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THE CONTEMPORARY EU'S NOTION OF TERRITORIALITY AND EXTERNAL BORDERS

Abstract: The predominant spatial conception of the EU contributes to an evident emergence of a sharpened territorial building of the European space. By all evidence the idea of both the territorial cohesion and territorial continuity shows how relevant the notion of territoriality in the 'European discourse' is and consequently how accepted the instrument of hard and closed border and the sharp inside/outside dichotomy are. Due to this pragmatic notion of territoriality, the idea of the EU as a 'non-Westphalian new empire' (according to the 'neo-medieval paradigm') became at least unrealistic. Its borders are getting more territorial, physical and visible. Hard border policies and practices on the Eastern and Western Balkan borders mirror the existence of a *de facto* barrier and of a deep 'Westphalian memory' in the way of using the territory as support of political unity.

Key words: Europe, EU, borders, territoriality, modern state, Eastern Europe.

1. INTRODUCTION

The removal of internal borders within the EU and the opening of a common market were accompanied by a continuous strengthening and by an increasing importance of external borders (Ibryamova, 2004). The creation of a common market with economic and social cohesion was followed by acts and policies to demarcate, border and protect the common European space (Geddes, 2001; Zielonka, 2006). In fact, also the EU's concept of political integration, based on a rigorous system of inclusion and exclusion, defined by full membership status and fortified external borders became an instrument of the old conception of

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territoriality. The Maastricht Treaty that entered into force in 1993 clearly established an increasing importance of the EU's territorial basis. Even if after five decades of non-stop theorising about European integration, scholars are still concerned with the question of what exactly the EU is and what it may become in the future (Sidaway, 2006, p. 4), Commission officials clearly said that the dismantling of Europe's internal borders made it necessary to make sure that the controls at the external borders of their shared territory were reliable (Islam, 1994, p. 40).

The EU's system is characterised, much more than in the past, by a territorially fixed political community. Several recent developments in the European Union, such as the creation of the Schengen area,[1] the Lisbon Treaty,[2] and the Frontex agency, show that the territorial concept, in a modern geographical sense, is still important and seems to evolve towards a polity with the 'Westphalian' characteristics. The EU is now evolving towards a reproduction of the territorial model of modern state by presenting itself as being one single space and by bordering, disciplining and normalising itself with practices similar to those of nation-states (Boedeltje and van Houtum, 2008, pp. 362–363). Most of the member states wanted to move the Community towards a closer economic and political union. Economic and social cohesion became one of the pillars of the Community structure (Fitzgerald and Michie, 1997, p. 20). Due to the concept of territoriality related to a clear inside/outside division, the European project seems to evolve more towards a replication of the modern state structure than towards a form of empire.

Europe has an intrinsic historical openness and cannot be understood with a definite beginning or end; it has never been a clearly demarcated continent or a fixed bordered entity and it has always been characterised by shifting spatialities. The Mediterranean once was a bridge of civilisations between Europe, Africa and Asia. Only recently it became a European periphery and a border. The EU's eastern border is quite recent and it corresponds to that of iron curtain, even if it is located on a more eastern, new line. Nevertheless, the EU's more frequent and widespread concept remains territorially based. Especially the spatial continuity is at the centre of the attempt to construct the European Union as a polity with modern state characteristics.

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[1] The new focus on the controlling of the EU's external borders was also triggered by the Schengen Treaties (Albrecht, 2002, p. 1).

[2] The contemporary tendency towards an Europe with a Constitution, President, Minister of Foreign Affairs and above all a clearly demarcated territory with a sharp inside/outside dichotomy, borders as barriers, is going on. It represents a project of a very restricted and closed EU (cf. Boedeltje and van Houtum, 2008, p. 361).

