

THE EUROPEAN UNION FOREIGN POLICY IN THE BLACK SEA REGION: BORDER DISCOURSES, SECURITY AND LEGITIMACY

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Abstract

This paper will present and analyse the discourses of the European Union foreign policy in the Black Sea Region. It will look at the European Neighbourhood Policy, at the four Common Spaces with Russia and at the membership negotiations with Turkey; also, it will look at the border mission in Ukraine, the rule of law mission in Georgia and at the Black Synergy. It will argue that the Black Sea Region is constructed as a bordering region of the EU. As such, it lies at the crossroads of several discourses. These discourses make this border region a distinct one. Subsequently, the paper will analyse the way this distinctiveness is translated into practices of security and border control. These practices will be presented and analysed. The paper will conclude by assessing the legitimacy of these practices, and it will claim that they contribute to the legitimacy deficit of the EU.

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Chapter I – Introduction

This paper will analyse the foreign policy of the European Union in the Black Sea Region. This topic has received an increased attention in the last years, and especially after the 2007 enlargement, which brought the Union to the shores of the Black Sea. Most of the research conducted on the foreign policy of the EU in this geographical area is focusing either on bilateral relations with Russia, Ukraine or Turkey, or on the European Neighbourhood Policy, which encompasses much of the region. This paper will therefore be an addition to a limited body of research that has a wider focus.

However, the foreign policy of the EU in the Black Sea Region¹ is just the starting point of the topic of this paper. From the analysis of this policy, this paper will draw a number of implications that go beyond the assessment of the external conduct of an international actor. As such, it will also draw on a variety of theoretical strands, in an interdisciplinary inquiry into the functioning of the mechanisms of the EU's presence and actorness.

The argument of this paper has five stages. First, it will be argued that the foreign policy of the EU in the Black Sea Region discursively constructs this region as a border for the Union. Second, this border region is situated at the intersection of a number of discourses articulated by the EU with regards to its neighbours subjectivity and identity. Third, these discourses make the Black Sea Region distinct from other bordering regions of the EU. Fourth, this construction is correlated with a securitisation of this border, a process that generates various practices and perceptions. Finally, the fifth stage of the argument will claim that these practices raise concerns about the legitimacy of the EU project.

¹ Throughout this paper, 'the Black Sea Region' will be used as a common signifier for the four riparian states that are not EU members: Ukraine, Russia, Georgia and Turkey. This narrow conceptualisation is designed to make the analysis more relevant and clear.

This five-fold argument is grounded in a post-positivist ontological framework. This framework allows the research to give a primordial role to non-material factors, such as ideas, perceptions and subjective understandings of the social world. Moreover, this allows an epistemology that acknowledges the inherent limitations of a social research. Since an observer never has access to the ‘real’ facts, and is always conditioned by secondary interpretations, any endeavour may only aspire to uncover fragmentary aspects of life, the so-called ‘minor truths’. This acknowledgement forces the researcher to be modest about the objectivity and universality of the results of the research.

Therefore, this paper is not intended to outline a number of hypotheses that can be tested with empirical evidence. Rather, it is guided by an ambition to uncover certain discrete social mechanisms that are essential for a better understanding of practices such as foreign policy. Moreover, a secondary ambition is to question these social mechanisms, and to deconstruct their apparent validity.

Conceived in this type of environment, the present paper will have an eclectic methodology, one that combines description with explanation and interpretation. Therefore, it will make use mostly of qualitative methods such as the analysis and interpretation of documents and discourses, along with interdisciplinary contributions and critical reflections. As such, the main sources of information will be the official documents of the European Union, as well as secondary literature that deals with existent research conducted on the topics that will be analysed.

The importance of this research rests on three arguments. First, this research will fill an empirical gap. The study of the Black Sea as a region, and of the foreign policy of the EU in this region is far from being developed. This is especially surprising if one agrees that this region has a tremendous importance for the EU, and this importance is strategic, geographic,

economic as well as symbolic. Despite the fact that this paper will focus mainly on the symbolic importance, the other factors will also be assessed.

Second, this research will fill a theoretical gap. It will bring together three theoretical strands, which will complement each other in order to provide an adequate framework for the analysis of a number of complex processes. These three strands are the critical security approach, the critical geopolitics and the democratic theory regarding legitimacy.

Third, the importance of this research also rests in its emancipatory intentions. Guided by a normative impetus that is common to critical approaches, this research is based on the belief that social science in general, and the study of international relations in particular, should go beyond the descriptive. This is a belief in the necessity of questioning what is usually taken for granted, and of advocating change and revision where oppression and injustice is observed.

Bearing all these in mind, the paper will divide the research into seven chapters. After this brief introduction, the second chapter will provide the theoretical framework. It will first outline the existing research and debate within each theory: critical security studies, critical geopolitics and legitimacy studies. After each of these is presented, the chapter will converge them by filling the existent gaps between them. The result will be a framework that will be used throughout the paper.

The third chapter will present and analyse the foreign policy of the European Union in the Black Sea Region. The bulk of the empirical data gathered by the research will be included and analysed here. The chapter will be divided into six sections, each of them dealing with a single policy: the European Neighbourhood Policy, the four Common Spaces with Russia, the membership negotiations with Turkey, the EU Border Assistance Mission, the ESDP Themis mission in Georgia and the Black Sea Synergy.

The fourth chapter will analyse the way in which this set of policies construct the Black Sea Region as a border region, as well as the features of this construction. The fifth chapter will provide an analysis of the security practices that take place in the EU in general and in the Black Sea Region in particular. This chapter will also contain a wide range of empirical analyses.

In the sixth chapter, these practices will be set against the set of norms and values to which the EU adheres, in order to assess their legitimacy. Finally, the seventh chapter – the concluding one – will sum up the results of the research and will outline a number of possible directions for further research.

Chapter II – Theoretical Framework

1. Critical security

This paper uses insights and arguments from the critical security scholarship. Therefore, it is theoretically grounded in the critical theory of international relations. As such, it rejects the idea of ultimate absolute truths based on abstract Reason.² Instead, it proposes a post-positivist approach to social science, one that de-centres the subject and uses interpretative tools.³ Actors' identities are the result of social constructions, and identity is crucial for understanding interests and actions.⁴ Assuming that the social discourses that articulate frameworks of action are exercises of power and domination, the critical project takes on an emancipatory mission.⁵ This mission is attuned to Robert Cox's distinction between problem-solving and critical theory, with the latter being concerned with power relations and their origins and possibility of being changed.

Critical security abandons the ontological and epistemological centrality of the state as a security reference, and replaces it with the individual.⁶ In this way, the security of the person becomes more important than that of the state, and military security is replaced by social and political security.⁷ This brings the possibility of analysing identity as the referent

² Jim George and David Campbell, 'Patterns of Dissent and the Celebration of Difference: Critical Social Theory and International Relations', *International Studies Quarterly*, 34(3), (1990): 277

³ Krause, Keith and Williams, Michael C. 'From Strategy to Security: Foundations of Critical Security Studies', in *Critical Security Studies. Concepts and Cases*, edited by Krause, Keith and Williams, Michael C. (London: UCL Press, 1997), p.49

⁴ Price, Richard and Reus-Smit, Christian. 'Dangerous Liaisons? Critical International Theory and Constructivism', *European Journal of International Relations*, 4(3), (1998): 261

⁵ Jim George and David Campbell, 'Patterns of Dissent and the Celebration of Difference', 278

⁶ Mutimer, David. 'Critical Security Studies: A Schismatic History', in *Contemporary Security Studies*, edited by Collins, Alan. (Oxford: Oxford University Press, 2007), 55

⁷ Krause, Keith and Williams, Michael C. 'From Strategy to Security', 44

of social security, and as intimately connected to community and culture.⁸ Consequently, the way threats are conceived changes. Threats are no longer generally accepted issues that place the state in peril, but are the result of cultural and social construction.⁹

This argument opens the door for the Copenhagen School understanding of critical security, and especially for the concept of securitisation, which is of central importance for this paper. The starting point in operationalising securitisation is the assumption that threats are intersubjective social constructions, and that security is the answer to such threats. The Copenhagen School approach claims that the articulation of a threat is always political.¹⁰ As such, the threat becomes a matter of preserving an existing social order, and thus it becomes an existential threat. Therefore, the political actor (usually the elites) is bestowed with (or takes upon itself) the legitimacy to take extraordinary actions to resolve the threat.¹¹ Securitisation is thus the practice of defining a threat and acting towards eliminating it. This practice is always a speech-act, in that it is a discourse emanating from the governors to the governed, a discourse which through its very utterance articulates and creates realities.¹²

Both traditionalists and critical theorists have criticised the Copenhagen School and its argumentation, while at the same time its ideas were refined and developed in several directions. Of these, the essential one for this paper is that of Jef Huysmans and Didier Bigo and their understanding and critique of securitisation practices. They accept the idea that security is a discursive practice, but they move the analysis a step further, claiming that is not just the government who utters this discourse, but also the technocrats and security

⁸ Krause, Keith and Williams, Michael C. 'From Strategy to Security', 44; Waever, Ole. 'Securitization and Desecuritization', in *On Security*, edited by Lipschutz, Ronnie D. (New York: Columbia University Press, 1995), 67

⁹ Krause, Keith and Williams, Michael C. 'From Strategy to Security', 38

¹⁰ Buzan, Barry; Waever, Ole; Wilde, Jaap de. *Security: a New Framework for Analysis*. (Boulder: Rienner, 1998), 142

¹¹ Buzan, Barry; Waever, Ole; Wilde, Jaap de. *Security: a New Framework for Analysis*, 24; Waever, Ole. 'Securitization and Desecuritization', 54

¹² Waever, Ole. 'Securitization and Desecuritization', 55

‘experts’.¹³ Their expertise becomes essential in an environment structured by technological processes, and their role in the definition of threats is highly important. The resulting picture is one in which the politician and security experts interact, compete or collaborate in defining and prioritising dangers and finding and implementing solutions.¹⁴ What is at stake for the politician is its political capital, authority and legitimacy. These are preserved through practices of ‘political spectacle’ that construct problematic situations for the politician to solve.¹⁵ For the expert, the professional coherence and authority are more important, and they are achieved and preserved through practices of expertise.¹⁶

The underlining argument is that in a Western world in which inter-state warfare is less likely to occur, both politicians and experts need new reasons to securitise the society. In Europe, one of these is immigration. Immigrants are increasingly being portrayed as endangering the way of life and the community itself.¹⁷ Immigrants are the ‘other’ that not only threatens the ‘European community’, but it also keeps it cohesive, it defines its identity through difference.¹⁸ This cohesion is achieved through a discourse of insecurity and ‘unease’, which induces the idea that the society is at risk.¹⁹ Therefore, securitisation achieves not only the goal of legitimising the political and technocratic act, but also that of providing ‘scapegoats’ and constructing a ‘we-feeling’ within the community.²⁰

This process has several implications. The first one is that the growing xenophobia of the European public opinion is an effect, and not a cause of securitisation.²¹ If at a first glance it may seem that this public opinion is the ground for the political action, therefore

¹³ Huysmans, Jef. *The Politics of Insecurity. Fear, Migration and Asylum in the EU*. (Routledge, London, 2006), 8-10

¹⁴ Bigo, Didier. ‘Security and Immigration: Toward a Critique of the Governmentality of Unease’, *Alternatives*, 27, (2002): 75-6;

Huysmans, Jef. *The Politics of Insecurity*, 60

¹⁵ Bigo, Didier. ‘Security and Immigration’, 68-9

¹⁶ Idem, 74-5; Bigo uses Bourdieu’s concepts of habitus and field

¹⁷ Huysmans, Jef. *The Politics of Insecurity*, 45-46

¹⁸ Bigo, Didier. ‘Security and Immigration’, 80

¹⁹ Huysmans, Jef. *The Politics of Insecurity*, 45

²⁰ Bigo, Didier. ‘Security and Immigration’, 80

²¹ Idem, 66; see also his 12th footnote.

legitimising it, a closer look at the mechanisms of framing security shows that public opinion is created *post facto*. By strictly delimiting a good ‘self’ from a bad ‘other’, securitisation induces violent behaviour in social relations.²² Therefore, the second implication is that this process supports social hatred, welfare chauvinism and cultural homogeneity.²³ Moreover, the securitisation against immigration employs a wide range of surveillance and control mechanisms intended to insert distance between immigrants and the rest of the population.²⁴ Thus, ‘the securitisation of immigration, the setting of some ever more restrictive norms, the rejection and detention practices at borders [...] constitute signs of a more general transformation in which a form of governmentality based on misgiving and unrest is substituted for a reassuring and protective pastoral power’²⁵. This process ‘is added to disciplinary technologies and strengthens the legitimacy of a permanent surveillance supposedly intended only for “others”, for bad citizens’²⁶

After this review, two theoretical gaps regarding the critical security literature will be underlined. First, this literature provides a number of crucial insights into the mechanisms of securitisation, as well as the construction of threats and their implications for the political life. However, this theoretical framework lacks an account on how these practices are related to the political and symbolic territory. Despite its concerns with the security of borders, it fails to provide a more complete account on how the emergence of these borders is a crucial aspect of securitisation. In defining a set of threats that create a common identity within a community, the politicians and the security experts automatically raise boundaries between ‘us’ and ‘them’, as well as spaces of exclusion and inclusion. At the inter-state level, the international frontiers and the way they are constructed and represented become then a crucial aspect of securitisation. Moreover, since the boundary discourse is actually a foreign

²² Huysmans, Jef. *The Politics of Insecurity*, 57

²³ Idem, 64

²⁴ Idem, 55

²⁵ Bigo, Didier. ‘Security and Immigration’, 81-2

²⁶ Idem, 81

policy discourse, securitisation can be linked with the interaction between international actors. In this way, critical security can benefit from a more complete account on how foreign policy, boundaries, securitisation and threats are interconnected.

