1 Conceptualizing actors and actorness

> It is because foreign policy is widely associated with nation states that the EU is overlooked as an international political actor by many who study international relations.
>
> (Ginsberg 2001: 12)

It is true that, in the International Relations (IR) literature, there has been both a neglect and an underestimation of the EU's role in world politics. This reflects two factors. First, the considerable influence of traditional state-centric approaches to IR, which has served to direct research and shape the perceptions of researchers. Second, a related tendency to focus attention upon a limited range of external activities considered to comprise the 'high politics' of traditional foreign policy – encompassing, primarily, the activities of foreign ministries, diplomats and militaries. A state-centric worldview, combined with a focus upon those policy areas where the EU might be considered least effective, would inevitably lead to the conclusion that the EU is not (or not yet) an actor. And, over the years, many commentators have so concluded (Bull 1983; Hill 1993; Zielonka 1998).

Recently, however, a number of authors have explicitly rejected the state-centric approach and narrow focus of traditional IR, with its concentration on the formal institutions and policy outcomes of the CFSP process. Hazel Smith, for example, highlights the 'staggering effect' of state-centric approaches, which succeed in excluding all that is significant and distinctive in the EU's external activity (Smith 2002: 9). Similarly, Karen Smith focuses upon 'what the EU actually does in international relations' – which she identifies as promotion of regional cooperation, human rights, and democracy/good governance; conflict prevention and the fight against international crime (Smith 2003: 2 and *passim*). Roy Ginsberg, too, in his evaluation of 'the extent of the EU's international political influence', departs significantly from traditional IR approaches (Ginsberg 2001: 15). The empirical findings of Ginsberg's extensive research accord with our own initial hypothesis concerning the cumulative impact of the EU. Ginsberg found the EU's external political influence to be substantial, leading him to the conclusion that conventional depictions of the EU, by IR scholars, as 'economic giant – political pygmy' are invalid (Ginsberg 2001: 277–9).

These important studies provide a relatively comprehensive overview of the scope and impact of EU external activity. Nevertheless, significant omissions remain. In particular they retain an approach to external policy which is 'primarily political and security-related (as opposed, for example, to international environmental protection or the promotion of sustainable development)' (Smith 2003: 13). Given the extensive discussion of notions of environmental security in recent years, this exclusion of environmental issue areas from the domain of politics/security is still redolent of the traditional foreign policy agenda.[1] Moreover, as we shall see in Chapter 4, it is in the field of environmental diplomacy that particularly strong claims are made for the importance and effectiveness of EU action. Hence, our concern to assess the cumulative impact of the EU's external activities, demands that we examine all of the policy areas in which the Union is involved.

Our central concern, however, is not to analyse the scope and influence of EU external activity, important and demanding as these tasks are, but to consider the extent to which the Union has become an actor in global politics. Since the EU is a unique, non-traditional and relatively new contender for this status, conceptualizing its international roles, or 'actorness', presents many challenges. We develop an approach to actors and actorness that enables us to treat the EU as unique, in terms of its character and its identity, and also as part of an evolving multi-actor global system. In particular, given the relative novelty and rapid development of the EU's external activity, we are concerned with processes of change. Key questions thus become – which internal and external factors have permitted, promoted or constrained the development of the EU's roles in global politics; how and to what extent is the EU perceived as an actor by its various 'audiences'?

In attempting to answer these questions we have found particularly useful a social constructivist approach that conceptualizes global politics in terms of the processes of social interaction in which actors engage. These formal and informal processes shape the evolution of actors' identities and provide contexts within which action is constrained or enabled.[2] Before elaborating upon this approach, however, we locate our arguments within the wider, historical debates in International Relations – which have in turn contributed to the construction of understandings about the roles and identity of the EU.

Our discussion begins with a brief examination of the relatively formal approach to actorness in International Law. Subsequently, treatments of actorness in the IR literature are reviewed, and an assessment made of behavioural (agency focused) and structural approaches to analysis. We then consider the contribution of social constructivist explanations focusing upon the co-constitution of structure and agency in a process of structuration (Giddens 1984). Finally, drawing upon constructivist approaches, we outline our approach to analysis of EU actorness based upon the interrelated concepts of opportunity, presence and capability.

Actorness in International Law

A formal answer to the question 'how do we recognize an actor?' is provided by Public International Law. This, by definition, focuses upon the inter-state system, and has developed its own formal concept of actorness in terms of the notion of legal personality. As Coplin (1965: 146) argued, International Law has too often been

treated exclusively as a system of restraints upon state activity, rather than as 'a quasi-authoritative system of communicating the assumptions of the state system to policy-makers'. Foremost amongst these assumptions, since the Treaty of Westphalia in 1648 formally inaugurated the modern state system, has been the notion of the sovereign territorial state as the subject of International Law, and associated recognition doctrines. Only states could make treaties, join international organizations and be held to account by other states. Legal actorness confers a right to participate, but also to be held responsible by other actors, and to incur obligations.

Whereas for several hundred years there may have been a reasonable correspondence between the legal framework and the political realities of international life, by the mid twentieth century the 'Westphalian assumptions' were under challenge. The first formal recognition of this came with the 1948 International Court of Justice (ICJ) decision on the legal status of the United Nations, in the context of the organization's right to present a claim for damages in respect of the assassination of its mediator in Palestine, Count Folke Bernadotte. The Court established that the UN had international legal status, but that this was not equivalent to that of a state:

> By applying the well-known principle of the 'specificity' of corporate persona, the UN and by extension all international organizations are recognized as having the necessary and sufficient capacity to exercise the functions which have been devolved to them by their charters. If IGOs (Intergovernmental Organizations) are in fact governed by international law, distinct from the members which constitute them, they do not enjoy the whole range of competencies which are accorded by law to states.
>
> (Merle 1987: 293–4)

On this basis the European Community achieved legal personality, although its formal status has been that of an intergovernmental organization and it is entitled to act only in areas of legally established competence.

Creation of the European Union, upon entry into force of the Treaty of European Union (TEU) in November 1993, introduced complications for the accordance of actorness in formal, legal terms. The TEU established the Union as an overarching framework comprising three 'Pillars', a political compromise which facilitated partial integration of foreign and security policy (Pillar II) and aspects of internal state security (Pillar III), alongside the existing European Community (Pillar I). As a consequence of the political sensitivity of the Pillar II and III policy areas, the TEU did not accord legal personality to the Union. Hence the Union, unlike the Community, cannot conclude international agreements. Not surprisingly this has proved a source of confusion to third parties. However, the Constitutional Treaty, agreed by Member States in June 2004, accorded legal personality to the Union (Article I-7).

This dynamic process of attaining legally sanctioned actorness might be described in terms of the interaction of institutional/legal structures and political agency, in a process of 'structuration', where International Law both reflects and shapes the evolution of practice. Certainly there has been an ongoing dialectic between the assertion of rights by bodies such as the EU and the understandings that inform the

responses of other members of the international community. This process is evident, too, from the manner in which the EC came to be accepted as the successor to the Member States as a party to certain international agreements. Under the General Agreement on Tariffs and Trade (GATT) it was informally accepted as a player representing the contracting parties. It only became a party in its own right, alongside the Member States, with the creation of the World Trade Organization in 1994 (Macleod *et al.* 1996: 235–6). In other areas where a common policy applies, such as international fisheries agreements, the EC is a direct successor to the Member States.

A similar dynamic can also be seen to operate in reverse, in that there is a tension between external demands that the EU should play an active role in the international system and reluctance on the part of Member State governments to accord competence to the EC in areas considered sensitive domestically. Competence is the EC term for 'powers', and can be defined as:

> ... the authority to undertake negotiations, conclude binding agreements, and adopt implementation measures. Where competence is exclusive it belongs solely to the Community to the exclusion of the Member States. Where it is concurrent either the Community or the Member States may act but not simultaneously.
>
> (Macrory and Hession 1996: 183)

Disputes relating to the extent of competence have been evident, to a greater or lesser degree, in all the policy areas we discuss.

The importance of evolving practices in the complex and dynamic processes surrounding attribution of formal legal status reminds us that, while it is necessary to have an understanding of actorness as ascribed by International Law, it is hardly sufficient. Moreover, there is no necessary correspondence between the achievement of legal personality and actorness in behavioural terms. Weak states may have full legal status but are insignificant as actors, while bodies such as the European Union can fulfil important functions without possessing legal personality. Nonetheless, the law continues to have significance in so far as it provides an institutional context which contributes to shared understandings concerning who may act and the appropriateness (or otherwise) of actors' behaviour.

Actors and actorness in International Relations

In conventional International Relations the answer to the question 'how do we recognize an actor?' is essentially the same as that given by the lawyers: statehood. The question of actorness has always been a fundamental one for students of IR, even if the concept itself has not been subject to the kind of scrutiny that its significance would seem to merit. It is fundamental because the term actor is used as a synonym for the units that constitute political systems on the largest scale. Actors, here, are akin to the players in a theatre – the *dramatis personae*. The attribution of actorness in this sense will determine what is studied.

The classical, or Realist, approach is state-centric, leading to a focus on the international (really inter-state) political system. Other actors, such as intergovernmental

organizations and transnational business corporations, may be admitted but their functions are seen as essentially subordinate to those of states. While, in some respects, this approach resembles that of International Law, it departs from it in significant ways. Thus Realism provides an essentially political analysis in which power differentials between states are a central focus. Ultimately, the actors of interest to Realists are powerful states.

From the 1970s pluralist approaches challenged the simplicities of Realism. By identifying a range of significant units, in which non-state actors were not necessarily always subordinated to states, they portrayed an alternative 'mixed actor' (Young 1972) or even a 'world' or 'global' political system (McGrew and Lewis 1992; Bretherton and Ponton 1996).[3] The relative inclusiveness of such approaches reflects the condition of world politics at a time when Realist state-centric analyses, with their focus upon 'superpower' relations, appeared inadequate to conceptualize a world greatly complicated by the emergence of what Keohane and Nye (1977) describe as complex interdependence.

During the post-Vietnam period, when United States economic and even military predominance appeared to be in question, policy-makers within the European Community began actively seeking to enhance the external policy capabilities of the EC, in particular through a system of foreign policy coordination, known as European Political Cooperation (EPC), initiated in 1970. The abrupt ending of the Cold War, which posed a major challenge to IR scholars and, indeed, to practitioners, exposed the inadequacies of the EPC system. The re-emergence of armed conflict in Europe in the early 1990s, and fears of widespread political instability in Eastern Europe, suggested a significant role for the EU as a regional security actor. For scholars in the fields of IR and Foreign Policy analysis, this aspect of the Union's external activity has subsequently been the primary focus of investigation. In principle, at least, the EU's emerging external role could be accommodated in a mixed actor system.

In practice, however, attempts in the IR literature to categorize the actors in world politics have not been notably successful in accommodating the EU. It has been categorized as an intergovernmental organization (Keohane and Nye 1973: 380; Rosenau 1990) in ways that failed to capture the Union's multi-dimensional character. In other similar exercises the EU has been disaggregated; in effect, appearing as several actors. Alternatively actorness may explicitly be attributed to the European Commission, an approach utilized by Hocking and Smith in discussing 'the new variety of international actors' (1990: 75). This approach captures an element of the present reality and is in line with legal competence, where the Commission acts on behalf of the European Community. However it prevents us from assessing the overall impact of the EU – which is our central purpose. A solution may lie in abandoning formal organizational and legal criteria in favour of a behavioural approach.

Behavioural criteria of actorness

The attribution of actorness does more than simply designate the units of a system. It implies an entity that exhibits a degree of autonomy from its external environment, and indeed from its internal constituents, and which is capable of volition or purpose.

Hence a minimal behavioural definition of an actor would be an entity that is capable of formulating purposes and making decisions, and thus engaging in some form of purposive action.

In IR approaches to actorness, the concept of autonomy has been accorded central importance (Cosgrove and Twitchett 1970: 12; Hopkins and Mansbach 1973: 36; Merle 1987: 296) This requirement tends to highlight the internal procedures of the Union and it has been possible to arrive at different conclusions concerning autonomy dependent upon the voting arrangements in the Council of Ministers and the competences exercised by the Commission.[4]

Alongside autonomy, the ability to perform 'significant and continuing functions having an impact on inter-state relations' and the importance accorded to the would-be international actor both by its members and by third parties have also been stressed as behavioural criteria (Cosgrove and Twitchett 1970: 12). Achievement of actorness requires that these criteria must be met 'in some degree for most of the time', a formula which allowed Cosgrove and Twitchett (1970: 49) to conclude, even in the late 1960s, that the EC was 'a viable international actor'.

