Borderlands:

The Middle East and North Africa as the EU's Southern Buffer Zone

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Introduction

Once upon a time after the peace of Westphalia, states had physical borders that concomitantly marked the frontiers of their territory, circumscribed the limits of government authority, and defined the identity of the 'nation' as a bounded political community.[1] Reality always differed from the theoretical construct of the Westphalian model of sovereignty and borders[2], and the concept of territorially defined 'nations' has also remained problematic in practice.[3] However, the idea of a triple function of borders—demarcating state territory, state authority, and the 'nation'—has continued to influence international law to the present. In our times, the spread of supranational and trans-national patterns of governance, trade and globalization, along with technological innovations, considerably transformed the nature of state borders. Reflecting these developments, the social sciences operate with the notion of a 'multi-dimensional function of boundaries'[4], whereby the different tasks performed by borders are no longer necessarily congruent.

The departure from the 'classical' triple function of borders is most visible in Europe, where the integration project resulted in supranational areas of sovereignty, the creation of an internal market, a common currency, and a zone of passport-free travel. The gradual abolishment of borders among the member states of the European Community (EC), and later on European Union (EU) is often contrasted with the 'hardening' of its borders *vis-à-vis* the outside world. The buzzword of 'Fortress Europe' resounds particularly strongly in the case of the EU's policies on immigration. Although the Union is increasingly restrictive regarding the movement of migrants, this chapter argues, however, that the image of the EU as a clearly defined territorial entity, which is fortifying its territorial and functional borders as well as its identity boundaries *vis-à-vis* the outside world, is misleading. First, the EU and its member states *de facto* belong to different and overlapping border 'regimes'; this variable border geometry decouples of the distinctive dimensions of borders from each other. Second, instead of fortifying its territorial and functional borders, along with its identity boundaries, towards third countries in a black-and-white fashion, the EU is in fact expanding its variable border geometry to its immediate periphery. As this process also entails a differentiated extension of governance patterns and functional regimes from the

EU to its periphery, the latter is progressively transformed into 'EU borderlands', a peripheral and hybrid area of transition.

By focusing on EU policies towards North Africa and the Middle East, this chapter explores the transformation of the 'southern Mediterranean' into EU borderlands.[5] This process involves the 'untangling' of the various social and political functions fulfilled by borders, the EU's 'outsourcing' of border controls to its periphery on specific issues (but not on others), and the differentiated integration of the southern periphery into the European Union's legal frameworks and regimes. Hence, the chapter advances the argument that EU policies in the Mediterranean, and particularly the more recent European Neighbourhood Policy (ENP), are creating a buffer zone around the European Union.[6] In the Euro-Mediterranean context, this development blurs out the external borders of the EU and therefore adds to the portrayal of that polity as a neo-medieval empire.[7] Hence, departing from Brussels' euphemistic notion of 'neighbourhood', this contribution also proposes the concept of borderland(s) for analysing the particular patterns in which the EU and its member states link their immediate periphery to the core. Attempts to co-opt the political and economic elites of North Africa and the Middle East into specific modes of EU governance, while excluding them from Brussels' decision-making process, is a crucial aspect of this process.

The argument is developed as follows: The first section briefly explores the concepts of borders and borderland. Looking at the EU as a whole as well as to its member states, the second section discusses the distinct and overlapping border regimes that characterise both the European Union and 'Europe' broadly defined. The third part explores the extension of the EU's variable border geometry southwards which reshapes the periphery into borderlands. This is manifest in examples drawn from two issue-areas: First, the Union's cooperation with the states of North Africa and the Middle East on migration and asylum decouples territorial from functional boundaries and out-sources EU border controls. Second, cooperation in the fields of trade, energy and infrastructure connects the periphery, in differentiated ways, with the European core as the former absorbs EU rules and legal frameworks.[8] This process also enhances the EU's capacity to control the periphery. In conclusion, the chapter makes the case for the use of the borderland concept as a theoretical lens to study EU external policies.

1. Borders and borderlands

The notable surge in border studies across the social sciences over the past two decades attests to the changing nature of borders in our times. In spite of repeated attempts to foster inter-disciplinary research on borders, a variety of analytical frameworks persists, along with notable differences in defining what constitutes a *border*, a *frontier*, a *limit*, a *barrier*, or a *boundary*—to name but a few concepts prevailing in the literature.[9] However, most scholars agree that borders are not only fixed physical traits demarcating territory. Rather, borders and their meanings are historically contingent; borders are *institutions* which govern the extent of inclusions and exclusion, the degree of permeability, along with the modalities of trans-boundary movement. In other words, borders are complex political, social, and discursive constructs fulfilling different scopes and functions.[10] For instance, borders confine territory and hence regulate (or restrict) the movement of people and different types of goods. These *territorial* borders often also define an area in which specific laws and rules apply. Therefore, territorial borders usually coincide with at least some *functional* borders, for instance those defining the validity of a set of laws and confining an authority's monopoly of power. However, other functional borders may exceed the territorial borders of a polity. Membership in international trade regimes, patterns of economic integration or security alliances serve as examples here. Finally, borders also define political loyalties, communities, and identities. Emphasising the symbolic nature of this type of borders, which are not necessarily congruent with territorial or functional borders, the literature tends to define them as *boundaries*.

Borders and boundaries certainly imply a distinction between 'in' and 'out', 'us' and 'them'. However, these binary differentiations may be far less clear-cut in practice, particularly if different types of borders co-exist and only partially overlap within a given space. Borderlands, defined as areas in closest geographic proximity to a border which are directly affected by the existence of the latter, may be examples of precisely such hybrid spaces. A borderland may indeed represent 'a form of spatial or social transition from one core area to another'[11], particularly if the border is permeable—or if the area is characterised by multiple and disaggregated borders. In this case, a borderland becomes a zone of 'cross-

over'[12], an area of passage from one geographical area, functional regime, and even identity to another.

The nature of borderlands obviously depends on type and configuration of the respective border(s). Hard borders that perform multiple tasks, which characterise the ideal type of the Westphalian state, may create two separated social, economic, legal, and cultural spaces on each side of the border. Empires, on the other hand, had no fixed and clear borders; the Roman *limes* for instance created peripheral zones that served as a buffer for the imperial centre.[13] In between both extremes, we may conceive of permeable and flexible borders arrangements between modern states that enable the development of trans-boundary regions. These are hybrid spaces of exchange and differentiated integration, in which the difference between both sides is not necessarily enclosed in exclusive lines of separation.[14] As the borders of the European Union are increasingly 'fuzzy' as a result of the integration process, it has been argued that the EU bears resemblance with a post-modern empire.[15] Indeed, the EU's external borders are differentiated in scope and in tightness according to specific issue areas, such as trade, migration, or security.[16] With it, the distinction between inside and outside is disaggregated according to different functional areas and becomes blurred as a result. But the EU's variable border geometry has also a direct impact on its immediate periphery by creating a specific type of *borderlands*. In fact, the question of whether the EU is 'trying to harden and fix its border or […] make them more open and fuzzy'[17] is not very helpful, since, as discussed in the following, both processes are simultaneously taking place for different types of borders. Before analysing the particular features of the EU's borderlands in North Africa and the Middle East—which directly result from the Union's policies—the next section will therefore have a closer look at the flexible and differentiated border geometry of the European Union itself.

