

**RESEARCH ON THE POLICY OF THE EUROPEAN COMMISSION
TOWARDS THE RE-BORDERING OF THE EUROPEAN UNION**

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Lines of Exclusion as Arenas of Co-operation:
Reconfiguring the External Boundaries of Europe
Policies, Practices and Perceptions

**Project Study Report
-Final version-**

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April, 2004

SUMMARY

Research goals

This document provides the final research report and concomitant findings for Work-Package Deliverable 10, 'Detailed Overview of the Findings of this Work Package for the Use in Subsequent Project Phases', Workpackage 2: 'Supranational Level Studies' (EXLINEA Project Proposal and Technical Annex to the contract, 2001). The report is meant to complement individual case studies of emergent cross-border regime dynamics situated at the future eastern borders of the European Union, providing an overview of the perceptions, policies and practices undergirding the proposed governance of this frontier by key EU institutions.

The specific research goal of the supranational level studies has been defined as: 'to characterise the supranational contexts conditioning cross-border co-operation patterns and processes in the case study regions' (EXLINEA Project Proposal and Technical Annex to the contract, 2001). This entails uncovering the geopolitical significance of the case study areas in terms of EU discourse and specific policies and strategies affecting the respective regions including mechanisms put in place to manage EU programmes. As such, the constitution of the EU's policies towards its external borders in different phases of enlargement will be investigated. The formation of major EU policies with impacts on border areas is analysed as a process conditioned by the following factors:

- as principles defined in the basic EU documents (Single European Act, Maastricht treaty, etc.) and in the particular documents and initiatives regarding borders and transnational development (e.g. Schengen Treaty, European Spatial Development Perspective, INTERREG);
- as specific applications of these principles during different phases of enlargement;
- as geopolitical strategies of the EU and nation states (e.g. Northern Dimension, EU Common Strategies);
- as resulting from continuities and changes in national border policies prevailing before a certain border became an EU external border.

Research methodology

The overall research process has been characterised by three stages; (1) data collection, (2) data analysis and (3) elaboration of the research report. The data collection stage specifically concentrated on those documents produced by EU policymaking institutions actively involved in the field(s) of border regimes, cross-border co-operation and migration/security issues. These institutions include the Directorates General for 'Enlargement', 'Regional Policy', 'Internal Market' and 'Justice & Home Affairs' within the European Commission, as well as the European Council and the European Parliament. The documented sources include, amongst others, basic EU-principles, Commission communications and proposals, political statements, press material and reports of debates. In addition to the collection of written source material, various interview sessions were held with representatives of relevant EU policy-making institutions. Data thus collected was analysed by means of text and discourse analysis. In order to situate the elaboration of the Supranational Level Studies within a wider

analytical frame, the report includes the latest academic insights on the openness versus closure of the EU border regime.

In the Theoretical Framework, developed for EXLINEA at the beginning of the project period, two over-arching and interrelated 'meta-themes' were defined from this literature. These meta-themes, divided into sub-themes, were the following:

- 1) What/where is the European Union:
 - Drawing Eastern EU-borders: who's in and who's out?
 - What model is the European Union?
- 2) Openness and closure of the external border
 - Cross-border political networking
 - Migration, border control and citizenship

During the writing of the report, our explicit goal has been to elaborate the results of the empirical research for the Supranational Level Studies under the respective headings of these meta- and sub-themes, as developed in the Theoretical Framework.

Research findings

The first meta-theme is directed at drawing the Eastern EU-borders and the model the European Union takes on. Agreement at the supranational level seems to be lacking with regard to the factors that should determine whether a state does, or does not, comply with a certain degree of 'Europeanness' to be granted access into the Union. As established at the 1993 European Council of Copenhagen, accession criteria are based on principles of 'own merits', 'differentiation' and 'catching up'. These very notions, of course, are unclear and arbitrary, opening themselves to multiple interpretations.

In 2003, the European Commission released the 'Wider Europe Communication', introducing the concept of 'Neighbourhood', meant to express the EU's desire to establish friendly, stable relations with its immediate eastern neighbours Russia, Belarus, Ukraine and Moldova. In the Communication, the Commission refers to these four nations as 'good neighbours', thereby underlining their exclusionary position in the EU enlargement process. The countries on the Western Balkans, on the other hand, are explicitly given the prospect of future EU-membership. Current candidate countries Romania and Bulgaria await accession in 2007, albeit recent turmoil over non-compliance with regard to human rights criteria and persistent corruption might be a cause of delay in this respect. EU-accession of the third candidate member country, Turkey, remains highly controversial.

Diverging interests and straight-forward geopolitics appear to play an important role in the EU's eastern enlargement. As a result of the divergent positions of Russia and the EU with regard to the Western Newly Independent States, the zone from the Black Sea to the Baltic Sea is currently characterised by geopolitical tensions which diminishes the likelihood that the EU will make attempts in the near future to start genuine membership negotiations with countries of this zone. The goal of the EU in regard to the Northern Dimension is to enhance economical and political co-operation with countries in this region, both with EU and non-EU member-states.

At the southern external border, finally, the European Commission has a clear view of the opportunities for these neighbours to become member states. In the Wider Europe Communication, the commission writes: 'accession has been ruled out, for example, for the non-European Mediterranean partners'. Apparently, the notion of 'Europeanness' is first of all fed by geographical criteria and only secondly by official accession criteria in the fields of democracy, human rights or market reforms.

The Supranational Level Studies have revealed a particular absence of interest in regard to the issue of what model fully captures the essence of what the EU is. No official Commission documentation exists to date explicitly addressing the question of what form of state the EU, once a political union, is or should take on. We oppose for the largest part the assumptions of the modernisation theory on the reconstruction of the 'nation of Europe'. We suggest that an 'empire metaphor', which points to the centredness of sovereignty, captures best the manner in which EU enlargement is unfolding. Within an imperial system, sovereignty is not in the hands of one single state, nor can we speak of sovereign equality. Instead, we may speak of diffuse patterns of centres with power fading off at its peripheries. This metaphor allows one to think beyond state-like bordering processes. Difference in such a Post-Westphalian solution should also be acknowledged in developing a model of state for the future enlarged European Union.

The second meta-theme focuses on the consequences of the (re-)bordering practices for nurturing transnational and transboundary bordering and opportunity structures across Europe's future external borders. The creation of Euroregions (or Euregions), cross-border associations of local government, has been particularly favoured in CEECs. These associations represent an additional tier of regional 'administration' and play a vital role in channelling INTERREG and PHARE cross-border co-operation funds into border regions; it is their responsibility to develop cross-border regional development programmes that, having received approval by senior governments and the EU, serve as operational plans for the disbursement of project grants.

DG Enlargement is currently developing a New Neighbourhood Instrument, destined to implement the Commission's New Neighbourhood Policy as laid down in the Wider Europe Communication. The Instrument will introduce into the scope of cross-border co-operation additional, wider geopolitical objectives which will become increasingly important after enlargement. These geopolitical objectives range from fighting transnational crime and terrorism to nourishing local cultural ties across the external border. As from 2006, the New Neighbourhood Instrument is to replace all existing programmes, including, apart from INTERREG and PHARE CBC, Tacis, CARDS and Meda. From 2004 until 2006, so-called Neighbourhood Programmes will be introduced as an intermediate step in this convergence process of current cross-border funding schemes.

De-bordering processes in and by the EU appear to go hand in hand with re-bordering processes. A great number of Commission documentation concerns the closing of the border for residents of third-country nationals. Illegal migration is the issue which, according to our document sources, especially requires an intensified co-ordination among the present and new member states. The second half of 2003 indeed witnessed a whole range of proposals released by DG Justice and Home Affairs, addressing the development of a common policy on illegal immigration, human trafficking and the management of external borders towards this purpose. The documents again reveal a dominant rhetoric in favour of 'returning illegal residents'. To this end, the Commission has proposed the establishment of a European Agency for the

Management of Operational Co-operation at the External Borders. The Commission also introduces the concept of ‘leverage’: co-operating third countries might be rewarded with compensatory measures. However, with respect to the actions of third countries, it would be unfortunate and ultimately counterproductive if the handling of the issue of undocumented migration were to be used as a *quid pro quo* for future development aid, as currently considered.

Conclusions and recommendations

The authors consider it significant that none of the EU officials interviewed for this study ventured to make statements about the territorial entity the European Union will have or should be having after enlargement. Given that an underlying cartographic bias appears to guide much of the Commission’s thinking regarding the direction and sequencing of enlargement (in the sense of a progressively eastward ‘domino theory’ of expansion), the absence of a ‘vision’ for the new European polity-in-the-making should raise concerns that at the heart of the Commission functionalist economic criteria may be gaining the upper hand in visualising Europe’s future territorial identity, to the detriment of issues germane to the continent’s democratic development. It does not service to the inhabitants of the EU’s future external border regions to have such debates cloistered behind ivy walls and out of earshot of the policy-makers in Brussels.

As the record of cross-border economic and political networking examined in this study indicates much more remains to be done to ensure that a ‘fortress’ like boundary is attenuated in favour of more ‘fluid’ and open transboundary governance structures. In reconciling the imperatives of Schengen and those of heightened transboundary institution-building across the future borders of Europe, closer co-ordination between the Commission’s Directorate General of Justice and Home Affairs and that of its Directorate General of Regional Policy is surely warranted. With regard to the latter, the New Neighbourhood Instrument certainly is a step in this direction, as it confronts the need to more adequately harmonise the various funding schemes between member and non-member states, notably INTERREG and PHARE CBC.

From the evidence, it would appear that the goal of an effective and coherent border regime targeting legal as well as illegal migrants remains contingent on the resolution of an existing ambiguity in the separation of powers within DG Justice and Home Affairs. At the very least, it would be expected that the allocation of competencies between the first and third pillars of DG JHA be clarified in favour of the former (‘community level’) pillar, if only to provide supranational consistency to Europe’s future border migration regime in lieu of ad hoc nationally-oriented approaches in dealing with migration issues.

From the foregoing it may be corroborated that, as regards governance of its future external boundary, the European Union has no univocal ‘essence’. This insight should not serve as a pretext, however, for the Commission to absolve itself from ‘grand narratives’ regarding its newly expanded boundary. In this context it would be imprudent if Europe’s approach to the cross-border regions straddling non-member states were left to be determined by the external vagaries of ideology or history alone.

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1 INTRODUCTION: BACKGROUND CONTEXT TO THE SUPRANATIONAL LEVEL STUDIES

This document provides the final research report and concomitant findings for Work-Package Deliverable 10, 'Detailed Overview of the Findings of this Work Package for the Use in Subsequent Project Phases', Workpackage 2: 'Supranational Level Studies' (EXLINEA Project Proposal and Technical Annex to the contract, 2001). The report is meant to complement individual case studies of emergent cross-border 'regime'¹ dynamics situated at the future eastern borders of the European Union, providing an overview of the perceptions, policies and practices undergirding the proposed governance of this frontier by key EU institutions. Part II outlines the primary research goals of the study. Part III delineates elements of the core research methodology utilized during the course of the study. Part IV and V elaborate on the research findings emerging as a result of field-work conducted by team members. A concluding section rounds out the report.