We return, later, to behavioural criteria of actorness in relation to the contemporary EU. In particular, we address the issue of actor capability, which both contributes to and overlaps with autonomy. Defined by Gunnar Sjöstedt (1977: 16) as 'capacity to behave actively and deliberately in relation to other actors in the international system', actor capability is regarded by Sjöstedt as a function of internal resources. As already indicated, however, we consider an exclusive focus on internal factors – and, indeed, on behavioural criteria generally – to be inadequate in assessing actorness. In consequence, before examining the internal factors which contribute to (or inhibit) EU actorness, we question the extent to which its external activities are the product of purposive action, or agency; or are shaped or constrained by structural factors.

Structural approaches to actorness

Explanations of social phenomena which rely upon action or agency make up one side of the agency/structure debate that has long been evident in most of the social sciences. During the 1960s there was considerable discussion in the IR literature of the 'level of analysis problem' – whether attention should be confined to a 'state as actor' focus or to the structure of the system.[5] While the 1970s saw the scope of International Relations broaden to admit 'new' international actors, the predominant approaches to analysis continued to privilege the state; moreover they remained primarily focused on behaviour. However, the end of the decade was to be marked by a new structural direction in the Realist tradition in the form of Waltz's neo-Realism.

The assumptions of structural Realism, as developed by Waltz (1979), are primarily political. Waltz's focus is the international political system, the organizing principle of which (anarchy) determines the behaviour of the units (states). In consequence the sources of behaviour are to be found not in the differing characteristics, or volition, of state actors but in their fundamental need, in an anarchical system, 'to compete with and adjust to one another if they are to survive and flourish' (Waltz 1979: 72). In these circumstances relative power capability is the only significant factor

differentiating between states. Hence the interests of states, and ultimately their behaviour, are externally given and, in principle, predictable; they derive from the distribution of power in the international system.

From this perspective, the emergence of the European Community was permitted because the Cold War bipolar structure served both to diminish the importance of the West European 'powers' and mitigate the conditions of anarchy in which they operated. While other obstacles remained, an important impediment to cooperation was removed – that is 'the fear that the greater advantage of one would be translated into military force to be used against the others' (Waltz 1979: 70). Such an analysis might provide useful insights into the creation of the EC, but seems of little relevance to the post-Cold War situation where a plausible prediction following the ending of bipolarity, would have been dissolution of the EU and renationalization of security by its Member States, in some 'back to the future' scenario (Mearsheimer 1990).[6]

Undoubtedly the ending of the Cold War bipolar system has had a significant impact upon the EU. In particular the emergence of conflict and instability in Eastern Europe in the early 1990s posed major challenges. However, these were not met by individual Member State responses, but by a range of EC-led financial assistance and diplomatic initiatives which led, eventually, to the incorporation of eight former Eastern bloc countries into the Union in May 2004, with the prospect of further Eastern enlargements in the future. Moreover, the potential for instability in Europe did not induce Member State governments to increase national defence expenditure, rather it was met by proposals for the development of an EU military capability. Nevertheless, there have been and remain significant divisions between Member States on the issue of military security. These divisions, however, are not easily explained from the perspective of structural Realism. While it might be predicted that an EU military capability would be supported only by the smaller, 'less powerful' Member States, in practice the situation is very much more complex. Divisions on this issue, for example between the UK and France (or indeed between Ireland and Belgium), do not reflect power differentials, rather they reflect a complex mixture of national traditions and attitudes. A final concern over the relevance of structural Realism arises from its starkly one dimensional character; it takes no account of those economic structures most significant for a political entity founded upon a Customs Union and a Common Market.

A primary focus of Marxist and neo-Marxist accounts of the global system is the structure of a capitalist economy which has become increasingly integrated in its operation, and extensive in its scope. From this perspective the state retains a significant, although not fully autonomous, role; subordinate to the needs and interests of capital. As with neo-Realism, international politics is portrayed as a struggle for power; but here power is conceived in terms of economic advantage or dominance. There are considerable divergences between theorists adopting a broadly neo-Marxist perspective, and here we briefly examine the implications, for EU actorness, of two such approaches – the 'world-systems theory' of Immanuel Wallerstein and the neo-Gramscian approach of Robert Cox.

Wallerstein (1984) discerned the roots of a 'capitalist world-economy' in the sixteenth and seventeenth centuries and considers the capitalist economy to have become global in scope by the end of the nineteenth century. His concern is to explain the broad historical evolution or 'cyclical rhythm' of the world-system (1991: 8). This perspective encourages us to see significant events, such as the end of the Cold War, in the context of phases of expansion and stagnation in the world-economy. Here a contemporary role for the EU emerges in maximizing the potential of Western European states in challenging US hegemony. Attempts by the Union to compete with the US and Japan in high technology, through the Single Market programme and subsequently the Lisbon Strategy,[7] may be portrayed in Wallerstein's terms (1991: 55) as a struggle 'to gain monopolistic edges that will guarantee the direction of flows of surplus ... clearly it must be of concern to Europe that she will come a poor second in the race'.[8]

While also focusing upon economic structures at the highest level, Robert Cox (1993) sees the emergence of a global capitalist economy as a contemporary and still incomplete phenomenon. In consequence his attention focuses more directly upon the specifics of contemporary change in Europe, rather than upon its location in the panorama of world historical events. In this sense the perspectives of Cox and Wallerstein are complementary. In Wallerstein's analysis, however, the determining role attributed to economic structures is almost complete; little space is left for creative political action and, as in the case of neo-Realism, differences between states are unimportant. For Cox differences in domestic political arrangements, or forms of state, are highly significant (Cox 1986). A central concern is that state autonomy, and the related ability to maintain alternatives to the neoliberal state form, has been eroded through a process of 'internationalization'. Thus, increasingly, 'states must become the instruments for adjusting national economic activities to the exigencies of the global economy' (Cox 1993: 260). In consequence, in the context of Europe, he is concerned with the ability of the social democratic state to withstand the pressures of economic globalization.

Cox's analysis has considerable relevance for our discussion. The emergence of 'macro-regional economic spheres' has been in part a response to economic globalization. It has been associated, in turn, with the emergence of complex, multi-layered systems of governance which challenge Westphalian assumptions of sovereignty and territoriality and which might be considered as a new form of state, or 'international state' (Cox 1986, 1993). Of particular significance, here, is the increasing disjuncture between political/military power, which remains territorially based (the latter most particularly in the USA), and economic power, which is both more widely dispersed and less amenable to regulation at the level of the state. For the EU the consequences of this disjuncture are particularly acute: their impact is twofold.

First, economic globalization has generated considerable pressure for the transfer of economic management functions to the EU level. Here, tensions between neoliberal and social democratic forms of governance can be resolved in circumstances largely divorced from public scrutiny. This separation of economic oversight from domestic political systems has been a crucial factor in disrupting a strong European tradition of political control over economic processes; in consequence it is likely to be maintained (Cox 1993: 284). The implication for our discussion of actorness is that there is no impetus, emanating from structural factors, towards the provision of overall political

direction for EU external activities. On the contrary, the interests of global economic liberalism are best served by a continued separation of 'political' foreign policy and external economic relations. Clearly the increased formalization of this separation inherent in the EU's Pillar structure accords with this analysis. Nevertheless it fails to capture the subtle processes by which this has been partially overcome, for example in the evolution of practice in relations to political use of economic instruments.[9]

Second, the increasing separation between the economic and political/military dimensions has resulted in an implicit division of global management tasks between the USA and the EU. Thus major policy decisions at the global level on non-military matters such as trade or environment require, at minimum, US acquiescence; where military enforcement is at issue the US plays a leading role. The EU, for its part, is increasingly expected to pay a large proportion of the cost, while gaining little political advantage. This has been evident in the Middle East, former Yugoslavia and in the broader area of humanitarian assistance. It is not well known, for example, that the European Community Humanitarian Office (ECHO) has become the world's largest single donor of humanitarian aid.

In this analysis, the EU's role as a 'civilian power' paymaster is assigned rather than chosen. We shall argue below, however, that structural determinants cannot alone account for EU actions, rather they reflect the complex interplay of a number of factors which combine to shape EU collective identity. Here, EU reluctance to play a 'paymaster' role in relation to Iraq's reconstruction following the 2003 invasion is instructive. It is indicative not only of agency, but of the importance of normative commitment to preservation of peace and respect for the rule of law embedded in EU treaties (TEU, Article J.1). These norms, which were violated by the invasion and occupation of Iraq, are important contributory factors in the construction of the Union's collective identity.

Ultimately structural explanations alone prove inadequate for a conceptualization of EU actorness. Nevertheless, through their focus on the EU's position within global political and economic structures, such analyses contribute in important ways to our understanding. Their emphasis on the constraints which structural factors impose upon the identities, roles and policy options available to the EU provides a necessary antidote to behavioural approaches which conceive of actorness as primarily a function of political will and the availability of resources. Nevertheless, structural explanations provide insufficient scope for differentiation between the units in a system, and hence the singularity of the EU. Moreover, they provide only one side of a complex story. Bipolarity doubtless permitted, and economic globalization encouraged, the development of cooperation in Europe. However, the European Union as a political form is unique; its creation reflects a combination of external demands and opportunities, and political will and imagination on the part of its founders. The subsequent development of the EU also reflects, we believe, a complex yet dynamic relationship between structure and agency. In short, there is a need for an approach which emphasizes neither structure, nor agency, but the relationship between them. Here social constructivism can help us.

The social construction of actorness

Constructivist accounts that seek to reconcile structural and behavioural approaches to explanation are largely derived from sociological theory.[10] They arise from, and attempt to resolve, what Alvin Gouldner (1971: 54) has termed 'the unique contradiction distinctive of sociology'; that human beings inhabit a social world, which they have themselves created but to which they are also subject. In addressing this contradiction, constructivists seek explicitly to redress the determinism of structural analyses. Thus, for constructivists, structures are seen as providing opportunities as well as constraints – they are potentially enabling; at the same time actors have agency – that is they are rule makers as well as rule takers.

In constructivist analyses, structures are not defined in material terms (as neo-Marxists and neo-Realists would maintain); rather they are intersubjective. Thus, in relation to the international system:

> Intersubjective systemic structures consist of shared understandings, expectations and social knowledge embedded in international institutions. ... Intersubjective structures give meaning to material ones, and it is in terms of meanings that actors act.
>
> (Wendt 1994: 389)

In this analysis, structures alone do not determine outcomes, rather they provide 'action settings' or distinct patterns of opportunity and constraint within which agency is displayed. Actors are, to varying extents, knowledgeable about the settings within which they are located and are potentially able to change them (Hay 1995: 200). Hence space is provided for differentiation between actors, in that construction of distinctive identities, and the effectiveness of agency, reflect a number of factors at both the actor and the structural levels.

At the actor level differentiation could reflect availability of resources, although decisions concerning when and how to deploy resources will be shaped by the complex interplay of a range of factors, some of them structural, as we saw in the Iraqi case above. Here, resources include not only economic and military instruments; of great importance, also, are access to knowledge and political will/skill. Indeed the creation of the European Community itself, and its 'relaunch' via the 1987 Single European Act, provide clear evidence of the importance of political energy and creativity in responding to opportunities afforded by international structures.

At the structural level, differentiation reflects the extent to which actors are strategically well placed – in that structures are selective, that is they are more open to some types of strategy (and by implication actor) than others. Hence, in the sphere of external economic activity, EU market opening strategies and imposition of a range of conditionalities (see Chapter 3) accord well with dominant understandings about the efficacy of neoliberal economics. Here the EU is not seen to be 'swimming against the tide' (Bretherton 2001). Conversely, the understandings embedded in the international legal system privilege state actors, as we have seen, and there has frequently been reluctance in international fora to accord recognition to a hybrid entity (more

than an intergovernmental organization, less than a state). Despite this, the statements and everyday practices of third party representatives we interviewed showed, repeatedly, that the EU is already considered to be an important global actor – a further demonstration of the dynamic processes through which intersubjective understandings evolve. Thus, in considering the evolving practices that constitute EU external policy, our research has placed particular emphasis upon the perceptions and actions of third parties. These, we believe, contribute significantly to the shared understandings that frame the policy environment, shaping practices of Member State governments, EU officials and third parties alike.

Constructivists, then, posit a dialectical relationship between agency and structure, and it is to this process of construction and reconstruction that we refer in employing the concept of structuration. Actions, which include discursive practices, have consequences, both intended and unintended, and structures evolve through the renegotiation and reinterpretation of international rules and practices. However, constructivists see structure and agency as essentially intertwined, indeed mutually constitutive, and hence only '*theoretically* separable' (Hay 1995: 200, original emphasis). It is precisely the interconnection between structure and agency which is of interest in a study of the evolving identity, roles and actorness of the EU.

