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Theorising the European Neighbourhood Policy:
Debordering and Rebordering in the Mediterranean

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Abstract

This paper discusses recent developments in Euro-Mediterranean relations following the establishment of the European Neighbourhood Initiative (ENP) and attempts to put these empirical insights into theoretical perspective. By relating selected elements of the theory of world society—in conjunction with other constructivist approaches in IR—to the analysis of Euro-Mediterranean relations, this paper aims to contribute to the discussion on the extent to which the ENP offers real integration between the EU and its southern neighbours or whether the ENP can rather be seen as (yet another) case of window-dressing in Euro-Mediterranean relations. By way of providing an answer to this question, this paper proceeds in three steps, thus discussing the ENP in relation to three selected theoretical concepts, namely ‘debordering/rebordering’, ‘regionalisation’, and ‘inclusion/exclusion’.

Keywords

European Neighbourhood Policy, Debordering, Euro-Mediterranean relations, Borders

I. Introduction

This paper discusses recent development in Euro-Mediterranean relations following the establishment of the European Neighbourhood Initiative (ENP) and attempts to put these empirical insights into theoretical perspective.¹ It thereby *inter alia* aims to contribute to a closer linkage between theoretical approaches in International Relations (IR), on the one hand, and area-studies such as those on the 'Mediterranean region', on the other.

The need for such a theoretical embedding of Euro-Mediterranean relations might seem at first sight superfluous. Several arguments could in fact be raised in an attempt to caution against such an endeavour. Firstly, there is already a quite impressive body of literature, which has produced solid empirical and conceptual insights into both the opportunities and successes as well as the obstacles and pitfalls of Euro-Mediterranean relations in general and the ENP, in specific (see for example Jünemann, 2004; Youngs, 2002; Schumacher, 2004; Wallace, 2003). Secondly, either implicitly or explicitly, this literature has also advanced a wealth of theoretical hypotheses on the main dynamics which characterise Euro-Mediterranean relations and the ENP. Thirdly, these theoretical insights do already represent—either explicitly or implicitly—a wide array of current IR-theorising, be it (neo-) realist, liberal or constructivist approaches.

Notwithstanding these words of caution, this paper argues that an explicit theoretical focus on Euro-Mediterranean relations can generate useful new perspectives on the ENP—and thereby provide a fresh impetus to current theoretical and empirical debates on Euro-Mediterranean relations. Rather than deriving theoretical conceptualisations inductively through an analysis of developments in the ENP, this paper attempts to apply some key theoretical concepts, which are derived from the theory of world society, to the case of Euro-Mediterranean relations. While any assessment on the usefulness of this approach depends on the quality of the arguments unfolded below, there are—from the outset—four reasons which speak in favour of embarking on this journey.

Firstly, the theory of world society is a comprehensive theory of society and its application to the study of the ENP thus promises to put developments into a broader theoretical and empirical perspective—thereby relating Euro-Mediterranean relations to general dynamics in world society, such as, for example, functional differentiation, regionalisation processes or processes of exclusion/inclusion (see Stichweh, 2000; Luhmann, 1998; see also the discussion in Buzan, 2004). Secondly, given the relative absence of explicit theoretical underpinnings in many writings on the ENP, this world societal approach has the advantage of being clear about the theoretical assumptions

1 Prior to the 2004-enlargement of the EU, debates started in EU circles about how eastern enlargement necessitates the design of a new policy-framework for the relations of the EU with its eastern neighbours. For these 'relations between the future enlarged EU and its eastern neighbours' (Council 2000), the Council and the Commission introduced the concept of 'wider Europe'. Due to pressure from individual member states, the Commission and the European Parliament, 'wider Europe' enlarged significantly in the years 2002 and 2003 and its territorial scope today covers eastern Europe, the southern Mediterranean and the southern Caucasus. The joint letter by High Representative Solana and Commissioner Patten of 7 August 2002 thus already refers to the EU eastern and southern neighbours as part 'wider Europe' (see Commission 2004). The initial communication by the Commission on the establishment of the new neighbourhood policy consequently refers to this policy as the 'Wider Europe – Neighbourhood' initiative (Commission 2003). However, the Council became increasingly concerned that the term 'Wider Europe', when applied to the EU's southern neighbours, could foster the perception that these countries had a perspective for future accession to the EU. Consequent documents by the Commission and other EU bodies – which now also included the southern Caucasus in this policy-framework – referred to this policy with the neutral term 'European Neighbourhood Policy' (ENP) (Commission 2004). In the remainder of this paper, I will refer to the term 'ENP' when discussing Euro-Mediterranean relations. This paper was originally presented in the workshop 'Wider Europe and the Southern Mediterranean Countries: Real Economic Integration in the Enlarged EU or Window-Dressing?' organised by Sergio Alessandrini and Alfred. I am grateful to the two workshop organisers, the other participants in this workshop as well as the anonymous referee for their fruitful inputs into this paper.

and key conceptual terms from which it departs. Moreover, since these key conceptual terms are derived from a general theory of society, the application of its key concepts to the case of the ENP avoids any *sui generis* of Euro-Mediterranean relations. Finally, by relating these theoretical concepts to a concrete empirical case study, the arguments of this paper might prove to be of interest to ENP-experts as well as a wider community of IR-scholars both from an empirical and theoretical perspective.

By relating selected elements of the theory of world society—which also figure prominently in other constructivist approaches in IR—to the analysis of Euro-Mediterranean relations, this paper aims to contribute to the discussion on the extent to which the ENP offers real integration between the EU and its southern neighbours or whether the ENP can rather be seen as (yet another) case of window-dressing in Euro-Mediterranean relations. By way of providing an answer to this question, this paper proceeds in three steps, thus discussing the ENP in relation to three selected theoretical concepts, namely ‘debordering/rebordering’, ‘regionalisation’ and ‘inclusion/exclusion’.