Second, critical security also lacks a full account on the implications of its findings for the social and political legitimacy of a system. A number of researchers draw a fugitive attention to the impact on democracy or human rights.²⁷ However, the impact has to be analysed to the fullest extent possible. Therefore, the introduction of legitimacy theory as a supplementary framework of this paper is a crucial step. Legitimacy goes beyond discussions about the political regime or about a set of rights. As it will be argued below, legitimacy encompasses a broad area of concerns that range from procedures to results and from legal to normative aspects. Thus, legitimacy accounts for the social order itself. It is an underlining assumption of this paper that if an emancipatory project is to be assumed, then a concern with legitimacy is inevitable.

In order to narrow the theoretical gaps underlined earlier, the remaining of this chapter will briefly present the scholarship and the existent debate on critical geopolitics and legitimacy theory.

2. Critical Geopolitics

The study of borders has been a marginal focus of international relations.

Traditionally conceived as separating states and sovereignties, borders were regarded as separating the inside that needs to be protected from the dangerous outside. Borders were

²⁷ Nyers, Peter. 'Taking rights, mediating wrongs: disagreements over the political agency of non-status refugees' in *The Politics of Protection. Sites of Insecurity and Political Agency*, edited by Jef Huysmans, Andrew Dobson and Raia Prokhovnik, 48-68 (New York: Routledge, 2006); Lodge, Juliet. 'Transparency, Justice and Territoriality: The EU Border Challenge', in *Security Versus Freedom? A Challenge for Europe's Future*, edited by Thierry Balzacq and Sergio Carrera, 257-279. (Burlington: Ashgate, 2006)

therefore the epitomes of the Westphalian international order, in that they were seen as hard and concrete lines that mark the limits of sovereignty.²⁸

After the Cold War, however, the Westphalian order was challenged by processes of globalisation, trans-nationalism and regional co-operation.²⁹ Moreover, as the study of identity permeated the discipline of International Relations, a closer attention began to be paid to processes of identity construction on the world stage. Therefore, borders were increasingly seen as permeable and fuzzy.³⁰ Constructivism regarded borders as zones of contact between the 'self' and the 'other'. More than this, constructivism sees borders as actually helping to overcome polar divisions between two communities, in that they are zones in which socialisation and mutual understanding take place.³¹

This approach is challenged by a more critical epistemology of borders, which bears the name of critical geopolitics. In this perspective, borders are mainly seen as social processes that manifest themselves through narratives, institutions and knowledge. Borders are a fundamental aspect of identity formation. They are inscribed in the self-image of a community. The departure from constructivism comes from the perception of borders as an expression of power relations. Rather than seeing borders as fading away or becoming fuzzy, this perspective sees them as markers of space in a process of territorialisation, which in turn serves as a 'practice of sovereignty'. In this respect, borders are more than just lines on the ground that can be either barriers (in the traditional sense) or areas of convergence (in the constructivist sense).

²⁸ Campbell, David. *Writing Security. United States Foreign Policy and the Politics of Identity*. (Manchester: Manchester University Press), 1992;

Walker, R.B.J. *Inside/Outside: International Relations as Political Theory*. (Cambridge: Cambridge University Press), 1993.

²⁹ Ruggie, John Gerard, 'Territoriality and Beyond: Problematizing Modernity in International Relations', *International Organization*, 47(1), (1993): 139-174

³⁰ Christiansen, Thomas *et al.* 'Fuzzy Politics around Fuzzy Borders: The European Union's Near Abroad', *Cooperation and Conflict*, 35(4), (2000): 389-415

³¹ Wendt, Alexander. *Social Theory of International Politics*, Cambridge, 1999

Borders are constituted through an array of discourses about identity, security and culture.³² As such, a border, as conceptualised by critical geopolitics, does not reside only in the area between two international actors, but it is manifested at discursive fields such as education, mass-media, symbols, ceremonies and so on.³³

One of the discourses that produces boundaries and practices of bordering is foreign policy.³⁴ The foreign policy discourse is set to divide what is 'foreign' from what is 'domestic', and thus creates a clear separation between 'us' and 'them'.³⁵ In the case of the EU, Walters distinguishes four 'geo-strategies', which are types of discourses by which the Union constructs and imagines its borders: the networked (non) border, the march, the colonial frontier and the *limes*.³⁶ First, there is the networked (non)border, which substitutes border lines with networks of control and surveillance.³⁷ In this model, spatial borders lose their relevance, and the entire territory gains the functions of a border. This geostrategy overcomes the self/other divide by emphasising shared responsibilities for territorial security.³⁸ In the case of the EU, this model is equivalent with the Schengen system. Second, there is the 'march' geostrategy. Walters defines this concept as 'an interzone between powers'³⁹, a belt of territories that separates two distinct sides. As such, the march is a protective area, a buffer that keeps the threatening outside from interfering with the inside.⁴⁰

The third model is the colonial frontier. This is a dynamic meeting point between inside and outside, and also a mobile line that may be expanded outwards.⁴¹ The relationship

³² Walters, 2004; Bigo – The Mobius Ribbon of Internal and External Security(ies) 2001

³³ Paasi, Anssi. 'Boundaries as Social Processes: Territoriality in the World of Flows', in *Boundaries, Territory and Postmodernity*, edited by David Newman, 69-89. London: Frank Cass, 1999

³⁴ Campbell, David. *Writing Security*

³⁵ Idem, 69

³⁶ Walters, William. 'The Frontiers of the European Union: A Geostrategic Perspective', *Geopolitics*, 9(3), (2004): 674-698

³⁷ Walters, William. 'The Frontiers of the European Union', 680

³⁸ Browning, Christopher S. and Joenniemi, Pertti. *Geostrategies of the European Neighbourhood Policy*. Copenhagen: DIIS, May 2007

³⁹ Walters, William. 'The Frontiers of the European Union', 684

⁴⁰ Browning, Christopher S. and Joenniemi, Pertti. *Geostrategies of the European Neighbourhood Policy*, 13

⁴¹ Walters, William. 'The Frontiers of the European Union', 687

between inside and outside is asymmetrical, and the colonial border defines a ‘political space in which the center is the acknowledged repository and arbitrator of what is proper’.⁴² Finally, the fourth model is the ‘*limes*’, which is a border zone that marks the fringe of a territory, its ultimate periphery⁴³. The *limes* also establishes an asymmetrical relationship between inside and outside, yet it is fixed and serves as a limit of expansion.

These geo-strategies can be partially related to different types of European polity.⁴⁴ Thus, the networked border leads to a post-Westphalian European Union, in which politics and governance are guided after so called ‘post-modern’ principles. The colonial frontier leads to an imperial model of European integration, a model that is expressed in the EU’s tendency to expand its values across its borders. This tendency is expressed in the EU foreign policy discourse on Europe as a normative, civilizing and civilian power, with the responsibility to protect and bring stability across Europe and its peripheries.⁴⁵ This function has two implications: first, the outside is seen as a source of threats, from which the inside has to be secured; and second, that the outside also has to be ‘tamed’ and infused with the values and norms of the inside, in order to render it less threatening.⁴⁶ Finally, the march geostrategy can be connected to a traditional Westphalian model, in which the EU is governed from one single centre, from where power is ‘applied consistently over the territory until the border, where one sovereign territoriality meets another’.⁴⁷

Critical geopolitics provides a noteworthy account on the manner in which borders and territoriality are connected to social practices and identity. However, this theory often overlooks the analysis of the mechanisms that create and sustain the borders, reinforcing their meanings and symbolism. In this respect, such a gap can be narrowed by the critical security

⁴² Idem, 688

⁴³ Idem, 691

⁴⁴ Browning, Christopher S. and Joenniemi, Pertti. *Geostrategies...*

⁴⁵ Manners, Ian. ‘Normative Power Europe: a Contradiction in Terms?’ *Journal of Common Market Studies*, 40(2), 235-58, 2002

⁴⁶ Browning, Christopher S. and Joenniemi, Pertti. *Geostrategies...*, 8

⁴⁷ Idem, 7

approach. Moreover, with its focus on boundaries and practices of exclusion and othering, critical geopolitics opens up possibilities of inquiry into the consequences of these processes to the legitimacy of a political system. This step, however, is not taken by the theory, which leads to the need to narrow this second gap by developing a framework for the analysis of legitimacy.

3. Legitimacy

Legitimacy is one of the most contested concepts of political and social science. As such, the literature that is surrounding it, whether it is theoretical or empirical, is unsurprisingly rich. In the next paragraphs, this paper will delineate three major traditions of thinking about social legitimacy. Subsequently, a brief account of the uses of legitimacy in international relations will be given, followed by a schematic presentation of the debate concerning the legitimacy deficit of the European Union. After these lines of argumentation have been put forward, the main theoretical assumptions that can be derived from them and that can be used in this research will be stated.

The concept of legitimacy is closely connected to power and authority. Moreover, discussions about legitimacy should take into consideration issues of normativity, be it legal or moral⁴⁸. These issues will form the auxiliary structure of the theoretical framework used here.

Max Weber has the first and one of the most influential accounts of legitimacy in the social sciences. His fundamental construction is the belief in the existence of a legitimate order, a belief that guides social actions and relationships.⁴⁹ This legitimate order is upheld by

⁴⁸ Mulligan, Shane P. 'The Uses of Legitimacy in International Relations', *Millennium*, 34(2), (2005): pp. 349-375

⁴⁹ Weber, Max. *The Theory of Social and Economic Organization*. (New York: The Free Press, 1966), 124

actions guided either by values and disinterested motives or by rationality and expectations of future benefits.⁵⁰ Further, the subjects of an order bestow legitimacy to that order by ways of tradition, emotional attitudes, or rational beliefs in its absolute value or legality.⁵¹ One implication of this conceptualization is that it reduces legitimacy to matters of public support, thus employing a high level of moral relativism.⁵²

This line of thinking has been both hugely influential and thoroughly contested. Jürgen Habermas starts his discussion about legitimacy by criticizing ‘Weber’s ambiguous conception of “rational authority”’.⁵³ This authority, Weber claims, needs belief in its legitimacy in order to survive and evolve. However, Habermas draws attention to the problematic relation to truth of Weber’s account.⁵⁴ If legitimacy does not have an immanent relationship to truth, then its grounds can only be of a psychological significance. If the belief in legitimacy is assumed to be immanently related to truth, its grounds contain a rational validity that can be tested empirically. In the first case, legitimacy is the base for legal positivism, while in the second case, it opens the way for a consensus-based social order.⁵⁵ This consensus is achieved through a deliberative model of democracy, based on processes of public communication and dialogue.⁵⁶ These processes involve and activate citizens, and in this way shape their identity and interests in the direction of the public good.⁵⁷ Deliberative democracy is thus founded upon a conception of legitimacy that pays attention

⁵⁰ Idem, 126-7.

⁵¹ Idem, 130

⁵² Ehin, Piret. ‘Competing Models of EU Legitimacy: the Test of Popular Expectations’, *Journal of Common Market Studies*, 46(3), (2008), 622.