The study begins with the premise that the future external border of the European Union is still - as former EU Commission President Jacques Delors was fond of calling the European integration project at the beginning of the 1990s - an 'unidentified political object'. The making of a United European place has thus far been accommodated with image-making concepts such as European Internal Market, European Union, Single Market, Borderless Europe, Eu(ro)regions, Euro, Europe of the Regions, Economic and Monetary Union. Based on an idea of economic equality and solidarity among the member states and regions, funding programmes have been set up to effectuate these imaginary notions of spatial unification focussing in particular on the enhancement of cross-border harmonisation, cohesion and development. The success of European territorial policy is seen to depend on solid partnerships, close co-operation and solidarity among the richer and poorer member-states of the European Union. In this context, the impact of EU enlargement on its future external borders remains 'unidentified', however, because its future geographical demarcation, political efficacy and cultural identity are still highly contested and open to doubt.

Occurring presently not always under historical conditions of its own choosing, the project of European enlargement is certainly not the first such expansion to have occurred since the Treaty of Rome was signed nearly half a century ago, but it is the most ambitious by any measure. The Enlargement process received a particularly decisive boost from the EU's Copenhagen summits of 2002 - so much so that the notion of an accelerated 'big bang' accession was then making the rounds. But the expansion of the EU to the East and Southeast, while undoubtedly creating new contexts and opportunities, is also generating potentially new problems for societal, and hence, local and regional cross-border interaction. Aside from the sheer magnitude of the task, we suggest the historical novelty of the current round of enlargement, due May 1 2004, involves nothing less than aggregating to the Union of Europe those countries formerly belonging to that alternative 'dreamworld' of capitalist modernity represented by the ex-Soviet sphere of influence (Buck-Morss, 2000). It is as a consequence of that profound and far reaching de-differentiation of global spheres of influence represented by the demise of the historically freighted East/West bipolarity, and the concomitant integration of formerly socialist and post-colonial island regimes into a Western-oriented planetary sphere of influence, that we may grasp the anxious stakes of the current conjuncture

¹ A 'border regime' in this context refers to the full range of policy instruments used by the European Union in the governing of its external borders, encompassing effects and consequences which cannot be located exclusively at the physical border proper but may extend to national capitals and their respective hinterlands (for further elaboration, see Zielonka, 2001).

represented by the re-siting of the European Union's external boundaries to the edges of the Russian landmass and into the heart of the Mediterranean.

In the face of the resulting geopolitical power vacuum wrought since the tumultuous changes of 1989-1990, the countries of Central and Eastern Europe (hereafter CEECs) have been attempting to establish closer political and economic ties to the European Union and other institutions of European integration. These overtures were taken seriously. The EU clearly affirmed that strategic rationales mandated a streamlined process of accession (Verheugen 2000). Eight former socialist countries², as well as Cyprus and Malta, were deemed in theory to be ready for membership by 2004, while 'timetables' were to be established for other countries (such as Romania and Bulgaria) not considered as far developed in negotiations with the EU. Furthermore, even though Russian membership is not at issue, the EU has also emphasised its support for a meaningful political partnership and a 'positive, broad and ambitious economic agenda' with the Russian Federation.³ Similarly, the 'Northern Dimension' initiative, representing an explicitly geopolitical perspective on enlargement, aims at influencing the enlargement process in order to promote 'positive interdependence' between the Baltic Sea Area, the EU, and Russia (Lipponen 1999:4; Scott, 2004).

While enlargement presents a major challenge for the European Union⁴, it will have even more far-reaching effects both on acceding CEECs and neighbouring countries that, either in the short or long-term, will remain outside the EU. Regarding the former, these societies face fundamental economic, institutional and social changes. Economic restructuring, while often necessary, continues to polarise post-socialist nations and creates hardship for large segments of their domestic populations. Physical infrastructure must be modernised and expanded. Functioning civil societies and open parliamentary democracies are in the process of consolidation. Enlargement transforms the significance of borders between CEECs themselves as well as between the EU and neighbouring states. The re-establishment of state borders within the former Soviet Union as well as regionalisation trends in CEECs and Russia, have increased the number of actors taking part in European political affairs (Herd 2001). The new actors include not only states and international organisations but also local governments and communities, each of them with their own perceptions of security needs and threats.

In the context of the foregoing, it should come as no surprise that the EU's present and future external borders mark rather dramatic differences in socio-economic, political and structural development. The border contexts we have purported to analyse through the lens of central EU institutions are peripheries in many senses of the word — generally distant from more dynamic urban centres and regions. But they are also highly asymmetric. Diverse socio-economic conditions and practices 'confront' each other in Central, Eastern and Southeastern Europe, opening prospects for trade and co-operation but at the same time encouraging illegal and other undesirable activities or creating new tensions. In addition, different cultures come

² Estonia, Latvia, Lithuania, Poland, Hungary, the Czech Republic, Slovakia and Slovenia.

³ Quoted from a letter written by Pascal Lamy, EU Trade Commissioner, and Chris Patten, EU External Affairs Commissioner, to the Financial Times (17 December 2001). Furthermore, the EU has pursued a 'Common Strategy', agreed to by the European Council (June 1999), in order to develop a comprehensive political partnership with the Russian Federation. This is evidenced, among other things, by EU support of Russian accession to the World Trade Organization, a move which signals a desire to positively influence institutional reform in that country.

⁴ See, in particular, the *Second Report on Economic and Social Cohesion in the European Union* (European Commission 2001a). This document goes into some detail about the socio-economic and structural imbalances that enlargement will introduce and addresses the need to minimise polarising tendencies.

into close contact in very concrete situations, often resulting in difficulties in mutual understanding and communication. Importantly, past contested sovereignties and present ethnicity and minority rights issues loom large in almost all of these regions, complicating interstate relationships. We thus confront issues of Russian (and ex-Soviet) nationals in Estonia, Ukraine and Moldova; ethnic Hungarians in Romania and the Ukraine; Romanians in Hungary; and the complex regional situation in the Balkan Peninsula such as Greek-Macedonian border regions or the tri-national (Greek-Bulgarian-Turkish) region of Thrace. In this light, the potential effects of exclusionary policies with regard to future 'non-EU' states, perhaps resulting in a 'Fortress Europe' mentality, could have considerable negative impacts on the future political and economic stability of these areas.

With the rapid assimilation of Baltic, Eastern European and Mediterranean countries into Western Europe's security perimeter, European expansion has been accompanied by numerous additional fears to replace those tied to the Cold War anxieties of nuclear annihilation, emotions that are now being projected and condensed on the future external border of the EU itself. In this context, Europe's future external border is predominantly envisioned as a thin outer line of marked-off territory, vulnerable to penetration, violation and abuse, and thus requiring heavy and sustained investment in defence, surveillance and protection. Representations of the new EU border are thus actively serving to consolidate a future model of European space defined primarily by the existing territoriality of European nation-states.

2 RESEARCH GOALS

With regard to the foregoing and in accordance with the overall research objectives of EXLINEA as laid down in the EXLINEA Project Proposal and the Theoretical Framework, the specific research goal of the supranational level studies has been defined as:

'to characterise the supranational contexts conditioning cross-border co-operation patterns and processes in the case study regions'. This entails uncovering the geopolitical significance of the case study areas in terms of EU discourse and specific policies and strategies affecting the respective regions including mechanisms put in place to manage EU programmes. As such, the constitution of the EU's policies towards its external borders in different phases of enlargement will be investigated. The formation of major EU policies with impacts on border areas is analysed as a process conditioned by the following factors:

- as principles defined in the basic EU documents (Single European Act, Maastricht treaty, etc.) and in the particular documents and initiatives regarding borders and transnational development (e.g. Schengen treaty, European Spatial Development Perspective, INTERREG);
- as specific applications of these principles during different phases of enlargement;
- as geopolitical strategies of the EU and nation states (e.g. Northern Dimension, EU Common Strategies);
- as resulting from continuities and changes in national border policies prevailing before a certain border became an EU external border.

(EXLINEA Project Proposal and Technical Annex to the contract, 2001, p. 14)

As such, the research report at hand corresponds to deliverable number 10, ‘Detailed overview of the findings of this work package for the use in subsequent project phases’ under workpackage 2, ‘Supranational Level Studies’ (EXLINEA Project Proposal and Technical Annex to the contract, 2001). The following section discusses a number of methodological considerations which have been taken into account during the elaboration of the empirical fieldwork and the subsequent writing of the research report.

3 RESEARCH METHODOLOGY

3.1 General overview

The current section presents a short recollection of the overall methodological guidelines to EXLINEA. A detailed discussion of the methodological background to the empirical fieldwork can be found in the EXLINEA Project Proposal, the Theoretical Framework and the Empirical Framework, written by the various EXLINEA project partners. The following table summarises the general research methodology employed:

Table 1: Overview of general research methodology

Level of Analysis	A Policies	B Perceptions	C Practices
1 Supranational (Work package 2)	Legal frameworks; Directives; institutions; Programmes and Policies and strategies developed at the EU and at bi- and multilateral levels targeted at the countries/regions under scrutiny	EU geopolitical and geo-economic discourse regarding the strategic significance of the regions; statements and debates regarding enlargement and free movement of labour/people	Quality of relations between EU and involved countries; transnational state and non-state actors’ activities with regard to the regions (where applicable: EU, UN, COR, Council of Europe, NGOs); (In)compatible funding arrangements
2 National (Work package 4-9)	Legal frameworks; Directives; Institutions; Policies affecting or specifically addressing the border regions; Migration, border control and citizenship policies; Prevailing border regime(s)	Europeanising discourse and strategies; ‘Nationalising’ discourses and strategies; Prevailing perceptions of the border regions and their strategic significance; National discourse on migration, border control and citizenship	National activities in the region related to cross-border interaction; Constellation of national actors involved; Co-operation strategies and initiatives; (In)compatible funding arrangements
3 Local/Regional (Work package 4-9)	Local policies and formal institutions (regional associations); Prevailing border regime	Europeanising discourse and strategies; ‘Nationalising’ discourses and strategies; Prevailing perceptions of the border regions and their strategic significance; Perceptions of security/safety at the border	Regional and local actor constellations (public agencies, civil society, economic agents); Co-operation strategies and initiatives; (In)compatible funding arrangements

Source: EXLINEA Project Proposal and Technical Annex to the contract, 2001, p. 27.

3.2 Supranational level studies

The overall research process has been characterised by three stages; (1) data collection, (2) data analysis and (3) elaboration of the research report. It is important to note that a traditional, successive-linear approach has not been used in this respect. Instead, due to the timeliness of the research topic at hand, the various data sources – official EU-documentation, interview proceedings, media coverage and academic publications – were constantly triangulated and updated, also during the writing of the report. For reasons of feasibility however, the three stages are here described and explained in a successive order:

3.2.1 *Data collection*

The data collection stage first started with the creation of an extensive EXLINEA archive of written documentation. A great many text sources exist on the issue of EU-enlargement and its external border regime, varying from the reflection of public opinion in the media to policy documents of institutions at different government levels. The collection of this literature specifically concentrated on those documents produced by EU policymaking institutions actively involved in the field(s) of border regimes, cross-border co-operation and migration/security issues. These institutions include the Directorates General for ‘Enlargement’, ‘Regional Policy’, ‘Internal Market’ and ‘Justice & Home Affairs’ within the European Commission, as well as the Council of the European Union and the European Parliament. The documented sources include, amongst others, basic EU-principles, Commission communications and proposals, political statements, press material and reports of debates. The EXLINEA archive has been complemented with relevant press material and academic publications, and is continuously updated.