It is argued here that the nexus between these three concepts allows to generate hypotheses on the question whether the ENP is an opportunity for real integration or rather a Potemkin village. The following section (II) discusses the concept of ‘debordering/rebordering’ in relation to the functional and territorial borders to which the ENP relates. In particular, it addresses the question to what extent (de-)bordering processes in world society can be related to current developments in Euro-Mediterranean relations (Albert, Brock and Wolf, 2000). Starting from the observation that world society as a whole is characterised by complex and often contradictory processes of debordering and rebordering, the paper assesses the extent to which these bordering dynamics affect relations between the EU and its southern neighbours. Thereby, the paper is based on the assumptions that the primary form of differentiation within world society is located on the level of functional systems (thus functional systems such as politics, economics, law, religion, sports or science) and not on the segmentary level of territorially structured organisational units such as *inter alia* states (Nassehi, 2004). It is argued that there are indeed many functional overlaps between the EU and its southern (and eastern) neighbours—enhanced through spatial proximity—and that these overlaps provide for a sound and continuous pressure for policy-makers to set up policy regimes, which aim to organise the *functional regionalisation* dynamics in the Euro-Mediterranean area. In this section the paper thus largely confirms the generally positive echo which the *rationale* of the ENP has received in academic debates so far—with the small, but important caveat that against the background of the primacy of functional differentiation the paper is somewhat more reluctant to put political actors / states in the driver’s seat when it comes to the drawing of borders in a functionally differentiated world (Hellmann and Schmalz-Bruns, 2002).

Notwithstanding this argument, the actual *implementation* of the ENP is another matter which requires separate analysis. Thus, section III focuses on the specific way in which the management of debordering and rebordering between the EU and its southern neighbours is conceptualised in the framework of the ENP. In particular, this section discusses the degree to which the design of the ENP contributes to some form of organisational ‘region-building’ between both sides—as expressed in Romano Prodi’s formula of ‘sharing everything but institutions’ (Friedrich-Ebert-Stiftung, 2004: 5). This section is sceptical as to whether the ENP—beyond the level of political rhetoric—contributes to such deeper forms of *organisational regionalisation*. While the ENP offers certain opportunities for enhanced and intensified relations between the EU, on the one hand, and individual states in the southern Mediterranean, on the other, previous experiences in Euro-Mediterranean relations (such as the Global Mediterranean Policy or the Euro-Mediterranean Partnership (EMP)) as well as first experiences with the ENP itself strongly suggest that the ENP will face similar obstacles as its institutional predecessors. This paper discusses four of these obstacles to organisational regionalisation. Firstly, an analysis of the cost-benefit structure of the ENP suggests that, contrary to statements in official EU documents, the ENP might not be such a generous ‘offer’ to southern neighbours as portrayed by the EU, thus perpetuating problems already associated with bilateral relations prior to the ENP. Secondly, the institutional structure of the ENP is, despite certain

improvements, still guided by strategic interests of the EU and not by a joint agenda, thus reflecting strong centre-periphery characteristics which undermine the ability of the ENP to serve as a structure for (cautious) organisational region-building. Thirdly, the actual implementation of the ENP shows already at this stage that as its institutional predecessors, the ENP is likely to have little impact on improving bi- and multilateral relations amongst southern (and eastern) neighbours—which would however be a precondition for ensuring a key objective of the ENP, namely to import stability (see Wallace, 2003: 18-19). Finally, the internal decision-making structures of the EU in the ENP continue to be based on the logic of cross-pillar politics which complicates a swift implementation of policies (Stetter, 2004). While this might be necessary for ensuring internal cohesion and the gradual emergence of single foreign policies, it hampers the actual fit between grand strategic objectives and the nitty-gritty of day-to-day politics.

A key conclusion from the analysis in section III has been the identification of a possible tension between the optimist rhetoric of the ENP—based on identity and normative concepts of regional debordering such as ‘integration’ ‘shared area’, ‘partnership’ and shared ‘zones’ (see for these terms e.g. Council 2003; Commission 2003; EU/Israel Action Plan 2004; EU/Jordan Action Plan)—and its much more modest institutional design. Given the on-going limitations of region-building both between the EU and its southern neighbours as well as between southern neighbours themselves, on the one hand, and the various functional overlaps in the Euro-Mediterranean region which have been outlined in the previous section, on the other, the institutional equilibrium of the ENP rests on shaky fundamentals. On this basis, the final section concludes this paper by identifying the ‘inclusion/exclusion’ dilemma as a factor which puts on-going pressure on the ENP. As far as southern neighbours are concerned, the manifold functional overlaps with the EU as well as the cost-benefit structure of the ENP will keep the inclusionary membership option in (some) southern Mediterranean states attractive. For the EU, its officially declared will to put an end to enlargement might, despite certain institutional and discursive steps in that direction (Commission 2004), also be less solid than currently portrayed. The experience of the 2004-enlargement, namely that the membership option remains the most powerful foreign policy tool of the Union, renders this instrument a tempting option—even more so when the courtship from those excluded gains in intensity (see Wallace, 2003; Diez, Stetter and Albert, 2004).

Overall the paper puts forward a critical notion about the ability of the ENP to provide an adequate institutional fit between the functional regionalisation dynamics in the Euro-Mediterranean area and the organisational regionalisation structure of the ENP. While on the functional level many, yet often contradictory, debordering processes can indeed be observed, the ENP is not able to provide for an institutional order that would be ‘thick’ enough in order to coherently respond to such processes. Notwithstanding certain improvements in comparison to the EMP-period, the ENP still reflects a significant degree of path dependency to previous organisational structures of Euro-Mediterranean relations and, therefore, some scepticism seems warranted in order not to overestimate the potential of the ENP for ‘real’ integration between the EU and its southern neighbours. This sceptical note becomes even more problematic due to the integrative and normative ‘integration rhetoric’ in official ENP documents, which is likely to (re)produce expectations on both sides of the Mediterranean which are hard to be met by the instruments foreseen in the ENP.