As we have observed, the EU is unique, both in conception and evolution. Its creation reflected the dynamic interaction between innovative political actors and the opportunities and constraints afforded by changing international and domestic structures. The subsequent evolution of its external roles reflects a similar dynamic – with the added dimension that the Union's emergence as an international actor itself contributed to the evolution of the meanings and practices which constitute intersubjective international structures. The EU's contribution, in this respect, has been a function not only of intentional decisions or purposive actions but also of its existence, or presence, as a new form of international actor which has defied categorization.[11]

Inevitably, the development of the EU has engendered considerable academic debate about the evolving meanings of international practices and principles – a debate which, of course, also contributes to this evolution. It has, for example, become commonplace for academics, and for politicians, to conceive of sovereignty as divisible. For Keohane and Hoffman (1991: 13) the EU is 'essentially organized as a network that involves the pooling or sharing of sovereignty'. This network analogy, which is commonly applied to the EU, also has the effect of challenging territoriality. Indeed the availability of multiple, shifting meanings of 'Europe' encourages one author to conclude that 'Europe really isn't there' (Walker 2000: 29).

For our purpose, we have found useful John Ruggie's notion of the EU as a 'multiperspectival polity', which captures something of the complexity of the EU's external personality (Ruggie 1993: 172). As we shall see in the chapters which follow, the EU is a multifaceted actor; indeed it can appear to be several different actors, sometimes simultaneously. It has, moreover, a confusing propensity to change its character, or the persona it presents to third parties – as we shall see from the discussion of environmental negotiations in Chapter 4. Thus, in some circumstances the EU resembles an international organization (indeed, as already indicated, it is regarded

by International Lawyers as an international organization *sui generis*). In other circumstances it has state-like qualities that cannot be divorced from territoriality, in the sense that stringent rules operate in relation to the flow of goods, and of people, into its space. Moreover, as representatives of states applying for EU membership would confirm, the EU as a 'network' can be remarkably impenetrable. Undoubtedly the eligibility criteria constructed by the EU both contribute to and reflect aspects of its emerging collective identity.

The complexity of the EC/EU as a 'multiperspectival polity' is, of course, experienced on a daily basis by third party representatives. From our interviews it was evident that they encounter (or employ) a range of practices that reflect understandings about the complexity of the EC/EU as an actor. Thus, for example, Commission negotiators, in dealing with third parties, exploit the dense and uncertain characteristics of EC decision processes as a bargaining asset. While our interview material suggests that this ploy contributes to the reputation of Commission officials as formidable negotiators, there is also evidence of reciprocity, in this respect, on the part of the Commission's interlocutors. Thus, in the course of negotiations:

> ... some third parties, while having a very clear idea of the state of affairs at any given time, nevertheless professed '*faux naif*' bewilderment in an endeavour to draw diplomatic advantage from the Community's uncertainties and ambiguities.
> (Nuttall 1996: 130)

Here an excellent example of the evolution of international practices is provided in a speech by then French Prime Minister, Alain Juppé, to a Conference of Ambassadors, in September 1994:

> It is your role as ambassadors of France, both to assert the identity of the European Union and to explain the specific positions defended by France within the institutions thereof. It is without reservations, therefore, that you will endeavour, wherever you are, to affirm the political identity of the Union.
> (Quoted in de La Serre 1996: 36–7)

Similar processes of discursive construction apply to the internal dynamics of policy formulation – as we shall see (in Chapters 3, 5 and 6) from the Commission's unacknowledged but very evident involvement in foreign policy under the guise of external economic relations.

In a very real sense, then, understandings about the EU, its roles, responsibilities and limitations, form a part of the intersubjective international structures that provide the 'action settings' of global politics. At the same time the EU contributes to the processes of constructing international structures, both as a purposive actor exploiting opportunities presented, and through its unique presence. It is to these issues that we now turn.

Opportunity, presence, capability: EU actorness under construction

Our approach to the EU as an actor 'under construction' envisages a complex set of interacting processes, based on the notions of presence, opportunity and capability, that combine in varying ways to shape the Union's external activities:

- Opportunity denotes factors in the external environment of ideas and events which constrain or enable actorness. Opportunity signifies the structural context of action.
- Presence conceptualizes the ability of the EU, by virtue of its existence, to exert influence beyond its borders. An indication of the EU's structural power, presence combines understandings about the fundamental nature, or identity of the EU and the (often unintended) consequences of the Union's internal priorities and policies.
- Capability refers to the internal context of EU external action – the availability of policy instruments and understandings about the Union's ability to utilize these instruments, in response to opportunity and/or to capitalize on presence.

Opportunity

Opportunity denotes the external environment of ideas and events – the context which frames and shapes EU action or inaction. While opportunity is a structural attribute it should not be seen as an 'inert background'; rather it conceptualizes a dynamic process where ideas are interpreted and events accorded meaning (Jacobsen 2003: 56). Thus, while shared understandings constitutive of intersubjective structures shape the context of action, these understandings are not divorced from material conditions; rather they interpret (reflect/distort) them in various ways. The EU itself, in acting or refraining from action, is a participant in the social interaction that characterizes international relations, thus contributing to understandings of the meaning of opportunity. Our approach to EU action includes the discursive practices which contribute, for example, to the construction of the Union's collective identity.

Our concern is with the external environment of ideas/events since the early 1980s. From this time, changes in perceptions of the international system and its operation have interacted with changes in the ideological climate, to produce understandings of unfolding events which have been conducive to increased EC/EU involvement in global politics. Here we refer to notions of interdependence and globalization, and to the impact of the ending of the Cold War. More recently, too, the events of the 11 September 2001 and their aftermath have been accompanied by competing discourses which offer very different understandings of the Union's identity and roles.

From the mid-1970s the international system was increasingly perceived in terms of its (primarily economic) interdependence. In circumstances where the ability of states to govern effectively was deemed to be in question, the EC, a partially integrated regional policy system, appeared well placed to act on behalf of its members in the management of interdependence. Subsequently notions of interdependence have largely been supplanted by an insistent discourse of globalization, in which the

individual state is depicted as relatively impotent in the face of non-territorial economic actors operating in a system of globalized production and exchange relationships. More than ever before, the strong economic focus of globalization discourses, and the emphasis upon the inadequacy of the state to regulate the activities of globally oriented economic actors, appeared to present opportunities, indeed imperatives, for the EU to act externally on behalf of its members. Certainly this interpretation has enjoyed wide currency among politicians and officials within the EU, not least in the European Commission, where globalization discourses have been routinely invoked in the 'construction of Europe as a valid space in the light of external challenge' (Rosamond 2001: 168).

In policy terms the neoliberal underpinnings of (dominant) globalization discourses, involving reconceptualization of the relationship between states and markets – to prioritize the latter – has resonated with a policy orientation already embedded at the Community level. This has been reflected internally, in the Single Market programme and the subsequent Lisbon Process, and externally in the Union's trade relations and market opening strategies. Dominant (neoliberal) discourses of globalization, have interacted with, and been greatly encouraged by, the series of events that constituted the definitive ending of the Cold War. These events significantly altered, in a number of ways, the patterns of opportunity and constraint which contextualize EU action.

Most fundamentally, the end of the Cold War brought into question what had appeared to be the more or less fixed boundaries of the European project, thus challenging the appropriation of the concept 'European', by the European Community. This was initially manifested in the removal of impediments to membership of the West European neutral countries, in particular Finland, which had long been prevented, by its closeness to the Soviet Union, from pursuing an independent foreign policy.

Of greater significance, however, was the chorus of demands to 'return to Europe' emanating from Central and East European Countries (CEEC). This initiated a discourse of 'return' – of reuniting Europe – which incorporated notions of Western betrayal of and responsibility towards the East.[12] Again, prominent commentators within the EU contributed to this discourse through frequent reference to a sense of historical and moral responsibility consequent upon the West's abandonment of Eastern Europe at the end of the Second World War (Sjursen 2002: 505). Here Fierke and Wiener (1999) argue persuasively for the importance of discursive commitments, or promises, made to the East during and after the Cold War. Failure to honour these promises would have impacted negatively, not on its material interests, but on the collective identity of the EU.

The consequences of these processes of reconstructing Europe's identity (and borders) have been profound. Inevitably the 2004 enlargement of the EU, which saw the accession of ten new members (eight of which were CEE countries), has changed the Union's character. Moreover the process of enlargement is not complete. Hence, for Schimmelfennig and Sedelmeier (2002: 500), a further consequence of the 'reuniting Europe' discourse has been acceptance of enlargement as 'a permanent and continuous item on the EU's agenda'. Indeed it seems clear that overlapping discourses of responsibility and inclusiveness (through enlargement) were central to the offer of future EU membership to the five countries of the Southern Balkans in 1999.[13]

A final area where the ending of the Cold War presented new opportunities for EU actorness proved particularly challenging. The Soviet Union's (and subsequently Russia's) diminished ability to exert control, or even influence, over its former empire generated fears of political instability in countries close to the EU's borders. The outbreak of armed conflict in former Yugoslavia initially provoked attempts to employ a discourse of responsibility. Thus, as conflict broke out in June 1991, Jacques Poos (Luxembourg Foreign Minister speaking for the EC Presidency) was moved to declare 'This is the hour of Europe'. This discourse of responsibility, however, was quickly superseded by a discourse of 'tragic failure' (Buchan 1993). As Brian White has observed (2001: 106), 'No other area of international activity to date has attracted more adverse publicity for either the Community or the EU'. So pervasive has been this discourse of failure that it has almost totally eclipsed the 'considerable and significant political impact' of EU activities during the Yugoslav conflicts – 'given the constraints of its capabilities' (Ginsberg 2001: 83).

This evocation of a 'capability-expectations' gap affecting the Union (Hill 1993) reminds us that, while opportunity may be discursively constructed, the processes of construction cannot be divorced from material conditions. In circumstances where continued US military commitment to Europe has been uncertain, concerns about potential security risks on the borders of the Union have been very evident since the early 1990s. They have been accompanied by a new discourse of EU responsibility which envisages the Union abandoning its 'civilian power' identity and developing 'all the necessary tools' to deal with crises and conflicts near its borders and beyond.[14] Developments in the sphere of military capability have been quite rapid. But, as we shall see in Chapter 2, constructions of the Union as a (potentially) conventional superpower are inconsistent with dominant understandings of EU identity, and have been strongly contested. 'We don't do war', it is claimed (Black 2003).

The context of EU external action was significantly changed by the terrorist attacks of 11 September 2001 and the ensuing, US-led 'war on terror'. In the immediate aftermath of 9/11 the Union employed a range of civilian instruments in a coherent and proactive manner. However, the 2003 invasion and subsequent occupation of Iraq fundamentally challenged norms, such as commitment to multilateralism and the rule of law, that are constitutive of EU identity. The use of military means without a clear United Nations mandate, while supported by some Member State governments (most notably the UK, Spain and Poland), was vociferously opposed by publics across the EU, several Member State governments and prominent spokespersons representing EU institutions.[15]

The significant differences between Member State governments on the Iraq issue undoubtedly impinged on the Union's presence. Nevertheless a new discourse of 'responsibility' has derived from the desire to distance the Union from US interpretations of the 'war on terror'. The US post-9/11 doctrine of pre-emptive defence, and subsequent military action, was seen within the EU as part of a regrettable pattern of US unilateralism, and abdication of responsibility, across a range of policy areas from traditional diplomacy to climate change. Inevitably, US 'irresponsibility' contributes to discourses of EU responsibility, manifested in the ambition to establish an alternative, EU approach to the threat of terrorism. In a communication seeking to define 'the common objectives of outside action', the European Commission makes a clear statement of this position:

> The Union must be in a position to take more resolute and more effective action in the interests of sustainable development and to deal with certain new risks, associated in most cases with the persistent and growing economic and social imbalances in the world. It must therefore stick up for a strategy of sustainable development, based on a multilateral and multipolar organisation of the world economy, to offset any hegemonic or unilateral approach.
>
> (Commission 2002a: 11)

In the absence of a dominant understanding of appropriate responses to 'new' security challenges, the events of 9/11 and their aftermath have provided an opportunity for the EU to adopt new roles and responsibilities. This is acknowledged in the European Security Strategy produced in response to these events – 'Europe should be ready to share in the responsibility for global security and in building a better world' (European Council 2003: 1). The Union's security roles cannot simply be chosen, however, they will be constructed through a process that takes account of its capabilities and its international presence.

Presence

It is our contention, broadly following Allen and Smith (1990), that the Union's growing presence in international affairs has been of great significance. By presence we refer to the ability to exert influence externally; to shape the perceptions, expectations and behaviour of others. Presence does not denote purposive external action, rather it is a consequence of being. In particular, presence reflects two intimately interconnected sets of factors that determine the reputation and status accorded to the EU by external audiences.