⁵³ Habermas, Jürgen. *Legitimation Crisis*. (Cambridge: Polity Press, 1992), 97

⁵⁴ Idem, 97

⁵⁵ Idem, 98-100

⁵⁶ Habermas, Jürgen. *The Inclusion of the Other. Studies in Political Theory*. (Cambridge: Polity Press, 1996), 245

⁵⁷ Auberger, Tobias; Iszkowski, Krzysztof. ‘Democratic Theory and the European Union: Focusing on “Interest” or “Reason”?’ , *Journal of European Integration*, 29(3), (2007), 277

to the equality and inclusion of voices and reasons, specifically underlining the moral aspects of political life.⁵⁸

The third major approach to legitimacy belongs to David Beetham. He starts from the same operationalization put forward by Weber, of the belief in legitimacy. The argument is that ‘belief’ alone cannot provide a useful and coherent standard of assessment, since this would reduce legitimacy to the result of a ‘successful public relations campaign’.⁵⁹ His own account, therefore, is concerned with those aspects of legitimacy that have little to do with beliefs at all: legality, consent and justifiability.⁶⁰ In a subtle twist of the Weberian argument, he claims that a power relationship is legitimate because it can be *justified* in terms of people’s beliefs.⁶¹ Moreover, he puts forward a three-dimensional model of legitimate power. Power is legitimate when it conforms to ‘established rules’, which can be ‘justified by reference to beliefs shared both by dominant and subordinate’, which in turn give their consent to the power relation.⁶² In an explicit attempt to overcome Weber’s exclusive focus on public support, he establishes three criteria of legitimacy: democratic procedures (with public control and political equality), a common and shared identity and performance (the satisfaction with the ends and outcomes of governance).⁶³

At this point, the discussion will be narrowed down to issues concerning the analysis of legitimacy in the European Union. Fritz Scharpf⁶⁴ distinguished between ‘two faces of democratic self-determination’: input and output oriented legitimisation. The first relies on public participation and consensus. Participation is inversely proportionate to the distance between the actors affected and their representatives, while consensus may be endangered by

⁵⁸ Idem, 279

⁵⁹ Beetham, David. *The Legitimation of Power*. (Hampshire: Macmillan, 1991), 9

⁶⁰ Idem, 11

⁶¹ Idem, 11; emphasis added

⁶² Idem, 16-19

⁶³ Ehlin, Piret. ‘Competing Models of EU Legitimacy’, p.623.

⁶⁴ Scharpf, Fritz. *Governing in Europe. Effective and Democratic?*. (New York: Oxford University Press, 1999). Scharpf draws on Rousseau for the first concept and on the ‘Federalist Papers’ for the second.

the majority rule.⁶⁵ For this reason, a ‘thick’ collective identity is needed in order to render the majority rule less threatening.⁶⁶ The output-oriented legitimisation relies on the capacity of the government to solve problems that require collective solutions. The essential ingredient here is a set of perceived common interests that are able to justify arrangements for collective action.⁶⁷ For this reason, therefore, this model may rely on a ‘thin’ identity, and even on overlapping or multiple identities within the political body.⁶⁸ Summing up, while the first model is identity-based, the second one is interest-based.

This dichotomy has become increasingly popular in studies about EU legitimacy. For the sake of essentialising and ordering a vast literature on this topic, two main positions in the debate will be outlined, which correspond to the two models, presented above. First, the advocates of the input-legitimacy model draw attention to the democratic mechanisms of the EU – the European Parliament and parliamentary oversight and scrutiny, elections and public participation, transparency, as well as the existence of a common European identity and *demos*.⁶⁹ These scholars argue in favour of a highly visible legitimacy deficit in the EU, mainly because of the low powers of the parliaments, the lack of a European public sphere and the disconnection between electorate and parties and between national and European parties. Second, the output-legitimacy advocates underline the regulatory character of the EU politics. In this respect, the EU role is strictly functional, and it entails avoiding redistributive policies that are not Pareto-optimal. Moreover, the democratic model of the EU should be a Schumpeterian one, without excessive public participation or political interference, which is seen to hamper the technocratic nature of policy-making.⁷⁰

⁶⁵ Idem, 7

⁶⁶ Idem, 8

⁶⁷ Idem, 11

⁶⁸ Idem, 11

⁶⁹ Bellamy, Richard. ‘Still in Deficit: Rights, Regulation, and Democracy in the EU’, *European Law Journal*, 12(6), (2006): 725-742

⁷⁰ Majone, Giandomenico. ‘Europe’s “Democratic Deficit”: The Question of Standards’, *European Law Journal*, 4(1), (1998): 5–28;

To sum up this outline of the debate on legitimacy, three conclusions may be extracted and used for the scope of this research. First, any consent given to the power of a political authority is always guided by a sense of legitimacy. Second, this legitimacy is in turn generated and reinforced by public consensus. This consensus can be achieved either by appealing to a set of norms that is generally accepted, or by assessing the effects and consequences of the actions of authority, in accordance to its purposes. Third, in the EU case, this opens two possibilities. Legitimacy can be based on normative principles accepted internally (such as the ‘European’ values) or externally (in the shape of formal or informal norms of the international system). Moreover, the EU project is legitimate if its policy outcomes are congruent to the proclaimed logic of this project, as it is found in its constituent and constitutional acts.

This account of legitimacy is intended to narrow the theoretical gaps that have been underlined in the case of critical security and critical geopolitics. Crucially, to extend the debate by incorporating legitimacy is to make a decisive step towards an emancipatory set of arguments. That is, a set of arguments that not only assesses the subtle social mechanisms and the relations of power that stand behind the practice of governance, but also seeks to challenge their normative validity. Thus, legitimacy, as operationalised in this section, serves to point out the axiological, juridical and even moral underpinnings of the results offered by critical research.

Moravcsik, Andrew. ‘In Defence of the “Democratic Deficit”: Reassessing the Legitimacy of the European Union’, *Journal of Common Market Studies*, 40(4), (2002): 603–34

Chapter III – The Foreign Policy of the EU in the Black Sea Region

After the theoretical framework has been laid out, the next part of this paper will be concerned with the empirical aspects of the problem. In this respect, this chapter will provide a detailed account of the foreign policy pursued by the EU in the Black Sea Region. This is necessary in order to establish the overall picture of the foreign policy discourses in this area, and how they translate into geopolitical discourses that create certain kinds of borders.

This chapter will consist of six parts, each dealing with a set of EU foreign policies. Keeping in line with the Black Sea Synergy document, it will first look at the European Neighbourhood Policy, which is directed towards Ukraine and Georgia, then to the Four Common Spaces with Russia and to the membership negotiations that are being carried with Turkey. Notwithstanding this, the chapter will also look at the EUBAM mission in Ukraine and Moldova, at the ESDP EUJUST rule of law mission in Georgia, as well as at the Black Sea Synergy itself, as an aspect EU foreign policy in this area. These supplementary analyses of the last three policies are intended to contribute to the full understanding of what the EU does in the Black Sea region, and how it constructs it as a border region.

Each part of the chapter will first provide a descriptive account, in which the relevant documents concerning each policy will be assessed. Subsequently, these documents will be interpreted using the theoretical framework outlined in the previous chapter. For each policy there will be an account of how the relation between the ‘self’ and the ‘other’ is developed. Finally, using Walters’ framework, each policy will be analysed through the prism of the specific geostrategy it entails for the EU.

1. The European Neighborhood Policy

The European Neighborhood Policy was created in 2004 in the context of the EU enlargement. One of the consequences of this enlargement was the shifting of EU's borders Eastwards. The EU was now bordering former Soviet states, and this was seen as 'strengthening the Union's interest in enhancing relations with the new neighbors'.⁷¹ Moreover, this policy was justified in terms of a 'duty' and 'determination' to prevent the emergence of 'new dividing lines in Europe' and to ensure 'stability and prosperity within and beyond the new borders of the Union'.⁷² Initially designed for Russia, Moldova, Belarus and Ukraine, the ENP was extended to the Mediterranean region and the South Caucasus, while Russia and Belarus were excluded.

For the purposes of this research, the ENP should be primarily understood as a security tool of the EU, as an instrument aimed at conflict prevention and crisis management.⁷³ The logic behind it is that of engaging with the neighborhood in order to stabilize it politically and to stop its conflicts. In this way, a secure neighborhood would ensure a secure Union.⁷⁴ The ENP is designed to achieve this in two ways: by exporting a set of 'values' such as rule of law, respect for human rights and democracy, and by fostering unilateral cooperation in the fields of social welfare and conflict management. Therefore, the ENP is supposed to make its neighbors similar to the EU itself.⁷⁵

These aspects are clearly reflected in the ENP Action Plans with Ukraine and Georgia. In Ukraine's case, the Action Plan (2005) makes reference to 'common values' by which the

⁷¹ Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours, 3

⁷² Idem, 4

⁷³ Gänzle, Stefan, and Sens, Allen G. *The changing politics of European security : Europe alone?*, 113

⁷⁴ Idem, 111

⁷⁵ , Stefan, and Sens, Allen G. *The changing politics of European security : Europe alone?*, 124

progress of Kiev is to be assessed.⁷⁶ Moreover, the country is expected to harmonize its 'legislation, norms and standards to those of the European Union'.⁷⁷ Conflict prevention and resolution are explicitly stated as priorities, as well as cross-border cooperation. Concerning this last aspect, the EU and Ukraine drafted a 'Revised Action Plan on Freedom, Security and Justice' in which cross-border 'challenges' are seen as particularly relevant.⁷⁸

What needs to be underlined at this point is the question of EU membership for Ukraine. Kiev was less than enthusiastic about the ENP because it did not foresee any prospect of membership.⁷⁹ After the Orange Revolution, Ukraine had explicitly adopted a pro-EU discourse, and the ENP was regarded as a way of excluding the country. However, as some commentators have argued, this is only a partial explanation, as the EU is still ambiguous regarding this issue – 'membership is not explicitly ruled out, as in the case of Morocco'.⁸⁰

The ENP approach to Georgia is similar, in that it is articulated around the same idea of having a set of normative criteria against which the degree of cooperation is measured.⁸¹ EU membership is explicitly excluded, and the ENP framework is meant to be 'distinct' from such a process.⁸² More specifically in this case, the emphasis is placed on Georgia's 'frozen conflicts' and the need to resolve them in order to prevent instability and insecurity in EU's neighborhood.⁸³ A high priority is also given to issues of border control and migration, and the Action Plan is stressing the need to 'establish a dialogue on matters relating to the movement of people'.⁸⁴

⁷⁶ EU-Ukraine Action Plan

⁷⁷ Idem

⁷⁸ EU-Ukraine Action Plan Revised

⁷⁹ Puglisi, 147

⁸⁰ Hansen, Flemming Splidsboel. 'The EU and Ukraine: Rhetorical Entrapment?', *European Security*, 15(2), 119

⁸¹ EU-Georgia Action Plan

⁸² Georgia, Country Strategy Paper, p.6

⁸³ Idem, p.7

⁸⁴ EU-Georgia Action Plan

To better understand the ENP approach towards Georgia, two contextualizations are in place. First, for the EU, Georgia is part of what has been discursively constructed as the ‘South Caucasus Region’, a region that is important for Brussels in three aspects: geopolitics, security and energy.⁸⁵ Second, the European Security Strategy makes explicit references to regional conflicts ‘that persist on our borders’ as being one of the ‘key threats’ the EU is facing.⁸⁶ Regional conflicts can lead to ‘state failure’, illegal migration and terrorism. Therefore, the ENP discourse on Georgia is part of a wider set of articulations that guide the EU foreign policy.