II. Functional and Territorial (De-)Bordering in World Society: The ENP Rationale Reconsidered

Before turning to a discussion on how the organisational structures of the ENP can be conceptualised (see section III below), this section tries to take the debate one step backwards. More precisely, it aims to address the functional dynamics of Euro-Mediterranean relations and to conceptualise the rationale from which stems the main objective of the ENP, namely ‘to develop a zone of prosperity and a friendly neighbourhood—a “ring of friends”—with whom the EU enjoys close, peaceful and co-operative relations’ (Commission 2003: 4). As far as the EU is concerned, this rationale is guided by

the assumption that the enlarged EU does not live in a societal vacuum.² In fact, to the east and south, the enlarged EU is surrounded by neighbours and both the quality of relations with these neighbours and the societal development in these countries is a determining factor for future developments in the EU itself. However, as it currently stands, there is a considerable gap between the EU and most of its eastern and southern neighbours when it comes to factors such as economic development, political freedom or societal stability. This perception of difference and the fear of a potential spill-over by social and political conflicts from its eastern and southern periphery, has thus been the prime reason why the EU has engaged in designing a new policy instrument.³

While also prior to the ENP, the EU has framed its policies to the east and south in terms of ‘partnership’, ‘stability’ and ‘common values’, the ENP nevertheless provides for some new elements. Firstly, it is only with the ENP that the EU attempts to set up a comprehensive policy-framework for its relations with (almost) all of its neighbours. Secondly, as William Wallace has noted, in contrast to previous approaches, the EU attempts to enlarge the European zone of peace and stability not by enlargement but by way of investing ‘in stability and cooperation around its borders’ (Wallace, 2003: 19), thereby aiming to put an end to infinite accession debates. The currency of this investment will be the export, across its borders, of security—‘which necessarily involves prosperity and stability’—in order to avoid the ‘import of insecurity’ (ibid.). This stems from the observation that even if organisational bordering between the enlarged EU and its neighbours is of permanent nature, the Union remains vulnerable to the ‘threat of disorder spilling across its borders’ to the east and the south (ibid.).

As the Copenhagen European Council of 2002 has noted, the EU cannot overcome its vulnerability by sealing itself off from potential sources of instability and insecurity emanating from its neighbourhood. The erection of new borders as a result of enlargement thus brings to the fore the issue of border management. The European Council hence concluded, that ‘the Union remains determined to avoid new dividing lines in Europe and to promote stability and prosperity within and beyond the new borders of the Union’ (European Council 2002). In other words, the process of organisational *rebordering* between the enlarged EU and its neighbours should be accompanied by a parallel process of functional/policy *debordering*, as expressed by ENP buzz-phrases such as ‘moving beyond cooperation to a significant degree of integration’, bringing the ‘partner countries ... closer to the European Union’ by giving them a ‘stake in the EU’s Internal [*sic!*] Market’ and other policy areas and fostering ‘adherence to shared values’ (Commission 2004).

Of course, these grand objectives could easily be dismissed as mere political rhetoric—and given the EU’s record in declaratory foreign policies, this might not be entirely unjustified (Hill, 1993; Nuttall, 2000). This paper chooses another perspective on this selection of key ENP-statements, and aims to discuss the driving forces behind this perception of ‘shared spaces’. This perspective allows to analyse the omnipresence of ‘border’-discourses in ENP-documents from a theoretical perspective. This allows *inter alia* to relate the concept of ‘border’ to recent constructivist approaches in IR, amongst them the theory of world society, which have attempted to conceptualise the role of borders

2 The ‘enlarged EU’, according to the geographical logic of the ENP includes the current EU25 plus the four membership candidates Romania, Bulgaria, Turkey and Croatia as well as the South-Eastern European States (Albania, Macedonia, Serbia and Montenegro and Bosnia-Herzegovina) currently included in the South-East Europe Stabilisation Pact. In theory, the ENP addresses all prospective neighbours of this enlarged EU. However, Iraq and Iran—which both border Turkey—are currently not included in the ENP—and neither are the western European countries (Iceland, Norway, Switzerland and Liechtenstein) which are not part of the EU. As Tocci has thus rightly argued, ‘the ENP did not emerge from a prior geographical rationale’ but was rather designed in an ‘ad hoc and unsystematic’ manner (Tocci, 2004: 6-7).

3 The ENP—albeit being geographically the most comprehensive approach so far—has not been the first attempt by the EU to structure its relations with its eastern and southern neighbourhood. Thus, for example, the first three Common Strategies by the EU dealt with Russia, Ukraine and the southern Mediterranean region. Moreover, the ‘strategic partnership’ between the EU and Russia as well as the EMP towards the southern Mediterranean follow a similar rationale as the ENP. As the EU is keen to emphasise, the ENP does thus not replace these prior policy instruments but must rather be seen in conjunction to these policy-frameworks.

in a globalised world (Albert, Brock and Wolf, 2000; Bonacker, 2006; Ó Tuathail, 1996; Buzan and Wæver, 2003). The starting point for this analysis is the observation that world society is characterised by complex—and often contradictory—processes of debordering and rebordering. As a result, no territorial unit can be seen in isolation from the world societal context into which it is embedded. While it is true, that territorial units can attempt to isolate themselves from their spatial environment, the pervasiveness of functional differentialisation renders such attempts a rather helpless exercise. Functionally-induced ‘debordering within the world of states is understood as an increasing permeability of [territorial] borders together with a decreasing ability of states to counter this trend by attempts to shut themselves off’ (Albert and Brock, 2000: 20). Following this diagnosis of an increasingly ‘inter-connecting world’ (Wimmer, 2001), Stichweh has correctly emphasised that the persistence of (territorial) borders and difference in world society should not nurture a methodology of spatial containers. Thus, all ‘differences in the system of world society [appear] as internal differentiations of this system’ (Stichweh, 2000: 13). In other words, bordering is not an argument against a comprehensive world societal perspective but rather an argument in favour of an approach that identifies how territorial borders relate to the functional borders which tend to cross-cut rather than overlap such territorial divides.

This argument already draws attention to the non-territorial status of borders. While constructivism has emphasised the discursive construction of all societal borders through communication, the argument presented here does also underline that borders within world society must not primarily be understood as territorial lines. The bordering between territorial units (such as borders between states, but also between regional organisations and states) is but one type of internal differentiation in world society. Other types of borders, such as functional borders or symbolic borders, play at least an equally important role.⁴ Functional borders separate different functional systems, such as politics, law, science, economy, sports, love or the health system—each of which is characterised by its own universal communication codes, programmes and functions (see Luhmann, 1997). Symbolic borders refer to borders that ‘constitute collective identities and allow to differentiate between the “self” and the “other”’. Through the marking of symbolic borders forms of political, ethnic or religious identity emerge’ (Bonacker, 2006: 15).