First, the character and identity of the EU. Character refers to the Union's material existence, that is the political system comprising the Member States and the common institutions of the EU. Identity attempts to capture the fundamental nature of the EU; it refers to shared understandings that give meaning(s) to what the EU is and what it does. Identity is, we believe, of great importance to actorness. Not only do identities suggest roles, and associated policy priorities, it is in terms of understandings about identity that policy is evaluated. Consequently we deal with identity at some length in Chapter 2, and our treatment below of this aspect of presence is relatively brief.

The second element of presence refers to the external, often unanticipated or unintended, consequences of the Union's internal priorities and policies. Here, the relationship between the EU's presence and actorness can be relatively direct, in that EU internal policy initiatives may generate responses from affected/aggrieved third parties which, in turn, necessitate action by the EU.

In terms of the Union's character, a particularly strong attribution of presence is provided by Charles Kupchan (2002: 145): 'An EU that encompasses Western and

Central Europe and whose wealth rivals that of the United States is *in and of itself* a counterpoise to America' (emphasis added). Certainly the successive enlargements of the EU, and the attractiveness evident from the plethora of further membership applications, contributes to its international presence. In economic terms, too, Kupchan's claim has credibility. In terms of overall influence in international affairs, however, the multifaceted and often disputatious character of the EU political system, with its proliferation of derogations and opt-outs, serves to diminish its presence.[16] Nevertheless, we consider that important processes of influence are associated with the character of the EU as, for example, a model of regional economic integration and a 'Community of security' (Commission 1997a); 'a stabilising factor and a model in the new world order' (European Convention 2003: 1). We return to these matters in Chapter 2.

In relation to the second, more specifically policy-related aspect of presence, the most fundamental sources of the Union's influence are, inevitably, economic. Here we focus on three areas (which are discussed more fully in Chapter 3) – the important but largely unintended external impacts of the Common Agricultural Policy (CAP) and of the Single Market, and the impact of the introduction of the euro.

The CAP provides an excellent example of the processes by which actorness can be induced when third parties respond to the Union's presence in ways which necessitate, in turn, a response by the EU. The mechanisms through which agricultural policy has been managed, and its success in stimulating domestic agricultural production, have impacted significantly on world market prices for temperate agricultural products; prompting political reactions from aggrieved third parties affected by loss of export earnings. The accession of Greece, Spain and Portugal in the 1980s greatly increased the quantity of Mediterranean products affected by the CAP. This impacted negatively upon the export potential of the Maghreb countries, triggering a reaction which, in combination with other factors, led the EC to negotiate a new relationship with non-member Mediterranean countries. Here, the EC's presence initiated a process through which actorness was constructed.

The impact of the Single Market has been of even greater significance. In particular it has had a magnetic effect in attracting foreign investment and in stimulating demands, from a wide range of third countries, for privileged access. Thus the notion of the Commission as 'gatekeeper of the Single Market' is developed in Chapter 3. Here, again, increased presence prompted reactions to which the EC was ultimately obliged to respond actively. One of the most important effects of the Single Market was the initiation of a process that led to the creation of the European Economic Area, and ultimately the accession of three new members (Austria, Finland and Sweden) in 1995. This enlargement further increased the size and attractiveness of the Single Market, and hence the EC's presence in the international economy. The much more substantial 2004 enlargement has also enhanced the presence of the EU, not least through expansion of the Single Market into areas where economic growth is rapid and consumer demand vibrant.

Unlike the CAP and Single Market programme, introduction of the euro in 1999 (followed by physical circulation of coins and notes in 2002) did not prompt fears of significant, negative implications for third party economies. Nevertheless it represents

both an important symbol of political commitment to the European project and a major deepening of the integration process. Thus, despite the decision of the UK, Denmark and Sweden to remain outside the eurozone, it might be anticipated that the Union, equipped with the second largest currency after the US dollar, would attain a major additional source of external influence. It might also be anticipated that introduction of the euro would generate responses from third parties, in particular expectations that the Union would assume the responsibilities associated with a major international currency (Bretherton 2004: 201).

In practice, however, international responses to the launch of the euro were muted, and have remained so. Initially there was an insistent discourse of failure, characterized by somewhat gleeful, derisive comments. Goldstein (2001: 1) provides a nice example: 'the first government venturing to stash its national reserves in unreliable euros was that of Saddam Hussein'. Juxtaposed with this has been a (less insistent) discourse of potential, wherein the euro is considered as a future rival to the dollar (Feldstein 1997; Kupchan 2002: 137). This reminds us that the meanings attributed to EU activities by third parties are important, not least in relation to currency issues, where shared understandings about credibility and confidence are crucial. Moreover it is evident that such understandings are not universal – dominant and subordinate actors have different stories to tell about the significance of the Union's presence. Thus, while experienced globally to some extent, it impacts with particular intensity in circumstances where third party expectations are focused primarily upon the EU – that is, where there is heavy dependence upon access to the Single Market or an aspiration to achieve membership status.

Overall, however, the Union's presence has undoubtedly increased over time as a consequence of the expansion of its size and policy scope. It has been mitigated, nevertheless, by internal factors, associated with understandings concerning the efficacy and legitimacy of the EU's policy processes, which have tended to influence third party expectations of the EU's ability to act. It is to these issues of capability that we now turn.

Capability

Capability refers to the internal context of EU action or inaction – those aspects of the EU policy process which constrain or enable external action and hence govern the Union's ability to capitalize on presence or respond to opportunity. Here our focus will be on those aspects of the Union's character that impinge most particularly upon the possibilities for external action – the ability to formulate effective policies and the availability of appropriate policy instruments.

Much of our discussion is concerned with the material conditions of the EU policy environment. Nevertheless, here as elsewhere, the meanings attached to these conditions are of great significance. Understandings among third parties about the effectiveness of the Union's policy process, or the appropriateness/availability of policy instruments, contribute in important ways to its international presence. Internally, too, competing discourses attribute distinctive meanings to the components of capability, in that Euro-sceptics and Euro-enthusiasts tell very different stories about

how the Union works and what it should (or should not) do. These competing discourses, and a range of pragmatic positions in between, have impacted significantly upon the Union's construction as a multiperspectival polity with elements both of intergovernmentalism and supranationalism.

Our treatment of capability draws upon the work of Gunnar Sjöstedt (1977). However, Sjöstedt's complex scheme is not elaborated here, rather we propose four basic requirements for actorness:

- Shared commitment to a set of overarching values.
- Domestic legitimation of decision processes and priorities relating to external policy.
- The ability to identify priorities and formulate policies – captured by the concepts of consistency and coherence, where:
  - consistency indicates the degree of congruence between the external policies of the Member States and of the EU;
  - coherence refers to the level of internal coordination of EU policies.
- The availability of, and capacity to utilize, policy instruments – diplomacy/negotiation, economic tools and military means.

European values?

The first of these requirements is relatively unproblematic. The Common Provisions of the Treaty on European Union set out very clearly the values and principles to which the EU and its Member States claim to be committed, and which contribute to understandings of the Union's identity. These range from economic and social progress and sustainable development, to democratic governance and the rule of law.[17]

Domestic legitimation?

The second requirement is more evidently problematic. Inclusion of domestic legitimacy in a consideration of external policy reflects the growing significance of policy-making at the EU level. This raises issues of legitimacy for two reasons. First, there is a perception that, despite insistence upon adherence to democratic principles on the part of Member States and third parties, the EU itself suffers a democratic deficit. Second, it is evident that, as EU policies impinge more directly upon the daily lives of individuals, policy implementation will increasingly be dependent upon public consent, forbearance and even active support.

Over the past decade a number of commentators have expressed concern that the EU is suffering a 'legitimacy crisis' (García 1993; Laffan 1996; Obradovic 1996). Despite these concerns, there appears to have been sustained public acceptance of the need for EU action in areas where Member State initiatives are perceived to be inadequate. Overwhelmingly these are external policy areas (Taylor 1996; Leonard 1997; Commission 2001a, 2003a). Particularly strong approval has been expressed for a Union role in 'maintaining peace and security in Europe', which was seen as the

second highest priority (after combating unemployment) for the Union as a whole (Commission 2001a: 35). There has also been sustained approval of an EU role in foreign and defence policy, and in relation to overseas development and global environmental issues.

Clearly the meanings of such survey material are open to construction. One interpretation is that they indicate a broad understanding that collective representation, via the EU, maximizes Europe's influence in international affairs. While this may prove a fragile basis for legitimation of EU external policy, it is significant that, in October 2003, 81 per cent of respondents to a Eurobarometer survey considered that the EU should play an enhanced role in the Middle East peace process (Commission 2003a: 59).

Identification of priorities, formulation of policies?

As will be evident from the chapters which follow, the ability, *in principle*, to identify policy priorities and formulate coherent policies is not in question. In question, rather, is the extent to which this ability is realized; and this varies considerably according to issue area and policy sector. Inevitably, as in any complex decision making system, divergent understandings of interest generate tensions over the identification and prioritization of goals. Nevertheless policy coordination within the EU system is affected by difficulties which flow from its unique character. We refer to these as the problems of consistency and coherence.

Consistency denotes the extent to which the bilateral external policies of Member States are consistent with each other, and complementary to those of the EU.[18] Hence consistency is a measure both of Member State political commitment to common policies and of the overall impact of the EU and its Member States. Enlargement of the Union to 25 Member States, with more to follow, has inevitably exacerbated problems of consistency.

In those areas of external economic relations where there is exclusive Community competence (see our discussion of International Law above), and common policies are entrenched, consistency has not been a major problem. However, in areas of environmental policy, where competence is shared between the Community and Member States, consistency becomes very much an issue, as we shall see in Chapter 4. In relation to development policy and foreign policy, where Member State bilateral policies maintain a prominent role alongside EU efforts, consistency is of central importance. Put another way, claims that the EU is the world's largest trading bloc have a rather different meaning from claims that it is the world's largest donor of development assistance. In this latter case (which should not be confused with EC humanitarian aid), the development assistance total on which this claim is based amalgamates Community aid with Member States' bilateral aid. As we shall see in Chapter 5, while Member State governments have made a specific commitment to ensure consistency in this area, this has been pursued to only a limited extent in practice. Clearly, in this and other areas, lack of consistency impinges negatively upon EU presence. The bitter divisions over policy towards Iraq in 2003 remind us that the Union can be paralysed, and its reputation undermined, by problems of consistency.

In an effort to overcome problems associated with lack of consensus among Member States, there has been, in recent years, increasing tolerance of 'flexibility' within the EU. This has been manifested in a growing discourse of differentiated integration. Thus the TEU permitted the UK and Denmark to opt out of important policy areas, notably Economic and Monetary Union (EMU) – a provision that Sweden appropriated following accession in 1995. Subsequently, the Treaty of Amsterdam provided for 'constructive abstention' in an attempt to strengthen the Union's Common Foreign and Security Policy and the Nice Treaty elaborated 'General Principles' (Articles 43–5 TEU) for 'enhanced cooperation'. This would permit groups of Member States to move forward (rather than opt out) in policy areas encompassing all three of the Union Pillars.[19] In practice, however, the Member States have been reluctant to utilize these provisions.[20]

Coherence refers to the internal policy processes of the Union. In many respects the problems here are analogous to those affecting any pluralistic political system. Tensions between trade policy and environment policy, for example, are endemic; as are controversies over the extent to which sectors of the economy, in particular agriculture, can or should be protected from external competition. Nevertheless there are aspects of the EU policy system that have generated particular coherence problems.

The first of these is the Pillar structure itself, which has impinged negatively upon the coherence of external policy as a whole. In the early period after creation of the Pillar structure (by the TEU in 1993) tensions were very evident between the Commission, with its responsibility for the economic aspects of external policy (Pillar I), and the Council Secretariat, which is responsible for administration of CFSP and ESDP matters in Pillar II. Over the past decade, however, habits of cross-pillar cooperation have developed in many policy areas (Christiansen 2001). Nevertheless, our interviews with officials (between March 2001 and March 2005) indicated that resentments remain, particularly in areas of potential civilian/military interface such as civil emergencies or crisis management. While habits of cooperation are developing here too, for example in relation to civilian policing, the area is sensitive because it has normative as well as 'turf war' dimensions. Thus, in the Commission, there is uncertainty about a military capability for the Union, and a preference for its 'civilian power' identity.