2. The EU's variable border geometry

The European integration process had a conspicuous impact on the notion of borders in Europe.[18] Indeed, the completion of the internal market at the end of 1992 abolished the 'classical' border controls for the movement of goods, services, and capital among EU member states while also establishing the right of EU citizens to work and reside in any

other member state. The removal of borders among EU member states witnessed the strengthening of the Union's external borders. These developments, and particularly the increasingly restrictive migration and asylum policies of the EU, frequently conjure up the image of 'Fortress Europe'. It describes 'Europe' as ever more 'fortified' following the terrorist attacks of 9/11, resulting in tighter controls at the EU's external frontiers.[19]

However, the reality of border regimes in the context of the European integration process is far more complex than the image of an internally borderless and externally 'fortified' area allows for. In fact, a multiplicity of overlapping and cross-cutting border regimes, entailing disaggregated functions of borders, characterises the EU and its member states. In this vein, we can conceive of different types of *territorial* borders confining the EU and its member states, which regulate the movement of people and goods and define areas of common jurisdiction. These territorial borders may or may not coincide with *functional* borders, which define membership in legal frameworks on specific issue-areas (or 'regimes'). Hence, different types of territorial borders overlap and cut across a variety of functional borders, both of which coexist with various layers of *identity boundaries* within the EU.

The example of the EU's internal market illustrates the multiple and disaggregated nature of territorial and functional borders that characterize the European Union and its member sates. As for the free movement of *goods* established upon the completion of the internal market, the respective border controls moved to the EU's external frontiers. *In economic terms*, therefore, these borders became both territorial and functional borders of the European Union, while also confining the judicial space in which common EU law applies. Regulating the process of economic integration, European Community law originally (and unsurprisingly) focused on trade, but it gradually also expanded to other areas, such as social and monetary policy. However, as member states may opt out from a number of these supranational regimes, a complex configuration of different functional borders is currently in place across the EU. The same observation applies to the movement of *people* within the Union. Indeed, the EU's internal market and its 'four freedoms' apply to all EU member states—at least *de jure*, but Schengen, which created a zone for passport-free travel with a single external border, does not. Indeed, the originally intergovernmental Schengen Agreement between initially five member states, which was incorporated into EU law with

the 1997 Amsterdam Treaty, currently comprises only 22 member states as well as two non-EU members.[20] While new EU member states may eventually join the Schengen area, the United Kingdom and Ireland have voluntarily 'opted out'. Conversely, some non-EU members have 'opted in'. EFTA/EEA countries Norway, Iceland, and Liechtenstein are part of the EU's internal market as well as of the Schengen area, and hence enjoy the free movement of people. At the same time, however, new member states following the EU's last two rounds of enlargement did not automatically obtain the free movement of people upon accession.[21] Thus, Schengen establishes both territorial and functional borders for the circulation of *people*, which, however, only partly coincide with those defining the free movement of *goods*.

Particularly regarding the movement of people, the different border control 'lanes' within the same confined space in European airports clearly convey the complex web of border regimes that characterizes the EU. The variegated types of border controls (or the absence thereof) depend on diverse parameters, such as point of departure, routing, and destination ('domestic' versus 'international'; 'Schengen area' versus 'non-Schengen area'); they are also dependent on nationality ('EU, EEA, and Swiss passports' versus 'other passports'[22]). To complete the picture, we may also add the necessity (or not) of exchanging currency upon arrival, which in itself is a barrier to the free movement of people.[23] Indeed, the boundaries of the so-called Euro-zone, which define the participation in the EU's common currency, are not congruent with EU membership either, or the 'Schengen area', for that matter.

Hence, the variable border geometry that defines membership in the EU, the Schengen area, the internal market, and the 'Euro-zone', clearly implies a disassociation of different types of territorial and functional boundaries (which, however, may also coincide). From this vantage point, the variegated belonging of EU members and EEA/EFTA states to different supranational rules and legal frameworks also entails the establishment of distinct territorial and functional borders, which coexist with internal borders among member states. These internal borders still define distinct political and legal orders, along with national identities,[24] but in the absence of border controls for goods and people, they are no longer territorial borders in the strict sense.

The identity boundaries that bisect the EU are also multiple, overlapping, and hybrid. Efforts to create an overarching European identity have been part and parcel of the integration process since its inception and culminated with the introduction of EU citizenship with the 1992 Maastricht Treaty. Yet, while different national—and regional—identities are alive and kicking within the EU, the European identity construct has remained vague and in a permanent state of flux. Indeed, the hitherto six rounds of EC/EU enlargement obviously also expanded the definition of who belongs to the 'European club'. And the current discussions about the EU's future extensions, which coincide with the debates on the 'borders of Europe', are also indicative of the highly amorphous European identity dimension.[25] These discussions also witness an interchangeable use of the terms 'Europe' and 'EU', which, however, may entail quite distinct identity boundaries. To give examples, many non-EU members in Eastern Europe and the Balkans, along with EEA countries such as Liechtenstein, may define themselves as 'European'—whereas for many British nationals, the term 'Europe' describes 'the continent' on the other side of the English Channel. Citizens of Scandinavian countries—whether EU members or not—are likely to sense a higher affinity with each other than with nationals of the European Union's southern European (or 'Mediterranean') members, although they may all agree on the existence of an overarching European identity. Hence, multiple identity boundaries at the supranational, national, regional, and sub-regional level characterise the EU, its member states, and the wider European continent. These boundaries are clearly disaggregated from the web of territorial and functional borders defining the EU and its member states.

The variable geometry of borders in the EU—and in Europe at large—is also increasingly observable in the European Union's relations with its 'near abroad'. Indeed, looking at EU policies towards North Africa and the Middle East one can register the variable expansion, and therefore blurring, of its borders. As a result, the southern periphery is gradually transformed into EU borderlands, as discussed in the following sections.