While functional, territorial and symbolic borders stand in a mutual relationship, they do neither overlap nor are they equally pervasive. As Burton (1972: 20) has noted, ‘state boundaries are significant but they are just one type of boundary which affects the behaviour of world society’. By pointing to the relevance of functional borders, Burton criticises any territorial bias and argues that these functional borders ‘cut across geographical or state boundaries. The world geographical map depicting states cannot show these—but they exist and an image of world society is not complete without them’ (ibid.). Thus a perspective on bordering processes in world society brings to the fore the complex relationship between these various kinds of borders. Moreover, it postulates that functional borders are—in contrast to popular perceptions and a common form of self-observation by politics and the media—a quite dominant type of border in world society.⁵ Without embarking on a further discussion on the hierarchy between different kinds of borders, one main conclusion is, however, of relevance to the purpose of this paper. Thus, a multi-layered perspectives on borders suggests that territorially differentiated regional spaces stand in a complex relationship with cross-cutting functional (and, at times, symbolic) borders. The dynamics resulting from this encounter between various types of borders is associated in popular parlance with ‘globalisation’. A perspective on bordering processes

4 The theory of world society emphasises that functional borders are the primary form of differentiation in world society, whereas territorial bordering is only the main internal form of differentiation in one of world society’s subsystems, namely politics. This paper does not embark on a discussion whether territorial or functional borders are more important. For the purpose of this paper it suffices to say that an analysis of bordering in world society must take regard of both dimensions.

5 But not only in these functional systems. Also some theories in IR, such as realism, are based on such a state-centred ontology.

in world society allows to sketch out the way in which the continuous interaction between different forms and types of borders requires a constant process of adjustment. Thus, 'globalisation' does not lead to a disappearance of borders but rather to a complex and dynamic process of bordering—which includes both 'debordering' and 'rebordering'.

This observation is not a mere abstract exercise but provides a theoretical underpinning for concrete developments in an 'inter-connecting world' (Wimmer, 2001). As Wallace (2003: 4) has argued with a view to the ENP, the enlarged EU 'cannot simply reinforce its new border and shut' outsiders out. Too heavy bear the manifold functional overlaps which overwrite the territorial borders between the EU and its neighbourhood. These functional overlaps are well-acknowledged in both the academic literature and ENP-documents. As far as Euro-Mediterranean relations in the framework of the ENP are concerned these overlaps are summarised in the recent European Council (2004) conclusion on an 'EU Strategic Partnership with the Mediterranean and the Middle East'.⁶ In this document, the relevance of functional borders between the southern Mediterranean and the EU is acknowledged by the statement that both sides of the Mediterranean represent a 'common zone'—in which developments on one side of the territorial border equally affect the other side, with the territorial border being hardly able to act as a buffer. While it is true, that the EU tends to view the ENP, in general, and Euro-Mediterranean relations, in particular, from a securitised perspective (Holm, 2004), in which actual or potential threats to the EU's internal stability appear as the main motivation for the initiation of these policies, it must also be recognised that not all functional overlaps between the two sides are equally or at all securitised.

On the one hand, spill-over effects by the Israeli-Palestinian conflict, but also domestic conflicts in Arab states including political, social and economic underdevelopment as well as terrorism and the proliferation of weapons of mass destruction are highly securitised issues. To a lesser extent this is also true for migratory movements from the south, although the EU also emphasises the positive potential stemming from 'the social integration of legally residing migrants' (European Council 2004). On the other hand, by stressing the dangers of 'anti-Semitism' and 'Islamophobia', the EU is keen in emphasising that the cultural sphere of the 'shared zone' must not become securitised—neither between nor within both sides—so that both the EU and its southern neighbours can engage with each other 'in mutual respect for their unique cultures' (ibid.).⁷ The same is true for functional overlaps created by economic and other kinds of inter-dependencies between the EU and its southern neighbours.

Following these conceptual clarifications, the ENP can now be related to all three types of borders mentioned above. On the territorial dimension it is based on a clear bordering attempt. This is in particular true for the southern neighbours, for which the EU asserts that despite the fact that 'interdependence' between both sides 'is already a reality' (Commission 2003: 3), membership for all southern Mediterranean countries 'has been ruled out' (ibid.: 5).⁸ However, this territorial division is cross-cut by manifold functional divisions, which do not correspond with the territorial logic of the political bordering. And even for the case that the EU would decide to seal itself off its southern neighbourhood this would not create a 'symbolic border' between southern migrants, who reside in the

6 This document moves beyond the territorial scope of the ENP and, for the first time, sketches out the main parameters of EU relations to all countries in the 'Arab-Middle Eastern region' (Perthes, 2000), thus including the countries of the GCC, Yemen and in particular Iraq and Iran. This is also the first step by the EU in overcoming the somewhat artificial separation of EMP countries and other Arab states as well as Iran (see also Schumacher, 2004).

7 The fight against both anti-Semitism and Islamophobia has also become part of the various action plans the EU has negotiated with its southern neighbours (see EU/Israel Action Plan 2004 and EU/Palestine Action Plan 2004). Another question would be whether this currently popular reference to 'culture' – which is in itself a debatable concept—in current political discourse, is not problematic for it establishes a notion of difference that seems at times rather arbitrary.

8 Although one has to acknowledge that individual voices even amongst senior officials in the European Commission, the Council and the European Parliament do not exclude a possible membership for some southern Mediterranean countries in the long run. This applies primarily to Israel but also, to a lesser degree to Morocco and a future Palestinian state.

EU, on the one hand, and their compatriots in southern Mediterranean countries, on the other. As the Commission thus rightfully acknowledged by referring to the notion of ‘interdependence’, the manifold functional borders between both sides of the Mediterranean do already cross-cut the territorial divide. The primacy of functional differentiation in world society would render attempts to erect un-crossable borders an illusory task, for the flow of money, scientific ideas, goods (industrial goods, drugs, weapons), environmental problems, diseases, fashion trends and latest developments in football tactics hardly ever follow territorial dividing lines. But it is precisely because of these multiple overlaps, that the EU and its southern neighbours seem well advised to establish a system of governance that acknowledges their mutual interdependence and that overarches the territorial border.