An attempt to address coherence problems was made in 2002 when the Council structure was rationalized. Creation of the General Affairs and External Relations Council, with the latter configuration dealing with CFSP, ESDP, external trade and development cooperation, was intended to ensure overall coherence of the Union's external action. Within the institutions themselves, coordination problems are also evident. The General-Secretariat of the Council has been subject to momentous changes since the introduction of CFSP and ESDP. While new structures were created to deal with these issue areas, and additional personnel recruited, their functions were initially not clearly established. This led to divisions between new and established officials, and a number of 'futile turf wars' ensued (Interview, Council Secretariat, March 2003). However, as the new structures became more established, and ESDP became operational, these problems diminished (ibid.).

In the Community Pillar, despite frequent reforms and changes to its structure, aspects of the operation of the Commission have been an impediment to coherence.[21] The fragmentation of external policy between several Directorates-General (DGs) has been a particular problem. In an attempt to remedy this, the Prodi Commission (1999–2004) created DG External Relations which was intended, under the leadership of Commissioner Chris Patten, to provide overall coordination of EC external policies. Nevertheless, our interviews revealed widespread dissatisfaction with the performance of DG External Relations in the early years. It was considered to have yielded its principal functions to DG Trade, on the one hand, and EuropeAid on the other.[22] External Relations officials were said to be 'fed up, marginalized' (Interview, DG External Relations, September 2001); 'External Relations is in the process of being eviscerated completely' (Interview, DG Enlargement, September 2001). Our interviews revealed, also, that the frequency of past changes, and uncertainty about the future, had been harmful to morale. Tensions between DGs are reflected within the College of Commissioners, where the problem is exacerbated by the absence of a satisfactory mechanism for resolving disputes between Commissioners. In the absence of strong leadership from recent Commission Presidents, there has been a tendency for the most powerful DGs, and Commissioners, to prevail.[23]

Availability of policy instruments?

The instruments traditionally employed in pursuit of external policy objectives include political (diplomacy/negotiation), economic (incentives/sanctions) or military means. The Union has access, albeit to a varying extent, to all three types of instrument. As we shall see in Chapter 8 it is also developing the capacity to deploy externally a range of civilian policing and judicial measures. The ability to *utilize* all or any of these instruments depends, however, upon a number of factors – not least the extent to which problems of coherence and consistency are overcome.

The traditional diplomatic tools of declarations and démarches have been much deployed in the context of CFSP, and indeed its predecessor, European Political Cooperation (EPC). An example of proactive EU diplomacy is provided by the series of Troika démarches to Washington, Moscow, Pakistan, Iran, Saudi Arabia, Egypt and Syria in October 2001, in an effort to coordinate responses to the terrorist attacks of 9/11.[24] To facilitate more sustained diplomacy on behalf of the Union, the practice has developed of appointing EU Special Representatives to areas of particular concern such as the Balkans, the Middle East, the Great Lakes region of Africa and Afghanistan.

In addition to these CFSP instruments, the Commission operates an external service with some 130 delegations in third countries. They do not operate as a traditional foreign service, however. Political reporting is often 'very weak' and the focus of delegations, reflecting the principal areas of Community competence, has been 'first on trade, second on aid and only third on CFSP' (Interview, DG External Relations, July 2001).

The ability to negotiate with other actors in the international system is fundamental; indeed it is a condition of entry to the system itself. Accordance to the EC of international legal status, or personality, provides a formal right of entry in policy areas

where the Community enjoys exclusive competence internally, particularly trade in goods. Elsewhere, however, the unwillingness of Member State governments to transfer competence to the Community in policy areas considered 'sensitive' means that competence can be mixed (shared between the EC and the Member States), disputed or unclear. This is a troublesome issue in environmental negotiations, as Chapter 4 will demonstrate. It should also be noted that particular problems apply to external aspects of monetary policy, in that no formal provision has been made for representation of the eurozone in international negotiations.

Negotiation is central to most EU external activity – whether in the multilateral setting of the World Trade Organization or in agreeing association or cooperation agreements bilaterally with third parties. Here competence to negotiate is not the issue; rather it is the effectiveness of negotiators operating within the constraints of the Union's singular system. Initially, the internal impediments (problems of consistency and coherence) to agreeing a mandate for negotiation are almost invariably apparent. A particular problem has been the lack of flexibility accorded to Commission negotiators in circumstances where changes to the mandate have to be renegotiated internally between 25 Member States. While this can delay or even jeopardize conclusion of negotiations, it can also have the effect of strengthening the Commission's negotiating position. Thus, in circumstances where the Community's economic presence looms large, and third parties are unwilling to take risks, the Community as a negotiator appears truly formidable. Indeed it was evident from interviews both with Commission officials and third parties that the EU uses its structural inflexibility as a negotiating ploy. Typical perceptions of the Commission's approach among third party representatives were: 'there are no free lunches'; 'we've cooked up a deal, take it or leave it'. Even among representatives of large third countries there was a sense of the Commission as a formidable negotiating partner. Without doubt, in circumstances where the economic weight of the EU can be utilized, the Commission is an effective negotiator.

In terms of economic instruments, routine use of the economic presence of the Union in the furtherance of broad policy aims is evident from most of the chapters that follow. The accordance of various forms of privileged access to the Single Market reflects political priorities to a considerable extent; moreover, insertion of explicit political conditionalities into aid and trade agreements has become routine, and increasingly intrusive. Non-compliance has, in a number of cases, led to full or partial suspension of privileges. As Piening has observed (1997: 10), the weight of the EU can be formidable when its displeasure is incurred.

The imposition of formal economic sanctions in the context of joint actions under the CFSP, and in order that the EU can speedily comply with UN decisions to impose sanctions, is an area that straddles the Pillars of the Union – in that the decision to impose sanctions falls within Pillar II and the instruments of policy within Pillar I. To address this issue the TEU introduced specific provision for the imposition of economic sanctions (Article 30 TEC) and financial sanctions (Article 60 TEC).[25] Subsequently, here as elsewhere, habits of cross-Pillar cooperation have led to the institutionalization of practice. This has been supported by decisions of the European Court of Justice (ECJ), whose judgements have illustrated 'in both practical and legal terms, that there is a direct link between the EC and CFSP' (Koutrakos 2001: 223). This rather nicely illustrates the interaction of internal practices and external expectations in constructing EU actorness.

The final set of policy instruments, and the most controversial, involves access to military means. ESDP was formally launched at the Cologne Summit in June 1999 and progress since then has been surprisingly rapid. As we shall see in Chapter 8, both Member States and non-members have made formal commitments of military forces and equipment, and of civilian personnel (police officers, prosecutors, judges and prison officers), for participation in EU crisis management operations. At the same time access to various NATO assets has been negotiated. As a result the ESDP was involved in its first (suitably modest) operations in 2003 – a police mission in Bosnia-Herzegovina and brief military missions in Macedonia and the Democratic Republic of Congo. In this sensitive policy area, however, a number of problems are likely to persist. Not least among these are the consistency problems associated with differing Member State perspectives on security matters.

Conclusion

This chapter has surveyed a range of approaches to actors and actorness from International Law and from International Relations. The attempt to apply these approaches to the EU has revealed two interconnected sets of problems. The first relates to ontological and epistemological questions concerning the nature of, and criteria for, actorness. The second flows from the unique and complex character of the EU itself.

We have defined an actor as an entity that is capable of agency; of formulating and acting upon decisions. Nevertheless we do not see agency as unlimited, rather we consider that the capacity to act reflects the interaction between understandings about internal character and capabilities and external opportunities. In examining the patterns of constraint and opportunity which contextualize agency, consideration was given to structural analyses that conceive of actors as subordinate to economic or political structures. Ultimately, however, our preference is for a social constructivist perspective that conceives of structure and agency as interacting dialectically. From this perspective structures are intersubjective; they comprise shared understandings that provide the context for and give meaning to agency. Since structures provide opportunities as well as constraints, and continually evolve, in response both to unfolding events and proactive action, a constructivist analysis can accommodate change and even permits novelty. Clearly this is a major advantage when considering the EU.

The unique character of the EU has proved a major challenge to IR scholars. Despite the development, from the 1970s, of a 'mixed actor' focus to analysis, it has proved difficult to accommodate a hybrid entity which is neither an intergovernmental organization nor a state, but which operates globally across a range of policy areas. Consequently the temptation to use the state as comparator when discussing the EU has proved difficult to resist. In our view, however, comparisons between the EU and other actors in the global system are likely to produce only limited insights. The EU is an actor *sui generis*. We conceive of it as a multiperspectival polity whose construction reflects both the experimentation of policy entrepreneurs and the opportunities

afforded by the changing structures of the international system. Essentially, therefore, the EU remains in the course of construction. This approach accommodates its evolution over time and its shifting character at any one time; it also leaves open the question of its future destination.

In the following chapters we examine, across a range of policy areas, the complex interconnections between three sets of factors in the construction of EU actorness. First, capability, with particular emphasis upon internal coherence/consistency (which to a significant extent reflects political will to act). Second, understandings about the Union's presence, and the mechanisms by which presence contributes to the construction of actorness. Third, the patterns of opportunity and constraint that contextualize EU agency. This enables us to think in overall terms about the status of the EU in the global system, the sources of its influence and the impact of the understandings and expectations of third parties. Thus are the identity and roles of the EU as a global actor socially constructed and reconstructed.

2 Nature of the beast

The identity and roles of the EU

> According to the existentialist school of philosophy 'existence precedes essence'. In foreign policy one might say that identity precedes interest.
>
> (Cooper 2004: 190)

Our concern in this chapter is with constructions of the Union's collective identity and its associated roles in international affairs. These, we believe, impact significantly upon practices towards third parties. The relationship between identities, interests and behaviour, however, is neither simple nor linear. Identities do not directly determine interests, rather they perform a mediating function. Thus understandings about the external context of ideas and events, or the appropriateness or feasibility of alternative courses of action, are shaped by identity constructions that are themselves shifting and contested.

Since the EU is a political system under construction, with constantly evolving internal institutions and practices, and expanding membership, it is inevitable that its identity will be relatively fluid when compared with that of established states or international organizations.[1] Where EU Europe is, in terms of its geographical boundaries, remains uncertain (Christiansen *et al.* 2000; Walker 2000). And what it is, in terms of the values, principles and practices which constitute the Union's essence, is contested (Manners 2002; Nicolaïdis and Howse 2002). This sense of the Union as an unfinished project does not necessarily imply that its identity is indistinct; rather, as we shall argue below, the singularity of the EU is an important element of (some) understandings of its identity. Below we explore two facets of the Union's collective identity which impact differently on its prospective roles.

First, we consider a potentially inclusive identity based primarily upon understandings of the EU as a value-based community. Potentially, this provides opportunities for non-members, through approximating the Union's declared values, to draw closer to the Union – in order to gain privileged access to its market; to achieve closer association; or to accede to membership.[2] Here, outsiders are seen in relative terms – as more or less European. Understandings of the Union as inclusive, we believe, reflect a persistent, perhaps dominant, discourse, which is strongly promoted within the Union (in the founding Treaties and by EU representatives). They are also the subject of much scholarly debate, as we shall see.

Second, we consider alternative understandings of the Union as an exclusive community; as 'fortress Europe'. While not part of the dominant (inclusive) discourses emanating from within the EU, they reflect understandings of EU practices in policy areas ranging from market protection to immigration and asylum. Exclusive identities for the Union are associated with placing relatively fixed geographical and cultural boundaries around what is considered to be European. Here, outsiders tend to be seen, not as less European, but as non-European, or alien (Rumelili 2004: 37).

Both these inclusive and exclusive facets of the Union's identity are reflected in the Treaty on European Union. The TEU stipulates that any *European* state 'which respects the principles set out in Article 6(1) may apply to become a member of the Union' (Article 49, TEU). Article 6(1) states that:

> The Union is founded on the principles of liberty, democracy respect for human rights and fundamental freedoms, and the rule of law.

Before examining more fully these distinct facets of the Union's identity, and associated roles that may be proposed for the EU, we briefly consider the processes involved in identity construction.

Constructing the Union's collective identity

Identity is attained in the course of social interaction; through encounters with other actors and in the context of the external environment of institutions and events which enable or constrain EU action and which we have referred to as 'opportunity'. Collective identity is constituted by shared understandings, both within the EU and among third parties, about what the EU is, in terms of its character and its values, and what it should (or should not) do, in terms of its external policies and actions. Identity is, thus, an important aspect of the Union's international presence.