In addition to the collection of written source material, various interview sessions were held with representatives of relevant EU policy-making institutions. The introductory letter that was sent to potential respondents is enclosed in Annex I. Representatives of the following organisations have been contacted:

- the European Commission’s Directorate General of Enlargement;
- the European Commission’s Directorate General of Justice and Home Affairs;
- the European Commission’s Directorate General of Regional Policy;
- the European Parliament.

Respondents were asked to reflect on the perceived contradiction between the openness and closure of the external border regime of an enlarging European Union. The interviews were guided by a semi-structured questionnaire, specifying the overall research issue (openness versus closure of border regimes) into various questions and sub-questions. The questionnaire is enclosed in Annex II. A detailed list of institutions, departments and representatives can be found in Annex III. Finally, it is important to note here that, as a consequence of the sensitivity of the research topic, none of the respondents would agree to have their interview recorded on tape.

3.2.2 *Data analysis*

Data thus collected was analysed by means of text and discourse analysis. In this respect, the analysis of written documentation in the EXLINEA archive allowed for both text and discourse analysis, in the sense that it entails factual as well as contextual information required to provide answers to the research questions formulated above. The interviews cast

light primarily on the ways in which EU-policymaking with regard to the issues of enlargement and Europe's external border regime is contextually embedded within wider EU-policy debates as well as in prevailing institutional structures. Upon request of the interviewees, no literal transcriptions of comments were incorporated into the report. Rather, the interview proceedings were used to subscribe and illustrate the results forthcoming in the document analysis.

3.2.3 Writing of the report

In order to situate the elaboration of the Supranational Level Studies within a wider analytical frame, the report includes the latest academic insights on the openness versus closure of the EU border regime. Due to the timeliness of the research issue, a considerable number of academic researchers in the fields of human geography, political science, sociology and economics is actively involved in 'researching' the re-bordering of the European Union. Since many of them are also making use of combined document and interview analysis techniques, we found this stream of literature highly valuable for the elaboration of the Supranational Level Studies. In the Theoretical Framework, developed for EXLINEA at the beginning of the project period, we defined two over-arching and interrelated 'meta-themes' from this literature (Van Houtum, Kramsch and Pijpers, 2003). These meta-themes, divided into sub-themes, were the following:

- 3) What/where is the European Union:
 - Drawing Eastern EU-borders: who's in and who's out?
 - What model is the European Union?
- 4) Openness and closure of the external border
 - Cross-border political networking
 - Migration, border control and citizenship

During the writing of the report, our explicit goal has been to elaborate the results of the empirical research for the Supranational Level Studies under the respective headings of these meta- and sub-themes, as developed in the Theoretical Framework.

4 WHAT/WHERE IS THE EUROPEAN UNION? RESEARCH FINDINGS

The first meta-theme is directed at the *practices, policies and perceptions of (re)bordering the European Union*. What are the past, present and future bordering and ordering spatial routines and practices at the new borders of the enlarged European Union? The member states of the European Union have appropriated a great deal of space by territorialising the exclusive membership of their club. The recently approved enlargement involves, geopolitically speaking, a new reality for understanding what is the territory of the European Union today. The creation of an 'organised' European space that is cohesive, competitive, coherent and sustainable is a political and social project of considerable ambition. Given the long-standing concern among academics and EU policy-makers regarding the proper democratic basis of such an enlarged policy, it is no coincidence that the European Union has embarked on parallel policies that promote a sense of European identity and citizenship (Anderson, 2002). It is believed that without a multilevel and boundary-transcending 'connectedness' between cities, regions, states and EU institutions, the concept of the EU as a space of meaning (and not a merely functional economic organisation) will remain distant to the majority of its citizens (Laidi, 1998; Shore, 2000; Scott, 2002). It is equally acknowledged, however, that the

institutionalisation of an European territorial identity carries with it the risk of generating problematic new exclusions which in turn harbor the potential to undermine the democratic basis of the EU itself (Paasi, 1996; Balibar, 2003). Focusing on this theme, the following issues have been distilled from current academic and political debates:

4.1 Drawing Eastern EU-borders: who's in and who's out?

The question of who will, and who will not belong to the European Union as it stretches eastward will be at the core of upcoming political and academic debates on enlargement. This is the problem of 'sequencing': enlargement is likely to proceed in stages and it's a truism that: 'nobody knows exactly which countries will actually get in and in what order' (Zielonka, 2001). Agreement seems to be lacking with regard to the factors that should determine whether a state does, or does not, comply with a certain degree of 'Europeanness' to be granted access into the Union. As established at the 1993 European Council of Copenhagen, accession criteria are based on principles of 'own merits', 'differentiation' and 'catching up' (Enlargement Website: <http://europa.eu.int/comm/enlargement/index>, Burawoy, 1992). These very notions, of course, are unclear and arbitrary, opening themselves to multiple interpretations.

4.1.1 Candidate member countries

In the case of the candidate member countries Romania and Bulgaria, a final decision on accession has not yet been taken. When asked the question of when Romania would be ready for EU-membership, our respondent from DG Enlargement's Romania unit merely pointed to the Commission's official target year: 2007. The European Council of Thessaloniki (2003) concluded positively that 'Bulgaria and Rumania are part of the same inclusive and irrevocable enlargement-process'. Confining itself to the strict monitoring of the Copenhagen criteria, the European Commission supports both Bulgaria and Romania's efforts to finish membership-negotiations in 2004 (CEC, COM 2003/676). Both countries could indeed become full-swing member states in 2007, but this still depends on their attempts to fight disrespect for human rights and fundamental freedoms. With regard to the actual progress of Romania thus far achieved, a telling difference of opinion has recently emerged between the Commission and the European Parliament, which has the final say in regard to the accession-issue, seems to be much more critical on these matters. In a particularly harsh report on Romania's progress towards accession, Parliament heavily criticises the ever still difficult position of (Roma) minorities in the country, the limited freedom of the press, and the widespread corruption (EP, 2004/A5-0103). A recent uproar over the ill-practice of Romania allowing the continued adoption of Romanian children abroad has further induced Parliament to stay alert regarding the country's future membership (EP, 2004/A5-0103)

Parliament holds a similar critical opinion with regard to Turkey, the third candidate member country. The case of Turkey is considered to be problematic by many, including the European Commission (CEC, COM 2003/676). Some argue that based on religious grounds, the country cannot be regarded as European. In their view, the Judeo-Christian roots of Europe must not be ignored and the EU should strive for integration congruent with the frontiers of (medieval) Christian civilisation. In that case, Turkey provides the EU with a constitutive outside, through the notion of the Islamic 'Other' in defining it's identity and future. However, some observers emphasise that Turkey's historical importance for contemporary Europe, notably the city of Istanbul, offers proof of Europeanness as such. A decision on accession in this

respect thus strongly depends on the images by which the EU represents its territory. A European Union underlining its Christian heritage can use this image as a ground of exclusion when it comes to determining whether Turkey should become a member or not. The preamble of the European Convention's Draft Treaty establishing a European Constitution states:

'...Drawing inspiration from the cultural, religious and humanistic inheritance of Europe, the values of which, still present in its heritage, have embedded within the life of society the central role of the human person and his or her inviolable and inalienable rights, and respect for law...' (European Convention, 2003)

Such a representation of EU-space does not a priori seem to rule out Turkey. However, the Treaty on a EU-Constitution has not been accepted by all member states (yet). Uncertainty in this respect remains. Our interviews with representatives from the Enlargement Directorate General once more reinforced the observation that Turkey's potential EU-membership is highly controversial indeed. As stated by our informants, Turkey was only granted candidate country status 'for symbolic reasons' (Interview with DG Enlargement, 7-5-2003). In this respect, the current and timely developments on Cyprus might have important implications for accession negotiations with Turkey. The discussion of Turkey's EU-membership, in short, remains one of the pitfalls of European integration. A settlement of the Cyprus dispute before May 1st, 2004 might prove to be a breakthrough in this respect.

4.1.2 The Wider Europe Initiative

In 2003, the European Commission released two communications which shed light on the perceptions and practices guiding EU policy-making in defining the parameters of EU membership. The first of these, entitled the 'Wider Europe Communication', has received far-reaching attention in academic circles (Xenakis and Chrysochoou, 2001; Maresceau and Lannon, 2001). This communication introduces the concept of 'neighbourhood', meant to express the EU's desire to establish friendly, stable relations with its immediate eastern neighbours, candidate and Balkan countries excluded⁵ (CEC, COM 2003/104). In order to contribute to political stability, economic development and the reduction of poverty and social inequality within this so-called 'Ring of Friends', as the document explicitly names these neighbouring states, the EU is to promote regional co-operation and integration. Towards this end, the whole range of relevant EU-policy mechanisms should be made available. The communication affirms that the Wider Europe initiative is independent of the issue of EU-membership, although 'further EU expansion awaits a debate on the ultimate geographic limits of the Union'. This is because:

The aim of the New Neighbourhood Policy is ... to provide a framework for the development of a new relationship which would not, in the medium-term, include a perspective of membership or a role in the Union's institutions. A response to the practical issues posed by proximity and neighbourhood should be seen as separate from the question of EU accession (CEC, COM 2003/104, p. 5).

Academic literature provides no clear-cut interpretation of this aim. Some argue that, reading between the lines, referring to Russia, Belarus, Ukraine and Moldova as 'good neighbours' implicitly implies that they will nevertheless remain outsiders. At the same time, it is stated by some authors that Russia is still seen as Europe's cultural 'Other'. By this account, certain distinctive stereotypes and historical myths are reinvented in order to define the Other and to

⁵ Namely Russia, Belarus, Ukraine and Moldova.

construct a European identity in opposition to Russia, defined as a cultural Other in a broader, civilizational sense. Similar constructions to define an identity against Europe/EU seem to be operative in Russia, too (Tunander, 1997). These attributed 'folk devils' are linked to an alleged unfamiliarity with democracy and human rights stemming from Russia's (different) cultural background. To be sure, such narratives are absent from European Commission communications on the EU's eastern neighbours.

EU enlargement is not comprised entirely of narratives and discourses, however. Diverging interests and straight-forward geopolitics seem to play a role in EU's eastern enlargement as well. According to Kolossov (1998) Russia's new political elites assert that they inherited the status of a great power from the Soviet-Union and that as a consequence Russia should broaden its sphere of influence to a larger area around its borders. In light of this image, the Western Newly Independent States are regarded by Russia as its 'near abroad', thereby showcasing a Russian version of the *Monroe Doctrine* (Baev, 1997). Despite having regained their sovereignty in the 1990's, Belarus, Ukraine (meaning 'borderland' in Slavonic) and Moldova, for instance, are industrially and economically still dependent on Russia. Political elites in these states have openly turned towards Russia. Russia has adopted the attitude of a central power with a sphere of influence that incorporates among others Belarus, Ukraine and Moldova (Tunander, 1997). However, since the end of the 1990's Russia's resources and capabilities to act as a Great Power have shrunk dramatically and there has been a concomitant strengthening of the regions of the former USSR (Baev, 1997).