2. THE CONTEMPORARY EU'S NOTION OF TERRITORIALITY

The prevailing discourse about the European spatial development is increasingly littered with references to territory, territoriality and territorial cohesion. Already in the Constitution's provisions (*Treaty Establishing a Constitution for Europe*, 2005) the themes of territoriality and territorial cohesion recur again and again. The cohesion of its territory is explicitly posited as codified and institutionalised, something *to be reinforced* (Burgess, 2009, p. 148).[3] Nowadays the European Commission conceptualises the EU as a demarcated area with a clear inside and outside, surrounded by a ring of friends (European Commission, 2003).[4] The dominant contemporary discourse and metaphors on the EU's political geographical nature are still clearly territorial. Despite the fact that at the beginning of the European Project the aim was to incorporate as many states and people as possible rather than to create a restrictive union, the EU is based on a conception of contiguous territories and territorial integrity, and it needs a clear understanding of what belongs and what does not belong to the Union. The creation of a single space triggered a wish to demarcate and border the European political space and entity (Islam, 1994, p. 38). A new common external border became needed to protect the entire Union (Geddes, 2001; Harvey, 2000) and the external borders have been increasingly policed (Albrecht, 2002), representing a clear conception of hard territoriality. Concerns about the safety of the Union rose very quickly in the 1990s. It is difficult to deny that the EU is now a territorial structure with policing of its physical external borders, walls, hardware, and internal surveillance of the territory, strong immigration laws, and a protectionist economic policy, especially concerning agriculture. Membership of and belonging to the EU automatically creates exclusion, and it is necessary to remember that the right to control and deny admission of foreigners is often seen as crucial to a nation state's sovereignty and territorial integrity (Leitner, 1995, p. 261). As Colin Harvey (2000, p. 374) wrote, 'supranationalism' requires a process of boundary drawing just as much as nationalism.[5] It is not surprising that the demarcation, bordering and securing of the common European space became the permanent conception of scholars, politicians and the media. Bordering is driven mostly by fear of crime and the need to be amongst 'ourselves', hence protecting welfare, security and identity (van Houtum and

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[3] Among the objectives formulated in Title 1 is the promotion of economic, social and *territorial cohesion* (Burgess, 2009, p. 148; *Treaty Establishing a Constitution for Europe*, 2005, p. 17).

[4] This document refers to the European territory as a clearly demarcated space, and uses the definitions 'within and beyond the new borders of the Union' and the concept 'ring of friends'.

[5] Harvey (2000, p. 374) adds that a boundary between 'us' and 'them' and the construction of the mechanism to ensure inclusion cannot be wished away, because it is the consequence of the ambitious aims of the EU.

Pijpers, 2007, p. 303). The EU aspires to become an international actor by extending its institutional power and superimposing its borders on the already existing state borders of European nation-states.

The present conformation of the EU's borders is characterised by rigid border law enforcement, borders controls (Andreas 2003, p. 78) and obstacles to the cross-border mobility. What still separates e.g. Central from Eastern Europe and Western Balkan from Eastern Balkans, maintains the aspect of a 'modern state border'. This EU's border pretends the territorial continuity and is 'parasitical' and 'subsequent' (it adapts itself to the historical subdivisions imposed by a long political occupation) and is 'overimposed' (it does not pay attention to the characteristics of cultural sights). Thus the EU's territoriality is derived from that of its member states (Philipott, 2001, p. 17). The 'exclusive' and 'expulsive' character of the EU's border, its impermeability, its function of rigid delimitation of space and of 'perimetral' barrier, its superposing to existing state borders, can be defined neither as 'post-modern', nor as 'imperial'. Even though some scholars regard external borders of the EU as 'undefined external boundaries' (e.g. Wallace, 1999, p. 519), these borders maintain a clear function of barrier. Pre-modern territories were characterised by variety, fluidity, non-territoriality in the modern sense of the word, or non-exclusive territoriality (Anderson, 1996, p. 141). The territorialisation of politics has been implied to be a long term process of the creation of the 'internal' and 'external' at state borders. Territoriality in the Middle Ages was characterised by an absence of clearly defined borders and sharp inside/outside distinctions (Anderson, 1995, p. 69). Furthermore, within an empire the relationships between territory and sovereignty are weak. The empire includes external relations without creating any sharp inside/outside dichotomy (Anderson, 2007, p. 19). Samuel Pufendorf in his work *De statu imperii germanici* (1667) argued that the Holy Roman Empire completely lacked a distinction between inside and outside. Indeed he wrote that its structure was 'irregular' and a kind of *regimen monstruosum*. In fact, due to its 'trans-territorial' dimension (Ruggie, 1993) it was quite impossible to find a sharp division between 'internal' and 'international' dimensions. Hendryk Spruyt (1994, pp. 35, 51) noted:

> The medieval period lacked not only exclusivity but also territoriality. […] Federalism, the Church and the Holy Roman Empire lacked territorial fixity and exclusivity. […] The Empire did not define itself by control over a territory.