These articulations are on the one hand exclusionary, in that the EU is denying Ukraine and Georgia any membership perspective; yet on the other hand, they are inclusive, in that they open ways that under certain conditions can lead to a very tight relationship between these countries and the EU.⁸⁷ To take the analysis one step further, the ENP discourse constructs Ukraine and Georgia as the EU’s ‘Others’. However, these ‘others’ are not essentially antagonistic to the EU ‘Self’. They are different and inferior, and therefore must be kept at distance until they become like the ‘self’. This transformation is crucial for their inclusion, and this importance is visible in the emphasis on adopting the ‘EU model’. Also, the insistence on tackling security issues means that these countries are seen as sources of threats for the EU, threats that might spill over and jeopardize the stability of the ‘inside’.⁸⁸ Ultimately, the demands of the Union in terms of norms, welfare and stability reflect the EU’s self interest.⁸⁹ The ENP project may be considered as a tool to manage the Union’s borders and the issues connected to them.⁹⁰ As such, it has little to do with preventing the

⁸⁵ German, Tracey C. ‘Visibly Invisible: EU Engagement in Conflict Resolution in the South Caucasus’, *European Security*, 16(3), p. 359

⁸⁶ European Security Strategy, 4

⁸⁷ Gänzle, Stefan, and Sens, Allen G. *The changing politics of European security : Europe alone?*, 111

⁸⁸ see German, Tracey C. ‘Visibly Invisible’, p. 358

⁸⁹ Smith, Karen E. ‘The Outsiders: The European Neighbourhood Policy’, in *Security Versus Freedom? A Challenge for Europe’s Future*, edited by Thierry Balzacq and Sergio Carrera, 205-223. (Burlington: Ashgate, 2006), 214

⁹⁰ Smith, Karen E. ‘The Outsiders’, 216

emergence of ‘new dividing lines’, but rather with securing the existing divisions until they are ready to be incorporated. This is why border management issues are of so great importance and relevance for the ENP. While the policy is set on enhancing cross-border cooperation, at the same time it forces both Ukraine and Georgia to manage their Eastern borders according to EU standards.

Thus, the final argument regarding the ENP can be made. Being based on a logic of simultaneously excluding and including the bordering states, a logic which constructs the ‘other’ as inferior but tamable, the ENP is guided by a colonial frontier geostrategy. As it was outlined earlier, this type of border separates asymmetrical subjectivities and is constructed by a power that resides at the center, both politically and ontologically. This means on the one hand that the EU is creating a border that separates the ‘civilized’ inside from the ‘barbaric’ outside, and that what rests beyond the border is dangerous for the well-being of the inside, in the virtue of its inferiority. On the other hand, however, the colonial border is not a fixed frontier.⁹¹ The separation between inside and outside is just temporary. The colonial power attempts to adjust the periphery to the requirements of the center, which serves as a normative model.⁹² As soon as the model is adopted and the ‘other’ becomes more like the ‘self’, inclusion is possible, and the border moves outwards to encircle the newcomers.

⁹¹ Walters, William. ‘The Frontiers of the European Union’, 687

⁹² Manners, Ian. ‘Normative Power Europe: a Contradiction in Terms?’ *Journal of Common Market Studies*, 40(2), 235-58, 2002

2. The Four Common Spaces with Russia

The most important state that is neighbouring the EU in the Black Sea Region is Russia. The foreign relations with Russia are set under the framework of the 1997 PCA and the 2003 ‘common spaces’, guided by a package of ‘road maps’. The four common spaces refer to areas in which the EU and Russia are to co-operate. They are the economic space, the common space of freedom, security and justice, the external security space and the research, education and culture common space.⁹³ This set of documents was negotiated after Russia’s reluctance to be part of the ENP. They were drafted in the background of a distinct intersubjective perception of the EU towards Russia, which characterises the entire relationship.

Russia is considered to be Europe’s ‘Other’.⁹⁴ With more prominence than in Turkey’s case, Europe’s identity has historically been constructed in relation to Russia, which was seen as embodying barbarism and lack of civility, that is, everything that Europe was not.⁹⁵ After the Cold War, Russia was pressed into adopting the ‘Western’ model, thus becoming less different and more included. This process implied that Russia became a ‘learner’ of Western values.⁹⁶ However, if during the early 1990’s Moscow embraced this direction, during Putin’s term, this assertiveness was replaced by a growing self-awareness. Russia has become less willing to accept the EU’s normative discourse, and is celebrating its difference instead of trying to overcome it.

The differences lie mainly in the EU’s self-perception as a ‘post-modern’ entity, one that has a different approach to foreign policy than traditional states do. In relating to Russia,

⁹³ http://ec.europa.eu/external_relations/russia/intro/index.htm#comm

⁹⁴ Neumann, Iver B. *Uses of the Other: The East in European Identity Formation*. (Minneapolis: University of Minnesota Press, 1999), 65-112

⁹⁵ Idem, 69

⁹⁶ Idem, 107

the EU has predominantly used normative principles⁹⁷, emphasising a ‘common set of values’ that should guide the relationship. In this way, the EU acts as a so-called ‘normative power’, which, as in the case of the ENP, attempts to expand its influence through a discourse based on values and norms.

This discourse is seen to be in opposition to Russia’s ‘traditional’ understanding of foreign policy, which still treasures sovereignty, non-interference and ‘hard security’.⁹⁸ If the EU looks outward and seeks to ensure stability and security in its neighbourhood, Russia is looking inwards, attempting to preserve its own integrity.⁹⁹ If the EU model regards the ‘other’ as a modality of self-construction, for Russia, the ‘other’ is ‘traumatic’ and ‘menacing’.¹⁰⁰ It is this sort of binary subjective oppositions that lead to a ‘value gap’, which is guiding the EU’s foreign policy towards Russia.¹⁰¹

In this context, it is not surprisingly that the most recent attempt to co-operate – the four ‘common spaces’ – was described as ‘weak and fuzzy’.¹⁰² The four common spaces do little to enhance the relationship, and they bear the mark of outspoken mutual divergences.¹⁰³ Thus, while the EU wanted the same type of political conditionality as it is found in the ENP Actions Plans, Russia insisted on being treated on equal foot.¹⁰⁴ The EU was incapable of adopting a different approach, and therefore the result is a dialogue of the deaf. Moreover, since the ENP has become a bigger priority, the EU has placed its relations with Russia on a

⁹⁷ Haukkala, Hiski. *The Relevance of Norms and Values in EU’s Russia Policy*, The Finnish Institute of Foreign Affairs, Working Paper, nr. 52, 2005, 7;

⁹⁸ Vahl, Marius. *Just Good Friends? The E.U.-Russian ‘Strategic Partnership’ and the Northern Dimension*, 7.

⁹⁹ Brown, David and Shepherd, Alistair J.K. *The security dimensions of EU enlargement: wider Europe, weaker Europe?*. Manchester : Manchester University Press, 2007, 120

¹⁰⁰ Emerson, Michael. *The Elephant and the Bear Try Again. Options for a New Agreement between the EU and Russia*. (Brussels: CEPS, 2006), 18

¹⁰¹ Idem, 64

¹⁰² Emerson, Michael. *EU-Russia: Four Common Spaces and the Proliferation of the Fuzzy*, (Brussels: CEPS, 2005), 3

¹⁰³ Vahl, Marius. *A Privileged Partnership? EU-Russian Relations in a Comparative Perspective*, (DIIS, 2006), 14

¹⁰⁴ Emerson, Michael. *EU-Russia: Four Common Spaces and the Proliferation of the Fuzzy*, 2

secondary level.¹⁰⁵ What has remained on top of the agenda is the energy issue, and the EU's dependence on Russia's supplies can explain the pragmatism of the four common spaces.

At this point, Russia is seen mainly as a source of 'soft threats' such as terrorism, migration, human trafficking and environmental degradation. This perception is linked to Europe's fear that Russia might 'revert to its old authoritarian and autocratic ways' and thus rejecting the Western model that the EU has sought to impose.¹⁰⁶ In this way, Russia's difference becomes threatening for the EU, and the result is a discourse of exclusion.

This discourse is visible in the documents of the Road Maps. Border issues and 'efficient migration' policies are among the primary objectives of co-operation.¹⁰⁷ The enforcement of common borders is also a priority of the second common space, and was a subject of intensive negotiations.¹⁰⁸ Another priority is the fight against terrorism, for which the EU insisted on having improved security measures on borders in order to 'prevent the use of multiple identities, and falsified/stolen documents, which authorise the crossing of borders'.¹⁰⁹

In this way, the common frontiers between the EU and Russia become spaces of exclusion, areas in which movement is controlled in order to minimise the risk posed by the 'outside'. This leads to a mutual mistrust and unwillingness to cooperate. Even in the northern regions, where the EU and Russia co-operate under the Northern Dimension Initiative, clear distinctions are still in place between inside and outside, between what is 'European' and what is Russian. Instead of consider Russia as an equal partner, the EU reinforces the historical difference and 'otherness' that have been shaping the Western imaginary for centuries.

¹⁰⁵ Vahl, Marius. *A Privileged Partnership*, 11

¹⁰⁶ Lynch, Dov. *EU-Russian Security Dimensions*. (Paris: EU-ISS, Occasional Paper, No. 46, 2003), 12

¹⁰⁷ Road Maps with Russia, 22-23

¹⁰⁸ Emerson, Michael. *EU-Russia: Four Common Spaces and the Proliferation of the Fuzzy*, 2

¹⁰⁹ Road Maps with Russia, 25-26

In the Black Sea Region, this is translated into a foreign policy discourse that constructs the border as a definitive limit, as a margin of expansion, a clear separator between inside and outside. The border sharply separates the ‘self’ from ‘other’, and the latter is constructed as a complete negation of the former. In Walters’ critical geopolitical framework, this discourse pertains to a *limes* geostrategy, one in which the border separates two sovereignties, each with its own jurisdiction. What lies beyond the border is complete alterity, it is an environment that can never be known, controlled or understood.

3. The Accession Negotiations with Turkey

The European Union’s relationship with Turkey is one of the most controversial aspects of its external conduct. Turkey’s membership ambitions have sparked endless debates about the identity of the EU project, about its values and geographical limits. Currently, Brussels has started the accession negotiations with Turkey, although the progress is slow, and the mutual understanding is almost absent.

Ankara first expressed its membership intentions in 1963, in the context of the Cold War and NATO membership. These intentions were part of the broad Western orientation of Turkey, accompanied by a European identification.¹¹⁰ In 1990 the EU rejected a membership application made in 1987, and subsequently did not include Turkey in the ‘big-bang’ enlargement of 2004 and 2007. It was only in the end of 1999, after ten years after the application was made, that Brussels recognised Turkey as a candidate country. Negotiations started in late 2005, having as a background the debates that were sparked by the European constitution referenda.

¹¹⁰ Webber, Mark. *Inclusion, exclusion and the governance of European security*. Manchester: Manchester University Press, 2007, 179

The intensity of these debates and the energy that is being invested into arguments for or against Turkey pertains to the fact that what is at stake is the European identity itself. Indeed, the discourse on Turkey's suitability works as a means of constructing the EU identity, by constructing Turkey as an 'Other'.¹¹¹ Historically, Europe has always kept Turkey at arm's length, in civilisation terms.¹¹² There is the perception of a general sharp difference, which is constructed as alterity. This alterity, in turn, functions as a marker of identity, in that Europe defines itself as the opposite image of the 'Other'.¹¹³

The list of (constructed) differences is considerably long. First, geographically, Turkey is an Asian country, although it also has a foot in Europe. It is also extremely big and populous, and it borders the volatile regions of the Middle East. Moreover, when geography is linked to culture, Turkey is inevitably labelled as 'Oriental' and pertaining to a culture essentially different from Europe's. There is also the security case: Turkey is considered a source of migrants that will overwhelm Europe. This 'conquest' is rendered even more problematic by the stereotypes regarding the 'Turkish character'.¹¹⁴ Moreover, the country is seen as a transit region for other migrants and trafficked persons from Asia or Africa to Europe.¹¹⁵ Also, the EU has expressed concerns about the unresolved conflict with Cyprus, which could spill into the Union in the case of membership.¹¹⁶ Finally, the question of the Armenian genocide is also a source of endless debates and discontents on both sides. As one observer has stated, the EU constructs Turkey as the 'Other' by relying on both inherent (geographical location) and acquired (security issues) characteristics.¹¹⁷

¹¹¹ Hülse, Rainer. *The Discursive Construction of Identity and Difference – Turkey as Europe's Other*, (Discussion Paper, ECPR, 1999)16

¹¹² Brown, David and Shepherd, Alistair J.K. *The security dimensions of EU enlargement*, 165

¹¹³ Neumann, Iver B. *Uses of the Other*, pp. 39-64

¹¹⁴ Webber, Mark. *Inclusion, exclusion and the governance of European security*, 185

¹¹⁵ Idem, 183

¹¹⁶ Idem, 185

¹¹⁷ Rumelili, Bahar, 'Constructing Identity and Relating to Difference Understanding the EU's Mode of Differentiation', *Review of International Studies*, 30(1), (2004): 44

Having this in mind, the argument has been made that including ‘modernising states’ such as Turkey would imperil the EU, as a ‘post-Westphalian’ and post-modern entity.¹¹⁸ Moreover, the post-modern ‘soft power’ EU would face difficulties having members that are ‘ready to go to war with their neighbours’ and that make extensive use of military force and ‘hard security’.¹¹⁹