As a result of the divergent positions of Russia and the EU with regard to these countries, the zone from the Black Sea to the Baltic Sea is currently characterised by geopolitical tensions, following almost exactly the medieval divide between the Eastern Orthodox and the Western Roman Catholic Church. Into the distant future, predictions about further EU eastern enlargement are therefore difficult to discern. For the time being, in Russian geopolitical discourse the Western Newly Independent States are still represented as belonging to their sphere of influence and, although Russia has lost geopolitical power, it is still able to exert control over its Near Abroad. The EU seems to acknowledge this implicitly, which diminishes the likelihood that the EU will make attempts in the near future to start genuine membership negotiations with countries of this zone.

At the southern external border, the European Commission has a clearer view of the opportunities for these neighbours to become member-states. In the Wider Europe Communication, the commission writes: 'accession has been ruled out, for example, for the non-European Mediterranean partners' (CEC, COM 2003/104, p. 5). Apparently, the notion of 'Europeanness' is first of all fed by geographical criteria and only secondly by official accession criteria in the fields of democracy, human rights or market reforms. The empirical research in Brussels revealed a reluctance on the part of interlocutors to engage in the debate on the EU's ultimate limits. One of the respondents even remarked that the European Commission does not engage in 'doing blue sky-thinking' (Interview with DG Enlargement, 7-5-2003).

4.1.3 *The Western Balkans*

The second communication, entitled 'The Western Balkans and European Integration' contains prospects for the eventual accession of the Balkan countries⁶ into the European

⁶ Namely Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro.

Union (CEC, COM 2003/285). In the document, in which they are explicitly named ‘potential candidates for EU membership’, the European Union obliges itself to strive for this desire to become reality:

The preparation of the countries of the Western Balkans for future integration into European structures is a major priority of the European Union. These countries should have a clear perspective of joining the European Union when they have satisfied all the necessary criteria (CEC, COM 2003/285, p. 7).

Interestingly, this statement again illustrates the a-priori application of geographical rather than political and socio-economic criteria when discussing possible EU-membership of a country or group of countries. Based on developments with regard to the establishment of a well-functioning juridical system or the creation of a market economy, for instance, there seems to exist no obvious reason why Albania should be given a better prospect on EU-membership than Moldova, as is presently the case. The Wider Europe communication states that Moldova does not currently possess the competitive strength or administrative capacity to take on the reciprocal obligations of a Free Trade Agreement (CEC, COM 2003/104, p. 11), but the same might count for Albania too. Although both the Wider Europe and the Balkan communications strive for a deeper integration of the respective countries into the Union’s policymaking, the states of the Western Balkans are foreseen to eventually become actively involved in Community programmes. A telling example of this is the RTD Sixth Framework Programme, which will possibly be extended to the Balkan states in order to ‘help familiarise the countries with Community policies and working methods and contribute to preparing them for a closer relationship with the Union’ (CEC, COM 2003/285, p. 5). The ‘Ring of Friends’ states, on the contrary, are not promised such concrete participation. Rather, the EU wishes to ‘integrate the scientific communities of the neighbouring countries’ through the establishment of a so-called European Research Area (CEC, COM 2003/104, p. 13).

4.1.4 The Northern Dimension

A final geographical concept in the external and cross-border policies of the European Union is named the Northern Dimension, which stretches from north-west Russia via the Baltic Sea coastal area’s to the Norwegian Sea and Iceland. The goal of the EU is to enhance economical and political co-operation with countries in this region, both with EU and non-EU member-states. Iceland and Norway, non EU-member states, are more or less tied up to the EU within this framework. Co-operation (in the form of free-trade) between EU and EFTA-countries in general obviously adds to that too.

The Northern Dimension Action Plan (2000) is quite revealing in regard to the EU-attitude towards co-operation with Russia. According to this Action Plan, Russia’s business environment lacks stability, predictability and incentives for Small and Medium Enterprises (SME). Further, Russia’s trade and investment legislation would suffer from inadequate clarity and transparency and the EU strives for aligning Russian standards with its own. At the same time, a TEMPUS project for north-west Russia has been created, trade and tourist activity is growing fast and the EU has helped Russia with accession to the World Trade Organisation. The attitude of the EU towards Russia is therefore rather ambivalent; on one hand it tries to enhance co-operation with Russia within different European and international frameworks, and on the other hand it attempts to keep Russia out and is ‘battling’ over their mutual ‘Near Abroads’.

4.1.5 'Island areas'

The logic of the internal market program sheds more light on the question of what order countries actually can accede to the EU. Internal market strategy is at the core of EU policy-making. Since the European Commission's White Paper on the internal market (European Commission, 1985) at various stages internal EU-borders have become less and less significant, at least as an obstruction to the flows of capital, people, services and goods. A state that is not located at the current external border of the EU is unlikely to become a future member, as it would contravene a vision of the European Union as essentially borderless for capital, goods and labour. According to this logic of 'sequencing', Georgia could not become a member of the EU before Turkey or the Ukraine.

Foreseeable administrative problems regarding the implementation of the Schengen *acquis* in case of such an enlargement further point to the undesirable side effects of letting in a state that is not at the current EU external border. In such an instance, the EU would be dependent on the willingness of non-EU states in allowing for the transit of people through non-EU. A visa-free travel regime between the EU and a potential new member-State that is not at the current EU-border is therefore highly unlikely. Reciprocity would be difficult to establish, as visa-free travel from most non-EU members to the EU is prohibited (Common List, Annex 1, Council Regulation No. 539/2001). The difficulties stemming from the flow of people between Kaliningrad and Russia, which is in a sense the opposite situation of the picture painted here, point to the fact that the EU will be reluctant to let in a state that does not border the current EU-territory.

A final note on the question of who's in and who's out concerns the position of Kaliningrad, and particularly the measures taken with regard to the movement of Russian citizens to and from this area, which will become a Russian enclave in the European Union. In its 'Kaliningrad: Transit' Communication of September 2002, the European Commission has specified a number of regulations in this respect, which were successfully negotiated with Russia in November of that same year (CEC, COM 2002/520). Agreement has been reached on the issuance of a special visa for Russian citizens who are officially listed as 'regular' travellers between Kaliningrad and Russia. As of 2005, Russian citizens will be required to be in possession of an international passport in order to get onto this list.

4.2 What model is the European Union?

The question arises to what extent the current practice of re-bordering the European Union is in fact an outcome of the assumptions of modernization theory, whereby the European Union is visualized as a state that attempts to reconstruct the nation of Europe. Such a vision is nourished by a combination of cartographic myths and gut-feelings of what Europe is. Here, project members conjecture to what extent alternative bordering regime models can be devised that avoid the simplistic and exclusionary state-like bordering of the enlarged European Union.

The Supranational Level Studies, that is, both the document and the interview analysis, have revealed a particular absence of interest in this topic. No official Commission documentation exists to date explicitly addressing the question of what form of state the EU, once a political union, is or should take on. According to officials working in the Enlargement Directorate General, issues of such a reflexive nature surpass the immediate concerns of the Commission

as a policy executive institution. This form of policy-making betrays an incremental, ad-hoc attitude in shaping the EU. Indeed, the issue of what model the European Union should have or appears to have in practice, seems to be primarily taken up by academic researchers (Hellström, 2003, Hudson, 2000, Christiansen et al. 2000, Zielonka, 2001).

4.2.1 *The EU as a Super-State?*

It is not clear where the (ultimate) borders of the EU lie. This is also not the case if we look at the different fields of policy-making. Countries within the European Union can use their right for an opt-out of a certain area of policy-making, as is the case with the UK, Ireland and Denmark in regard to the Schengen-acquis. Some states from outside the EU have an opt-in for different forms of policies (Christiansen and Jorgensen, 2000). Since the Treaty of Amsterdam (1997), states can use the institutions of the EU in order to accelerate integration in certain areas. These developments make it increasingly difficult to regard the EU as a super-state.

Further, the different nation-states are still reluctant to give up their sovereignty in a lot of areas of policy-making. Despite the growth of the first (Communautarian) pillar, some important competencies remain in the second (Common Foreign and Security) and third (Justice and Home Affairs) pillars. This reflects the ongoing 'game' that exists between the EU and the member-states in defining who is sovereign in which area. According to Hudson (2000), the EU represents a highly elaborated example of a multi-level governance system (cf. Marks and Hooghe, 2001). The different nation-states in the EU are still important and powerful actors, yet at the same time the EU as a supranational power-structure has gained (decision-making) power, making it an important political actor in its own right in Europe. In addition, the regions have been able to strengthen their role in and by the EU, for example in the Committee of the Regions and can pass over the various states in certain areas of administration.

If the EU resembles a super-state, one would expect that Europeans will first and foremost identify with this spatial construct. A EU-identity would then have to be stronger than the different national identities that exist in Europe. Murphy (1999), however, argues that a European or EU-identity will not replace the different national identities. Most Europeans do not see the EU as a super-state, with an analogue identity attached to it, but they are willing to accept it as a meaningful social-territorial construct. A constellation of different spatial identities in the EU will arise. This line of reasoning opposes for the largest part the assumptions of the modernisation theory on the reconstruction of the 'nation of Europe'. Such an additional EU-identity will, however, be crucial for further integration. Without a EU-identity next to national and other spatial identities, based on the cultural diversity of Europe, the process of Europeanisation will inevitably slow down or even halt (van Ham, 2001).

4.2.2 *The 'empire' metaphor*

A metaphor stemming from the Middle Ages has become rather popular in recent commentary on post-Cold War developments in Europe. As the EU-integration process accelerated, in particular after the Treaty establishing the European Union (the 'Maastricht Treaty'), the proper nature of the territoriality of sovereignty within this new constellation became increasingly unclear (Waever, 1997). This state resembles in part that of the Middle Ages, characterized by multiple and fluid overlays of sovereignty, power and authority (Anderson, 1996). Moreover, the borders of the EU following the next enlargement will be

congruent with the medieval dividing line between the Roman-Catholic Church and the Orthodox Church. Therefore, in a sense, the medieval metaphor is generative of a powerful spatial imaginary capturing a quite fundamental aspect of what the European Union is becoming. According to some, it might be that a 'neo-medieval' rather than post-Westphalian solution is best suited to the current post-modern and post-Soviet environment of contemporary Europe (c.f. Zielonka, 2001). However, by means of this metaphor, the European Union is represented as more or less similar to the Holy Roman Empire. Such a non-worldly, non-secular entity can hardly be compared with the European Union of our present times. Democracy and human rights, an essential part of EU-policy, were not guaranteed in medieval times. The (neo)medieval metaphor, though it may be intuitively persuasive, fails to fully grasp a model of the European Union-in-the-making.

Waeber (1997) uses a different historical metaphor to describe current developments in relation to the European Union. He states that the EU resembles something like an ancient Mesopotamian empire. Other writers have compared the EU with the Austro-Hungarian Empire (Farago, 1995) and the Roman Empire (Brague, 1993; Mourier, 1993). This empire metaphor points to the centeredness of sovereignty. Within an imperial system, sovereignty is not in the hands of one single state, nor can we speak of sovereign equality. Instead, we may speak of diffuse patterns of centres with power fading off at its peripheries. European politics and integration are currently unfolding around one centre: Brussels. The other empire on the Eurasian peninsula is of course Russia (with Moscow as its centre) and another European empire might conceivably emerge in the form of Turkey, with Ankara as its centre (Waeber, 1997). However, the latter could be 'incorporated' into the EU by means of accession. The empire metaphor, with its emphasis on centres and concentric circles, makes it easier to see why countries like Belarus and Ukraine are not so much outside the EU, but rather inside the outer Russian circle. In some places the grey zones will be conflicting, but empires do not rub against each other in the same way nation-states do. In contrast to nation-states and ideological blocs, adjoining empires can have blurred and under-energized borders where they both fade out (Waeber, 1997).