One of the defining elements of empires is the absence of hard borders. Before the nation-state structure a non-exclusive form of territoriality prevailed, with many forms of personalised and fragmented authorities within and across territorial formations, with inclusive bases of legitimation. The main change in the political structure of Europe was the creation and spread of firm territorial

boundary lines between political formations. States were built around the idea of territorial homogeneity and unity.

The contemporary EU's border resembles neither the Roman *limes*, nor the medieval *marche* of frontier, generated by the complex tissue of historic Europe and created by the 'trans-territoriality' that distinguished it.[6] The 'linear border' is a recent historic reality, characteristic of rigid territorial systems, and does not have the function of 'filter' but that of 'enclosure' (Newman and Paasi, 1998, p. 197): boundaries and territoriality are contextual. From the Roman *limes* to the Habsburg *Grenze* all empires have known only peripheral zones where settler-soldiers served as ever embattled 'buffers' for the imperial centre (Zielonka, 2002, p. 39).

The modern characteristics of the EU's external border stem from the attempt to sharply separate between internal 'law and order' of the internal space (*Innenraum*) and the outside dimension to which all 'disorder' is expelled. This is the typical logic of the modern state: the production of the 'order' inside the borders and the expulsion of the 'disorder' outside. The EU's borders are evidently still characterised by a 'Westphalian memory' in the way to use the territory as support of political unity (Badie, 1995; Reut, 2000) and correspond to the modern idea of 'political territorial exclusivity' (sovereignty).[7]

Furthermore, the EU's political geographical imagination and the visions on the EU's territoriality are dominated by an attempt to assure a 'territorial continuity' for the Union. The reaction to the same reality of the exclave of Kaliningrad into the EU's territory remains emblematic even if self-contradictory because also Switzerland does not assure the territorial continuity to the EU. Generally in this conception it is impossible to admit exceptions, e.g. *enclaves* and the territory of the EU must be continuous, without any interrupt-tion. The same process of enlargement was regarded as an acquisition of contiguous territories, excluding 'anomalies'. This conception reveals at least an imitation of the political model of the modern territorial state, even though at 'supra-national' level. Only taking into account the more recent forms of empires (Habsburg or Russian-Soviet)[8] it is possible to define the EU as a 'new empire' but certainly not inside a 'neo-medieval' paradigm.

For many years Brussels pretended that candidate states transformed their borders into a more rigid barrier: otherwise the political 'centre' did not let them to enter in a Union based on a precise and continuous territory. This territorial conception caused through the years an 'involution' of the border and rendered

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[6] 'The archetype of non-exclusive territorial rule is Medieval Europe' (Ruggie, 1993, p. 149).

[7] 'The Westphalian model of international political life presumes a notion of hard borders' (Mostov, 2008, p. 20).

[8] From the mid-16th through the mid-18th centuries, Russia and Austria were transformed into modernised empires with organisational characteristics of modern states but still multinational medieval autocracies in conception.

the borders impermeable (and certainly not 'fuzzy frontiers zone'), letting fall
institutionalised Europe into the 'territorial trap' (Agnew, 1994). This process
reflected the same conception of the creation (already existent in the cold war
period) of a big self-sufficient, autarchic area, closed by a customary and
boundary belt, which remembers the ideal of the 'Fichtean' *geschlossene
Handelsstaat* (a political territorial, closed and mercantilist area).

Although the EU's territoriality is still less fixed and less exclusive than that
of modern states (Mamadouh, 2001, p. 434), and progresses in a complex,
multifaceted, and non-linear fashion, the 'supra-national' character of the EU is
not enough to make different that unification among states, founded in Maas-
tricht, from other unifications that used modern borders as an instrument of
building of state territory. According to Georg Simmel, borders have specific
territorial functions: legal, security, social-psychological, and ideological that
constitute the construction of political space. The EU is acknowledged to be
a political hybrid which eludes conventional categories of national or interna-
tional political organisation, but regarding the external dimension of European
territorialisation, it is becoming an actor involved in spatial ordering within and
outside its territory. Of fundamental importance is the fact that the EU continues
to display its greatest institutional strength along the territorial lines of the
member states. The EU's border seems a particular form of mark of territoriality
used by governments to control resources and peoples, by making the bounded
territory the primary focus of economic and political identification for citizens.
The drawing of any given state or of 'supra-national' border represents
a simplification of complex political and geographical problems.