The processes through which identity is constructed are complex, and contested. Central, of course, is the ability to differentiate the (EU) self from others. Commentators disagree, however, about the extent to which the processes of differentiation have exclusionary connotations associated with negative stereotyping of others. Thus Anthony Smith (1992: 75–6) has warned of an EU collective identity constructed 'through opposition to the identities of significant others', with attendant dangers of 'cultural and racial exclusion'. In contrast, Ole Wæver (2004: 210) finds that EU identity construction relies 'to a surprisingly limited degree' on processes of negative othering.[3] Rather, Wæver has proposed Europe's own violent past as the other of the contemporary European Union. More generally, the singularity of the EU, in terms of its evolution and character, has been stressed as an important factor in constructing its difference from other actors, and hence its distinctive identity (Manners and Whitman 2002: 399; Smith 2003: 197–8). In this analysis, the EU's conduct is in part a function of its character; and its other is the traditional Westphalian state.

Both these negative/exclusive and relatively positive/inclusive forms of differentiation contribute to the processes of EU identity construction, as we shall see below. It is less easy to discern, however, the mechanisms by which this is achieved.

Identities, we have argued, reflect shared understandings about the essential nature of an entity, which are constructed through social interaction. For many constructivists, these understandings are gained through socialization, or social learning. These subtle learning processes can lead to internalization – that is 'the adoption of social beliefs and practices into the actor's own repertoire of cognitions and behaviours' (Schimmelfennig 2000: 112). Internalization is by no means automatic. It reflects the degree of congruence between values and beliefs already held by an actor and those encountered during interaction. In the case of the EU, it is frequently argued that internalization of understandings can occur through increased familiarity with EU institutions and practices, especially in the context of relatively small group interaction (Checkel 2001).[4]

Some support for the contention that internalization is associated with relative closeness and endurance of interaction is provided by our own interviews, which indicated gradations of recognition of, or commitment to, dominant (value-based) understandings of the Union's identity. Thus permanent EU officials showed greater commitment than seconded Member State representatives, who in turn showed greater commitment than Member State officials based in London.[5] Third party representatives similarly showed varying degrees of commitment, awareness or scepticism concerning the identity discourses emanating from within the Union. Again, understandings tended to reflect relative depth of interaction with the EU. Thus representatives of states on the brink of accession spoke positively of the Union as, *inter alia*, 'an exporter of stability' (Interview, CEEC Mission, January 2003).

Third party representatives involved in multi-faceted relations with the Union also made statements congruent with the Union's declared values – on human rights and climate change, for example, 'the EU is very clearly the leader' (Interview, External Mission, January 2003). Conversely, third party representatives whose experience of interacting with the Union was almost exclusively trade related made no reference to the EU's declared values. Their comments reflected understandings of the Union's identity as both exclusive and powerful – determined, for example, to impose its own internal trade regimes as the 'international standard'. These practices were seen as indicative of the Union as 'a major economic power'; 'almost a trade superpower' (Interviews, External Missions, September and October 2002).

It is important to note that, alongside the relatively subtle processes of social learning emphasised by many constructivists, EU representatives are actively involved in various practices of 'purposeful construction', intended to initiate and/or strengthen understandings about EU identity (Webber *et al.* 2004: 23). Statements asserting the values claimed to be constitutive of EU identity are frequently reiterated. They are enshrined in the Treaties, as is commitment to promote them externally – 'In its relations with the wider world, the Union shall uphold and promote its values' (Constitutional Treaty, Title I, Article I-3.4). They are also regularly proclaimed by prominent EU representatives. Thus, for example, Javier Solana speaking about 'Europe's place in the world' :

> Our common foreign policy cannot just be interest-based. Protecting and promoting values, which are part of our history and very dear to the hearts of

> our citizens, must continue to be a priority. The values of solidarity, of tolerance, of inclusiveness, of compassion are an integral part of European integration. We cannot give up on them, especially now that ugly racist pulsions are surfacing again; and that fighting against poverty is becoming critically important to prevent whole societies falling prey to radical and terrorist tensions.
>
> (Solana 2002: 2)

These identity claims are, in turn, acknowledged, contested or confirmed by the Union's audiences – by third party interlocutors, NGO representatives, the media and, not least, academic commentators, whose interventions also contribute to EU identity construction.[6] We are thus, ourselves, implicated in this process.[7]

The potential for numerous, competing contributions to identity construction raises a central question – to what extent do sets of *shared* understandings emerge from these various constructions of EU identity? In attempting to answer this question, and in selecting the two broad understandings of EU identity discussed below, our approach has been twofold. First, we have considered the prevalence of various identity discourses, both in published documents and literature, and from our own interview material. Second, we have assumed that condemnation of the Union for failure to act in accordance with proclaimed values demonstrates recognition of these values as constitutive of EU identity.[8] This latter is, of course, problematic. In particular it raises a further, central question concerning the relationship between identities and interests in constructivist analyses.

Should the Union consistently fail to act in accordance with proclaimed values, this would suggest that value-based identity is not a decisive factor in shaping behaviour. Thus it may be that the Union's external action is determined primarily by self-interested pursuit of advantage or material gain. An example, here, would be the argument that the European Neighbourhood Policy (ENP), which makes strong claims concerning promotion of the Union's values (see Chapter 6), was launched primarily in order to ensure security of energy supplies from peripheral countries (Gault 2004). Nevertheless, claims concerning the importance of the Union's value-based identity are not necessarily invalidated by the intrusion of interests. In shaping behaviour, values and interests are not mutually exclusive, rather they interact in a variety of ways according to context.[9] Thus, while the practices of well-resourced, purposeful and self-interested actors contribute to the construction of shared understandings, they do so within a context shaped in part by the Union's identity claims. The values so frequently expressed are very public. In consequence actors (including Member State governments), who would not necessarily subscribe fully to the values indicated by dominant understandings of EU identity, are nevertheless identified with these values by others. Expectations are important, and behaviour judged to be incongruent or cynical can result in a loss of credibility. Over time, the benefits of conforming may leave little incentive for deviant behaviour (Schimmelfennig 2000: 119).

Whether through internalization, or as a significant and insistent frame of reference, identity, we believe, is influential in shaping EU action and offering, or circumscribing, the roles available to the Union as an actor. In consequence, the content of the Union's collective identity matters. It is to this issue that we now turn.

Inclusive identities: the EU as singular actor

An EU identity as a singular actor, we have argued, implies that the processes of differentiation between self and other, which are central to identity construction, are based primarily on the characteristics of the (EU) self deemed to distinguish it from others. While this can involve constructing the self as superior to others, as the various 'narratives of projection' of the Union's characteristics and values demonstrate (Nicolaïdis and Howse 2002: 769), it is not dependent upon attribution to others of negative characteristics or stereotypes. Hence, an identity based upon the singular characteristics and/or proclaimed values of the Union is, in principle, inclusive – it is open (or partially open) to those who demonstrate 'commitment to shared values' (Commission 2004a: 12).[10]

Civilian power Europe?

The most enduring characterization of the EU as a singular actor has been François Duchêne's (1972) notion of 'civilian power Europe'. This encompasses both the characteristics and the values of the (then) Community, thus:

> The EC will only make the most of its opportunities if it remains true to its inner characteristics. They are primarily: civilian ends and means and a built-in sense of collective action, which in turn express, however imperfectly, social values of equality, justice and tolerance.
>
> (Duchêne 1972: 20)

This notion of civilian power implies, as Nicolaïdis and Howse argue, both the use of civil (as opposed to military) means to support policy objectives and the external, 'civilising' influence of the Community. Thus Duchêne saw the EC as 'an exemplar of a new stage in political civilisation' in which the Member States, having renounced the use of military means among themselves, can legitimately encourage others to do likewise (Duchêne 1973 quoted in Nicolaïdis and Howse 2002: 770).

Duchêne's formulation proved controversial from the outset, not least due to its contention that civilian power could substitute for military power in providing a basis for the Community's influence in world affairs. In recent years, however, a new debate has arisen – precisely because of the Union's evolving European Security and Defence Policy and related ability to gain access to military means. A number of key questions arise. To what extent does the availability of military capability herald the demise of important aspects of the Union's singularity? Is loss of 'civilian power' status, of itself, a 'cause for concern' (Smith 2000)?

In terms of the Union's collective identity, Zielonka has argued (1998: 229) that eschewing use of military means would 'represent one of the basic strategic choices that could help the Union acquire a distinct profile – so important in terms of identity and legitimacy.' Nevertheless, loss of strictly civilian status may be of relatively less significance than the uses to which military means might be put. As former Swedish Prime Minister, Carl Bildt has observed – 'We have crossed the Rubicon – but where are we heading next?' (quoted in Biscop 2004a: 6).

Contributors to this ongoing debate have identified various principles which must be observed if the Union's singular (value-based) identity is to be retained. First, that military means should be used by the Union only when sanctioned by International Law, through a United Nations Security Council mandate (Royal Institute for International Relations 2003: 12). And, second, that use of military means must be associated with a comprehensive approach to security that reflects and supports the Union's 'civilizing' influence. Eurostep, a network of non-governmental development organizations, has put it thus:

> As a military dimension is added to its foreign policy capacities, security threats need to be understood by the EU holistically rather than militaristically – in terms of human security, rather than in terms of strategic interests and military responses.
>
> (Eurostep 2004)

This approach is reflected, to some extent, in the 2003 European Security Strategy, which explicitly links security with human development issues such as poverty eradication (European Council 2003).[11] In consequence some commentators have argued that, precisely because of its newly acquired access to military capability, the Union could, for the first time, fully assert its civilian identity globally, perhaps becoming a 'civilian superpower' (Biscop and Coolsaet 2003: 31). We consider, however, that the notion of civilian power in the presence of military capability has truly become, as Hedley Bull argued (on very different grounds) in 1983, 'a contradiction in terms'; and that conceptualization of the Union as a value-based community requires an alternative approach.

Normative power Europe?

Such an approach is provided by Ian Manners (2002), who proposes a collective identity for the Union as a 'normative power'. This notion seeks to avoid the civilian/military dichotomy in favour of a focus upon the 'ideational impact of the EU's international identity/role' (Manners 2002: 238). Normative power thus both encompasses and complements the Union's civilian power and 'fledgling military power' through an ideational dimension which (potentially) provides the 'ability to shape conceptions of "normal" in international relations' (Manners 2002: 239).

The EU collective identity proposed by Manners emanates from three sources: its genesis as an explicit rejection of the divisive nationalisms, imperialism and war of Europe's past; its unique character as a 'hybrid polity'; and the development, over the past 50 years, of a body of values which are firmly embedded in successive Treaties and in the Union's practices (Manners 2002: 240). Manners identifies five core values – peace, liberty, democracy, the rule of law and respect for human rights – and four subsidiary values – social solidarity, anti-discrimination, sustainable development and good governance – as contributing to the Union's presence. It is in projecting these values, and in promoting the establishment of related norms for the governance of international behaviour, that the EU might be said to exercise normative power.

Undoubtedly, the Union's proclaimed values feature frequently in documentation and in the rhetoric of EU representatives. An interesting identity construction, which refers to most of the values identified by Manners, can be found in the draft Constitutional Treaty (Title I, Article I-3):

> In its relations with the wider world, the Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.

Not only does this text set out various core values which the Union claims to observe and seeks to project, it also makes implicit identity statements based upon its difference from and superiority over other global actors, most notably the USA. This is evident, given the context of the Treaty's framing during the 2003 Iraq war, from the strong statements regarding respect for International Law and the United Nations. The emphasis upon children's rights 'in particular' appears also to be directed at the USA, which shares with Somalia the dubious distinction of having failed to ratify the 1989 Convention on the Rights of the Child. Constructions of a 'normative power' identity for the EU, it can be argued, conceptualize the USA as the Union's other.

The practices of EU representatives in constructing a value-based identity distinct from that of the USA have been noted by Charles Kupchan (2002). He cites differences with the USA over the Kyoto Protocol on climate change, the International Criminal Court and the death penalty as evidence of EU 'resistance' to US leadership (Kupchan 2002: 157).[12] While several additions could be made to Kupchan's list of EU/US differences, we consider that policy towards Turkey is particularly noteworthy. Here, in insistently pressing for early accession of Turkey to the EU, the US administration has attached scant importance to human rights issues and the treatment of the Kurdish minority, thus potentially undermining the Union's efforts to influence the processes of reform in Turkey.

That the Union attempts to assert and project its values, and to shape the practices of many of the third parties with which it interacts, was evident from our interviews.[13] In the case of the Russian Federation, Rontoyanni (2003: 818) notes the administration's 'irritation' at 'persistent EU pressures regarding media pluralism in Russia and human rights observance in the Chechen conflict'. While such responses contribute to understandings about the Union's collective identity, particular significance should be attributed to attempts to distance the EU from the USA on the basis of superior commitment to core values – precisely because these are claimed to be shared Western values. To construct the Union as morally superior asserts its independent identity. The Union, it is implied, is not simply a junior partner of the USA; indeed it has a responsibility to admonish the US government for its use of practices, such as execution, considered to violate basic human rights.