3. Borderlands: The EU and its southern periphery

a) Migration, 'secure borders', and the outsourcing of border controls

The abolition of internal border controls in the Schengen area prompted a stronger cooperation in visa and immigration policies among the signatory states as well as the adoption of common rules regarding third country nationals. The incorporation of Schengen into EU law in 1997 and particularly the Tampere European Council of October 1999[26] prompted the transfer of some competences in the realm of EU external border controls to the European Commission.[27] Indeed, as Brussels expressed its new objective of 'strengthening the European Union as an area of freedom, security, and justice',[28] the attempts to adopt common legal frameworks and procedures on a wide range of domestic and external issues intensified. These include the free movement of persons within the EU, judicial cooperation, police and customs cooperation, as well as visa, immigration, and asylum policies, along with the fight against terrorism, organized crime, and trafficking. More recently, the EU created a border agency, FRONTEX, and the Commission has recurrently been calling for the creation of a unified EU border patrol.[29]

While a growing cross-pillar linkage between the EU's Justice and Home Affairs and its External Relations is observable, migration and 'secure borders' have undoubtedly moved to the top of Brussels' agenda in its relations with third countries in recent years.[30] In this vein, the European Commission recommended in 2003:

In order to be effective, the objectives of a Community policy on illegal migration need to be taken into account in the global framework of the EC's relations with third countries. The Seville European Council left no doubt that combating illegal immigration requires a greater effort by the European Union and a targeted approach to the problem, with the use of all appropriate instruments in the context of the EU's external relations […].[31]

With regard to North Africa and the Middle East, stronger cooperation on the issues of migration, drug trafficking, organized crime and terrorism has been witnessing the 'externalisation' of EU *internal* policies over the last decade. This process implies the gradual expansion of the Union's legal boundaries to third countries, which, however, have only a limited access to the EU's institutions and are excluded from its decision-making process.[32] While seeking to co-opt the governments of the so-called southern Mediterranean

states into the EU's external border management, Brussels is gradually '*transporting the actual border beyond the borderline*'[33].

The objective of cooperating with the 'Mediterranean partners' on the management of the EU's external border—regarding migration, drug trafficking, organized crime and terrorism in particular—was already included in the 1995 Barcelona Declaration establishing the Euro-Mediterranean Partnership (EMP, or Barcelona Process). Over the last decade, Euro-Mediterranean cooperation in these fields witnessed a growing degree of institutionalisation. Thus, the EU's Common Strategy on the Mediterranean, which was adopted at the Santa Maria de Feira European Council in June 2000, envisaged setting up a legal, institutional, and judicial framework for combating and prosecuting cross-border crime.[34] During the 2002 EMP Valencia meeting, the foreign ministers agreed on adopting a *regional* co-operation programme on border-related issues.[35] At the same juncture, the European Commission started to negotiate readmission agreements[36] pertaining to illegal migrants with Morocco in September 2000, as well as with Turkey, Albania, and Algeria in October 2002. It also declared its objective of concluding such agreements with Egypt and Tunisia.[37] In 2002, the European Council identified nine countries with which the EU should deepen its cooperation on migration and borders, including, *inter alia*, Morocco, Tunisia, Libya, and Turkey. In mid-November 2007, the EU and its 'Mediterranean partners' held the first meeting at *ministerial level* to specifically discuss migration in the framework of the Barcelona Process.

Migration also played a prominent role in the initial discussions on the emerging European Neighbourhood Policy (ENP)—back then termed 'Wider Europe'. Indeed, cooperation on borders as well as in justice and home affairs, two fields becoming more and more intertwined within the EU, is a cornerstone of the ENP which rewards compliance with 'a stake in the EU's internal market'.[38] All ENP Action Plans concluded to date with the states in North Africa and the Middle East contain provisions on migration, trans-national crime, and border management, along with sections on the cooperation in justice and home affairs. The thread in all these initiatives consists of EU financial and technical assistance in strengthening the administrative and institutional capacity of border management for third countries. This includes for instance the training of (border) police and judicial officials, the supply of sophisticated technical equipment, and the sharing of

information on criminals—and illegal migrants. From the outset, the Commission adopted the principle of conditionality, by asserting for instance that 'co-operative countries' will be rewarded with a 'more generous visa policy […] or increased quotas for migrant workers, closer economic co-operation, trade expansion, additional development assistance, better market access or WTO compatible tariff preferences'.[39] While adopting an explicitly bilateral and differentiated approach based on 'positive conditionality', the ENP in fact institutionalizes the principle of extending greater benefits to 'reform-willing' states, including in the realm of the EU's external border management. As the ENP Action Plans concluded with the 'Mediterranean countries' greatly vary among each other in terms of benefits and concessions, and considering the great importance of migration and border control for the EU and its member states, 'cooperative' southern states' undoubtedly obtained a better deal from Brussels. The differentiated allocation of EU funds to the 'neighbours' under the ENP, according to their degree of 'cooperation', further supports this observation, particularly as some governments in the south are discovering the value of migration as a bargaining chip in their relations with Brussels.

The ENP also offers the prospect of opening the EU's (hitherto internal) cross-border cooperation programmes to the 'neighbours', with the aim of fostering patterns of integration *in the border region*. While this entails a blurring of some functional borders between the EU and its southern periphery, borders pertaining to the specific issue of migration are growing stronger and are partly also changing their configuration and physical location. Indeed, the EU's priorities in the field of migration are the conclusion of bilateral readmission agreements, which typically also apply to third-country nationals, along with EU support for reinforcing *the external borders of the respective third country vis-à-vis its hinterland.* In this vein, Brussels has been urging in particular North African countries to tighten controls at their southern borders in order to limit migration flows from Sub-Saharan Africa transiting through the Maghreb towards Europe.[40] The European Commission recently also proposed to utilize the financial instruments of the ENP to cover cooperation between North African countries and their Sub-Saharian 'neighbours' on 'issues of common concern, including migration'[41]. At the same time, there are media reports on the creation of EU-financed detention centres for irregular migrants in Morocco, Tunisia, and Turkey, a development that obviously raises serious human rights concerns.[42]

In the wake of an EU 'technical mission on illegal migration' to Libya in November 2004—a country with which the Union does so far not maintain any institutional ties—Brussels is currently also seeking to sign a cooperation agreement on border controls, organized crime and illegal migration with Tripoli.[43] In the meantime, EU-funded detention centres for illegal migrants have also been established in Libya, according to media reports.[44]

Cooperation at the EU level co-exists with a web of *bilateral* agreements on border issues between single EU member states and specific countries of North Africa and the Middle East. Regarding migration, numerous bilateral readmission agreements or memoranda are in place, while still others are currently being negotiated.[45] For instance, Italy and Libya have formally—and rather secretly—been cooperating on borders and migration since 2000.[46] The bilateral scheme entails the supply of equipment for 'effective' border management by Italy as well as Rome's financing of at least one detention camp in Libya, which houses the illegal immigrants the Italian government deports from its territory. Malta, which has become an important migration entry point to the EU since it joined the latter in 2004, has also been quite interested in cooperation with Tripoli on migration.