In that sense, the ENP (and its institutional predecessors) is a direct response to the complex relationship between different types and forms of borders in world society and an analysis of ENP-semantics reveals the dynamics unleashed from complex processes of rebordering and debordering in the Euro-Mediterranean area. Compared to potential political alternatives, the rationale of the ENP—as expressed in the rhetoric of a ‘shared zone’ seems therefore appropriate. This is also widely acknowledged in academic debates on the ENP. Thus, the rationale of the ENP has been welcomed by William Wallace who argues the EU ‘needs a strategy to organise its neighbourhood, which offers neighbouring states incentives to cooperate and all possible advantages short of membership’ (Wallace, 2003: 1). Also other commentators consider the re-assessment of the EU’s strategy towards the southern Mediterranean as pertinent. Nathalie Tocci argues that ‘in principle, the ENP could provide part of the answer to the next major challenge facing European foreign policy; the EU’s relations with its turbulent southern and eastern neighbourhoods’ (Tocci, 2004: 1). A similar argument is brought forward by Elisabeth Johannson-Nogués who positively receives the rationale of the ENP by arguing that, notwithstanding possible drawbacks, the ENP ‘potentially also holds the solution to [...] problems which, if explored sincerely by all parties involved, might open a door to boosting reform in the short term’ (2003: 2).

This paper shares this positive assessment of the basic rationale of the ENP. This also relates to the logic—rather than the actual implementation—behind the basic policy-instruments of the ENP, such as differentiation and co-ownership, which will be discussed in the following section. However, some words of caution must be spelt out already at this stage. Firstly, seldom in the world of politics do rhetoric and implementation neatly coincide—and even less so in the world of EU foreign politics, where the identification of the notorious ‘capability-expectation gap’ (Hill, 1993) has become a handy reference-point. As will thus be discussed in the remainder of this paper, the main problem lies not in the actual rationale of the ENP—which indeed is more than window-dressing—but rather in various obstacles in coping with this rationale. Secondly, as Tobias Schumacher has rightly pointed out, the euphoria about the ‘somewhat revolutionary “everything-but-membership approach”’ should not distract attention from the embeddedness of ENP in traditional policy frameworks, in particular the EMP (2004: 5).

Thirdly, despite its new clothes, the ENP is not as innovative as the EU likes to present it. The ENP rationale and instruments bear striking similarities to previous policies of the EU and, therefore, it might not be wrong to argue that the ENP—as far as the southern neighbours are concerned—is yet another attempt in branding Euro-Mediterranean relations without a major change in its actual design. Critics could argue that such branding exercises reappear roughly every decade when the EU realises that previous policy-frameworks do not look anymore as sexy as they used to do. Thus what was in 1973 the Global Mediterranean Policy, became in 1989 the Redirected Mediterranean Policy and then in 1995 the EMP. While the differences between these policy-frameworks should not be downplayed (Gomez, 1998), they all share a similar rationale and do not radically differ in their concrete instruments and approaches—thus turning the spotlight of analysis on the relevance of path dependency in EU foreign relations to the southern Mediterranean. A final word of caution has a much more general overtone and relates to the difference between the usual self-description in political communication, on the one hand, and the actual evolution of societal dynamics, on the other (see

Luhmann, 2000). Without going into detail here, the ability of the EU—and of any other political unit—to shape the functional, symbolic and territorial borders of the Euro-Mediterranean zone must be seen in relation to the limitations which governance faces in a functionally differentiated world. Processes of border demarcation must then be seen ‘as social phenomena within the framework of an overall debordering of the world of states that is promoted by a global shaping of the economy, communications, transport, consumer expectations, and attitudes to life (namely, the worldwide change in family structure). One can go a step further and describe the demarcation phenomena as a specific reaction to the debordering processes that are actually taking their course within the framework of globalization. Viewed in this light, demarcation (rebordering) would be, first and foremost, a way of *regulating* the process of transformation, not of *arresting* it’ (Albert and Brock, 2001: 42-3). Seen from that perspective, the EU instead of shaping Euro-Mediterranean relations from the driver’s seat rather tries to respond too much more complex, functionally-induced dynamics in world society at large.

III. Regionalisation through the ENP? Opportunities and Obstacles

Corresponding to the argument of the previous chapter on complex bordering processes in world society, is the observation that these functionally-induced dynamics lead to the emergence of specific regional cluster in world society. According to this view, these regional clusters are mainly defined by region-specific forms of structural coupling between functional systems (Stichweh, 2000; Stetter, 2003b). This observation also relates closely to the analysis of regional (in-)security regimes, as for example developed by the securitisation-school (Buzan and Wæver, 2003). The emergence of such *functional regionalisation* patterns does, however, not lead to a detachment between different regions. Firstly, it is not individual functional systems that coincide with regional-territorial borders but rather regionally distinct forms of structural coupling between universal functional systems—that individually stretch beyond spatial divides. Secondly, the borders between regions are not static but in a dynamic process of constant debordering and rebordering—and this dynamism becomes enhanced through spatial proximity and functional overlaps between regions. These regionalisation dynamics also affect Euro-Mediterranean relations, i.e. relations between world society’s European and its ‘Arab-Middle Eastern’ (Perthes, 2000) cluster.⁹

Such patterns of *functional regionalisation* and functional overlaps between regions must, however, be distinguished from spatially defined processes of *organisational regionalisation*. As has been already described above, territorial and functional borders do often not coincide. Thus, organisational regionalisation can more or less coincide with functional regionalisation clusters (e.g. the Council of Europe) or be less inclusive in its territorial scope, such as the EU. Moreover, the borders of organisational regionalisation can stretch beyond lines of functional regionalisation, such as the example of NATO illustrates. Seen from that perspective, also the ENP—and even more so if the ENP is seen in conjunction with the EMP—can be understood as an endeavour in organisational regionalisation beyond the level of functional (and symbolic) regionalisation clusters—albeit with rather ‘thin’ organisational features.¹⁰ Notwithstanding this objection, this focus on the organisational dimension of Euro-Mediterranean relations in the context of ENP, allows to analyse the ‘institutional fit’ between the specific organisational features of these frameworks with the functional rationale outlined in the previous section. In other words, do the institutional provisions of the ENP fit the functional requirements as they have been identified in the analysis of the ENP-rationale in section II? Thus, to what extent does the ENP contribute to the aim of creating ‘regional stability and co-

9 This perspective also nourishes scepticism with regard to the factual existence of a shared Euro-Mediterranean region (for a similar critique see also Schumacher, 2004).