In these respects, the Accession Partnership conditions Turkey to have civilian oversight of its military, institutions that guarantee human rights, as well as ‘regional issues and international obligations’ (concerning Cyprus and border disputes)¹²⁰. Furthermore, Turkey is required to strengthen its visa policy and border controls, to combat immigration, to align its asylum policy with EU’s and to extend law-enforcement co-operation in areas of organised crime.¹²¹

However, Ankara has not ignored the EU’s attitude so far. The European debates regarding Turkey’s membership have fuelled Euro-sceptic feelings within the public opinion.¹²² The issues of Cyprus and Greece, as well as the Armenian genocide are very sensitive for the Turkish society. Moreover, the perceived exclusion from the ESDP arrangements also caused anxiety within the Turkish élites. They feared that a European security framework in which Turkey is marginalised would give more impetus to further exclusion in EU matters.¹²³ Therefore, Turkey is resisting the EU’s discursive construction of its identity, especially contesting the argument that its difference is grounded on acquired characteristics.¹²⁴

¹¹⁸ Buzan Barry and Diez, Thomas. ‘The European Union and Turkey’. *Survival* 41(1), (1999): 51

¹¹⁹ Idem, 51

¹²⁰ Accession Partnership with Turkey, 7-10

¹²¹ Idem, 13

¹²² Webber, 179

¹²³ Brown, David and Shepherd, Alistair J.K. *The security dimensions of EU enlargement*, 323

¹²⁴ Rumelili, 45

To sum up, it is clear that the Union is approaching Turkey in a rather ambiguous manner, being comprised of competing discourses.¹²⁵ On the one hand it would like to keep it on the periphery, due to its perceived alterity and controversy. On the other hand, since it already started the accession negotiations, sooner or later the EU will have to include Turkey. At this point, observers argue that ‘rather than being a natural insider, Turkey is an important outsider’.¹²⁶ Therefore, the ambiguity can metaphorically be translated as the ‘bridge or barrier’ dilemma.¹²⁷ Is Turkey a ‘bridge’ for the EU towards the Middle East and towards the resolution of regional conflicts such as those in Cyprus or the South Caucasus? Or is it a ‘barrier’ that protects Europe from the threats that emanate directly from these very issues?

This dilemma produces two competing sets of foreign policy discourses: on the one hand there is the colonial geostrategy, which produces a mobile border that separates the inside from an outside that is to be assimilated and transformed. Moreover, it separates the ‘self’ from an inferior ‘other’ that needs to be brought to the same level as the ‘self’ through processes of learning and disciplining. Therefore, the EU’s foreign policy towards Turkey can be read as an attempt to tame and domesticate an entity that would otherwise not fit the EU model.

Even so, the prospect of full inclusion is rather dim, and Turkey is at this point, and will perhaps be so in the near future, neither in or out. In this respect, the second foreign policy discourse is that of the *limes*, in which the border is fixed, and is the ultimate limit of an entity. This type of border creates the ‘Other’ as inherently different and inferior than the ‘Self’, and the chaotic ‘outside’ as the antipode of the ‘organised’ ‘inside’.¹²⁸

¹²⁵ Rumelili, 44

¹²⁶ Brown, David and Shepherd, Alistair J.K., 165

¹²⁷ Idem, 159

¹²⁸ Walters, 690-1

4. The EUBAM

The EU Bordering Assistance Mission on Ukraine's border with Moldavia is one interesting component of EU's foreign policy in the Black Sea Region. Initially included in the Rapid Reaction Mechanism framework, it is now involved in the BOMMOLUK project, which is intended to improve the border controls at the Ukraine-Moldavia border. Its genesis is connected to a joint letter sent in 2005 by the presidents of Moldavia and Ukraine to the president of the Commission and to the High Representative. This 'memorandum' was requesting 'assistance in establishing an international customs control on the Transnistrian segment of the Moldavian-Ukrainian state border'.¹²⁹

The mission was set up in the same year, with a staff of 86 experts from the Member States, and a headquarters in Odessa. It is mainly an advisory mission, although it also has political aims towards dismantling the Transnistrian conflict.¹³⁰ Its main purpose is to provide assistance to local authorities regarding EU border control standards, as well as to provide risk-assessment and to foster cross-border co-operation.¹³¹ It is worth mentioning that the mission is mandated to examine border control documents and records and to 'make unannounced visits' on border locations.¹³²

The logic behind the conception and implementation of this mission is that the Transnistrian territory is a source of problems, which in turn lead to a number of threats for Ukraine and Moldavia, as well as for the entire EU. Among the problems are illegal migration, human trafficking and smuggling. The threats that emerge from these range from

¹²⁹ Council Joint Action 2005/776/CFSP of 7 November 2005 Amending the Mandate of the European Union Special Representative For Moldova.

¹³⁰ Remarks of Javier Solana, EU High Representative For The CFSP, at the launch of the EU Border Mission For Moldova – Ukraine Odessa, 30 November 2005

¹³¹ EUBAM Brochure, 3

¹³² Idem, 5

organised crime networks and human rights abuse to health risks and budgetary losses.¹³³ The EU, however, is optimistic about the results. The 2007 EUBAM Report claims progress in decreasing corruption, improving knowledge of EU standards, improving risk capacity and improving cross-border co-operation between Ukraine and Moldavia.¹³⁴

The EUBAM mission can be regarded in a wider framework of a specific practice of the EU regarding its neighbours, which is grounded in the argument that the periphery is a source of threats. Despite the discourse of fostering cross-border co-operation, there is also high pressure on the countries within the ENP to manage and strengthen their own borders.¹³⁵ Furthermore, the strategy is to make the neighbours responsible for their eastern and southern borders, thus pushing the perceived threat that emerges from them ‘outside away from the EU’s own borders’.¹³⁶ For example, Ukraine and Moldavia are seen as parts of ‘western channels’ of illegal immigration.¹³⁷ This immigration poses great dangers to ‘the West’, as it can be a source of all evil, especially including terrorism.¹³⁸

In this way, the EUBAM mission is part of the EU’s strategy to keep out undesired threats, and to securitise its borders even further. Moreover, since it is specifically aimed at implementing and enforcing the EU standards, EUBAM may also be regarded as a practice of ‘taming the other’.¹³⁹ Ukraine and Moldavia have to be transformed from their status as ‘black holes’ of corruption, illegal migration and organised crime into more suitable and well-behaved neighbours. In this respect, the argument here is that the EUBAM is part of the colonial geostrategy that the EU foreign policy discourse is articulating in the Black Sea Region.

¹³³ Brochure, 20

¹³⁴ Annual Report on EUBAM, 2007

¹³⁵ Smith, Karen E. ‘The Outsiders: The European Neighbourhood Policy’, 216

¹³⁶ Browning, Christopher S. and Joenniemi, Pertti. *Geostrategies of the European Neighbourhood Policy*, 17

¹³⁷ Busuncian, Tatiana. ‘Terrorist Routes in South Eastern Europe’, *The Quarterly Journal*, 2007, 86

¹³⁸ Idem, 86

¹³⁹ This interpretation owes to Xymena Kurowska’s own assessment of the EUBAM, as presented in a public lecture in March, 2008, at CEU University.

5. The ESDP Mission in Georgia

Apart from the ENP and the Action Plans, the EU's foreign policy towards Georgia has had a secondary element, namely the ESDP mission EUJUST Themis. A result of intense lobbying from the Georgian government for EU support in its internal conflicts, EUJUST was set out in 2004 as the first rule of law ESDP mission.¹⁴⁰ Its objectives were set out in a Council Joint Action, and were framed as a range of potentialities: 'EUJUST Themis more specifically could' provide guidance for criminal justice reform, support the national authorities in the field of 'judicial reform and anti-corruption' and 'support the planning for new legislation'.¹⁴¹

What is striking about this mission is that apart from its lack of efficiency¹⁴², it was almost entirely an exercise of political communication. First, it was meant as a 'clear political signal' to the Georgian government about the EU's support for democratic values.¹⁴³ Second, the mission was seen as having the potential to send a message to the international community that the EU is able to be involved more actively in its immediate neighbourhood.¹⁴⁴ Thirdly, a standalone rule of law ESDP mission would provide political capital for the Council in the struggle with the Commission to define the Union's foreign policy direction.¹⁴⁵

Notwithstanding this, the EU was less than coherent in designing and implementing this mission. Divergences on its definition (as a post-conflict intervention or a pre-emptive

¹⁴⁰ Kurowska, Xymena. 'More than a Balkan Crisis Manager: The EUJUST Themis in Georgia', in *European Security and Defence policy. An Implementation Perspective*, edited by Michael Merlingen and Rasa Ostrauskaitė, 97-110. (New York: Routledge, 2008), 100

¹⁴¹ Council Joint Action 2004/523/CFSP of 28 June 2004 on the European Union Rule of Law Mission in Georgia, EUJUST THEMIS

¹⁴² Kurowska, Xymena. 'More than a Balkan Crisis Manager', 106

¹⁴³ Helly, Damien. 'EUJUST Themis in Georgia: an ambitious bet on rule of law' in *Civilian Crisis Management, The EU Way*, edited by Agnieszka Nowak, 87-102. (Paris: EU-ISS, 2006), 91

¹⁴⁴ Kurowska, Xymena. More than a Balkan..., 100

¹⁴⁵ Idem, 106

engagement¹⁴⁶), turf battles between the Commission and the Council¹⁴⁷, as well as individual tensions between its Head of Mission and the Commission's delegation¹⁴⁸ contributed to a resulting picture of an incoherent project. Also, the implementation was sloppy, for reasons that have to do with the Georgian's authorities 'dragging their feet' in adopting the necessary measures, but also with the incapacity of the Union to decide on bureaucratic and budgetary issues.¹⁴⁹

What is also important is that after the suspension of the OSCE Bordering Monitoring Operation on the Georgian-Russian (Chechen) border, Tbilisi made several attempts to convince the EU to deploy an ESDP bordering mission.¹⁵⁰ These requests were met with reluctance in Brussels. Instead of the bordering mission, the EU Special Representative Support team was expanded with border security experts.¹⁵¹ Their mandate was to report on the border situation, to assist the Georgian Border Guard and to increase communication between Tbilisi and the border.¹⁵²

Therefore, it can be argued that this mission did little to support Georgia in its struggles. Bearing more resemblance to an exercise in demagogy and incoherence, EUJUST Themis was too small, too inefficient and too hesitant to be of any meaning to a country with a clear pro-EU orientation. This conclusion may be added to the general argument that Georgia is more on the external periphery of the Union, rather than inside. Moreover, this mission can be added to the EU's overall colonial geostrategy with regards to Georgia, a strategy that keeps the 'Other' at an arm's length, but at the same time attempts to transform it in the prospect of a future indefinite assimilation.

¹⁴⁶ Helly, Damien. 'EUJUST Themis in Georgia', 91

¹⁴⁷ Kurowska, Xymena. *More than a Balkan...*, 101

¹⁴⁸ Helly, Damien. 'EUJUST Themis...', 94

¹⁴⁹ Kurowska, 102-3

¹⁵⁰ Helly, 95

¹⁵¹ Helly, 95

¹⁵² Council Joint Action 2005/582/CFSP of 28 July 2005 amending and extending the mandate of the EUSR for the South Caucasus

6. The Black Sea Synergy

Finally, in the last part of this chapter, the European Union's overall strategy in the Black Sea Region, which is the Black Sea Synergy, should be analysed. Subtitled 'a New Regional Co-operation Initiative', it was released in 2007 as an instrument of dealing with the new reality of the EU becoming a 'Black Sea Player'.¹⁵³ Moreover, the initiative emerged after the increasing sentiment in the EU that the region is becoming increasingly volatile and it may turn out to be as problematic as the Balkans were in the 1990's.¹⁵⁴ Therefore, the Synergy might be considered as an attempt to 'regionalise' the EU's co-operation with the countries in this region, in order to ensure stability and security. The argument of this section is that the Black Sea Synergy has a different orientation. Rather than fostering regional co-operation, the Synergy is an attempt to establish individual links with each country in order to securitise the Union and to resolve the energy issue.