What emerges from the above discussion are three significant patterns concerning territorial—and functional—borders in the Euro-Mediterranean area. First, EU policies do not follow the rationale of hermetically closing a physical border between the Union and its southern periphery. Rather, the states in North Africa and the Middle East are turned into a buffer zone, as Brussels co-opts their governments into the control of migration and organized crime by offering various incentives. With it, key aspects of the EU's external border management are physically transferred to the territory of the southern 'neighbours' and partially 'outsourced' in terms of personnel. In return, the states in the southern Mediterranean are bound to strengthen *their* external border to their respective hinterland countries, with financial and technical support from Brussels. The process of *closing* an EU external border that has been transferred to the south, however, concerns only one specific category of people, namely illegal migrants, including third-country nationals in transit on their way to Europe. Indeed, EU member states are far less restrictive regarding skilled (or seasonal) labour migration from North Africa and the Middle East for Europe's labour market.[47] Hence, regarding the movement of unwanted migrants, the EU not only

externalises its policies to the south. By binding the southern governments to EU governance patterns through specific legal provisions, agreements, and incentives, the EU also exports the principle of exclusion to its borderland.[48]

Second, the buffer zone around the EU should not be conceptualized as a homogenous, let alone congruent, area. In relation to the EU, there are differences among the states of North Africa and the Middle East regarding the permeability of borders. For instance, visa are required for the citizens of most countries in North Africa and the Middle East to enter both the Schengen area and the United Kingdom and Ireland, but Israeli citizens can enter both for a period of 90 days visa-free. At the same time, border regimes *among* the states of the so-called southern Mediterranean are underpinned by very different rules as well as degrees of permeability. For instance, one can draw an interesting distinction between the restrictive visa policies between Morocco and Algeria, or the exceptionally hermetic border between Israel and Syria, two states that are officially still in a state of war, and the *comparatively* permeable border between Israel and Egypt.

Third, and related to the previous point, the strengthening of cross-border cooperation under the ENP further blurs the borders between the EU and its periphery. Indeed, Brussels prioritises the inclusion of its 'neighbours' into cross-border cooperation platforms such as Intereg, which already operate among EU members, to foster economic and social development in the 'border areas'. These programmes also aim at enhancing the cooperation by local authorities on both sides of the common border regarding the management of the latter, as well as on environmental and cultural issues.[49] The overall objective of creating comparatively integrated spaces across the border, that is, areas of transition, is certainly relevant for conceptualising North Africa and the Middle East as EU borderlands.

b) Connecting the periphery to the European core

The outsourcing of the EU's external border management goes hand in hand with Brussels' efforts to connect the southern periphery to the 'core' in a number of key areas, such as trade, energy, and infrastructure. The result is an expansion of EU functional regimes to its

borderlands, which links the states of North Africa and the Middle East to the 'European core' in a differentiated manner. It is not by accident that these efforts involve issue areas that are of vital (economic) importance to the EU. They are also geared at enhancing the ability of the European Union to permeate and control its periphery.

In the realm of *trade*, the EC/EU has been pursuing its main objective of establishing a regime of free exchange in industrial goods with the countries of the 'southern Mediterranean' from the outset of the European integration process.[50] Since the launching of the Euro-Mediterranean Partnership in 1995, Brussels has signed, or updated previously signed, free trade agreements with all the countries covered by the EMP.[51] Although the EU envisages the creation of *a Euro-Mediterranean free trade area* in industrial goods by 2010, for the time being its trade relations with the states of the southern periphery remain highly heterogeneous. Indeed, the level of trade liberalisation varies according to the history of bilateral relations, the degree of economic development of the partner state, as well as the willingness of the respective government to embark on the path of trade liberalisation. Hence, Turkey is linked to the EU through a customs union, which was first envisaged in 1963 with the signing of the Ankara agreement, and whose definite phase was established in 1995 with the signing of an Association Agreement. Among the remaining southern Mediterranean 'partners', the EU's trade relations are certainly most advanced with Israel— in fact, the first bilateral free trade agreement in industrial goods of 1975 was fully implemented by 1989; bilateral trade relations were updated with a new agreement in 1995. Implementation of the EU's free trade agreement with Morocco and Tunisia is relatively advanced, whereas Algeria and particularly Syria lag behind.

The offer of 'a stake' in the EU's internal market in exchange for reforms, as the ENP has it, will result in a further diversification of the Union's bilateral trade regimes in the south. While the Euro-Mediterranean free trade area remains a long-term objective, the ENP's principle of differentiation certainly permits to take economic relations to single 'neighbours' farther. In addition to putting participation in various EU-internal programmes on offer, Brussels is currently discussing free trade in services and the right of establishment with the most 'advanced' southern EMP states. And still reflecting the principle of differentiation, the EU is currently negotiating the liberalisation of (its traditionally protectionist) trade in agriculture and fisheries with Morocco, Egypt, and

Israel—but not with the other southern signatories of free trade agreements. With it, the EU has been creating a web of differentiated border regimes on the circulation of industrial goods across its Mediterranean periphery. At the same time, the softening of these borders across the Euro-Mediterranean inevitably creates new ones, such as between the 'southern partners' and those countries that do not have a free trade agreement with Brussels.[52] Finally, its is worth reminding that the exclusion of agricultural products from the free trade regime—a sector that is far more important for most states of North Africa and the Middle East as compared to industrial products—undoubtedly reflects the unequal power relations between Brussels and its southern 'borderlands'.

The rationale of connecting the periphery to the core in a highly differentiated manner--according to the priorities and interests of the EU and its member states--is also visible in the fields of *energy*, which was a strategic policy objective of the ENP since its inception. Energy cooperation with the states of North Africa and the Middle East obviously follows the concern of the EU and its member states of increasing, diversifying, and securing the energy supply from the periphery. In 2007, the Council stressed once more the 'need to further strengthen cooperation'[53] on energy with the southern Mediterranean, aiming at the integration of energy markets, energy security, infrastructure projects, and sustainable development as far as renewable energy is concerned. Even more tellingly, the Commission declared that the 'completion of [a] electricity and gas ring in the Euro-Mediterranean region remains a priority.'[54] Accordingly, the Commission launched the 'Euro-Mediterranean Energy Partnership' in December 2007.

However, the EU's policy on energy is also based on differentiation premised on the establishment of different 'energy regimes' across the Euro-Mediterranean area. In 2007, Brussels signed an energy cooperation agreement with Algeria, a country that provides around 30 percent of its gas imports. This agreement followed lengthy negotiations, as the EU insisted that Algeria's gas company Sonatrach dropped restrictions from natural gas supply contracts that prevented customers (i.e. European gas companies) reselling the gas within Europe.[55] In the same year, joint declarations on energy cooperation were also signed with Morocco and Jordan, both of which are, or are likely to become, transit conduits of gas to the EU.[56] Brussels is currently also negotiating with Cairo about the planned Arab Gas Pipeline, which will bring additional gas resources from Egypt and potentially Iraq to

Europe,[57] and it is committed to work for '[the] integration of Libya into Euro-Mediterranean energy cooperation'.[58] Brussels puts a premium on Turkey, which is of enormous strategic importance as a transit country of energy supplies from the Caucasus, the Caspian Sea, Russia, and Iran. The effort to persuade Turkey to join the Energy Community Treaty of 2005, which aims at creating an integrated energy market with potential EU accession states, however, has become entangled with Ankara's EU accession negotiations.[59]

Hence, the Union's policies towards its southern periphery aim at expanding *EU rules* of free market access, trade, and competition to its borderlands in the energy sector, which goes hand in hand with *EU-internal* efforts to create an integrated energy market. While the Union's envisaged 'electricity and gas ring' across the Euro-Mediterranean conveys a conspicuous centre-periphery approach, Brussels follows the principle of differentiating its energy relations with the 'Mediterranean states' according to the interests and needs of the EU, its member states—and European energy companies. Thus, EU energy policy vis-à-vis the states of North Africa and the Middle East clearly aim at penetrating and controlling the periphery in a differentiated manner regarding a commodity that is of crucial importance to the 'core'.