10 These thin organisational features do, for example, relate to the lack of a shared centre. As will be discussed further below, the ENP is characterised by strong centre-periphery features, in which one side, the EU, holds most formal power resources. Consequently, the ENP (as does the EMP) lacks its own secretariat, personnel etc.

operation' in a shared 'economic and political space' as ambitiously referred to by the EU (Commission 2004)? The main argument presented here is that even though the ENP offers various opportunities, in particular on a bilateral level, it fails to provide an organisational framework that would be 'thick' enough to underpin the functional debordering it rhetorically aims for. In more theoretical terms, the ENP lacks the ability of self-observation that would be supportive for policies that adequately address the functional overlaps between the two regions. This follows the argument by Mathias Albert (2002: 19-20) that 'the prospects for effective governance may be seen to rise if the political system could observe itself according to similar regional differentiations, thus laying the basis for steering through regionally framed structural couplings'. However, the ability of the EU for such an 'observational perspective' is hampered by four key implementation problems of the ENP, namely the path dependency of 'thin' institutions, the uneven cost-benefit balance, strong centre-periphery relations and domestic institutional constraint.

Before entering into a discussion on these four key obstacles, one should, however, not downplay the opportunities associated with the organisational structure of the ENP. Thus, as already the previous section has argued, the rationale of the ENP (as of its predecessors) corresponds to the manifold functional overlaps in the Euro-Mediterranean area. In addition to that, the ENP addresses some of the organisational obstacles, which hampered Euro-Mediterranean relations previously. As has been acknowledged by most commentators, the strengthening of the bilateral dimension—referred to as 'differentiation' in the ENP-context, could help to overcome the deadlock which bedevilled the EMP. Having said that, it should however be mentioned that also the EMP, despite its multilateral façade, was in practice already based on such a differentiated approach.¹¹ Yet, any meaningful progress on the multilateral level, which would have contributed to increased inter- and intra-region-building across the three EMP-baskets, was hampered during most of the EMP-period by various obstacles—such as in particular the unresolved Israeli-Palestinian conflict but also other regional conflicts as well as a reluctance on side of some Arab governments to engage in organisational regionalisation efforts, which could potentially undermine their grip on domestic developments. As a result, the EMP was not only characterised by slow progress but also consumed scarce resources of civil servants and ministers, without producing too many tangible results.¹² Overall, on both sides of the Mediterranean, frustration and disappointment in the EMP—and in particular in its multilateral dimension—grew. The shift by the ENP away from a formally multilateral structure to a predominantly bilateral structure – which nevertheless leaves in place the EMP—might thus be sad news for advocates of active Euro-Mediterranean region-building, but has been welcomed by most academics as well as decision-makers in the EU and the southern Mediterranean. Moreover, on the face of it, the ENP with its clear emphasis on not being a pre-stage to enlargement, provides for a clearer organisational demarcation between the EU and its southern neighbours than the EMP with its somewhat fuzzy (rhetorical) debordering agenda.¹³

Notwithstanding this somewhat new organisational outlook of the ENP, one cannot ignore that a more thorough perspective on its main instruments reveals the endurance of previous policies, thus casting serious doubts on whether the organisational structure of the ENP will be able to correspond to its adequate rationale. Doubts are thus in place on whether the ENP can fulfil its ambitious objectives

11 This can be well studied when looking at the way in which bilateral relations between the EU and individual southern Mediterranean countries differ. See, for example, the different speed by which the EU has concluded Association Agreements with southern Mediterranean countries, but also the bilaterally designed participation of some southern Mediterranean countries in EU programmes as well as the differences in the scope by which MEDA aid was distributed to individual southern neighbours.

12 The importance of 'frustration' and scarce (time) resources of decision-makers is discussed in Wallace 2003.

13 In comparison to the EMP, the ENP also pays greater attention to cooperation in 'macro political stabilisation policies' (Stetter, 2004)—i.e. foreign and interior policies—between the EU and its southern neighbours. Thus, the action plans provide for cooperation between both sides in the CFSP/ESDP and crisis management and greater co-operation in justice and home affairs (EU/Israel Action 2004; EU/Jordan Action Plan 2004; EU/Palestine Action Plan 2004).

and overcome implementation problems of the EMP-period (Stetter, 2003a). In other words, the new rhetoric and the new branding of Euro-Mediterranean relations are still subject to a considerable degree of path dependency.

While Euro-Mediterranean relations might have needed a new stimulus and enlargement was the window of opportunity for that, the EU and its southern neighbours might find that not much has changed after the dust of ENPhoria has settled. A close inspection of the ENP action plans with southern Mediterranean countries does not contain any policy objective that could not already have been negotiated in the framework of EMP Association Council and Committees. What prevented southern Mediterranean countries from negotiating a stake in the internal market or the conclusion of bilateral agreements in specific policy sectors prior to the ENP? Even cooperation in foreign and interior policies was already referred to in the Common Strategy on the Mediterranean region of June 2000. Moreover, sensitive issues—such as ending the protectionism of EU textile industry and agriculture—remain sensitive issues also under the ENP-umbrella. Finally, political dialogue with southern Mediterranean neighbours will presumably not look radically different from its declaratory EMP-outlook. Against this background it is revealing that the action plans with Israel, Palestine and Jordan explicitly state that ENP-policies will for the time being be implemented on the basis of EMP Association Agreements. Thus, the EU/Palestine Action Plan (2004: 2) states that ‘for the near future the Interim Association Agreement remains a valid basis for EU-Palestinian cooperation’, while the EU/Israel (2004: 1) and EU/Jordan Action Plans (2004: 1) state that the implementation of Action Plan policies ‘will help fulfil the provisions in the Association Agreement(s)’. Finally, while the ENP does indeed provide for more funding by the EU of cross-border projects (also between the EU and its southern neighbours), there is no passage in the old MEDA-regulations which would have prevented southern Mediterranean countries to apply for much more regional funding than they had actually done. Surely, in its intentions and in certain detailed provisions the ENP offers new opportunities, but the main argument put forward here is that despite its ambitious rhetoric, the actual content of the ENP is not tremendously different from what was there before—both with regard to the policy areas covered and the instruments established. Acknowledging this path dependency of the ENP should caution against too high expectations—thus avoiding one of the problems that shaped the EMP-period. Yet, the ambitious and normative region-building language by the EU, which was analysed in the previous section, suggests that the EU has learnt little from previous problems of Euro-Mediterranean relations. Overall, this discussion on the path dependency of the ENP insinuates that the fit between the proclaimed ENP-rationales and its organisational structures is not in an equilibrium thus casting doubts on the extent to which effective cross-regional governance can be achieved.