This argument can be sustained by engaging into a closer reading of the Black Sea Synergy document. First of all, the document clearly specifies the intention of the policy. It rejects the possibility of imposing a single strategy on the region, since the EU already has a set of different policies to deal with each country.¹⁵⁵ It is these policies and the evolution of their 'bilateral implementation' that will 'determine the strategic framework'.¹⁵⁶ This bilateralism implies that the synergy does little to promote a co-operative setting between the countries of the region, a setting which would facilitate trans-national and cross-border problem-solving activities.¹⁵⁷ The Northern Dimension Initiative is the best example of such a setting, where the EU has contributed to the development of a regional community in which

¹⁵³ Aydin, Mustafa. 'Europe's new region: The Black Sea in the wider Europe neighbourhood', *Southeast European and Black Sea Studies*, 5(2), 257

¹⁵⁴ Ciută, Felix. 'Parting the Black Sea (Region): Geopolitics, Institutionalisation and the Reconfiguration of European Security', *European Security*, 16(1), 58

¹⁵⁵ The Black Sea Synergy, 3

¹⁵⁶ Idem, 3

¹⁵⁷ see also Aydin, Mustafa. 'Europe's new region', p. 266

power is dispersed, the peripheries are engaged and the different types of boundaries are faded.

Second, however, the EU is not just attempting to regulate its bilateral links in the region, but also seeks active involvement by employing its normative discourse. The Black Sea Synergy sets out ‘democracy, respect for human rights and good governance’ as the first main priority of the EU in the region.¹⁵⁸ Despite the acknowledgement that these are standards established by the Council of Europe and the OSCE, the EU wants to share experience and provide training and consultation to the ‘Black Sea regional organisations’ that are committed to implementing these values.¹⁵⁹ The underlying reason for this is that the EU perceives the Black Sea Region to be a ‘civilisational black hole situated beyond the frontiers of freedom’.¹⁶⁰ Therefore, since this black hole is now tangential to EU’s border, it needs to be grasped, understood, tamed and domesticated.

However, the EU does not altruistically engage in this process. The third part of the argument is that the Black Sea Synergy serves as a tool for dealing on the one hand with security issues that emerge from the region, and on the other hand with the energy potential that this region offers the Union. This is clearly seen in the document itself. The ‘management of movement’ is the second main priority of the Synergy, and it is translated in the need to ‘improve border management and customs operations at the regional level’.¹⁶¹ Crucially, the document states that the region is a transit zone for illegal migration routes, and therefore its securitization is essential. Moreover, the managing of ‘frozen conflicts’ is another critical aspect of the region that the Synergy is set on dealing with.¹⁶²

¹⁵⁸ Black Sea Synergy, 3-4

¹⁵⁹ Idem, 4

¹⁶⁰ Ciuta, 58

¹⁶¹ Black Sea Synergy, 4

¹⁶² Idem, 4

It is in the energy dimension where the Black Sea Region is of ‘strategic importance for the EU’.¹⁶³ The document offers a lengthy exposé of how the Union will benefit from the potential of this area, both in production and in transmission issues.¹⁶⁴ It is therefore clear that despite it being a source of threats, the region is also beneficial for the EU. The logic, however, is that these benefits can only be reaped once the area is stable and infused with the norms and values predicated by Brussels.

The colonial geostrategy is evident in this case as well. The Black Sea Synergy pertains to a foreign policy discourse in which the ‘outside’ is a source of threats. These threats endanger the identity of the ‘inside’, and therefore they must be pre-empted. In this attempt to provide a comprehensive framework for its policies in the region, the EU makes use of its normative discourse. This discourse is based on a claim that ‘our’ norms and values are ‘better’ than ‘theirs’ are. Therefore ‘they’ must embrace them in the name of a universal truth, and thus become more like ‘us’.

This type of discourse clearly pertains to a logic in which the ‘other’ is seen as inferior and in need of discipline.¹⁶⁵ At the same time, this inferiority is to be exploited by the ‘self’. Thus, the well being of the inside is assured in two ways. First, by constructing a border that keeps the threats out, and second, by achieving full benefits of the advantages that are on the outside. In this process, evidently, the border allows just a one-way crossing, from inside to outside, and not the other way around.

¹⁶³ Idem, 4

¹⁶⁴ Idem, 4-5

¹⁶⁵ Diez, Thomas, ‘Constructing the Self and Changing Others: Reconsidering Normative Power Europe’, *Millennium*, 33(3), (2005: 628-9

To conclude this chapter, what immediately stands out and is of crucial importance for this research, is the ambiguity, and at times divergence of discourses employed by the EU. At certain points the foreign policy narratives are about alterity and threat, and how these threats should be kept outside the territory enclosed by the borders. In other cases, what lies beyond is the ‘neighbour’, which is different and yet not threatening. Finally, there are cases in which the neighbour has to become like ‘us’, in order to have a legitimate voice and to be seen as a ‘friend’.

These different discourses paint a unique picture of the Black Sea Region. As it will be shown in the following chapter, it is this overlapping of discourses about the ‘other’ that shape the region as a particular kind of border that has a number of implications for security and legitimacy.

Chapter IV – The Construction of the Black Sea Region as a Border

In the previous chapter, the multiple instances of the foreign policy of the European Union in the Black Sea Region were analysed. Using the post-structuralist premise that every identity is constructed through a relationship with another entity, within each case there has been an assessment of how the EU ‘Self’ is relating to the ‘Others’. Subsequently, using insights from critical geopolitics, these relations were connected to several mechanisms by which the Black Sea Region is constructed as a border of the EU. This chapter will engage once more with the analysis of these mechanisms, which it will interpret. At the same time it will draw an overall picture of the significance of the Region for the EU, as well as the consequences of this significance.

The analysis shows that the ‘Other’ can have two instances. On the one hand, it is the ‘barbaric’ outsider, which by its very nature is everything that the ‘Self’ is not. As such, it poses an existential threat to the ‘Self’, in that by coming in contact with this difference, the ‘Self’ jeopardises its identity. In more concrete terms, this is visible in the discursive construction of the ‘Other’ as a source of threats that needs to be kept on the outside. The border thus becomes an insulator for the inside, a sanitary cordon that protects and excludes. This narrative is applied to the ENP (Georgia and Ukraine), and to the foreign policy with Russia and Turkey.

There is a caveat here, however. If in the Russian case the ‘Other’ accepts its labelling as different and does not attempt to overcome this alterity and become more like the ‘Self’, the Turkish, Ukrainian and Georgian responses are quite opposite. Through their bid to become members of the EU, these three countries are refusing their characterisation as ‘Other’ and are making a claim to the identity of the ‘Self’.¹⁶⁶ Therefore, they become more

¹⁶⁶ Rumelili, 37-38

threatening to the EU. The resulting discourse is one of enhancing the security of the border in order to alleviate the danger posed by the outside. As such, the first bordering discourse that the EU foreign policy is employing in the Black Sea Region is one of total alterity, in which only the degree of perceived threat varies from case to case. In Walters' framework, this coincides with the geostrategy of the *limes*.¹⁶⁷

There is, however, the alternative discourse, one that constructs the 'Other' as an entity that needs to be brought to the same level as the 'Self'. In this way, the existential threat posed by the *alter* is lessened by reducing the perceived difference. This normalising process uses the standards of the 'Self', and not a common standard that results from convergence and interaction between self and other (as in the alternative narrative of the 'march' geostrategy¹⁶⁸). This generates a colonial geostrategy, which constructs a temporary border that will be cancelled once the 'Other' is fully 'tamed', as it was the case with the Eastern Europe after the 2004 enlargement.¹⁶⁹ In the Black Sea Region, the analysis of the EU foreign policy discourse shows that this geostrategy is employed in the case of Turkey, Ukraine and Georgia.

At this point it becomes striking that two distinct geostrategies may be applied to the same group of countries. In this respect, the explanation is twofold. First, this aspect is due to the inherent ambiguities and contradictions that are present in the EU foreign policy. As it was already shown, both the ENP and the membership negotiations with Turkey are characterised by inclusion and exclusion at the same time. If the exclusion aspect creates the *limes*, inclusion creates the prospect of membership in a form or another, which is conditioned by the progress of each country. In this way, the inclusion of the 'Other' generates a colonial geostrategy. The second explanation is that this inclusion itself is a process with different degrees of applicability, from case to case. In some respects, Turkey is

¹⁶⁷ Walters, 691

¹⁶⁸ Walters, 683-6

¹⁶⁹ Walters, 688

more included than Ukraine, and at the same time both may be more included than Georgia is. In the *limes* discourse, all three countries are perceived to be the ‘Other’ that needs to be kept out.

To sum up the interpretation so far, the argument is that the EU employs a multitude of bordering discourses in the Black Sea Region. This region therefore becomes the symbolic space in which these discourses intersect and overlap each other. The exclusion of Russia, the semi-exclusion of Georgia, the semi-inclusion of Ukraine and the conditional inclusion of Turkey, all pertain to a variety of narratives in which the ‘Other’ is articulated in various manners. Moreover, this region is at the same time constructed as a *limes* and as a colonial border. As such, it performs divergent functions for the inside, in that it serves to keep out the unwanted, and at the same time to bring in that which can be useful and which is similar to the ‘Self’.

This is precisely what the analysis has shown in the case of the Black Sea Synergy. As a document that is intended to provide the EU with a framework for its relations in the region, the Synergy epitomises the entire set of characteristics of the foreign policy as it has been described and analysed so far. Moreover, there is an additional feature in this document that is important for this research. In the last chapter, the argument was made that the Black Sea Synergy does not provide ways to foster regional co-operation in the region. Rather, it is a mechanism for the EU to have bilateral relations with each country.

This bilateralism has three important consequences for the nature of the constructive discourse of this bordering region. First, it ‘accentuates the power asymmetries’ between the EU and each country, thus creating hierarchical structures.¹⁷⁰ Second, these structures discourage de-centralised governance, and therefore undermine the potential for local and regional co-operation to flourish.¹⁷¹ Third, bilateralism does little to enhance a ‘we’ feeling

¹⁷⁰ Browning and Joenniemi, 20

¹⁷¹ Idem, 20

among the actors in the region. In this way, the EU discourages the emergence of the Black Sea Region as a community of states with converging interests, in which Brussels itself has a constructive role. Instead, the region is again articulated as a border whose function is to preserve the inside and to keep the dangers out.

Therefore, the foreign policy of the European Union constructs the Black Sea Region as a bordering region with the following characteristics:

- It is a region in which several foreign policy discourses concerning inclusion/exclusion and self/other intersect and overlap.
- These discourses are concentrated in two distinct geostrategies: the *limes* and the colonial border.
- These geostrategies have in common the construction of the ‘Other’ as inferior and as a source of threats.
- The Black Sea Region is seen as a territory without any distinct common identity, apart from that given by its inherent geographical characteristics

In these regards, the Black Sea Region is therefore a distinct border region of the EU. The Union constructs it as completely different from its northern and southern borders. In the north, the Union is just one among many actors that take part in a complex process of regional co-operation.¹⁷² Within the Northern Dimension framework, the distinctions between ‘self’ and ‘other’ are blurred through processes of interaction that lead to mutual benefits. Therefore, this border region is what Walters has conceptualised as the ‘march’. This is an ‘interzone’ that lies between powers, and it is thus neutral. It is neither inside nor outside, but has a distinct and synthetic nature.¹⁷³

¹⁷² Lynch, Dov. *EU-Russian Security Dimensions*. (Paris: EU-ISS, Occasional Paper, No. 46, 2003): 44-46

¹⁷³ Walters, 684

In the south, the Union has established a more exclusionary limit. The Barcelona Process and the Euro-Mediterranean Partnership are frameworks of co-operation that do not imply the emergence of a shared identity. Despite the usual normative discourse employed by the EU, it is clear that the southern neighbours are too different to be included in the ‘inside’.¹⁷⁴ Therefore, the southern border is constructed as a *limes*. Processes of co-operation are possible across this border, yet they are strictly trans-national processes, and they do not involve any blurring of the frontier.

Therefore, the creation of hierarchies between inside and outside, in which the ‘Self’ is superior and has a duty to ‘teach’ the ‘Other’, is almost entirely specific to the Black Sea Region. Moreover, the discourse of assimilation and imposition of normative EU standards is again specific to this region. Also, the doubling of a colonial geostrategy with one that creates *limites*, and at the same time the constant interplay between inclusion and exclusion – these are all components of the distinct narrative that the EU has for the Black Sea Region. Furthermore, the specificity lies also in the absence of a coherent foreign policy framework for this region, an absence that has, as it was shown, implications for regional co-operation.

The next step of the argumentation is to show that this distinctive bordering discourse in the Black Sea Region generates a set of practices and policies that are aimed at controlling and securing the border. These practices are anchored in a wider process of securitization, which has a number of distinct features that contribute to the legitimacy deficit of the EU.

