamental ingredient of networks – trust and shared norms – is based on recognition of the 'other', accompanied by mutual respect and dialogue. Trust is a crucial factor in shaping borders, influencing their permeability and character. Accordingly, the ENP attempts to establish and reinforce trust among outsiders and insiders through regular meetings, exchanges and offers of access to EU domains: "Cooperation with the neighbours creates trust so there will be less need for border control. [Creating] trust takes efforts on both sides. [The] starting point is to get to know each other and to learn how they behave, let's [see] if they are reliable partners" (author's interview with an official of the General Secretariat, Council of the European Union, 15 June 2007). It is expected that in the long term this will lead to integration rather than separation.

Similarly, the language of values is very prominent in the ENP. One of the declared goals is to avoid further development of 'otherness' and an 'us/them' syndrome. The EU's self-perception is centred on exporting and sharing its values with outsiders. At the same time, we can observe less emphasis on common values and more on common interests. When these two aspects are in tension, it is usually the common interests of energy, migration or trade preferences that trump declared values. That is not to dismiss the notion of borders as networks but instead to argue that we need to study their nature, dynamics and the conditions of their appearance.

The last remark concerns the above-discussed hierarchal and privileged relationships in the neighbourhood. The ENP officially offers the same opportunities to all neighbours but under certain conditions:

> [T]he extension of the benefits…including increased financial assistance, should be conducted so as to encourage and reward reform – reforms which existing EU policies and incentives have so far not managed to elicit in all cases. Engagement should therefore be introduced progressively, and be conditional on meeting agreed targets for

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[10] Such phraseology is to be found in various action plans for different ENP countries.

reform. New benefits should only be offered to reflect the progress made by the partner countries in political and economic reform. In the absence of progress, partners will not be offered these opportunities. (European Commission, 2003a)

This passage contains a certain contradiction in the Union's declared motives that the "EU does not seek to impose priorities or conditions on partners" and presents the ENP as "an offer made by the EU to its partners" (European Commission, 2004). This existing hierarchical structure, combined with a soft version of conditionality, creates problems for the notion of borders as networks, given its conception of networks as horizontal participatory, flexible and inclusive structures of governance (Lavenex, 2007).

Empirical evidence suggests that these networks are limited to political elites, experts, bureaucrats and technocrats in the ENP countries. It looks like integration and cooperation will remain an intergovernmental business with little effect on the societies in the ENP countries. Under such conditions, most people will be bounded within their states and only the elites will experience the effects of border transcendence. If the network thesis accurately captured the transformation of borders in the EU's neighbourhood, we would find such borders more reflective of integration and inclusiveness than separation and neglect.

Conclusions

This paper has attempted to explore the kinds of borders that are emerging in the EU's neighbourhood through an examination of some aspects of the EU's ENP. As formulated by Zielonka (2001, p. 508), "borders are understood as the prerequisite for any state-like or transnational organisation". The empirical evidence presented in this paper suggests that three bordering strategies are being applied in the neighbourhood: those associated with classical nation-state borders, imperial bordering and borders in the form of networks.

Nevertheless, it can be seen that despite the role of the EU and the development of the ENP, states remain the main actors in this emerging framework. That is not to say that the Westphalian vision of a wider Europe is an appropriate framework to grasp the bordering processes. The Union does have not the capacity, the appropriate means or perhaps even the wish to entirely insulate itself from 'outside' and thus reinforce dividing lines of separation. At the same time, there are increasing demands within the EU to put an end to enlargement and to somehow demarcate where the final borders are. This clearly shows the continued relevance of the state-centric approach, in which borders circumscribe territory and shape the identity of the political community within the border-confirming framework. The demand to define the EU's final borders, however, clashes with the wish to become a global power, while a policy of harder exclusionary boundaries would risk destabilising the Union's surroundings. The state-centric paradigm for borders is therefore under pressure to shift towards a more inclusive border policy and to escape the exclusion versus inclusion or the inside/outside dichotomy.

According to the imperial analogy, the ENP can be understood as a manifestation of the EU's will to protect itself and to extend its influence to its neighbourhood while keeping the boundaries with the neighbourhood states open and permeable. The urgency to protect and safeguard the Union's citizens is simultaneously accompanied by a discourse of openness and cooperation, and hence a clear distinction between domestic and external security is difficult to sustain. The need to intensify cooperation with the neighbourhood countries on migration issues – especially on the return of illegal migrants to their countries of origin or of transit – has predominated the discourse on bordering. The imperial analogy implies a variable permeability of borders depending on whether newcomers are considered a 'threat' and their willingness to cooperate with the 'core' of the EU.

The underlying logic of the second border-transcendence discourse is to maintain a certain level of openness and permeability of the borders and to promote transnational and cross-border networks across the EU's external borders. In this context, borders are conceptualised in terms of networks going beyond territorially fixed states. Yet in a setting of asymmetric relationships in which the EU assumes the right to define what is appropriate, it is hard to imagine borders acquiring the features of networks.

The future development of the ENP depends upon the evolution of the EU itself. It illustrates in a striking way the tensions and dilemmas between softening (opening) and closing (confirming) borders, exclusion/inclusion and acceptance/neglect. The nature and dynamics of bordering is thus shaped by interactions and relations among different actors, primarily states. It is a continual process of redefining borders, in which the transformation of borders is subject to a variety of factors and the EU's neighbourhood is represented as both a process of separation and one of linkage – with each coexisting in problematic ways.

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