In addition to this path dependency of the implementation dimension of the EMP, the ‘carrots’ of the ENP action plans might also not be as tasteful as, for example, suggested when promising the southern neighbours ‘a stake in the EU’s single market’ (EU/Israel Action Plan 2004: 2). While it is true that for some southern Mediterranean countries—such as Israel with a GDP per capita comparable to southern EU member countries or Morocco and Tunisia with close links to the EU—this perspective has some positive elements, the overall cost-benefit balance of adopting the internal market *acquis*, without a stake in EU-institutions, is not as straightforwardly positive as implied by the action plans. As the experience of central and eastern European countries has shown, the costs of translating the 80,000 pages *acquis* into national legislation are high and requires tremendous administrative and financial resources (Schimmelfennig and Sedelmeier, 2004). It is unclear how southern Mediterranean bureaucracies—with the exception of Israel—would be able to engage in this exercise both for administrative reason as well as for reason associated with domestic reforms of autocratic political structures which would almost automatically accompany such a Europeanisation. As Nathalie Tocci (2004) has hence argued, these ‘cost of compliance’ with internal market provision are an issue which has not yet been thoroughly addressed by the ENP-framework. ‘It remains unclear whether this would be a benefit or a cost’ (ibid.). Moreover, even if southern Mediterranean neighbours were willing to engage in a comprehensive translation of the *acquis* into their national legislation, the political will for a thorough implementation must for a long time be higher than

domestic resistance to such a formal abrogation of national sovereignty without a stake in EU decision-making structures.¹⁴ Against this background it can be argued that the policy-instruments of conditionality and benchmarking, which have successfully been deployed by the EU in its eastern enlargement primarily because of the credible promise of membership (Schimmelfennig and Sedelmeier, 2004), cannot be expected to be equally pervasive in the transformation of domestic political and economic systems in the southern Mediterranean.

A closer evaluation of the ENP-instruments also reveals that in addition to these cost-benefit problems, the ENP-framework does—in spite of its rhetorical reference to co-ownership—not move a great deal towards a more balanced decision-making structure. The ENP—as its predecessors—remains characterised by strong centre-periphery relations, where the EU largely defines the agenda and assesses progress, while the role of southern Mediterranean countries in this process continues to depend on their (limited) ability to occasionally use carrots and sticks themselves. In this context, it should be remembered that the drawing up of action plans on a bilateral basis is not as revolutionary as proclaimed in ENP-documents. Thus, already in the EMP-era joint objectives in specific policy areas could have been designed in the bilateral Association Committees and Association Councils. The language of co-ownership, as honest as it might be, does hence not overcome the problem of EU dominance in Euro-Mediterranean relations. Thus, co-ownership does not go as far as to ‘allow’ southern Mediterranean neighbours a share in those policy-areas which are more sensitive to the EU. Firstly, on the level of policies, the EU remains unwilling to offer to southern Mediterranean partners a stake in the European agricultural and textile market or to engage in greater labour mobility—thus areas of co-operation through which southern Mediterranean countries could improve their cost-benefit balance of the ENP. As is well-documented in the academic literature on Euro-Mediterranean relations, the problem with co-ownership in such policy sectors is that ‘there are policy areas within a coherent neighbourhood policy for which national governments will have to ask their citizens to accept difficult compromises and concessions’ and governments of EU member states have so far been unwilling to confront their domestic constituencies with concessions in these sectors (Wallace, 2003: 30). A second dimension of EU-dominance then relates to the decision-making structure of the ENP. Thus, the implementation of the action plans will depend on an assessment whether southern Mediterranean countries actually made the progress required from them. In the words of the Commission (2003: 16) ‘engagement should therefore be introduced progressively, and be conditional on meeting agreed targets for reform’. Yet, the arbiter on whether these targets have been met is not—as could be expected in a ‘shared zone’—a shared body. Rather, this assessment is made, on a unilateral basis, by the European Commission which consequently argues that ‘the setting of clear and public objectives and benchmarks spelling out the actions the EU expects of its partners is a means to ensure a consistent and credible approach between countries’ (ibid.). The language of sharing thus comes to a sudden end, once policy issues sensitive to the EU and the decision-making structure of the ENP is concerned.

Finally, the institutional fit between the ENP-rationale and the ENP-instruments must be seen in conjunction with the evolving foreign policy system of the EU. While recent EU policies towards the southern Mediterranean, such as the EMP, the ‘Common Strategy on the Mediterranean region’ as well as the ENP and the ‘EU Strategic Partnership with the Mediterranean and the Middle East’ all confirm the observation that ‘the EU develops its own foreign policy, which is related to but functionally autonomous from national policies’ (Stetter, 2004: 734), it is equally important to recognise the limitations which the domestic decision-making structures in EU foreign policy-making exerts on the implementation of the ENP agenda (see also Monar, 1998).¹⁵ Thus, the ‘fragmented institutional framework’ (Stetter, 2004: 735) of the Union’s cross-pillar polity, while being highly

14 See for a similar discussion the concept of the EU’s ‘enabling impact’ in Diez, Stetter and Albert 2004.

15 Of course, one should also take note of constraints for the ENP posed by domestic institutional constraints in southern Mediterranean countries. Incrementalism is not a prerogative of EU foreign policies.

functional for the internal stabilisation of the EU political system, is often problematic for coherent and efficient decision-making towards third countries. This does not only relate to the specific interests of individual member states in the ENP—one should not forget that initially the ENP was only designed for the EU's new eastern neighbours and that the southern neighbours were only included following pressure from mainly southern member states and the Commission—but also to the complex interaction within the EU's triple executive—consisting of the Council, the Commission and the Council Secretariat, in particular the High Representative. In addition, complex budgetary procedures further limit the EU's ability to act quickly in its foreign policies. Since this complex institutional structure of EU foreign policies did not change with the ENP, certain problems of the EMP-period, such as the cumbersome disbursement of EU funds under the MEDA-budget and a preference for declaratory policies in political relations, are likely to pose a problem for the ENP as well (Stetter, 2003). Finally, differences between individual member states as well as within the triple executive, for example on the Israeli-Palestinian conflict *in conjunction with* the complex institutional structure of EU foreign politics, are likely to inflict upon Euro-Mediterranean relations also under ENP-framework. In conclusion, also the ENP will have to cope with the notorious 'gap between the rhetoric of foreign policy ambitions and the reality of internal preoccupations' (Wallace, 2003: 26) that until today shapes cross-pillar foreign politics of the EU.