¹⁷⁴ Adler, Emanuel and Crawford, Beverly (2004) ‘*Normative Power: The European Practice of Region Building and the Case of the Euro-Mediterranean Partnership*’

Chapter V – The Security Practices in the Black Sea Region

In the theoretical chapter, the case was made for a connection between critical security and critical geopolitics. This connection entails a closer analysis of the ways in which the borders that are constructed through foreign policy discourses serve as spaces of increased securitisation. As Campbell argues, the border space is a container of danger, and therefore a source of threats.¹⁷⁵ It becomes therefore obvious that any discursive articulation of a threat should start from the borderline and the symbolism it entails. This chapter will provide a brief analysis of the manner in which these articulations function and the practices they create at the EU level. It will argue that since the Black Sea Region is constructed in a distinct fashion from other border regions of the Union, it deserves a special attention.

The most authoritative and acknowledged definition of threats for the European Union is found in the European Security Strategy.¹⁷⁶ As such, it identifies a number of ‘key threats’ for the EU: terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organised crime.¹⁷⁷ The ways to tackle these threats are diverse, ranging from anti-terrorist measures to external interventions. What is noteworthy is that the document acknowledges the need to combine several instruments in order to resolve these threats.¹⁷⁸ Moreover, it explicitly claims that neighbours are an important source of this set of threats and that ‘good governance’ in the southern and eastern neighbouring countries is the way to deal with the danger that they pose.¹⁷⁹

All these perceived threats that are present in the neighbourhood justify the enforcement and securitisation of borders. Although the European Security Strategy does not state this explicitly, the debate regarding this issue has been present in the EU for a long time.

¹⁷⁵ Campbell, David. *Writing Security. United States Foreign Policy and the Politics of Identity*. (Manchester: Manchester University Press, 1992), 92

¹⁷⁶ *A Secure Europe in a Better World. European Security Strategy*, Brussels, 2003

¹⁷⁷ *Idem*, 3-5

¹⁷⁸ *Idem*, 7

¹⁷⁹ *Idem*, 7-8

In 1999, the Tampere European Council set the political framework for what the EU called the Area of Freedom, Security and Justice.¹⁸⁰ In this context, in 2004 Brussels laid down a multi-annual programme called the Hague Programme, with the aim of ‘strengthening freedom, security and justice in the EU’.¹⁸¹

The Hague Programme starts from the observation that in the context of the terrorist attacks of 2001 and 2004, the security of the EU and its Member States ‘has acquired a new urgency’.¹⁸² In this respect, the document pays tremendous attention to cross-border problems such as migration, asylum seeking, illegal employment, and integration of third-country nationals.¹⁸³ In an analysis of this document, Didier Bigo has shown that despite its title, it creates an imbalance between security and freedom, in that the securitisation against threats has a clear impact on a number of freedoms.¹⁸⁴ This securitisation takes the form of a number of limits and interdictions that apply to undocumented migrants, asylum seekers and generally to suspicious persons. Therefore, freedom becomes conceptualised as the lack of intruders, and becomes thus a tool for maximising security.¹⁸⁵

It should be noted at this point the dialogical relationship between subjective processes of identity formation and this kind of EU policies. Securitisation and difference constitute and reinforce one another. The ‘Other’ is a threat that needs to be diminished through an increased security. This, in turn, generates a discourse of discrimination and exclusion, which further reinforces the perception of otherness. The picture is, however, even more complex, since the imbalance between freedom and security has implications for the entire population. Bigo argues that the logic behind the Hague Programme is that to

¹⁸⁰ Balzacq, Thierry and Carrera, Sergio, eds., *Security Versus Freedom? A Challenge for Europe’s Future*. (Burlington: Ashgate, 2006), 5

¹⁸¹ The Hague Programme, 3

¹⁸² Idem, 3

¹⁸³ Idem, 7-11

¹⁸⁴ Bigo, Didier. ‘Liberty, whose Liberty? The Hague Programme and the Conception of Freedom’, in *Security Versus Freedom? A Challenge for Europe’s Future*, edited by Thierry Balzacq and Sergio Carrera, 35-44. (Burlington: Ashgate, 2006), 36

¹⁸⁵ Bigo, Didier. ‘Liberty, whose Liberty?’, 36

strengthen freedom is to allow the authorities ‘to secure a place, to protect, to monitor and supervise the people inside and the people on the move’.¹⁸⁶

Conceived in this manner, freedom acquires the paradoxical feature of being at the same time the lack of obstacles and the condition of control. More sophisticated analyses that are grounded in post-structuralism and the sociology of power have shown that this paradox is explained by the increasing intrusion of state power into society. This intrusion is made in the name of self-governance, and is actually a subtle form of regulation and control.¹⁸⁷

These considerations are not valid just in the case of the Black Sea Region. However, the way it is constructed as a border and a source of threats points to the argument that people coming from this region are the main objects of the Hague Programme and its policies. This is supported by the increasing discourse on the Black Sea being a route for illegal immigrants and asylum seekers.¹⁸⁸

Another institutional framework designed to tackle the threats emanating from outside the Union is the EU border agency (FRONTEX). Its main purpose is to co-ordinate the European management of external borders.¹⁸⁹ The agency is guided by the principle of Integrated Border Security, which has four tiers that deal with collecting information in third-countries regarding immigration and repatriation, border checks and surveillance, as well as risk analysis.¹⁹⁰ The rationale behind this principle is that the EU has an ‘urgent need to manage the uncontrolled migration and human smuggling crossing its borders’.¹⁹¹

In addressing this need, the Union is employing a mixture of traditional and modern elements of border controls. In the latter category, the usage of biometric identifiers raises

¹⁸⁶ Idem, 41

¹⁸⁷ Rose, Nikolas. *Powers of Freedom. Reframing Political Thought*. (Cambridge: Cambridge University Press, 1999), pp. 233-270.

¹⁸⁸ <http://news.bbc.co.uk/2/hi/europe/7242386.stm>; European Council on Refugees and Exiles Weekly Update, July 2007 [<http://www.ecre.org/files/ECRAN%20Weekly%20Update%2020th%20July.pdf>]

¹⁸⁹ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, p. 10

¹⁹⁰ http://www.frontex.europa.eu/origin_and_tasks/origin/

¹⁹¹ Hills, Alice. ‘The Rationalities of European Border Security’, *European Security*, 15 (1), (2006): 75

serious concerns about data protection and transparency.¹⁹² Advanced technologies of control generate debates about their infallibility and reliance. Moreover, the argument is made that their usage erodes the relationship of trust that is established between the citizens and the state.¹⁹³ These technologies are not subject to effective political accountability, and at the same time they are not part of a proper public communication between the authorities and the citizens.¹⁹⁴

Furthermore, the usage of such technologies has wider symbolic consequences. In the context of a discourse that emphasises the increasing risk present in the Western society after 2001, technologies of surveillance are inscribed into a ‘logic of suspicion’.¹⁹⁵ There is an ‘increasing unease about the identity and location of the enemy’, which leads to an increasing legitimisation of practices of exception.¹⁹⁶ This, in turn offers ‘more possibilities for control and surveillance for the police and intelligence services’.¹⁹⁷ On the other hand, this also leads to a climate in which the ‘Other’ becomes threatening, dangerous and not to be trusted. This is translated into a general hostility against migrants and foreigners that come from the east.¹⁹⁸ In this way, strengthening and securitising the Black Sea borders becomes a priority.

This priority is made explicit in two documents issued by the Commission in 2007 and 2008. The first is the Annual Policy Strategy for 2008.¹⁹⁹ Among its priorities, the management of migration flows to the EU is given special attention.²⁰⁰ This management is conducted through a system of surveillance and a centralised database of fingerprints.

¹⁹² Lodge, Juliet. ‘Transparency, Justice and Territoriality: The EU Border Challenge’, in *Security Versus Freedom? A Challenge for Europe’s Future*, edited by Thierry Balzacq and Sergio Carrera, 257-279. (Burlington: Ashgate, 2006), pp. 258-276

¹⁹³ Idem, p. 276

¹⁹⁴ Idem, pp. 265-266

¹⁹⁵ Bigo, Didier; Carrera, Sergio; Guild, Elspeth. *What Future for the Area of Freedom, Security and Justice? Recommendations on EU Migration and Borders Policies in a Globalising World*. (CEPS Policy Brief, No. 156, March 2008), pp. 7-9

¹⁹⁶ Idem, p. 7

¹⁹⁷ Idem, p. 7

¹⁹⁸ Idem, p. 8

¹⁹⁹ Communication from the Commission – Annual Policy Strategy for 2008, COM (2007) 65, 2007

²⁰⁰ Idem, p. 6, 10

Furthermore, the Commission calls for new efforts in the direction of preventing irregular immigration and protecting the external borders of the EU.²⁰¹ In this regard, it foresees the improvement of sea border controls in order to deal with the increasing flows of irregular immigrants.²⁰² In the Black Sea Region, the EU has since 2006 the SCOMAR surveillance and control system. This system is designed to perform surveillance missions, data centralisation and co-operation between navy forces, border guards and administrative institutions.²⁰³

The second document is a 'border package' presented in 2008 by the Commission, entitled 'Preparing the next steps in border management in the European Union'.²⁰⁴ In setting out the policy context of this initiative, the document points out to the 'migratory pressure' and to the increasing number of 'people seeking to enter the EU for illegitimate reasons' as the most important challenges for the Union's border policies.²⁰⁵ Moreover, it also affirms the need to facilitate the crossing of borders for 'third country nationals fulfilling the entry conditions set by the Community'.²⁰⁶ In this respect, the Union has visa facilitation agreements with two countries from the Black Sea Region: Ukraine and Russia.²⁰⁷

The package proves to be problematic when it comes to the rights of a person to the protection and privacy of its data.²⁰⁸ Third country nationals are to be verified and their biometrics captured at their entrance as well as at their exit from the EU territory.²⁰⁹ These data are to be stored in national databases, yet the document provides no information

²⁰¹ Carrera, Sergio and Geyer, Florian. *The Reform Treaty & Justice and Home Affairs - Implications for the common Area of Freedom, Security and Justice*. (CEPS Policy Brief, No. 141, August 2007), 4

²⁰² Idem, 4

²⁰³ Toma, Alecu and Baroana, Florin. *Romania's blue frontier securitization*, p.140

²⁰⁴ Commission Communication, COM (2008) 69, 2008

²⁰⁵ Idem, 2

²⁰⁶ Idem, 2-3

²⁰⁷ Idem, 3

²⁰⁸ Guild, Elspeth; Carrera, Sergio; Geyer, Florian. *The Commission's New Border Package: Does it take us one step closer to a 'cyber-fortress Europe'?*. (CEPS Policy Brief, No. 154, March 2008.), 3

²⁰⁹ Idem, 6

regarding their nature and administrative control.²¹⁰ Moreover, this reliance on electronic databases implies co-operation with private companies that are hired to design, manage and operate them.²¹¹ Since there is little transparency regarding these companies, problems arise regarding their funding and public accountability.

These two documents illustrate the argument that the Black Sea Region, as a border region that stands at the intersection of several foreign policy discourses, is a place in which a number of security practices take place. First, the region features prominently on the EU's list of sources of threats. These threats generate border practices that imply surveillance, control, restrictions and limitations of freedom. In turn, this creates a general climate of unease and suspicion, and constructs the foreigner as an enemy. Therefore, this perception is extended on the citizens of the Black Sea Region states. In this way, the processes of exclusion and othering are being reinforced.

On the other hand, the same border practices aim at enhancing the circulation of *bona fide* persons. This quality is attributed to nationals of countries that have visa agreements with the EU. Since in the Black Sea Region only Ukraine and Russia have this sort of agreements, this leads to the inclusion of some, while others are left out. While this conclusion certainly needs more nuances, as the picture is not one of extreme polarisation, this practice further discourages a regional cohesion and co-operation in the Black Sea area. Because of the Union's differentiated approach to the inclusion of its neighbours, the incoherence and ambiguity of its discursive construction is even more obvious.