The establishment of flexible regimes while connecting the periphery to the European centre is also visible with regard to *transport and infrastructure*. Already in 2000, the Commission called for enhanced cooperation in the transport (and energy) sector in order to 'reinvigorate the Barcelona Process'.[60] The objective is to develop a 'trans-Mediterranean multimodal transport network' and to adopt common institutional, legislative, and regulatory frameworks. These also concern the 'interface' between transport services and the customs, police, and immigration authorities as well as the banking and insurance sectors. The Commission's goals also involve beefing up of aviation and shipping safety, as well as bringing (to various degrees) the southern partners into the European global navigation satellite system Galileo.[61] A Euro-Mediterranean Transport Forum has been set up to oversee cooperation in the fields in question. However, conveying some rather imposing allures, the Council of the European Union defined the aim of the forum as the 'extension of the trans-European transport network to [the] Mediterranean Region'.[62]

While the ENP reaffirmed the importance of the transport and infrastructure sector[63], its principle of differentiating 'neighbours' further entrenched some predating EU practices. As in the fields of trade and energy, the Union's transport policies aim at exporting the EU's set of laws, regulations, and governance to the entirety of its southern 'borderland' in the long term. At present, however, cooperation is more advanced with some countries than with others. To give an example, the Commission stated its aim of 'creating a Common Aviation Area bringing together the EC and all its partners located along its southern and eastern borders' by 2010'[64]. Thus far, however, solely Morocco and Israel benefited from this objective. The former signed a bilateral agreement providing for open markets as well as for extensive alignment of aviation legislation (according to Community rules and regulations) in December 2006.[65] Negotiations between Brussels and Israel started in 2007[66] and resulted in an 'open sky' agreement in February 2008. It will bring all existing bilateral air service agreements between EU member states and Israel in line with EU law, while allowing any EU and Israeli airline to operate flights between Israel and the European Union.[67]

As the establishment of these functional border regimes on transport and infrastructure are obviously not meant to facilitate the circulation of migrants, the rationale behind the EU's efforts to connect the infrastructure of the periphery to the centre is mainly economic. Certainly, modern transport systems and infrastructure are relevant for the economic development of the 'Mediterranean states', however, they also facilitate the circulation of goods—and tourists—while they are crucial for investment and business. At the same time, the process of connecting the periphery to the EU core is reminiscent of the expansion of territorial control of the modern state, which resulted from the establishment of railroads and transportation from the mid- 19th century onwards.[68] From this perspective, the expansion of the EU's infrastructure to the south reorganizes territorial and political space, further blurs the borders between 'inside' and 'outside', while increasing the EU's capacity for controlling its borderlands.

Finally, the EU is currently contemplating to gradually integrate its southern periphery into its legal frameworks and access to funds in the field of *research and development*. The 2007 Cairo Declaration, adopted at the Euro-Mediterranean Ministerial Conference on Higher Education, envisages the build up of a 'Euro-Mediterranean Research Area', which would involve the approximation of higher education and the participation of

the countries of North Africa and the Middle East in EU research and mobility programmes (such as Erasmus Mundus and Tempus).[69] However, Israel has been participating as equal partner in the Union's framework programmes for research and development since 1998, which, given Israel's highly advanced status in technology and research, obviously also benefits the EU. Hence, while the boundaries of the European Research Area already include Israel, differentiated patterns of research and development cooperation between the EU and its southern periphery may slowly be emerging—most likely according to the priorities of the EU and its member states.

To sum up, the European Union's differentiated exportation of its rules and modalities in the field of trade, energy, infrastructure, and transportation connect its borderlands to the core, while establishing different functional borders across the EU and its periphery. The functions of this web of borders are highly disaggregated. As a result, various border configurations co-exist and overlap in the EU's southern borderlands, blurring further the distinctions between 'inside' and 'outside' at different levels. At the same time, the EU's attempts to connect its southern periphery to the core in crucial fields permit for a greater capacity to permeate and control its borderlands, and to economically take advantage of it.

Conclusions

The analysis of EU border regimes vis-à-vis its southern periphery considerably qualifies the image of 'Fortress Europe', if the latter is defined by the existence of hard and neat external borders. While EU member states continue to belong to different concentric border regimes, EU policies towards the 'southern Mediterranean' not only aim at expanding the Union's governance to its neighbourhood. They also envisage the export of the EU's variable border geometry to its periphery, which also entails a disassociation of the classical functions of borders from each other across the Euro-Mediterranean area. Indeed, as a result of EU policies—whether in the framework of the Barcelona Process or the ENP—the European Union increasingly emerges as an entity with fuzzy borders, whereby 'the neighbours' in its southern (and eastern) periphery act as a buffer area, or EU borderlands.

With regard to one specific category of people, i.e. illegal migrants, the EU is undoubtedly reinforcing its 'borders'. However, this objective is only partially achieved by reinforcing borders controls between EU territory and the immediate periphery. More importantly, the policies of the European Union and its member states on illegal migration and cross-border crime turn the 'southern Mediterranean' into EU borderlands through a multiplicity of agreements, which also include the partial outsourcing of border controls. Concurrently, EU policies towards North Africa and the Middle East aim at connecting the periphery to the European core through the differentiated integration of the former into various sets of EU rules, laws, and practices, as the examples of cooperation in the field of trade, energy, and transport illuminate. This process also enables the EU to permeate its periphery in a differentiated matter, exert control over the latter, and advance the economic and political interests of the Union and its member states. As a consequence, the EU can be conceptualised as an entity with very different *functional* boundaries which include or exclude the southern peripheries in varying degrees. The fallout of this process is the establishment and reinforcement of functional and territorial borders *between the EU's buffer zone and its respective hinterland,* such as sub-Saharan Africa as far as the Maghreb is concerned, or Asia and the Arab Peninsula for the countries of the Eastern Mediterranean.

Hence, while in theory borders still divide between 'who is in' and 'who is out', the practice of EU policies towards North Africa and the Middle East corroborate the existence of a third category, which corresponds to the notion of borderland. Reflecting a hybrid area of transition, the EU's southern borderlands are characterised by a net of different boundaries according to different functional and territorial lines within which the Union's rules and regulations apply. To put it differently, the EU's differentiated expansion of its governance patterns to the borderlands entails that the distinction between insiders and outsiders are blurred.