4.2.3 Towards a post-Westphalian solution?

However, despite a burgeoning literature suggesting the neo-colonial or post-colonial pretensions undergirding the entire EU enlargement project (Brooks and Kovacs, 2001; Kramsch, 2002; Hansen, 2002, 2004; Engel di Mauro, forthcoming), to bluntly speak of the European Union as an empire would be rather misleading. Brussels (in co-operation with Strasbourg and Luxembourg) may provide accommodation for the major EU-institutions, but one obviously cannot speak of Brussels as a centre that dominates or even conquers in concentric circles surrounding states, regions or nations in order to create an empire. The EU consists of several (nation-) states that have voluntarily joined this supranational structure. As far as there are differences in decision-making power between different states or regions, this has hardly anything to do with distance from the supposed centre of Brussels. Centeredness, distance and territory in the EU do not have the same meaning they had in (ancient) empires.

The EU, after all, is a construction made (up) by several (nation-) states. The European Union comes forth out of the Westphalian state (-system) and still functions within a world state-system. Therefore, it can not be totally different from it. Although decision-making power relations between national governments, regions and the supranational structure have altered radically in a manner best captured by the multi-level governance model, it is states that can become members of the EU, not regions or people. The EU will not be a super-state either;

different nation-states still retain much decision-making power. The most accurate description for what model the EU is, would then be to see it as a Post-Westphalian construction, in which some medieval and ancient characteristics resonate.

The importance of these medieval and ancient principles lies not so much in what they reveal about the essence of what (model) the European Union might be, but far more in providing lessons in regard to the issues of governance and openness versus closure of the external border (see notably Walters, forthcoming). The Forward Studies Unit of the European Commission has, in collaboration with the European University Institute, taken up the task of placing the Union's external border regime in a broader post-Soviet European and global context. The result of this study was published in April 1999 under the title 'The Long-Term Implications of EU Enlargement: The Nature of the New Border'. The report, focusing on diversity rather than unity, called for broader support of the idea of 'difference' in European governance. Difference should also be acknowledged in developing a model of state for the future enlarged European Union. More recent publications with a focus on long-term developments place the discussion of the EU's external border regime in a post 9/11 context of shifting priorities from the openness of borders to that of closure (Centre for European Policy Studies, 2002; van Houtum and van Naerssen, 2002).

5 OPENNESS AND CLOSURE OF THE EXTERNAL BORDER: RESEARCH FINDINGS

The second meta-theme focuses on the consequences of the (re-)bordering practices for nurturing trans-national and trans-boundary bordering and opportunity structures across Europe's future external borders. Both the practices and consequences of specific border regimes have important feedback effects on the nature and direction of the European Union project as a whole. When it concerns the trans-boundary structures of border regimes in the European Union, a key element is the degree of mobility they in turn enable. Enlargement brings about new economic opportunities for both the new countries as well as for the current member-states. After the eastward shift of the external EU-border, flows of people, goods and capital might take on new forms, directions and volumes. Ideas, information, capital and labour can ideally flow more easily across previously closed borders. Yet mobility is desired and feared at the same time. For, inside the current European 'club', citizens of the member states are encouraged to network and wander around freely in order to increase comfort for all, but at the new outer borders, the entrance gates of the enlarged club are and will be strongly patrolled and guarded (Van Houtum, 2002). The enlargement of the European Union will bring along huge investments securing and tightening the outer borders of the European Union (Kennard, 2002; Brown, 2002).

In describing from what parts a border-regime is constructed, Langer (1999) makes a useful distinction between the openness of the border versus its permeability. Permeability refers to the degree in which the border is a (physical) barrier or obstruction for people who attempt to cross it. Openness is related to the degree in which at the border, juridical and administrative obstructions are thrown up; 'openness refers to the level of expenses needed to cross the border at official border crossings' (Langer, 1999, p. 32). Permeability refers to the ability of a border to prevent illegal crossings, both at and next to the official checkpoints. The degree of openness is related to administrative determinants and permeability is shaped by technical installations.

In the European Union, impermeability of the external border is still striven for, a wish that is evidenced by the huge investments that are and will be spent on fortification in the near future. On the other hand, several attempts regarding the enhancing of economical and cultural ties between the EU and Wider Europe, c.q. the 'Ring of Friends' point to a fundamental change in discourses on openness of the external borders. This turn opens up a field on new possibilities for shaping both the EU itself, as well as its external borders.

Openness and permeability are separate features of the border, yet at the same time they can influence each other in many ways. Rising the degree of openness of the (future) external borders diminishes the need for a high degree of impermeability in more than one way. First, by changing conceptions and definitions on who is or should be marked as a legal or illegal immigrant, more migration movements can be allowed and migrants will become more 'visible' and 'controllable'. Temporary work permits, for example, can reduce the felt necessity to enter the EU without proper documents. Second, by introducing a visa-free travel-regime with the eastern neighbours. The visa-requirements are an offence to the Ring of Friends, and at the same time they frustrate cross-border trade. Third, because CBC can generate prosperity in the regions at the other side of the EU-borders, push-factors to migrate (both documented and undocumented) lose their strength and pull-factors lose their appeal. An external border-regime constructed by the EU in such a way will decrease illegal immigration, inherently uncontrollable and intensely feared by the current EU member-states.

An external border with a high degree of openness, combined with international relations of a friendly character with its neighbours, will not only enhance trade, but also security and legitimacy for the European Union. The empire-metaphor, as elaborated in section 4.1, in a certain sense suggests that non state-like bordering of the EU, with the EU slowly fading-out towards its periphery, might be a suitable solution. Cross-border co-operation can contribute to the shaping of the EU in such a manner. Furthermore, this form of co-operation with future non-EU border regions might provide an additional impetus for multi-level governance in the EU. However, the current reality is that the geographically enlarged internal market programme implies an (increased) attempt at 'freezing' (immobilising) the outer borders of the European Union, while at the same time programmes are set up to increasingly 'liquefy' (mobilise) its internal borders (Van Houtum, 2002). This contradiction is fundamental for understanding the re-bordering of the European Union.

5.1 Cross-border political networking

Cross-border institutional co-operation is seen as instrumental in promoting European integration and facilitating the process of enlargement. The European Union (as well as several member states) has been actively supportive of cross-border co-operation initiatives (opportunity structures) in order to foster good neighbourliness and cultural understanding, enhance economic networking, and encourage regional and local participation in policy-making. In terms of governance, cross-border region-building appears to signify new opportunities for the articulation of local and regional interests and the development of transnational alliances addressing a variety of policy issues. The apparent emergence of transboundary and transnational regionalisms (not only within Europe) has been interpreted as part and parcel of an ongoing 'renaissance' of regional scale in areas of economic and political governance (Sparke, 2001).

5.1.1 *Transferring cross-border institution-building*

As a clear example of ‘policy-transfer’, cross-border institution-building, relatively successful in the Western European context, has been encouraged in CEECs through the establishment of various intergovernmental bodies and local and regional co-operation with the express duty of co-ordinating cross-border co-operation activities. The creation of Euroregions (or Euregions), cross-border associations of local government, has been particularly favoured. These associations represent an additional tier of regional ‘administration’ and play a vital role in channelling INTERREG and PHARE cross-border co-operation funds into border regions; it is their responsibility to develop cross-border regional development programmes that, having received approval by senior governments and the EU, serve as operational plans for the disbursement of project grants.⁷ Similarly, with regard to the CIS and Russia, the TACIS programme facilitates cross-border co-operation initiatives. Here however, the direct transfer of EU policy is rather less in evidence.

As the EU’s boundaries shift geographically, it will be necessary to investigate the extent to which meaningful forms of conflict prevention, problem-solving and other forms of collective action are emerging in Central and Eastern European border regions. In what ways can cross-border regionalisation in these countries contribute to European multilevel governance? An increase in regional inequalities within the 2004 accession-states is expected by some (The Robert Schuman Centre for Advanced Studies and The Forward Studies Unit, 1999). This will not be without repercussions on the internal debates in these states on regional initiatives for cross-border co-operation. Future enlargement will be influenced by the successes and failures, as perceived by different actors, in regard to former enlargement-events and experiences. A further essential characteristic of the enlargement debate is formed by the declining willingness of the current member states to contribute to the Structural and Cohesion Funds. The candidate member-states, both the countries that will enter the EU in 2004, as well as the countries that are likely to become member-states in later stages (i.e. Romania, Bulgaria, Turkey and the Western Balkan-countries), will probably not receive an equal amount of financial support as different regions in, for example, Portugal, Spain and Italy during former rounds of accession. Here, the Schengen-*acquis* plays a crucial role in the preconditions for cross-border co-operation as well. This *acquis* can further disrupt cultural and economic ties between countries (Robert Schuman Centre for Advances Studies/The Forward Studies Unit, 1999). Trade between Poland and Ukraine, for example, has decreased since the imposition of the Schengen-*acquis* on Poland.

5.1.2 *Compatibility of funding schemes: towards a New Neighbourhood Instrument*

In the new border regions diverse socio-economic conditions and practices increasingly confront each other, opening prospects for trade and co-operation but, at the same time, often encouraging undesirable and illegal activities and even resulting in misunderstanding and conflict. The debate on cross-border regional governance also concerns Cross-Border Funding Schemes (PHARE CBC, INTERREG, TACIS). Particularly, the problem of separate and incompatible funding arrangements between member and non-member states has been a cause of concern in recent years (s.f. CEC, COM 2001/437; CEC, COM 2002/660). In 2002, an in-depth investigation was carried out by the ‘Notre Europe’ Research Agency together with the

⁷ The EU Directive 94/C 180/13 (paragraph A5) explicitly states that the **national** operational programmes for INTERREG - as the basis for distributing funds to the various recipient regions - are to be developed by national, regional and local governments working in concert. Euroregions, as associations of local governments, have thus been singled out as an ideal vehicle for obtaining local-level input into the structural programming process.

Italian Association of Chambers of Commerce, 'Unioncamere'. Each of the six case study border regions under scrutiny⁸ was facing co-ordination problems between the various funding arrangements, some to a considerable extent. One of the contributors indicated that in his case study region, 'cross-border co-operation has suffered from the Union's failure to harmonise the INTERREG and PHARE programmes' (Notre Europe and Unioncamere, 2002: 4).