In his discussion of the EU as a normative power, Ian Manners identifies opposition to the death penalty as an important example of the Union's commitment to project

its values externally. As Manners' study demonstrates, the Union has acted, in this policy area, with great consistency and some degree of success. It has raised the profile of the death penalty issue in international fora, attempted to shame the 'super-executioners' (the USA and China) and strongly influenced decisions to abolish the death penalty in a number of states, including Cyprus, Poland, Albania, Ukraine, Turkey and Russia (Manners 2002: 249–50). EU activity in relation to human rights generally, and the death penalty in particular, suggests that:

> ... not only is the EU constructed on a normative basis, but importantly that this predisposes it to act in a normative way in world politics. It is built upon the crucial and usually overlooked observation that the most important factor shaping the international role of the EU is not what it does or what it says, but what it is. (Manners 2002: 251)

Here we have a useful reminder that understandings about the Union's identity are an important aspect of its presence, as are related understandings about its capability. So far we have considered constructions of the EU as a value-based community (whether as a civilian power or a normative power) which have been strongly promoted internally. We now turn to alternative constructions, which have not been the subject of active promotion and which propose relatively weaker identities for the Union, based solely upon its character as a singular, or peculiar, polity.

The Union as a peculiar polity

Treatments which construct the Union's identity and roles as primarily or exclusively a function of its singular character are not new. While varying considerably in many respects, they are united in emphasizing those aspects of the Union's character which differentiate it from a conventional state. However, if identity mediates between opportunity and action, as we have claimed, then an identity for the EU as 'other than a state' provides insufficient basis for construction of understandings about the Union's potential roles or practices. Nevertheless, we cannot exclude from our enquiry approaches that construct the EU, by virtue of its character, as a non-actor, potentially an actor, or a peculiar, but relatively effective, actor in global politics.

In some intergovernmentalist formulations, particularly those which posit the 'European rescue of the nation state' (Milward 1992), the EU is seen primarily as a tool of or adjunct to its Member States. Clearly such constructions propose an identity for the Union that is insufficiently distinct for it to be characterized as an actor in international affairs. While we may conclude that this formulation fails adequately to capture the complexity of the Union's multi-faceted character, it remains an important, if negative, contribution to discourses of EU identity.

Further 'negative' contributions have considered, but substantially rejected, the possibility that the EU is or might become an actor in international affairs. Thus the Community/Union has been considered in terms of its perceived inadequacies – in particular the requirement to reach consensus between Member States in most areas of traditional foreign policy and the Union's lack of assured access to military instruments. Implicitly or explicitly, such treatments contrast the Union with (powerful) states; and find it wanting. On this basis, Hedley Bull (1983: 151) concluded that 'the Europe Community is not an actor in international politics and does not seem likely to become one'. A decade later, Christopher Hill, in his discussion of the 'capabilities-expectations gap' maintained that the EU might 'conceivably reach the position of being able to act purposefully and as one' (Hill 1993: 318). These arguments construct the Union as, at best, a potential actor. More recent contributions, however, have constructed the EU as an actor – but have differed considerably on the meaning and effectiveness of its actions.

A prominent and controversial contributor has been Robert Kagan (2002). Kagan insists that the Union's posture in international affairs derives, not from the desire to project core values, but directly from its 'weakness'. By this he refers specifically to the inability to muster military power comparable to that of the United States. Consequently, 'Europe's military weakness has produced a perfectly understandable aversion to the exercise of military power' (Kagan 2002: 10). Related to this, according to Kagan, is the desire to concentrate external policy efforts on areas where the Union can play to its strengths, exercising influence in relation to human rights or environmental issues through 'such soft-power tools as economics and trade' (Kagan 2002: 13). The Union's relations with the USA are dominated, it is argued, by fears that US unilateralism will destroy the multilateral world order upon which the EU depends for its existence. Consequently, criticisms of the USA for, *inter alia*, retention of the death penalty, simply reflect a desire, born out of weakness, 'to control the behemoth by appealing to its conscience' (Kagan 2002: 11).

Kagan's intervention has provoked considerable debate, most of which has focused upon the issue of military capability. Consequently, despite his references to areas of EU strength, Kagan's work has contributed to constructions of the Union as an ineffective 'non-state'. Interestingly our interviews (in July 2001) with Council-Secretariat officials involved with ESDP issues revealed divergent views on this issue. Thus one civilian official appeared to support Kagan's position – 'ESDP was originally thought of in terms of power projection to frighten Milosevic. Now we are talking about peacekeeping. How are we going to frighten Milosevic?'. More typical, however, was the relatively positive construction of EU efforts by a military officer – 'We are tying to build a global crisis management organization including military and civil assets. Nothing like it exists anywhere in the world'. A nice construction of the Union as a singular actor.

This more positive understanding of the relationship between the Union's peculiar character and its various roles is shared by some academic commentators. Thus Hazel Smith (2002: 271) argues:

> What is structurally important about the ethics of EU foreign policy is its visibility. In an organisation of 15 or more states which are constantly watching the Union for signs of overreach it is difficult to engage in the worst types of foreign policy *realpolitik*. Such actions require secrecy and activity by small groups of people who are protected from public scrutiny – often through claims that such clandestinity is in the national interest.

In this construction, the Union's (relatively) value-based external policy is a function, not of military weakness, but of transparency. Deviations from declared values can be prevented by Member State governments which subscribe to these values. Karen Smith (2003: 198) similarly notes the Union's inability to employ punitive measures in pursuit of policy goals, and its related preference for use of positive incentives. She illustrates ways in which 'the common interest is upgraded' through processes of 'reshaping' the preferences of Member State governments which had previously shown little commitment to value-based external policy (Smith 2003: 197). This accords with the notions of socialization and internalization discussed above. Ultimately, Smith concludes that the Union's identity as a singular actor depends, not upon the values it seeks to promote (as 'normative power' constructions would imply), but upon the means used to pursue its objectives. These, she argues, stem primarily 'from the special nature of the EU itself' (Smith 2003: 199).

With the exception of those who would reject any understanding of an EU identity independent from its Member States, the constructions of EU identity discussed above have all, to a greater or lesser extent, emphasized the importance of the values claimed by the Union. We now turn to alternative and quite different constructions of exclusive identities for the Union.

Exclusive identities: the EU as fortress

Constructions of an exclusive identity for the EU contrast starkly with the value-based identities which were the principal focus of our discussion above. Exclusive identities tend to be associated with negative practices towards outsiders, including, potentially, processes of active othering (Neumann 1996: 168).

Centred around the concepts of access and eligibility, and the complex rules and criteria devised by the Union to regulate or deter those who seek opportunities within its borders, exclusive identities generate understandings of the Union as unwelcoming, even hostile – as 'fortress Europe'. Access refers to the aspiration, on the part of third parties, to trade goods and services into the vast and lucrative Single European Market. Eligibility refers both to the desire of neighbouring states to attain membership status and the hopes of third country migrants seeking security and prosperity within the European Union. Attempts to legitimate the Union's exclusionary practices employ a discourse of protection from external challenge or threat. 'Crime does not respect borders' we are frequently reminded (Commission 2001b).

Access to a fortified market

The notion of 'fortress Europe' originated in the context of the 1987 Single European Act and the aspiration to complete the Single Market by 1992. It was essentially a construction by third parties, in particular the USA, intended to characterize the Union as an increasingly important but self-interested economic power, determined to protect its burgeoning market through a range of exclusionary practices. And there is no doubt that the Union employs such practices – in the form, *inter alia*, of rules of origin, anti-dumping and anti-subsidy provision, even against its poorest trading

partners. Indeed these measures have recently been strengthened in order to protect EU companies allegedly suffering from unfair trading practices. 'Strengthening rules on trade defence is in the overall interests of an open trade system' (then Trade Commissioner Pascal Lamy, in International Euromail 1295, June 2004).

The mechanisms and impacts of the Union's trade protectionism are discussed more fully in Chapter 3. In the context of our discussion of EU collective identity, however, it is important to note that the Union's trade policies undermine the commitments to poverty reduction and human rights (in particular the economic and social aspects of the human rights agenda), which are central to understandings of the Union as a value-based community. Trade policy, in addition, is directly linked to the issues of eligibility (of migrants) discussed below, in that 'EU protectionism in labour-intensive sectors has created a demand-pull immigration pressure from south to north, where European producers need the kind of low-cost "informal" labour that illegal immigration provides' (Christiansen *et al.* 2000: 406). While the impact of EU trade policies on third country economies encourages inward migration, the immigration regime, as we shall see, is exclusive.

Eligibility for an exclusive club

The Union's construction of rules and criteria governing eligibility applies both to third country migrants seeking to live and work within the EU and to states wishing to attain membership status. Initially we deal with these issue areas separately. There are important links between them, however, which will become evident from our final area of discussion in this section – establishment of the Union's external borders.

Eligibility and the individual

While understandings about 'fortress Europe' originated from concerns about protectionist impulses arising from the single market programme, they are most evident, today, in relation to immigration and asylum issues (Geddes 2000; Lavenex 2001; Guild 2002; Guiraudon 2004). These policy areas are themselves, of course, associated with the single market provisions, in that establishment of freedom of movement of people within the Union was seen to necessitate development of coordinated policies on immigration and asylum. In short, a common approach was sought to management of flows of people across the Union's external borders.

From the outset, in the context of the 1985 Schengen Agreement and the 1986 Ad Hoc Group on Immigration, the policy focus was upon control and restriction of migration flows.[14] Moreover, within these strictly intergovernmental fora, which were established outside the Treaties and comprised home affairs officials meeting in some secrecy, issues of immigration and asylum were consistently juxtaposed with measures to combat international drug trafficking and other forms of organized crime. Issues of human rights and the treatment of third country nationals resident in the Community were not a focus of attention. Subsequently, a number of factors have combined to ensure that, in the development of this policy area, these negative and

exclusionary orientations, and associated processes of othering, have been maintained and strengthened.

The ending of the Cold War, and the accompanying relaxation of internal controls on population movement within and from Eastern Europe, were followed by a new climate of anxiety concerning immigration. This was largely generated by alarmist predictions, on the part of some Western politicians and news media, of an imminent 'invasion' of up to 50 million migrants from the East (Thränhardt 1996: 227–9). While these concerns proved unfounded, they indicate processes of constructing a new external enemy – 'The end of the Cold War had banished traditional fears and dangers, and this new evil was, it seemed, to take their place' (Thränhardt 1996: 228). Subsequently, the arrival within the EU of substantial numbers of refugees displaced by the conflicts in former Yugoslavia increased the salience of these issues, as did growing popular support for xenophobic far-Right political parties in several Member States. Finally, and most significantly, the 9/11 terrorist attacks on the USA greatly heightened anxieties about security matters, heralding a restrictive, security-oriented approach to migration control which seemed, on occasion, 'to imply that all asylum-seekers were terrorists in disguise' (Guiraudon 2004: 171). In this policy area, processes of active othering are clearly evident.

In the context of these growing discourses of fear and exclusion, the development of the immigration and asylum policy areas within the Union began with the TEU, which incorporated Justice and Home Affairs (JHA) as an intergovernmental 'third pillar' of the newly created EU. Within a single Article (then K1) the Treaty proposed as 'matters of common interest' issues ranging from asylum and immigration to drug trafficking and terrorism. Having been made public in the TEU, this unfortunate juxtaposition of immigration/asylum with terrorism/crime caused outrage among civil liberties groups and Members of the European Parliament, amongst others.

The Treaty of Amsterdam (TOA) appeared to end this unhappy issue linkage by providing for the phased transfer, by May 2004, of immigration and asylum matters to the Community pillar, thus potentially providing for input from the European Parliament and the European Court of Justice on these areas of great significance for human rights and individual liberties.[15] The tenor of the TOA provisions is relatively positive. Article 61 (TEC) begins with the aspiration 'to establish progressively an area of freedom, security and justice ...'. Subsequently reference is made to the rights and status of third country nationals resident in the EU – a still neglected issue at the Union level.

Since entry into force of the TOA in May 1999, however, the promise of these provisions has not been realized in practice. While, even before 9/11, issues of security were prioritized over those of freedom and justice, the strengthening of restrictive measures since 9/11 has caused the Union's area of freedom, security and justice to 'look very much like an area of exclusion and stigmatisation' (Guild 2002: 2). Here, the June 2002 Seville European Council marked a turning point, in that its conclusions concerning the treatment of migrants were uniformly negative and restrictive. At Seville, immigration 'became virtually synonymous with illegality and threat' (ibid.). A brief examination of exclusionary measures recently introduced by the Union is instructive.