While this feature sustains the conceptualisation of the EU as a neo-medieval empire[70], the concept of borderland has a number of advantages in the study of the Union's external relations: First, it permits to consider EU policies towards its immediate periphery as a direct outcome of the European Union's particular political nature[71], characterised by concentric and overlapping circles of national and supranational governance patterns, enlargement (which is tantamount to territorial expansion by agreement), and, indeed,

fuzzy borders. Second, the notion of borderland lends itself to consider different layers of 'cooperation' and 'integration' which characterise the transit area between the EU and the periphery's hinterland. In this context, attention can also be paid to the gradual expansion of different regimes and functional boundaries. Finally, and perhaps most importantly, the concept of borderland allows for an analysis of EU interests and unequal power relations in the Union's external policies—notions which for instance the fashionable literature on 'Europeanization' and 'normative power' in EU studies tends to conceal.

Notes

[1] See, for example Jellinek, Georg, *Allgemeine Staatslehre*, 3rd edition, Berlin: Springer, 1929.

[2] See Kratochwil, Friedrich V., 'Of Systems, Boundaries and Territoriality: An Inquiry into the Formation of the State System', *World Politics* 39(1): 21-52, 1986; Krasner, Stephen D., *Sovereignty, Organized Hypocrisy*, Princeton, NJ: Princeton University Press, 1999; Hurrell, Andrew, 'Order and Justice in International Relations: What Is at Stake?', in Rosemary Foot, John Lewis Gaddis and Andrew Hurrell (eds.), *Order and Justice in International Relations*, Oxford: Oxford University Press, 2003, p. 41 ff.; Brown, Chris, *Sovereignty, Rights and Justice,* Cambridge: Polity Press, 2002, p. 212 ff.; Stirk, Peter, 'The Westphalian Model, Sovereignty and Law in *Fin-de-siècle* German International Theory', *International Relations* 19(2): 153–172, 2005.

[3] See for example Smith, Anthony D., *National Identity*, London: Penguin, 1991; Anderson, Benedict, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, 2nd edition, London: Verso, 1991. Particularly in the Middle East and in Africa, nations and states do often not coincide; the examples of the Kurds, the Druze, or of the Turkish Cypriots are cases in point. See for example, Lewis, Bernard, *The Multiple Identities of the Middle East*, New York: Schocken, 1998.

[4] Newman, David, 'On Borders and Powers: A Theoretical Framework', *Journal of Borderland Studies* 18(1):13-25, 2003, p. 139.

[5] Although this contribution focuses on borders in the Euro-Mediterranean context, a similar argument could obviously also be made regarding EU policies vis-à-vis its *eastern* 'neighbourhood'.

[6] See Del Sarto, Raffaella A. and Tobias Schumacher, 'From EMP to ENP: What's at Stake with the European Neighbourhood Policy towards the Southern Mediterranean?', *European Foreign Affairs Review* 10(1): 17–38, 2005; see also Michele Comelli, Ettore Greco, and Nathalie Tocci, 'From Boundary to Borderland: Transforming the Meaning of Borders through the European Neighbourhood Policy', *European Foreign Affairs Review* 12(2): 203-218, 2007.

[7] See Beck, Ulrich and Edgar Grande, *Das kosmopolitische Europa*, Frankfurt a. M.: Suhrkamp, 2004, Chapter 3; Zielonka, Jan, *Europe as Empire: The Nature of the Enlarged European Union*, Oxford: Oxford University Press, 2006; Gravier, Magali, 'The Next European Empire?', unpublished manuscript (obtained by the author), 2007.

[8] This chapter does not deal with the identity function of borders in the Euro-Mediterranean context, although I assume that such an analysis would further sustain the argument on the blurring of boundaries in the Euro-Mediterranean context.

9 For the different typologies of borders, see for example Newman, 'On Borders and Powers', Newman, David, 'Borders and Bordering: Towards an Interdisciplinary Dialogue', *European Journal of Social Theory* 9(2): 171–186, 2006; Anderson, Malcolm, *Frontiers, Territories and State Formation in the Modern World,* Cambridge: Polity, 1996; Smith, Michael, 'The European Union and a Changing Europe: Establishing the Boundaries of Order', *Journal of Common Market Studies* 34(1): 5-28, 1996; Cassarino, Jean-Pierre, 'Approaching Borders and Frontiers: Notions and Implications', Research Report of the Euro-Mediterranean Consortium for Applied Research on International Migration (CARIM), Carim RR-2006/03, Florence: European University Institute, 2006; Zielonka, Jan, 'How New Enlarged Borders will Reshape the EU', *Journal of Common Market Studies* 39(3): 507–36, 2001; Zielonka, Jan, 'Introduction', in idem (ed.), *Europe Unbound: Enlarging and Reshaping the Boundaries of the European Union*, London: Routledge, 2001, pp. 1-16.

10 See Newman, David, and Anssi Paasi, 'Fences and Neighbours in the Postmodern World: Boundary Narratives in Political Geography', *Progress in Human Geography* 22(2): 186-207, 1998, p. 187; Newman, David, 'On Borders and Power: A Theoretical Framework', *Journal of Borderland Studies* 18(1): 13-25, 2003; Anderson, *Frontiers*, p. 1.

11 Newman, 'On Borders and Power', p. 18.

12 Balibar, Etienne, 'Europe as Borderland', The Alexander von Humboldt Lecture in Human Geography, University of Nijmegen, 10 November 2004, at http://www.ru.nl/socgeo/colloquium/Europe%20as%20Borderland.pdf, accessed 11 April 2008.

13 See Hassner, Pierre, 'Fixed Borders or Moving Borderlands? A New Type of Border for a New Type of Entity', in Jan Zielonka (ed.), *Europe Unbound*, pp. 38-50; p. 39; for the historical development of borders in North Africa see the contribution of Fatma Ben Slimane in this volume.

14 See Newman, 'On Borders and Power'.

15 See Zielonka, *Europe as Empire*; Gravier, 'The Next European Empire?'. On fuzzy EU borders, see also Christiansen, Thomas, Fabio Petito, and Ben Tonra, 'Fuzzy Politics around Fuzzy Borders: The European Union's "Near Abroad"', *Cooperation and Conflict* 35(4): 389-415, 2000.

16 Hassner, 'Fixed Borders', p. 43.

17 Zielonka, *Introduction*, p. 7.

18 See for example Anderson, Malcolm and Eberhart Bort, *The Frontiers of the European Union*, Basingstoke: Palgrave, 2001; Zielonka, 'How New Enlarged Borders'.

19 The academic literature on borders reflects international developments over the last decades: During much of the 1990s, the literature focused on the gradual disappearance of borders, including in the EU context. Conversely, the focus of attention shifted to the growing closure of (external) borders in the post-9/11 era. For an excellent overview of the literature, see Newman, David, 'The Lines That Continue to Separate Us: Borders in Our "Borderless" World', *Progress in Human Geography* 30(2): 1–19, 2006; see also *idem*, 'Borders

and Bordering: Towards an Interdisciplinary Dialogue', *European Journal of Social Theory* 9(2): 171–186, 2006. For a counter-argument regarding the securitization of EU migration politics after 9/11 see Boswell, Christina 'Migration Control in Europe after 9/11: Explaining the Absence of Securitization', *Journal of Common Market Studies* 45(3): 589-610, 2007.