Respondents from DG Enlargement, however, indicated not to be particularly worried about this, as 'INTERREG III and PHARE CBC have the same implementation procedures' (Interview with DG Enlargement, 12-5-2003). Although it would seem that this particular statement underestimates the practical everyday problems encountered in the border regions, DG Enlargement is currently developing a New Neighbourhood Instrument, destined to implement the Commission's New Neighbourhood Policy as laid down in the Wider Europe Communication. The Instrument will 'introduce into the scope of cross-border co-operation additional, wider geopolitical objectives which will become increasingly important after enlargement' (CEC, COM 2003/393). These geopolitical objectives range from fighting transnational crime and terrorism to nourishing local cultural ties across the external border (CEC, COM 2003/104 and CEC, COM 2003/393). As from 2006, the New Neighbourhood Instrument is to replace all existing programmes, including, apart from INTERREG and PHARE CBC, Tacis, CARDS and Meda (CEC, COM 2003/393). From 2004 until 2006, so-called Neighbourhood Programmes will be introduced as an intermediate step in this convergence process of current cross-border funding schemes. The following measures will be taken:

- A specific funding allocation, within the current financial perspectives, will be made within the relevant external instruments to the area covered by each Neighbourhood programme. The funding for the Member State(s) concerned would be fixed by the Commission decision adopting the Structural Fund element of the programme;
 - The programme's priorities will take account of necessary objectives and activities on both sides of the border and the aims and objectives of the Wider Europe Communication;
 - The rules governing the programme's committee structures will ensure a balanced membership from both sides of the border, and include the appropriate representation of the Commission;
 - A single application process and a single selection process will operate for each programme covering both the internal and the external element of a single project;
 - Procedures for a final decision on the external and internal components of the jointly selected projects, and for contracting and making payments, will remain those required by the relevant regulations;
 - Procedures for monitoring, reporting and evaluation will be harmonised for both components. A system for a regular exchange of best practices and experiences on the basis of the results of the various projects should also be encouraged.
- (CEC, COM 2003/393, p. 10)

The New Neighbourhood Instrument has received rather strong criticism from the side of the Association of European Border Regions (AEBR). Holding the opinion that INTERREG in itself will provide sufficient means for co-operation across EU-borders (both internal and external) after enlargement, the AEBR considers the Instrument unnecessarily complicating. Although the organisation welcomes the proposals to enhance programming procedures and

⁸ West Pannonia between Austria and Hungary, the Baltic Sea Region, the Sea Alps Region between France and Italy, the Engrensis Euroregion between the Czech Republic and Germany, the Belgian-French border region and finally, the Ionian Sea co-operation initiative between Greece and Italy.

overall co-ordination, they firmly state that: ‘external funding programmes adapt to INTERREG rules and not vice versa’ (AEBR statement, 2003, p. 4). Furthermore, the AEBR argues that some of the ‘wider geo-political objectives’ can be better targeted through the existing INTERREG B (transnational co-operation) and C (interregional co-operation) programmes, as the proposed mix of targets under a sole instrument will considerably decrease transparency and may cause many practical difficulties.

5.1.3 *Cross-border governance capacities*

There is some concern about an ongoing lack of ‘administrative competence’ at sub-national levels in transition states (Brown, 2002; Kennard, 2002). Such a euphemism fails to capture a more long-term and structural problem, however, instantiated by a fundamental contradiction between the inclusionary dynamic of cross-border networking and the exclusionary logic of the Schengen *acquis*. As the experience of Euroregion Karelia (Finland-Russia), Euroregion Pomerania (Germany-Poland-Sweden), Carpathian Euroregion (Poland-Ukraine-Slovakia-Hungary-Romania), Nieman Euroregion (Poland-Belarus- Lithuania) and Bug Euroregion (Poland-Ukraine-Belarus) attest, for instance, what little progress in cross-border collaboration has occurred in the realm of tourism, university exchanges, and regional trade fairs has been eroded by a Schengen regime that will only serve to exacerbate existing cross-border asymmetries (Virtanen, 2004; Kennard, 2004). Left unresolved, this contradiction can only serve to produce an indeterminate and arbitrary cross-border governance structure in which unregulated cross-border flows of illicit goods (drugs, weapons, contraband commodities), capital (money laundering, etc.), and individuals (human trafficking, illegal immigration) continue to flourish with impunity (Krätke, 1999).

In the case of attempts by Nordic and Baltic states to create a ‘Northern Dimension’ to EU policy-making against the wider backdrop of European enlargement and peaceful co-development with Russia, some observers have highlighted the multi-scalar ‘dimensionality’ of the Northern Dimension’s regionalization initiatives (Scott, 2004). Whereas an older form of Baltic Sea regionalism engaged exclusively with sovereign nation-states, the ‘new regionalism’ represented by the Northern Dimension, while recognizing the ongoing relevance of states, emphasizes the increased political significance of sub-national and non-state actors; where issues of security dominated previous cross-border agendas, they are now complemented by environmental, economic and social issues articulated at local and regional scales. Within this transformed geo-political context, the Northern Dimension is understood as an expression of the increasing ‘hybridity’ of governance modes emphasizing functional international cooperation, including the strengthening of democratic civil society. Paradoxically, as a condition of its founding, the Northern Dimension has been deprived of resources so as not to elicit opposition from Southern European member states nor incur Russian resistance to post-Westphalian notions of geo-political discourse (Scott, 2004). The degrees of freedom available the ‘selective scalings of ‘we’ and ‘them’ categories’ at work in post-Cold War Baltic Sea space would therefore seem to remain strongly conditioned by the palpable presence of Europe’s South as well as its Eastern ‘near-abroad’.

5.2 Migration, border control and citizenship

As laid down in two Commission proposals published in 2001, permanent access into European Union space is granted to those third-country nationals who are either in the possession of a signed labour agreement, or self-employed (CEC, COM 2001/127 and CEC,

COM 2001/386). A far greater number of Commission documentation, however, concerns the closing of the border for residents of third-country nationals. The Centre for European Policy Studies, most notably justice and home experts Joanna Apap and Malcolm Anderson, has published widely on the issue of how to balance security and migration issues in an enlarging European Union (c.f. CEPS, 2001, 2002a, 2002b).

5.2.1 Transferring migration issues to the supranational level

A complicating factor in this respect is the importance national governments attach to maintaining sovereignty over migration policies, which is reflected in the institutional structure of DG Justice and Home Affairs. The DG's activities are currently organised in the three different pillars. The second pillar, related to the Common Foreign and Security Policy is the least eminent structure in which DG JHA operates. With the signing of the Treaty of Amsterdam (1997) a rather high number of competencies of JHA was transferred from the third pillar to the first pillar (the pillar under which policies are elaborated under jurisdiction of European Community Law). The internal market program as well as monetary-policy are part of this first pillar, but with regard to the work of DG JHA of particular importance are the transfer of the fields of border controls, the issue of visas, the circulation of nationals of third countries within the territory of the Community, as well as measures concerning asylum and immigration policy. However, the different member-states insist on retaining their sovereignty in criminal matters. Criminal justice co-operation is currently elaborated on an intergovernmental basis within the third pillar by DG JHA. Especially the distinction between the first (competence transferred to the community level) and the third (competence retained at the national level) pillars causes ambiguity in the division of powers (CEPS, 2002b). This is the case because of the particular political sensitivity of activities in the field of justice and home affairs, which is only being reinforced by post 9/11 developments and subsequent discourses of terrorist threat in a risk society.

During the European Council reunion in Sevilla (2002), it was not only decided that measures needed to be taken in relation to managing the external borders, but also in regard to setting up a common risk-analysis model, in order to achieve a common and integrated risk analysis on immigration issues. The emphasis placed on internal security is not a totally recent phenomenon. The second and third pillar of the EU have developed at different rates during the 1990's (Pastore, 2002). The importance and influence of the third pillar (Justice and Home Affairs) has grown much faster and has virtually overtaken the Common Foreign and Security Pillar, leading to an asymmetrical concern for internal security vis à vis external security. However, the September 11th attacks have indeed contributed to the blurring of the borders between these policy-areas, not only in the US, but also in the EU. Furthermore, ministries of Justice and Home Affairs in the several member-states are reluctant to give up sovereignty in this area, holding on to co-operation within the Third Pillar.

According to our spokesman, DG Justice and Home Affairs is currently preparing far-reaching organisational changes in order to resolve the problem of the ambiguity of division of powers (Interview with DG Justice and Home Affairs, 5-9-2003). In the view of the Centre for European Policy Studies, this should imply 'transferring a maximum of competence to the first pillar ...retaining a minimum of the most sensitive areas as the exclusive responsibility of the member states' (CEPS, 2002b, p. 54).

5.2.2 *Bordering undocumented immigrants*

Illegal migration is the issue which, according to our document sources, especially requires an intensified co-ordination among the present and new member states. The second half of 2003 indeed witnessed a whole range of proposals released by DG Justice and Home Affairs, addressing the development of a common policy on illegal immigration, human trafficking and the management of external borders towards this purpose (s.f. CEC, COM 2003/687; CEC, COM 2003/323; CEC, COM 2003/664 and CEC, COM 2003/452). The documents again reveal a dominant rhetoric in favour of 'returning illegal residents'. Towards this end, the Commission has proposed the establishment of a European Agency for the Management of Operational Co-operation at the External Borders (CEC, COM 2003/687). Apart from providing assistance to member states with regard to the training of border guards, the Agency's mission is defined as:

concerning the co-ordination and organisation of joint return operations, the Agency will provide member states with the necessary technical support in organising joint return operations, e.g. by developing a network of contact points to that end, by keeping an up-to-date inventory of existing and available resources and facilities, or by preparing specific guidelines and recommendations on joint return operations (CEC, COM 2003/687, p. 6).

The proposed Agency, which otherwise will not have any law enforcement competencies in the member states themselves, is thus given the difficult task of coordinating operational cooperation between member states towards the removal of third-country nationals illegally residing in European Union space. The Communication 'On the Development of a Common Policy on Illegal Immigration, Smuggling and Trafficking of Human Beings, External Borders and the Return of Illegal Residents' lists a whole range of policy measures to be coordinated by the Agency (CEC, COM 2003/323). These measures are grouped into visa policy, return policy and flanking measures.

Judging from the European Council of Sevilla's (2002) statements on migration issues, the events of 9/11 have strengthened the perceived inevitability of constructing a restrictive (common) immigration policy. As a result, a distinct fear of illegal, or uncontrollable immigration has become more clearly visible. Several proposals regarding the conditions under which illegal migrants may be sent back, for example in relation to partnerships with countries of origin and obligatory measures for these countries enjoining them to accept return migrants, have been accepted. When the cooperation of third countries is considered insufficient, international relations are perceived to be undermined. Under these conditions, sanctions are to be taken by the EU in order to enforce this policy of return (European Council of Sevilla, 2002).

Not only do emerging EU immigration- and asylum-policies have a rather restrictive nature, also visa-policy seems to function as a tool for letting in those who bring wealth, and at the same time keeping out those who bring burden. The European Commission draws up two visa-lists. One list is made up of states whose inhabitants don't require a visa for entrance to the EU and another list of states whose nationals do require such a visa. There are currently 132 countries on the latter list (Common List, Annex 1, Council Regulation 539/2001), all of which have populations with a low average income. All African states are listed in this Annex, as well as virtually the entire Caribbean region and the less prosperous states of Latin-America and Asia.

The European Commission uses an evaluative system consisting of three criteria in assessing whether a state should be put on the 'black' list. Third country nationals are considered a risk first and foremost when there is a possibility that they will reside in the EU illegally after entering. The second criteria is related to the third country nationals' influence on public security. When, for instance, drug policies of a third country are regarded as insufficient, this state is placed on the 'black' list. The third and final criteria is constituted by the international relations that exist between the EU and the relevant state (Guild, 2001). The most restrictive measures in the EU's visa-policy are made with regard to Afghanistan, Bangladesh, the Democratic Republic of Congo, Eritrea, Ethiopia, Ghana, Iraq, Iran, Nigeria, Pakistan, Somalia and Sri Lanka. Nationals of one of these twelve countries require an *airport transit visa* even when making an intermediate stop at an airport in the EU (Cholewinski, 2002). A large amount of the total number of asylum-seekers who enter the EU come from these countries. Thus, the EU appears to use its visa-policy not only as a tool to guarantee security, but also as a means of keeping the world's poor out.