This is accentuated by a third aspect of securitisation, namely the emphasis on migrants as a danger, as potential criminals that threaten the internal order. In this discourse, securitisation serves to separate friend from foe, and to annihilate the latter, relieving the danger. This is particularly important in the case of Turkey, since among the countries in the

²¹⁰ Idem, 3

²¹¹ Bigo, Didier et. al.. *What future...*, p. 10

Black Sea region, it has the largest number of citizens residing in the EU. Correlated with a more subtle discourse on the threat of Islam after 2001, the increased attention paid to migrants and foreigners functions as a mechanism that reinforces Turkey's exclusion. The placement of Turkish citizens on the 'black list' is part of a wider discourse in which migration is linked with racial and geographical aspects, a discourse that will be assessed in the following chapter. Moreover, the negative approach to Turkish migrants overlooks the obvious fact that these people came to Europe as a result of an intensive policy of recruitment that took place after the Second World War.²¹²

This chapter has underlined a number of security practices that take place in the EU generally, and in the Black Sea Region in particular. To sum up, these practices are: an increase in security at the expense of freedom, the usage of advanced technologies of surveillance and control, policies aimed at containing immigration, a divergent set of foreign policy discourses and the increased reliance on private security companies. The next chapter will take the analysis one step further, and will provide the final stage of the argument of this paper. It will set the bordering practices and their implications against the normative framework of legitimacy that was outlined in the theoretical chapter. It will address the question of whether the securitisation practices that are being employed by the EU in the Black Sea Region can be legitimated with regards to the norms and values to which the EU itself adheres to.

²¹² Hooper, Barbara. 'Ontologizing the Borders of Europe', in *Cross-Border Governance in the European Union*, edited by Olivier Kramsch and Barbara Hooper, 209-230. (New York: Routledge, 2004), 223

Chapter VI – The Black Sea Region and the Legitimacy Deficit of the EU

So far, this paper has examined the European Union foreign policy in the Black Sea Region and the bordering processes it creates. It has supported the argument that the EU creates this region as a specific border that lies at the conjuncture of several discourses of identity and alterity. This construction entails a process of securitisation through which the Union seeks to deal with the Black Sea Region. At this point, the argument will continue by claiming that this securitisation process raises a number of problems for the legitimacy of the EU. In supporting this argument, this chapter will employ the theoretical framework on legitimacy, along with other existing research and with data from different opinion surveys.

Within the theoretical framework of this paper, the question of the Union's legitimacy was framed in terms of public consensus, which is grounded either in normative principles or in policy outcomes. In this chapter, the different aspects of securitisation in the Black Sea Region will be tested against this framework, in order to assess the quality of its legitimisation. These aspects are: the imbalance between security and freedom, the usage of biometrics and databases, the anti-immigration policies, the incoherent discourse on inclusion and exclusion and the involvement of private security companies.

First, however, a more detailed account of what is meant by the normative principles and the policy outcomes is needed. The normative principles are the values to which the EU adheres to, and they can pertain either to internal constituent documents, or to international agreements to which the EU is part of. As such, they will be extracted from the Treaties of the EU on the one hand, and from international conventions such as the UN Charter and the Council of Europe's Convention Human Rights Charter. The policy outcomes refer to the results of the implementation of different administrative and political mechanisms. This paper

will focus less on these, for reasons that mainly have to do with the lack of analyses and research conducted on Black Sea region issues.

The Lisbon treaty enumerates the following guiding values of the EU: human dignity, freedom, democracy, equality, the rule of law and respect for human rights.²¹³ The Charter of Human Rights has six headings: dignity, freedom, equality, solidarity, citizenship and justice.²¹⁴ As for external treaties, the Charter of the United Nations points out the principles of ‘maintaining international peace and security’, ‘suppression of acts of aggression’, equal rights between states, international co-operation and promoting human rights and non-discriminatory practices.²¹⁵ Finally, the European Convention on Human Rights lays down a number of principles: the protection of law against torture and death, the right to liberty and security, the right to fair trial, the respect of privacy and freedom of expression.²¹⁶

Having this in mind, the input legitimacy of the European Union should follow and respect these principles, and moreover, its policy outputs should guarantee the rights that are envisaged in these documents.

To begin with, the detected imbalance between security and freedom is perhaps the most delicate issue. Both concepts are regarded as important and as rights to be protected by a political system. However, their mutual relation can be regarded as a reverse proportionality: a decrease in the quality of one leads to an increase in the other. As such, excessive freedom is linked to anarchy and to the complete lack of security, while on the other hand, excessive security pertains to fascism, and is characterised by the lack of freedom.²¹⁷ The situation in the EU at this point seems to be heading towards this last pole. Through the increasing securitisation of borders and of everyday life, freedom becomes

²¹³ The Lisbon Treaty, art. 1a

²¹⁴ The Charter of Fundamental Rights of the European Union, pp.3-13

²¹⁵ The Charter of the United Nations, art.1

²¹⁶ The European Convention on Human Rights, articles 2-11

²¹⁷ Bigo, Didier. ‘Liberty, whose Liberty? The Hague Programme and the Conception of Freedom’, in *Security Versus Freedom? A Challenge for Europe’s Future*, edited by Thierry Balzacq and Sergio Carrera, 35-44. (Burlington: Ashgate, 2006), p. 39

sacrificed in the name of protection from a number of threats.²¹⁸ Moreover, if the argument that these threats are constructed to serve a particular purpose is accepted, this would imply at least the theoretical possibility that dangers that are more palpable than terrorism or migration are being left unanswered.

These claims lead to the conclusion that the imbalance between security and freedom that is entailed by the securitisation process contributes to the legitimacy deficit of the EU. Despite the claims that a secure environment leads to more freedom, and therefore serves the public interests, a closer analysis reveals that the mechanisms by which this secure environment is created actually impinge upon the citizens' fundamental rights.

The second issue concerns the usage of databases and biometrics in border surveillance and control. These advanced technologies are intended to render the border policing more efficient and fast, and to reduce the probability of human error. However, they raise doubts concerning their access and transparency, as well as serious concerns about the breaching of human rights that they entail. First, it is yet unclear who will have access to these databases – the national governments, the police, private companies or even third states may outsource the data.²¹⁹ Second, the general public is not fully informed about the scope and nature of these technologies. Moreover, the public is distrustful of the governments' attempts to impose such measures of disproportionate control.²²⁰ This is either because of poor public communication, poor understanding or just reluctance to believe in the efficiency of biometrics.

A third aspect concerns the relation between these technologies and human rights. Their usage impinges upon individual privacy and liberty.²²¹ Therefore, the employment of

²¹⁸ Idem, p. 41

²¹⁹ Lodge, Juliet. *Communicating (in)Security: A Failure of Public Diplomacy?*. CHALLENGE (Research Paper, No. 3, November 2006.), 14

²²⁰ Lodge, Juliet. *Communicating (in)Security: A Failure of Public Diplomacy?*. CHALLENGE (Research Paper, No. 3, November 2006.), 17

²²¹ Guild, Elspeth; et al. *The Commission's New Border Package*, 3

biometrics and data centralisation technologies as components of the securitisation process provides another contribution to the legitimacy deficit of the EU.

The anti-immigration policies are creating, as it was argued in the previous chapter, a general climate of mistrust towards any person who is not an EU citizen and/or comes from one of the eastern or southern neighbours of the Union. This climate may, in the long term, transform into attitudes of racism, xenophobia and chauvinism.²²² While these attitudes will clearly serve the purposes of populist politicians who will be able to draw on this political capital, they certainly do not correspond to the values to which the EU adheres.

At this point, however, the question is whether these attitudes are widespread enough to legitimate measures of security against the ‘flows’ of migrants. According to the latest Eurobarometer²²³, 21 percent of Europeans consider immigration to be an important issue, while 33 percent consider this issue to be strengthening the EU. Although these numbers do not reflect a majority, they are steadily growing compared to last years. On the other hand, a survey conducted in 2005, concerning migrants and minorities, shows that 79 percent of Europeans have no problem interacting with minorities, and 83 percent agree with the benefits of intercultural contacts.²²⁴

The issue of immigration is, of course, much more complex. It is clear, however, that even at a fugitive glance, it is another aspect of the EU’s legitimacy deficit. Whether one analyses its input, and the attention is focused towards public support, or its outputs, in terms of the social and political effects it entails, the EU policies on immigration have very little consensus.

The foreign policy discourse that creates categories of inclusion and exclusion in the Black Sea region is itself a blow on the EU’s legitimacy. This is because this discourse

²²² Hooper, Barbara. ‘Ontologizing the Borders of Europe’, 223

²²³ Eurobarometer 68, December 2007

²²⁴ European Monitoring Centre on Racism and Xenophobia – Attitudes towards Migrants and Minorities in Europe, March 2005

creates a pattern of discrimination within the countries of the region. As it was already argued, this discrimination does not allow co-operation and communitarisation to take place. Yet, this also runs against the UN principles of equality between states and non-discriminatory practices mentioned in this chapter. The self-assumed responsibility of the EU to contribute to peace and co-operation should be the ground for a more coherent discourse in the Black Sea Region.²²⁵ Therefore, this issue is another aspect of the legitimacy deficit of the EU governance.

Finally, the privatisation of security also raises a number of concerns. While on the one hand, private companies may offer high levels of efficiency and expertise, on the other hand, their private character makes them unaccountable to the general public. This is even more concerning since a main feature of these companies is to define and shape threats and security concerns.²²⁶ Despite their apparent dependency on the employing government, they have considerable leeway in every aspect of their contracts. Therefore, the governmental control over these companies is similarly limited to the public one. Since these companies are not only the articulators, but also the main beneficiaries of the growing securitisation in the EU, their lack of accountability and transparency augment the legitimacy deficit of the Union. This argument is valid for both the input and the output aspects of legitimacy.

To sum up, this chapter has analysed the implications of the European Union's foreign policy discourse in the Black Sea Region and suggested five arguments for the conclusion that this discourse has little legitimacy. In the construction of the Black Sea Region as a border region, the EU generates and sustains a process of securitisation. This process has serious implications for human rights, accountability, transparency and freedom. As such, it

²²⁵ Raik, Kristi. 'The EU as a Regional Power: Extended Governance and Historical Responsibility', in *A Responsible Europe? Ethical Foundations of EU External Affairs*, edited by Hartmut Mayer and Henri Vogt, 76-97. (Hampshire: Palgrave Macmillan), 2006p.77; 121

²²⁶ Leander, Anna. 'Privatizing the Politics of Protection: Military Companies and the Definition of Security Concerns', in *The Politics of Protection. Sites of Insecurity and Political Agency*, edited by Jef Huysmans, Andrew Dobson and Raia Prokhovnik, 19-34. (New York: Routledge, 2006), 21-28

opposes much of the EU's normative core. Therefore, the conclusion of this chapter is that securitisation impinges upon the legitimacy of the EU.

Chapter VII – Conclusions and Future Research Directions

This paper has analysed the foreign policy of the EU in the Black Sea Region and the discursive articulation of this region as a border of the Union. It has argued that this articulation leads to a number of securitisation processes, which in turn contribute to the legitimacy deficit of the EU. The analytical passage from a foreign policy study to questions of political legitimacy was made possible by a theoretical framework that draws from three areas of study: critical security, critical geopolitics and democratic theory. The underlying concern of the entire research was to unearth the subtle but powerful social mechanisms and structures that make the foreign policy function in a specific way, and have certain implications.

In the course of this research several aspects were deliberately left out, others were probably omitted by accident. Whatever the case may be the vastness of the topic leaves considerable room for further research that could include these aspects. In this concluding chapter, several research directions will be suggested.

One of the aspects that were left out of this research was the question of territoriality. It is clearly the case that a foreign policy discourse constructs not only boundaries, but also specific territories. These territories are crucial for the symbolic construction and understanding of a community's identity. As such, they are an important part of the narratives about the 'self' and 'other'. In the case of the Black Sea Region, further research may be conducted on the role of this sea in the construction of local and national identities. This, in turn, can be linked to the possibility of the developing a convergence of identities and interests in the region, as the example of Europe's northern region illustrates.

Another aspect that is tangential to this research is the relationship between foreign policy and types of polity. It has been increasingly argued that the EU is becoming a post-

Westphalian entity. The argument was slightly touched upon in this paper too, yet there has not been a critical engagement with it. A post-modern polity would entail the dispersion and de-centring of power, overlapping discourses on territoriality, as well as permeable, almost invisible boundaries. To use again Walters' framework, this would pertain to the networked (non) border model. Whether this is the case or not in the EU is a question that is worth posing. This is even more important when one considers the argument that it is in the virtue of its post-modern character that the EU is assuming a normative role on the world stage.

Finally, another direction of research could explore the extent to which the EU discourses and interests in the Black Sea Region coincide with those articulated by the US, an actor that has also been increasingly active in this area.

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