[20] Schengen started as intergovernmental agreement between five EC member states in 1985. The Schengen area currently comprises all EU member states except Britain, Ireland, Cyprus, Romania and Bulgaria, as well as non-EU members Norway and Iceland. For nine of the ten member states that joined the EU in 2004, interim agreements towards the full implementation of the Schengen *acquis* (which is expected in March 2008) are in place. See Council of the European Union, 'Information Sheet: Enlargement of the Schengen Area', Rev 1, Brussels, 8.11. 2007.

[21] Bilateral interim agreements regulate the rights of these citizens to work and reside in the 'old' EU member states. See, for example, Commission of the European Communities, 'Report on the Functioning of the Transitional Arrangements set out in the 2003', Brussels, 8.2.2006, COM(2006) 48 final.

[22] Interestingly, at the border control of London's Gatwick airport, this category is termed 'Rest of World'.

[23] Additional technical barriers to the free movement of people within the EU's internal market include taxation, social policy, health insurance, and the recognition of professional certificates and qualifications, to mention a few.

[24] See Zielonka, *Europe as Empire,* p. 145.

[25] See, for example Wallace, William, 'Where Does Europe End? Dilemmas of Inclusion and Exclusion', in Jan Zielonka (ed.), *Europe Unbound,* pp. 78-94; Maier, Charles S., 'Does Europe Need a Frontier? From Territorial to Redistributive Community', in Jan Zielonka, *Europe Unbound,* pp. 17-37.

[26] See European Council, 'Tampere European Council, Presidency Conclusions', 15–16 October 1999.

[27] See Cassarino, Jean-Pierre, *Europe's Migration Policy in the Mediterranean: An Overview*, San Domenico di Fiesole (Florence): European University Institute, Robert Schuman Centre for Advanced Studies, 2005, available at http://www.eui.eu/RSCAS/e-texts/CARIM-AS05_10-Cassarino.pdf, accessed 20 February 2008; see also Geddes, Andrew, 'Europe's Border Relationships and International Migration Relations', *Journal of Common Market Studies* 43(4): 787-806, 2005.

[28] See for example the Commission's Justice and Home Affairs website, at http://ec.europa.eu/justice_home/fsj/intro/fsj_intro_en.htm, accessed 18 February 2008.

[29] See Castle, Stephen, 'EU Executive Calls for Creation of a European Border Patrol', *International Herald Tribune*, 13 February 2008, online edition at www.iht.com, accessed 13 February 2008.

[30] See, for example, Commission of the European Communities, 'Towards More Accessible, Equitable and Managed Asylum System, Brussels, 3.6.2003, COM(2003) 315 final; see also

Wolff, Sarah, 'La dimension méditerranéenne de la politique Justice et Affaires Intérieures', *Cultures et conflits* 66: 77-99, 2007.

[31] Commission of the European Communities, 'Communication from the Commission to the Council and the European Parliament in View of the European Council of Thessaloniki on the Development of a Common Policy on Illegal Immigration, Smuggling and Trafficking of Human Beings, External Borders and the Return of Illegal Residents, Brussels, 3.6.2003, COM(2003) 323 final, p. 12; see also *idem*, 'A Strategy on the External Dimension of the Area of Freedom, Security, and Justice', Brussels, 12.10.2005, COM(2005) 491 final, p. 10.

[32] See Lavenex, Sandra, 'EU External Governance in "Wider Europe"', *Journal of European Public Policy* 11(4): 680-700, 2004; see also Cassarino, *Europe's Migration Policy in the Mediterranean*.

[33] Balibar, *Europe as Borderland*, p. 16; italics in the original.

[34] See European Council, 'Santa Maria de Feira Council Presidency Conclusions', 19-20 June 2000, Annex V.

[35] The rather complicated name of this programme is 'Regional Cooperation Programme in the Field of Justice, Combating Drugs, Organized Crime, and Terrorism as well as Co-operation in the Treatment of Issues Relating to the Social Integration of Migrants, Migration and Movement of People'. See Council of the European Union, 'Presidency Conclusions: Valencia Action Plan, Vth Euro- Mediterranean Conference of Foreign Ministers, Valencia, 2002.

[36] Readmission agreements have become the standard method of ensuring that persons are expelled from EU member states or from the EU as a whole. These agreements stipulate a state's acceptance of the re-entry of an individual (which may be its own national, but also a third-country national or a stateless person), who has been found illegally entering to, being present in or residing in another state (in this case, the EU or its member states). The contracting parties must also permit the transit of persons back to a non-contracting party if necessary. See for example Peers, Steve, 'Readmission Agreements and EC External Migration Law', Statewatch Analysis no. 17, May 2003, available at http://www.statewatch.org/news/2003/may/readmission.pdf, accessed 2 April 2008.

[37] See Cassarino, *Europe's Migration Policy in the Mediterranean*, pp. 8-9.

[38] See Commission, 'Communication from the Commission to the Council and the European Parliament in View of the European Council of Thessaloniki', COM(2003) 323 final, p. 13; *idem*, 'Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours', Brussels, 11.03.2003, COM(2003) 104 final; *idem*, 'European Neighbourhood Policy: Strategy Paper', Brussels, 12.03. 2004, COM(2004) 373 final. EU incentives under the ENP include the integration into the internal market and extension of the regulatory structures, preferential trade relations and opening of markets, integration into the EU's transport, telecommunications, energy and research networks, instruments for promoting foreign investments, support for integration into the global trading system, enhanced financial and technical assistance, and perspectives for lawful immigration.

[39] Commission, 'Communication from the Commission to the Council and the European Parliament in View of the European Council of Thessaloniki', COM(2003) 323 final, p. 14.

[40] See Cassarino, 'Approaching Borders and Frontiers', p. 1.

[41] Commission, 'EU Strategy for Africa: Towards a Euro-African Path to Accelerate Africa's Development', Brussels, 12 October 2005, COM (2005) 489 final, p. 37. See also the chapter of Henk Driessen in this volume.

[42] See Brothers, Caroline, 'Obscurity and Confinement for Migrants in Europe', *International Herald Tribune,* 30 December 2007, online edition, at <http://www.iht.com/articles/2007/12/30/europe/greece.php>, accessed 27 February 2008. Migrant detention centres have also been set up in the EU's eastern periphery, such as in the Ukraine.

[43] See Commission, 'EU Technical Mission to Libya on Illegal Immigration 27 November – 6 December 2004: Report 7753/05', available at <http://www.statewatch.org/news/2005/may/eu-report-libya-ill-imm.pdf>, accessed 26 February 2008.

[44] See Brothers, 'Obscurity and Confinement for Migrants in Europe'. Libya has not signed the Geneva Convention on refugees, which is of particular concern. In March 2008, the European Commission proposed to negotiate a 'Framework Agreement' with Libya.