With regard to visa policy, the Commission attaches special importance to the establishment of a common 'Visa Information System'. For instance, this system is designed to combat visa fraud and irregularities committed by illegal immigrants and human traffickers. The use of advanced technologies in the field of biometric identification such as iris scanning, facial recognition and fingerprints should become customary in this respect. Thus inventing new means of personal identification in addition to passports, visas and residence permits, the Commission strives for an overall enhanced efficiency in controlling the Union's future external border. Designing a common format for visas and creating common EU visa issuing offices should further contribute to efficiency (CEC, COM 2003/323). Furthermore, the 'visa policy' section of this Communication foresees the development of the *acquis* on local border traffic, which is discussed below.

Proposals for the development of a return policy draw on the previously published 'Green Paper on a Community Return Policy'. The idea behind this paper, which was subsequently elaborated into a Return Action Programme, was to express the importance the Commission attaches to co-operation with third countries. Towards this end, country return programmes should be designed and installed, at least on a bilateral but preferably on an integrated basis (CEC, COM 2003/323). In addition, co-operation between member states themselves should be enhanced, for instance in cases of transit for the purposes of removal by air. Recent developments in the Netherlands might serve to illustrate these forms of co-operation. At present, the forced repatriation of illegal migrants from Romania and Bulgaria is occurring on a fairly frequent basis in the Netherlands. Institutionalising these flows of return migration, two so-called 'uitzetcentra', detention centres have been installed recently at the Amsterdam and Rotterdam airports Schiphol and Zestienhoven, respectively. Having signed bilateral readmission agreements with national governments in both Sofia and Bucharest, Dutch policymakers are thus co-creating a trans-European institutional network of (re)migration, quite in accordance with the desires of the European Commission as expressed above.

Finally, a number of key 'flanking' measures concern attempts to eliminate the smuggling and trafficking of human beings (CEC, COM 2003/323). On the supply as well as the demand side of the market for illegal labour, the Commission seeks to develop pro-active measures in order to combat the exploitation of human beings in an enlarging European Union. This involves the strengthening of a juridical framework enabling severe punishment for those committing crimes in the field of human trafficking. Measures will also be taken against the increasing amount of undeclared work in the European Union, which 'tends to act as a pull

factor for illegal migration and can lead to exploitation and insecurity for the migrants involved' (CEC, COM 2003/323, p. 10). Again, the need for strengthened co-operation with member states and third countries is brought forward in this respect. With regard to the former, the Commission explicitly advocates 'burden sharing' between member states and the Union for the management of external borders. With regard to the latter, the Commission introduces the concept of 'leverage': co-operating third countries might be rewarded with compensatory measures, such as a more generous visa policy, increased quotas for migrant workers, closer economic co-operation, trade expansion or additional development assistance (CEC, COM 2003/323).

With regard to human-trafficking, there is a tendency to place responsibility more and more on air-transport carriers. The different member-states are seeking ways to be less confrontational with respect to problems involving visa controls. The Schengen Implementation Agreement, in this respect, states:

The carrier shall be obliged to take all the necessary measures to ensure that an alien carried by air or sea is in possession of the travel documents required for entry into the territories of the Contracting parties (Schengen Implementation Agreement, Article 26(1)(b)).

'White list' travellers must only face immigration controls at the point of carrier check-in. 'Black list' nationals will be checked further by carriers on the possession of a valid visa issued either by the state of destination or another Schengen-state. The carrier is the ultimate responsible body for the taking-in of third country nationals. When the carrier fails to provide an accurate determination whether an alien has the right to enter the EU or not, which leads to carrying an individual who is refused admission to the EU, it will face penalties including the duty to take the individual back to the country of origin or the country which issued the travel documents, as well as receive fines for carrying the individual in the first place (Guild, 2001). Only train-services are exempt from this regulation. In past years, several air-transport as well as sea-based carriers have been penalised.

5.2.3 *Local border traffic*

The sensitive issue of regulating local traffic in border areas along the European Union's external border is taken up in a proposal for a Council regulation published in August 2003 (CEC, COM 2003/502). This document distinguishes between two types of external land borders. The first type consists of the border between member states and neighbouring third countries (non-member states) such as Poland-Belarus and Estonia-Russia. For the time being, this includes state boundaries between member and accession countries on the one hand and candidate countries on the other, such as Greece-Bulgaria and Hungary-Romania. The second type of external land borders as distinguished by the Commission concerns the border between two actual member states after the May 2004 enlargement, which are involved in different stages of the implementation of the Schengen regime. This type includes the border between member states fully implementing and neighbouring member states not yet fully implementing the Schengen acquis, such as Germany-Poland, as well as the border between member states which are both not fully implementing the Schengen acquis, such as Slovakia and Hungary (CEC, COM 2003/502).

The proposal offers no clear definition for the concept of 'border area', which is otherwise used frequently throughout the document. In practice, the precise territorial demarcation of what constitutes 'the border zone' is left to national authorities:

'border area' means an area which, as the crow flies, does not extend more than 50 kilometres from the frontier. Within this area, the local administrative districts which are to be considered as part of the border can be further specified by the concerned states (CEC, COM 2003/502, p. 20).

Residents of these border areas are granted the right to obtain a special travel permit, enabling them to freely cross the external border in order to pursue social and economic activities. These documents will be labelled 'L' (Local), distinguishing them from regular travel permits. Apart from establishing and maintaining socio-economic ties, an important side-effect of this policy may be the nourishing of cultural links between peoples of the same 'ethnic affinities', which gain additional importance in the context of proximity (CEC, COM 2003/104). Within the 'Euromosaic' that is the landscape of population groups in Europe, visa rights and citizenship of ethnic minorities remain important cross-border issues indeed. Ethnic Russians living in Estonia and Hungarians in Romania are among the best known examples of such deeply rooted historical relationships. In this respect, however, it need not be forgotten that neighbourhood relationships in the region stretching from the Black Sea to the Baltic Sea have not always been as 'friendly' as the Commission would like them to be in its Wider Europe Communication, with 'fear and prejudice dominating among the population' still (AEBR statement, 2003, p. 2). It is precisely this fear of the unknown 'other' that cross-border co-operation seeks to overcome. Supranational policy meant to locally increase 'openness' at the EU's external border stands merely at a beginning, yet already provides a friendly counterpart to those hostile visualisations of 'impermeability' that will still abound in the upcoming years.

6 CONCLUSION: SUMMARY OF FINDINGS AND RECOMMENDATIONS

The Singapore-based British geographer James Sidaway has recently remarked that the European Union has 'no essence' (2004). In the light of the archival research and fieldwork interviews conducted by this team for the Supranational Level Studies, we believe this would be an accurate characterisation of the perceptions, policies and practices of the EU with respect to its future external borders. In the matter of its own outer membrane with Russia, the former member states of the Soviet Union, as well as the Southern Mediterranean Rim, Europe does not speak with one voice. This should not come as any surprise, of course. What is perhaps more interesting (and pressing) from a policy standpoint is the divergence of contending agendas at play in defining the nature and mode of governing Europe's newly minted external boundary, suggesting very real institutional tensions within the heart of the EU policy-making apparatus. In practice (although perhaps not in rhetoric) this discounts at once an EU 'boiler plate' approach to the discrepant cross-border case-studies under examination subsequent to this study.

As is evinced in this report, no internal EU consensus exists on the question of the nature and timing of future membership. Beyond the rather technocratic terms used as benchmarks for EU accession, agreement on Turkey's membership threshold remains elusive, and, a breakthrough in Cyprus notwithstanding, ultimately political in nature. Even under the relative momentum of the 'Wider Europe Communication' and more recent Balkan initiatives, the final definition regarding which states shall enter into Europe's 'Ring of Friends' remains a highly open-ended process contingent on an ensemble of strategically

indeterminate variables. Currently, these would seem to favour active integration of the countries of the Western Balkans into European Community programs rather than nations of the former Soviet sphere of influence, but such priorities could easily shift in the face of alternate geopolitical imperatives.

The authors consider it significant that no official interviewed for this study ventured to conjecture on what form of territorial entity the European Union will or should be consequent upon enlargement. Given that an underlying cartographic bias would appear to guide much of the Commission's thinking regarding the direction and sequencing of enlargement (in the sense of a progressively eastward 'domino theory' of expansion), the absence of a 'vision' for the new European polity-in-the-making should raise concerns that at the heart of the Commission functionalist economic criteria may be gaining the upper hand in visualizing Europe's future territorial identity, to the detriment of issues germane to the continent's democratic development. For all the acuity of insight brought to bear by academic researchers into the imperial or post-Westphalian nature of the emergent European multi-level polity, it does not service to the inhabitants of the EU's future external border regions to have such debates cloistered behind ivy walls and out of earshot of the policy-makers in Brussels.

In the absence of a *grand recit* governing the EU's future outward boundary line, it may be expected that judicious use of EU structural funds may facilitate 'bottom-up' solutions for the cross-border regions that Europe shares with non-EU partners. As the INTERREG cross-border funding program increasingly shifts focus from Western to Eastern European accession states and their neighbours, this matter will become all the more pressing given the accelerating socio-economic inequalities that will surely be produced as a consequence of reinforcing the exclusionary mantle of the Schengen *acquis*. As the record of cross-border economic and political networking examined in this study indicates, however, much more remains to be done to ensure that a 'fortress' like boundary is attenuated in favour of more 'fluid' and permeable transboundary governance structures. In reconciling the imperatives of Schengen and those of heightened transboundary institution-building across the future borders of Europe, closer co-ordination between the Commission's Directorate General of Justice and Home Affairs and that of its Directorate General of Regional Policy is surely warranted. With regard to the latter office, a step in this direction must certainly confront the need to more adequately harmonise the various funding schemes between member and non-member states, notably INTERREG and PHARE. Against the backdrop of persistent co-ordination bottlenecks evident in this policy-making sphere, the New Neighbourhood Instrument is welcomed by many parties involved in cross-border co-operation in Europe, in spite of its shortcomings and preliminary status.

Illegal immigration and human trafficking remain issues which will require an especially intensified co-ordination among the present and new member states at a Europe-wide level. Notable in this respect has been a flurry of recent Community initiatives meant to establish capacity at the member-state level for the purpose of organising 'joint return' operations. Lacking law enforcement competencies within the individual member states flanking non-member countries, however, it remains an open question to what extent newly created entities such as the 'European Agency for the Management of Operational Co-operation at the External Borders' can negotiate the various repatriation, visa and 'flanking' agreements on a more comprehensive basis than those grounded in more limited, ad hoc, bilateral agreements. This remains a major challenge for Europe's 'bordering' of undocumented immigrants. With respect to the actions of third countries, it would be unfortunate and ultimately counterproductive if the handling of the issue of undocumented migration were to be used as a

quid pro quo for future development aid, as currently considered. Such ‘leverage’ mechanisms could all too easily be manipulated according to volatile and unpredictable political conjunctures.