3. THE HARD BORDER POLICIES AND PRACTICES

Instead of developing the spontaneous process of rebirth of a porous border as
contact and trade zone to the East and towards the Balkans, which appeared not
only possible, but necessary in the early 1990s (Layard, Blanchard, Dornbusch
and Krugman, 1992), during the last 15 years it was tried to oppose a long,
artificial process of tightening that produced the 'involution' of the border,
which was made rigid and sealed by a system of visas, reinforced by the
'Schengen courtain'. The perceived 'security deficit' has increased the imper-
meability of the external border of the EU. Despite the fact that the Schengen
Agreement's implementation (after 1990) has had different effects for different
parts of the EU's external border, especially in the overseas countries and in the
countries that are not part of the EU, hard border thinking and policy are
emblematic of the EU's conception of territoriality as an ultimate goal to
achieve.

The case study of the EU's Eastern border is the most impressive. What has been a relatively 'soft', easily traversed border in 1992–1994 once again became hard. This border is getting more territorial, physical and visible. The expansion of the EU has involved a redrawing of the boundaries and relationships between the EU and its Eastern neighbours. The hardening of borders in the name of security acts to reinforce the division between 'insiders' and 'outsiders'. It corresponds to an old form of territorialisation of politics and to a building of an 'internal' and 'external' at EU's borders. The distinction between 'EU-members' and 'non-members' is nowadays sharp, relevant and important (Zielonka, 2006, p. 12). This border is characterised by rigid border law-enforcement, borders controls, and obstacles to the cross-border mobility.

As a matter of fact, the Welfare model is one of the pillars supporting the EU's Eastern border and it is linked to an economy based on the 'territorial trap' that shows itself in a 'wealth enclosure' (van Houtum, 2002). This kind of political aggregation mix the model of interventionist (and distributor of wealth) state with the concepts of nationality and of citizenship and produces a kind of 'welfare chauvinism'.

The new EU's Eastern border has many consequences, mainly economic and political, but also involving future security risks, also for Europe. The most evident problems are those determined by the fracture – created by the border – of complementary regional areas. Because of the destruction of spontaneous transborder cooperation it may produce a degradation of the whole regional context.

The political consequences of the border are evident. Countries excluded by the enlargement show serious problems with modernisation, a high degree of disorder and political instability, rising criminality,[9] emigration pressures, populist-authoritarian regimes (Belarus, Ukraine and Moldova), and dictatorial tendencies (Timmermann, 1997; Beichelt, 2004). These political systems are affected by bureaucratic exploitation, institutions and politicians locked in a bitter internal struggle for power, social disintegration, organised criminality, and state-owned land. Old oligarchies and obsolete structures flourish on economic stagnation and, as in the belt of the Western Former Soviet Republics, on the relapse into bounds of Stalinist 'interdependence', crisis and severe underdevelopment, from which it seems difficult to exit. The EU's external border contributes to a volatile political system and deep political cleavages in the region. The existence of barriers, of filters continually renewed by 'strategists of border control' (Andreas, 2003), raises the sense of segregation of excluded populations, the perception to be part of different reality (Kamann in Ratti and Reichman, 1993, p. 92) and the potential revolt against 'included' European countries. Moreover, European protectionism, using the border,

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[9] 'A hard border creates extra demands for organized cross-border crime' (Zielonka, 2002, p. 1).