This section has argued that the ENP is characterised by a significant gap between its ambitious rhetorical objective of creating 'an area of shared prosperity and values' (Council 2003), on the one hand, and its actually thin organisational fundamentals. Thus, the ENP—albeit being based on an adequate rationale—is unlikely to institutionally underpin the manifold functional overlaps between the European and the Arab-Middle Eastern region. The paper has identified a remarkable path dependency of the ENP in comparison to previous institutional settings of Euro-Mediterranean relations. Notwithstanding certain improvements in comparison to the EMP-period, also the ENP is likely to be characterised by significant obstacles to organisational regionalisation such as an uneven cost-benefit balance, unbalanced centre-periphery relations and impediments stemming from EU internal decision-making structures. This section thus concludes that the ability of the ENP to deliver on its ambitious objectives, which seem justified given the functional regionalisation dynamics outlined in section II, is still severely limited.

IV. Conclusion: Facing the Ongoing Exclusion/Inclusion Dilemma of the ENP

Notwithstanding the arguments of the previous sections, it is not only the tension between ambitious rhetoric and path dependent institutions that inflicts upon the ENP. Thus, it is important to note that the ENP was designed in an attempt to square the circle of preventing 'the emergence of new dividing lines between the enlarged EU and its neighbours' while at the same time defining the ultimate territorial borders of the Union. This is, for example, institutionally reflected in the restructuring of foreign policy capacities in the new Barroso Commission, in which relations with all ENP partners are dealt with in the Foreign Relations Directorate General (DG), whereas relations with the prospective member states Bulgaria, Croatia, Romania and Turkey as well as the countries of the south-east Europe stabilisation pact are directed by the Enlargement DG. The establishment of this new spatial dividing line is, however, less pervasive as it seems at first sight. Firstly, ENP documents already emphasise that with regard to Moldova but in particular Ukraine, the EU is aware of the objective of these countries to join the EU in the long run—with the orange revolution in Ukraine having further underlined this objective. Second, also with regard to southern Mediterranean neighbours—for which the EU excludes the option of membership even in the long run—the solidity of EU resistance to possible accessions is less firm than suggested by ENP-documents. Ironically, it is one of the key instruments of the ENP—differentiation—which might prove a double-edged sword in that regard. To take the example of Israeli-EU relations, a full implementation of all objectives of the Israel Action

Plan would render Israel, a country with a GDP per capita comparable to other European countries, a virtual member state of the EU even without membership—thus comparable in its status to Switzerland.¹⁶

While this partial integration into the European space is indeed a potential carrot for some southern Mediterranean neighbours, the actual implementation of this agenda might prove less tasty than portrayed in ENP documents. This has to do with the various implementation problems outlined in the previous section. Thus, if the carrot is visible but cannot be grasped, also southern Mediterranean neighbours might conclude that ‘association’ is less attractive than ‘membership’. Secondly, as has been mentioned above, for those southern Mediterranean countries with (semi-)autocratic governments and less developed economies, the requirements of implementation of the ENP agenda are ambivalent. Thirdly, as the case of EU-Turkish relations illustrates, the power of the EU to unilaterally determine the borders of the EU should not be overestimated. The cases of Morocco and Israel—and to a limited degree Palestine—show that membership debates, although at an early stage, are not silenced by statements from the Union that rule out accession for its southern neighbours—while statements about a possible Israeli accession to the EU by senior EU officials, such as the new Commission representative to Israel, do also contradict the ‘formal bordering’ agenda of the ENP (Benn, 2005).

The hope that the ENP will provide for meaningful integration of non-members while at the same time avoiding ‘any sense of exclusion’ (Commission 2004: 8) is thus built on shaky grounds. The manifold functional overlaps between both sides of the Mediterranean, which have been addressed in section II of this paper, will continue to exert pressure for an appropriate organisational underpinning. While it is true that ‘a response to the practical issues posed by proximity and neighbourhood should be seen as separate from the question of EU accession’ (Commission 2003: 5), the obstacles in the implementation of the ambitious ENP agenda are not really helpful in keeping these two tracks separate. But it is also the ambitious and normative rhetoric of the ENP, which speaks of integration and shared zones, that blur the bordering attempts of the EU.

Due to an insufficient fit between the functional overlaps between both sides of the Mediterranean and the organisational underpinning of this process, the exclusion/inclusion dilemma is likely to shape the ENP-period. The obstacles identified in this paper for the implementation of the ENP agenda reveal the inability of the EU to institutionally respond to its own observation of a shared Euro-Mediterranean space. This relates to the argument that ‘the possibilities for effective governance would be advanced [...] if the political system “regionalises” (i.e. regionally differentiates and regionally organises itself) in a similar fashion to the ways in which the systems to be steered are “regionalised”’ (Albert, 2002: 20). Given the degree of functional overlaps between the European and the Arab-Middle Eastern region, this would however require from the EU to seriously tackle the institutional obstacles identified in this paper. An impressive agenda of rhetorical debordering alone does not suffice but has to be underpinned by an adequate organisational framework. As this paper has argued, this establishment of an efficient framework for cross-regional governance is hampered by several institutional obstacles. An effective framework for organisational cross-regionalisation would require to address the cost-benefit structure of Euro-Mediterranean relations, to give southern neighbours a significant share in Euro-Mediterranean decision-making structures and a further improvement of domestic foreign policy institutions by the EU. Yet, such a decision would also require political will on side of the EU (and also its southern neighbours) which has so far been the scarcest resource in Euro-Mediterranean relations. Without such a decision the ENP is likely suffer from the insufficient institutional fit between functional and organisational debordering dynamics and

¹⁶ Thus the Action Plan, besides the objective to offer Israel a stake in the Internal market, also explicitly refers to an approximation of legislation on both sides (i.e. the Israeli side) and that the Union ‘will undertake an overall examination of all [...] Community programmes and bodies, with the objective of opening them to Israeli participation’ (EU/Israel Action Plan 2004: 2).

share the fate of its institutional predecessors, thus being replaced by the beginning of the next decade by yet another grand rhetorical project.

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