From the evidence, it would appear that the goal of an effective and coherent border regime targeting legal as well as illegal migrants remains contingent on the resolution of an existing ambiguity in the separation of powers within DG Justice and Home Affairs. At the very least, it would be expected that the allocation of competencies between the first and third pillars of DG JHA be clarified in favour of the former (‘community level’) pillar, if only to provide supranational consistency to Europe’s future border migration regime in lieu of ad hoc nationally-oriented approaches in dealing with migration issues. With the contemporary rise in prominence in the Eastern European accession countries of populist groups which often operate on the basis of anti-immigrant political agendas, the question of such an institutional resolution has only become more urgent. It would be hoped that in the wake of the recent attacks in Madrid, and the co-ordinated response of European member states, the third pillar (competence retained at the national level) may be further diluted in the service of pan-European goals and objectives, thus providing a wider court of appeal to migrants affected by individual national legislation within accession home countries.

From the foregoing it may be corroborated that, as regards governance of its future external boundary, the European Union, indeed, has no univocal ‘essence’. This insight should not serve as a pretext, however, for the Commission to absolve itself from ‘grand narratives’ regarding its newly expanded boundary. As is well known, nature abhors a vacuum. In this context, it would be imprudent if Europe’s approach to the cross-border regions straddling non-member states were left to be determined by the external vagaries of ideology or history alone. Political leadership and intellectual courage will be required to craft just such a vision. This report is meant as but a modest step in that direction.

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ANNEX I: INTERVIEW REQUEST LETTER

27/272200

Nijmegen
School of
Management

Department of Human
Geography and Spatial Planning

your reference

our reference

date

concerning

Dear Mrs./Mr. _____ ,

As researchers funded under the auspices of a 5th European Framework grant¹, we have been entrusted over the next 3 years to examine capacities for building effective “cross-border regimes” in the form of cooperative structures, governance practices and conflict-minimizing dialogue across national borders in Central and Eastern European border areas in anticipation of EU enlargement. The timeliness of this research agenda is predicated on the observation that as the EU takes on new members, socio-economic and political transformations are taking place at its borders which are of signal importance for the future security and identity of the emerging European polity.

Using theoretically informed case study methodology, we seek to analyze the relationships between regional “problematiques” and opportunity structures for dialogue and cooperation across the following borderlands: Finland-Russia, Estonia-Russia, Poland-Ukraine, Hungary-Romania-Ukraine, Romania-Moldova, Greece-Bulgaria, Germany-Poland, Austria-Hungary, and Cyprus. The project thus seeks out conditioning parameters of transboundary cooperation that function at three interconnected spatial levels: supranational (European), national, and local (cross-border regional). Consistencies and discrepancies between these three levels are to be assessed, with the resulting patterns serving to define concrete transboundary co-operation “regimes”, the overall results of which will inform understanding of the interrelatedness of various factors in conditioning (trans)boundary cooperation, while providing context-sensitive insights into possible regional development and governance strategies for regions on the European Union’s external borders.

enclosure(s)

It is in the context of the foregoing, and given your leadership role within the EU's _____ responsible for negotiating the terms of Poland's accession to the EU, that we would like to have the opportunity to discuss with you the Commission's policy strategy for Poland's future border regime with Ukraine. Having regard to the Treaty on European Union [Article 12(2)], the Agreement on Partnership and Cooperation (PCA) between the European Communities, Member States and Russia/Ukraine (March 1, 1998), and European Council Common Strategy², we are particularly keen in assessing your perception of the role of cross-border cooperation in achieving the following "strategic goals" of the EU:

- 1) "[T]o contribute to the emergence of a stable, open and pluralistic democracy in Russia/Ukraine, governed by the rule of law and underpinning a stable functioning market economy which will benefit all the people of Russia/Ukraine;
- 2) [T]o cooperate with Russia/Ukraine in the maintenance of stability and security in Europe and the wider world, and in finding effective responses to common challenges facing the continent;
- 3) [T]o increase economic, political and cultural cooperation with Russia/Ukraine as well as cooperation in the field of justice and home affairs." (ECCS, 1999: 1-2)

In light of these objectives, we would like to be informed as to the future role of specific instruments of cross-border community policy in achieving these aims. Particularly, given the Commission's stated aim "to ensure a smooth transition of border regions and to sustain public support for enlargement" (CEC, 2001: 4), we are interested in the policy weight currently being attached to cross-border development as envisioned for the future border regime linking Poland and Ukraine within the arenas of transport and environmental infrastructure, the re-orientation of structural funding instruments, support for small-to-medium enterprises, youth and labor training, information activities in border regions and rural development. In eliciting a response from you on these issues, we would be particularly keen to obtain your professional assessment on the possibility and likelihood of the external border regime under your watch becoming a space of closure rather than of transparency and openness, of exclusion rather than inclusion and positive integration. This concern stems largely from the observation of a fundamental tension inherent in the EU's future border regimes with non-Europe, reflected in a bifurcation between EU-level discourses of an internally mobile "borderless Europe", on the one hand, and the application of the Schengen Agreement to the EU's eastern fringes on the other, which will act to severely clamp down on cross-border migrant flows from outside the EU deep into the foreseeable future. In short, we invite you to reflect aloud with us on these and other potentially vital "paradoxes" shadowing the construction of openly democratic transboundary regimes within your geographical zone of responsibility.

Against the backdrop of the foregoing, we would request the opportunity to meet with you for no more than one (1) hour to discuss these issues within the framework of a semi-structured questionnaire, to occur preferably within a calendar window extending from _____ - _____, 2003/4. Within this time-frame, we would be more than willing to meet at your Brussels office on the date and time of your choosing. Should you have any questions regarding our request, please do not hesitate to contact me [Tel. 31 24 361-2725; Fax 31 24 361-1841; Email: H.vanHoutum@nsm.kun.nl].

Mrs./Mr. _____, we look forward hearing from you at your earliest convenience.

Cordially,

Dr. Henk van Houtum, on behalf of the EXLINEA Team
Dr. Olivier Thomas Kramersch
Drs. Roos Pijpers
Nijmegen Centre for Border Research
Department of Human Geography
Katholieke Universiteit Nijmegen
Postbus 9108
6500 HK Nijmegen
The Netherlands

¹ EXLINEA: ‘Lines of Exclusion as Arenas of Co-operation: Reconfiguring the External Boundaries of Europe – Policies, Practices, Perceptions’ [HPSE-CT-2002-00141]

² Official Journal of the European Communities (1999) *European Council Common Strategy of 11 December 1999 on Ukraine*. Brussels. Council of Europe.

³ Commission of the European Communities (2001) *Communication from the Commission on the Impact of Enlargement on Regions Bordering Candidate Countries. Community Action for Border Regions*. Brussels: European Commission.

ANNEX II: SEMI-STRUCTURED QUESTIONNAIRE

Introduction:

- Dr. Henk van Houtum, assistant professor: H.vanHoutum@nsm.kun.nl
- Dr. Olivier Kramersch, research fellow: O.Kramersch@nsm.kun.nl
- Drs. Roos Pijpers, PhD-student: R.Pijpers@nsm.kun.nl
- Nijmegen Centre for Border Research, Dept. of Human Geography, University of Nijmegen, the Netherlands (www.kun.nl/ncbr)

EXLINEA:

- Is an acronym of *Lines of Exclusion as Arenas of Co-operation*
- Is about the construction of new external border regimes in Central and Eastern Europe after EU-enlargement (*re-* and *de-*bordering, i.e. policies and practices with regard to e.g. cross-border co-operation, internal market, migration, security)
- The research is supported by the Fifth Framework Programme, 2003-2006
- Is elaborated by a research consortium specialised in borders and border regions
- The NCBR is responsible for the elaboration of the Supranational Level Studies

This interview is:

- Semi-structured, i.e. based on, but not tight to, a questionnaire list
- Supposed to reflect on a number of enlargement issues related to the EU's external border regime
- Following the core-model of the EXLINEA research framework

The subsequent themes and questions are relevant:

1) Re-bordering: migration, nationalism, security

1a External migration

- What is your estimation and evaluation of *external* East-West (labour) migration after EU-enlargement?
- Why will there not be an open market for third-country nationals?
- How will the internal market be secured and protected?
- Can you name examples of particular success or failure with regard to this protectionism?
- Would you subscribe to the idea of a paradox with strategic selectivity in migration policies and practices (*replacement migration*)?
- What is your evaluation of EU liberal free trade ideology? Do you see the EU as a firm?

1b Internal migration

- What is your estimation and evaluation of *internal* East-West (labour) migration after EU-enlargement?
- Do you expect emphasis on (labour) migration or commuting mobility?
- How do you evaluate the link between structural funds and endogenous economic growth versus 'structured' migration?
- Why does a transition period exist in the implementation of the Schengen acquis?

1c Security

- What is your estimation and evaluation of *illegal* East-West migration after EU-enlargement?
- Why are border controls necessary? What exactly is ‘insecure’ and ‘to be protected’?
- Which measures will be taken against illegal migration?
- When, in general, can a full implementation of the Schengen acquis be expected?

1d Nationalism and ethnic minorities

- How do you evaluate tendencies of nationalism (symbols/markers, institutions and consequences) in accession countries?
- How do you evaluate ethnic minority issues in accession countries?
- What should relationship(s) with non-accession countries be like?
- What are the attitudes in accession countries towards EU-accession in relation to loss of authority, independence and decision-making?

2) De-bordering: cross-border co-operation (CBC)

- What is your estimation and evaluation of *political, economic and socio-cultural* cross-border co-operation?
- Can you name particular examples or flagship developments versus major failures, disappointments or frustrations?
- What is or should be the ultimate goal of CBC in your eyes?
- What do you think are the determinants of successful CBC?
- What are the importance and relevance of cross-border region building?
- Why is there a focus on border regions in integrating political societies and economies?
- Which strategy is best: ‘bridge’ (*active intervention*) or ‘open door’ (*laissez passer*)?
- What are the relationships between Interreg and Phare?

3) Enlargement of the European Union

- What is your estimation and evaluation of costs versus benefits of EU-enlargement?
- What makes you think that?
- What is your estimation and evaluation of the *model* and *process* of EU-enlargement?

4) The future of the European Union

- Do you see a paradox or tension between re- and de-bordering trends of the EU (*openness vs. closure*)?
- How do you evaluate the term *EU as a fortress*?
- How do you evaluate the term *EU-imperialism*? Is the EU making a new East (*Golden Curtain*)?
- Where will the future external borders of the EU finally be?

ANNEX III: LIST OF INTERVIEWEES

Interviewees DG Enlargement, Estonia team:

- Mr. Gavriel Avigdor (EMU, statistics, movement of capital, education & training, science & research, telecom & IT, culture and audio-visual, taxation, JHA, customs union, CFSP, others)
- Mrs. Susanna May (agriculture, fisheries, external relations, industry, SMEs, budget, financial control, institutions, internal market)

Interviewee DG Enlargement, Romania team:

- Mr. Samuel Meunier (transport, environment, energy)

Interviewee DG Enlargement, Hungary team:

- Mrs. Cristina Camaiani (CBC programmes, free movement of capital, EMU, statistics)

Interviewees DG Justice and Home Affairs:

- Mr. Toby King (external borders, accession countries, JHA world-wide)
- Mrs. Laura Corrado (external borders, Schengen implementation)