[45] See Council of the European Union 'Inventory of Readmission Agreements, Note from the General Secretariat to the Expulsion Working Party [*sic*]', Brussels, 24.11.1999, 11486/2/99, available at <http://register.consilium.eu.int/pdf/en/99/st11/11486-r2en9.pdf>, accessed 26 February 2008. For updated data on formal and informal readmission agreements see the website of the MiRem (Return Migration to the Maghreb) project based at the European University Institute, at <http://mirem.eu/datasets/agreements>, accessed 8 April 2008.

[46] Rome and Tripoli signed a cooperation agreement on combating drugs, terrorism, organized crime, and illegal migration on 13 December 2000; the Italian government has been rather reluctant to publicize the matter. See Commission, 'EU Technical Mission to Libya on Illegal Immigration 27 November – 6 December 2004'; Brothers, 'Obscurity and Confinement for Migrants in Europe'.

[47] On this issue, see for example Geddes, 'Europe's Border Relationships'.

[48] I am grateful to Kalypso Nicolaïdis for bringing this point to my attention.

[49] Commission, 'European Neighbourhood & Partnership Instrument: Cross-Border Cooperation. Strategy Paper 2007-2013, Indicative Programme 2007-2010', n.d. (probably 2006), available at http://ec.europa.eu/world/enp/documents_en.htm, accessed 1 March 2008.

[50] For the development of the EU's Mediterranean policy, see Del Sarto, Raffaella A., *Contested State Identity and Regional Security in the Euro-Mediterranean Area*, New York: Palgrave, 2006, chapter 3; and Bicchi, Federica, *European Foreign Policy Making towards the Mediterranean*, New York: Palgrave, 2007.

[51] Free trade agreements have been ratified and are in force with Tunisia (since 1998), Morocco (since 2000), Israel (since 2000), Jordan (since 2002) and Egypt (since 2004). Interim Euro-Mediterranean Association Agreements with the PLO (1997) and Lebanon (2003) are in force. The agreement with Syria has been initialed in 2004, but has not been signed yet. The agreement with Algeria was signed in 2002 and is in the process of ratification. Mauretania has been accepted as new 'southern' member of the Barcelona Process in November 2007 and has therefore not yet entered into negotiations with Brussels.

[52] See Tovias, Alfred, 'Economic Liberalism between Theory and Practice', in Adler, Emanuel, Federica Bicchi, Beverly Crawford, and Raffaella A. Del Sarto (eds.), *The Convergence of Civilizations: Constructing a Mediterranean Region*, Toronto: University of Toronto Press, 2006, pp. 191-211; p. 195.

[53] Council, 'Information Note: Euro-Mediterranean Partnership: Fifth Euro-Mediterranean Ministerial Conference on Energy (Cyprus, 17 December 2007)', Brussels, 18.12.2007, 16707/07.

[54] Commission, 'Developing External Energy Policy for the EU', Brussels, 30.11.2007, MEMO/07/233, available at <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/533&format=HTML&aged=1&language=EN&guiLanguage=en#fnB1>.

[55] Algeria eventually gave in. See 'Algeria's Sonatrach Bows to EU Pressure to Open up Gas Supply Contracts', *International Herald Tribune*, 11 July 2007; see also Commission of the European Communities, 'Commission and Algeria Reach Agreement on Territorial Restrictions and Alternative Clauses in Gas Supply Contracts', 11 July 2007, IP/07/1074.

[56] A natural gas pipeline linking Algerian gas fields to Spain and Portugal through Morocco and the Strait of Gibraltar became operational in 1996.

[57] The planned Arab Gas Pipeline explains the importance of Jordan as a transit country in the EU's energy policy.

[58] Council, 'Information Note: Euro-Mediterranean Partnership: Fifth Euro-Mediterranean Ministerial Conference on Energy (Cyprus, 17 December 2007)', Brussels, 18.12.2007, 16707/07, p. 17.

[59] The Energy Community Treaty entered into force in 2006. It aims at creating a legal and economic framework in the energy sector which is capable of attracting investments, develop electricity and gas market competition on a broader geographical scale, enhance supply security, and tackle environmental issues. Information on the treaty is available at <http://www.energy-community.org/>, accessed 28 March 2008. All states in the Balkan states have joined this initiative, but Ankara has so far preferred to keep its observer status, since it could use its strategic importance as an asset in the accession negotiations with the EU. See Barysch, Katinka, *Turkey's Role in European Energy Security,* Centre for European Reform Essays, London: Centre for European Reform, 2007, available at <http://www.cer.org.uk/pdf/essay_turkey_energy_12dec07.pdf>, accessed 28 March 2008.Barysch, 2007.

[60] See Commission, 'Reinvigorating the Barcelona Process', Brussels, 6.9.2001, COM(2000) 497 final; *idem*, 'Euro-Mediterranean Partnership: The European Commission Calls for Enhanced Cooperation on Transport and Energy', 21 March 2003, IP/01/425.

[61] *Ibid*. See also Commission, 'Development of a Euro-Mediterranean Transport Network', Brussels, 24 June 2003, COM(2003) 376 final.

[62] Council, 'Agreed Conclusions of the 9th Euro-Mediterranean Meeting of Ministers of Foreign Affairs, Lisbon, 5-6 November 2007', 14743/07 (Presse 255), p. 11; see also Euro-Mediterranean Transport Forum, 'Blue Paper: Towards an Integrated Euro-Mediterranean Transport Forum, Communication from the Euro-Mediterranean Transport Forum to the First Euro-Mediterranean Conference of Transport Ministers', November 2005.

[63] See Commission, 'Wider Europe – Neighbourhood', COM(2003) 104 final; *idem, '*European Neighbourhood Policy: Strategy Paper', COM(2004) 373 final.

[64] Commission, 'Developing the Agenda for the Community's External Aviation Policy', Brussels, 11.03.2005, COM(2005) 79 final, p. 8.

[65] See the website of DG Transport of the European Commission, at http://ec.europa.eu/transport/air_portal/international/pillars/common_aviation_area/morocco_en.htm, accessed 28 March 2008.

[66] See Commission, 'Developing a Common Aviation Area with Israel', Brussels, 9.11. 2007, COM(2007) 691 final.

[67] See the website of the EC's DG Transport at http://ec.europa.eu/transport/air_portal/international/pillars/common_aviation_area/israel_en.htm

[68] See Maier, 'Does Europe Need a Frontier?, pp. 21 ff.

[69] See Council, 'Agreed Conclusions of the 9th Euro-Mediterranean Meeting of Ministers of Foreign Affairs, Lisbon, 5-6 November 2007', 14743/07 (Presse 255), p. 13.

[70] See Zielonka, *Europe as Empire*, p. 155.

[71] See, for example, Adler, Emanuel, Federica Bicchi, Beverly Crawford, and Raffaella A. Del Sarto (eds.), *The Convergence of Civilizations: Constructing a Mediterranean Region*, Toronto: University of Toronto Press, 2006; see also Bechev, Dimitar, 'Hegemonic Europe? Centres, Periphery, and Regional Order', paper presented at the Faculty Seminar, Department of Politics and International Relations, University of Oxford, 7 March 2008.