damages the prevalent agricultural economies of Eastern European regions beyond the border, impeding their development which otherwise is completely possible, because of their resources and immense potentialities, incomparable all around the world. Commerce with countries separated by the European border suffers from barrier effects and these economic activities cannot contribute to creating economic wealth. The frustration is high in the regions beyond the border. The inhabitants of these impoverished countries depend on travel westwards for survival. With the Balkans the EU has built a border that for citizens of former Yugoslavia is even stronger than during the cold war period: in fact even in that period they could travel to Central and Western Europe without visas (Batt and Wolczuk, 2002). Particularly the small developing countries that have seen the reduction of their internal market need to open outwards, otherwise they can fall into stagnation and decline (Pavliuk 1997; Batt and Wolczuk 2002), because of the high cost of autarchy. The economic justification of these barriers does not hold: it is not clear why only 'internal' openness of the Union within the frontiers of the EU can create advantages, while beyond these borders start disadvantages. The reality is that the border depends only on political justification, based on the political principle of 'exclusivity'. The border is regarded as an effective instrument to control the relations of 'internal' and 'external' market, impeding that escape from political control. The EU's enlargement to the East has been done with the intention to create in Europe security and stability, economic development and cooperation. But *de facto* barriers may cause a spiral of insecurity and freeze deep disparities in Europe. The borders, at the same time zones of uncertainty and security (Sibley 1995, p. 183), can provoke polarisation and instability. In fact, the EU's Eastern border maintains a destabilising effect within states left outside the EU, by exacerbating centrifugal tensions and pressures and may cause difficulties in the relationship between the EU and its neighbours. Trying to expel 'disorder', the EU's border could stimulate it.

4. CONCLUSIONS

The spatialities, imagined frontiers of Europe have shifted over several millennia. Paasi (2001) showed that different images of Europe and different narratives on European identity imply different forms and conceptualisation of spatiality. Different scenarios for the future of the EU are possible, but nowadays the building of the 'institutional Europe' still largely contains an old conception of territoriality and boundaries. This conception is related to the popular conviction that the EU/Europe has always been a fixed territory and that some European countries cannot belong to it. The Treaty of Lisbon also makes a step forward in

the creation of a territorial polity at the European level. The contemporary EU's concept of territoriality contains characteristics of a neo-Westphalian model and there is no evidence that the EU is turning into a 'neo-medieval' empire. It is self-contradictory and highly problematic arguing that EU is a polity that evolves towards a weak empire or a 'maze Europe' with soft and flux external borders of 'fuzzy' nature, as e.g. wrote Zielonka (2006, pp. 6, 144) or to say that the inside/outside division is blurred because the EU's authority does not stop at its own external borders (cf. Böröcz 2001, pp. 18–19). External borders and inside/outside dichotomy show the reality of the predominant conception of the EU that is based on the Westphalian clear-cut borders as well defined lines.

Collaboration efforts across the EU's external border, a kind of peculiar mix of regional, national/bilateral, and pan-European/supranational cooperation initiatives cannot be generalised. In any case, the European Neighbourhood Policy (ENP) and soft policy instruments, such as *Tacis* and *Interreg*, are not enough to neutralise the 'barrier's effect' of the renewed border. The demonstration lies in the underdeveloped character of the countries beyond the border such as Belarus, Ukraine, Moldova and so on. More 'inclusionary' initiatives towards the EU Eastern neighbours have had a marginal impact (Debardeleben, 2005). Along the EU's Eastern border, controls and surveillance will not be loosened but, at least for now, intensified: it is a border without a good chance of disappearing. But *reterritorialising* politics seems inappropriate to a new concept of Europe as 'empire'. Reducing and resolving (or partly resolving) these contradictions generally require opening the gateways and reducing the 'barrier functions' of the border (Anderson and O'Dowd 1999, p. 596). Nowadays in Eastern Europe is growing up the necessity of a deeper cooperation, including a visa-free-regime, a free-trade zone for services and agricultural products, an increasing level of people-to-people contacts, and closer cooperation in transport infrastructure. The increasing transnational flows of capital, products, services, labour and information have generated a growing need for border-crossing mechanisms. The rising of pressures towards the development of continuous spontaneous cross-border contacts confirms the existence of a push toward the recovery of optimal dimensions of cooperation, above all on the economic plan.

Softening the borders encourages sustainable resolutions to ethno-national conflicts and socio-economic development. It could better protect or strengthen relationships and associative obligations through border or transnational networks. It offers a possible remedy to a politics of exclusion, facilitating global processes (Mostov, 2008, pp. 3–5, 17). As Anderson (1996) wrote, there is a need for at least a radical rethinking of political borders, of hard border assumptions and territoriality. Softening borders opens up alternatives for cross-border linkages and new spaces of cooperation. The transformation of the modern concept of sovereignty calls for a rethinking of the terms of political and territorial associations.

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