The focus of EU measures in the areas of immigration and asylum has been upon preventing 'undesirable migrants' from reaching the Union's borders, thus avoiding lengthy and intrusive border controls which might discommode 'desirable' tourists and business people (Guiraudon 2004: 176). A number of measures contribute to these 'beyond border' controls. Nationals of 135 states are required to obtain visas to enter the Schengen area.[16] To do so, they must convince immigration officials that they are able to support themselves during their visit and intend to leave at its conclusion. In addition, an EU directive on carrier sanctions obliges airlines, shipping and coach companies to check the validity of documentation prior to departure. Repatriation of undocumented migrants and failed asylum seekers became a new policy emphasis following the Seville Council (Monar 2003: 123). To facilitate their return, formal readmission agreements have been concluded or are in the course of negotiation.[17] Agreement on return of nationals was included in the Cotonou Agreement, signed in June 2000, between the Union and 77 African, Caribbean and Pacific (ACP) countries. Immigration control is also a focus of Euro-Med agreements with North African countries.

In relation specifically to asylum, measures have been introduced to limit claims for asylum status and to facilitate rejection and expulsion of asylum seekers. Central to this has been the controversial designation of 'safe' third countries of origin or transit, to which claimants can be returned, and the notion of 'manifestly unfounded' requests, in accordance with which claims are not given consideration.

It is undoubtedly in the areas of immigration and asylum that negative and exclusionary discourses, and associated practices, are most evident. As a study by Gallya Lahav has demonstrated, these discourses originate within the Member States and are manipulated by populist/nationalist political parties which, despite opposition to the EU, 'skilfully carry the banner across Europe, and ironically get maximal exposure at the EU level' (Lahav 2004: 208).[18] These exclusionary discourses are not confined to uninformed sectors of EU publics and opportunistic politicians, however. Lahav found that, throughout the EU, on immigration issues, 'elites and general publics embrace similar priorities and are driven by fears that converge considerably' (ibid.).

In these circumstances, pursuit of negative, exclusionary immigration and asylum policies at the EU level is facilitated by the dominance, in JHA policy areas, of national officials whose operation within EU intergovernmental committees is 'Screened from traditional humanitarian forums dealing with asylum seekers and immigrants' (Lavenex 2001: 27). Here it is of interest to note that, in our interviews (in July and September 2001) with seconded Member State officials dealing with JHA issues within the EU institutions, reference was frequently made to the lack of experience of Commission officials in the (then) newly created DG JHA.

Practices in the area of immigration and asylum are evidently inconsistent with the inclusive, value-based understandings of EU identity which have been so strongly promoted by EU officials. Undoubtedly there has been sensitivity to this inconsistency. Thus the Commission, in a publication entitled *Living in an Area of Freedom, Security and Justice* argued that the measures introduced at that time 'Far from trying to create a fortress ... make entry into and circulation or travel within the European Union easier for any legitimate person' (Commission 2001b: 7). It was concluded,

nevertheless, that the key to 'moving freely in security' is effective policing of external borders (ibid.: 8). We return to the issue of borders below.

Eligibility for accession

EU policy on accession does not demonstrate the acute inconsistencies with value-based understandings of identity that were evident in relation to immigration and asylum. It is in relation to accession, however, that tensions between inclusive and exclusive facets of the Union's identity are most apparent.

Inclusiveness is clearly demonstrated by the accession in May 2004 of a heterogeneous set of new members – three former republics of the Soviet Union, one of the Federal Republic of Yugoslavia, four Central European states which were formerly part of the Soviet bloc, the tiny island of Malta and the still-divided Cyprus. All of these states, after varying periods of negotiation and adaptation, were considered to have sufficiently adopted EU values and practices to be accorded membership. Romania and Bulgaria are deemed to require further time for adaptation before accession (scheduled for 2007) and the further five non-members in the Western Balkans – Albania, Bosnia and Herzegovina, Croatia, Macedonia and Serbia and Montenegro – have been promised membership when readiness is achieved. Turkey has also been accorded candidate status, albeit in the context of considerable ambivalence, as we shall see.

Undoubtedly this inclusiveness is impressive. It reflects, as we argued in the previous chapter, insistent discourses of 'return' (to the centre of Europe of 'Eastern' countries) and 'responsibility' (of Western Europe for its abandonment of Eastern Europe at the end of the Second World War). In consequence, consideration of the limits to EU inclusiveness must examine, not so much a definition of what comprises a European state (as the TEU formula – any European state may apply – might suggest), but the extent to which shared understandings of responsibility and belonging pertain to aspirant states. To exemplify the tensions between inclusive and exclusive understandings of the Union's identity, we consider below the Union's responses to the membership aspirations of Turkey, Ukraine and Morocco. In these cases, active construction of discourses of belonging has been evident within the potential candidate countries, but has not resulted in development of *shared* understandings of a European vocation.

In the case of Turkey, eligibility for membership (and hence 'European' status) was confirmed, in principle, by the 1964 Ankara (Association) Agreement. It has since been reconfirmed – in the Commission's (negative) Opinion on Turkey's original membership application (Commission 1989) and in *Agenda 2000*. In this document Turkey was treated differently from all other applicants (at that time ten Central and East European states and Cyprus), in that Turkey was not considered as a formal candidate for membership. Alone of the twelve applicants, Turkey qualified only for 'deepening relations' with the EU (Commission 1997a: 51–2). Following the Turkish government's outrage at this differential treatment, strong lobbying for Turkish candidacy from some Member States and *rapprochement* with Greece (largely as a result of devastating earthquakes earlier in 1999), Turkey was formally recognized as a candidate at the Helsinki European Council in December 1999.

Candidacy represents an important change in Turkey's status. Not only does it accord with understandings of the Union's inclusive identity, it marks a turning point in the construction of Turkey's identity as a European state committed to embracing the Union's values. Hence, as we shall see in Chapter 6, accordance of candidate status gave considerable impetus to the processes of reform in Turkey. Nevertheless reluctance within the EU to fully embrace Turkey as a prospective member has persisted. The controversy associated with the decision of the December 2004 European Council to open accession negotiations (in October 2005) attests to this.

The Union's enduring ambivalence towards Turkey has ancient roots; indeed debates about the European credentials of 'the Turk' date back at least to the seventeenth century. The construction of Turkey as different – as 'the non-European barbarian' at the gate – reinforces understandings of what 'Europe' is, by constantly demonstrating what it is not (Neumann and Welsh 1991: 329). These constructions of Turkey as non-European, as Europe's other, have persisted. A relatively recent example is provided by a notorious intervention in November 2002 by former French President, Valéry Giscard d'Estaing, who was at that time President of the Convention on the Future of Europe. Giscard declared that Turkey has 'a different culture, a different approach, and a different way of life. It is not a European country'. Furthermore, EU membership for Turkey would signal 'the end of Europe' (quoted in Teitelbaum and Martin 2003: 98). This emphasis 'to the point of obsession' upon Turkey's cultural incompatibility (Müftüler-Bac 1997: 11) reflects an exclusive understanding of EU identity which coexists with the inclusive identity evoked by the Union's decision to open accession negotiations and insistent supervision of Turkey's internal process of reform.

Should the tensions between the inclusive and exclusive facets of EU identity be resolved in favour of Turkey's inclusion, this will in part reflect, as Helen Sjursen has argued (2002: 504), Turkey's strategic importance to the West. Rather than discourses of return and responsibility, with their implications of a shared fate, there has long been, in the case of Turkey, a discourse of strategic partnership, implying cooperation 'without duty or kinship' (ibid.). Turkey has been seen as 'a buffer against everything' – from Soviet expansionism to Islamic militancy (Interview with Turkish diplomat, June 1996). In the aftermath of 9/11 and the invasion of Iraq, this discourse has both intensified and shifted. While an emphasis on security has been maintained, a new, inclusive discourse of 'reaching out' to Turkey has emerged. This has focused upon Turkey's closeness to Europe, as a Western oriented, secular and democratic Muslim country, and has been constructed in terms of inclusive and value-based understandings of EU identity. Thus, for example:

> By reaching out to a mostly Muslim country with almost 70 million inhabitants, the Union's leaders would be proving that pluralism is not just a value to which they pay lip-service, but something they actually cherish. They would also be sending a message to Osama bin Laden and his fellow extremists that there is no reason why Islam and Christianity cannot coexist peacefully.
>
> (Cronin 2004: 16)

This new discourse of inclusion may finally resolve the Union's ambivalence towards Turkey.

In the case of Morocco's aspirations to EU membership, the Union's response has not been characterized by the ambivalence noted above. Morocco's membership application in 1987 was met with outright rejection; indeed the normal procedures for dealing with applications were not even invoked. No opinion was issued by the Commission, nor were there proposals for an enhanced relationship with Morocco, as had been the case when Turkey's application was rejected. Within the EU, it was considered that 'Morocco was so clearly not-Europe that its claim to a European identity seemed totally incomprehensible, even ludicrous' (Rumelili 2004: 40).[19]

Morocco's position is less clear-cut than EU 'incomprehension' would imply, however. The Spanish enclaves of Ceuta and Melilla on the North African coast are formally part of the EU, and Morocco has long defined itself as a bridge between Europe and Africa (ibid.). Morocco has maintained its claims to European status, with an adviser to King Mohammed VI stating in 2000: 'Geographically, historically and culturally, Morocco is closer to Western Europe than most of Eastern Europe. The Strait of Gibraltar is just a geographical accident' (quoted in Rumelili 2004: 42–3).

Attempts to construct a European identity for Morocco have not succeeded in creating shared understandings, however. Morocco was excluded from EU narratives of enlargement during the 1990s, but since 2003 has been included in the Union's European Neighbourhood Policy. The ENP 'offers a means to reinforce relations between the EU and partner countries, which is distinct from the possibilities under Article 49 of the Treaty on European Union' (Commission 2004a: 3). Put bluntly, this means 'you can't join' (Interview, DG Relex, September 2003). In employing the rhetoric of partnership, and denying membership to 'partners', the ENP is a manifestation of the Union's exclusive identity – not least because of the wide range of non-member states included within its ambit.

In the case of Ukraine, its status as an ENP partner falls far short of aspirations for a close relationship with the EU and, ultimately, membership. While Ukraine is one of four 'new outsiders' – along with Belarus, Moldova and Russia – identified by White *et al.* (2002), it is distinguished from the others by claims to EU membership based, *inter alia*, upon its geographical location. 'In 1891 it was established that West Ukraine is the centre of Europe' (Interview, Ukrainian official, January 2003).

Ukraine was the first former Soviet Republic to conclude a Partnership and Cooperation Agreement (PCA) with the Union, in June 1994. Following entry into force of the PCA in 1998, the Ukrainian President issued a Decree on the Strategy of Integration into the European Union. Thus Ukraine 'proclaimed full-fledged membership in the European Union as a strategic goal' (Burakovsky *et al.* 2000: 17) and in 2002 adopted a bill on the harmonization of its laws with those of the EU.[20] Ukraine has also been eager to participate in other EU initiatives – for example deploying officers to the EU Police Mission in Bosnia-Herzegovina in 2003 and participating in Operation Althea, also in Bosnia-Herzegovina, in late 2004.

Despite these efforts, understandings of Ukraine as central to Europe are not widely shared within the EU. While recognizing 'the European aspirations of Ukraine', and welcoming Ukraine's 'European choice', the EU Common Strategy on Ukraine, agreed by the December 1999 Helsinki Council, focused on full implementation of the existing PCA provisions (European Council 1999b). No commitment to future membership for Ukraine was made at this time, nor subsequently; indeed within the EU there has been great reluctance even to discuss eventual membership for Ukraine (Zagorski 2004: 88). The incorporation of Ukraine in the ENP, alongside Middle-Eastern states such as Syria and Lebanon, appeared to signify categorical rejection of Ukraine's candidacy. Ukraine differs from these countries in important respects, however. It now directly borders the Union and has close historical, cultural and other ties with EU Member States, most notably Poland. It may be that, through representations from Poland and other new members, and in the context of accelerated reform processes within Ukraine following the 2004 'Orange Revolution' that brought President Victor Yushchenko to power, shared understandings of Ukraine's place in Europe will be constructed.

In the meantime, however, fresh exclusionary practices have been introduced by imposition of the Schengen visa regime, and associated border controls, by the new Member States. The sealing of Ukraine's previously porous borders with Poland, Slovakia and Hungary, in the context of these countries' accession processes, has impacted significantly upon cross-border trade, tourism and cultural cooperation. The border with Romania will be similarly affected. 'We've been cut off from Europe' has been the reaction in Kiev (Horakik 2004: 15). It is to the issue of borders that we now turn.

Establishing the Union's external borders

Since borders differentiate between insiders and outsiders, they are, by definition, exclusionary. Here, we refer to two sets of practices which contribute to processes of differentiation; and to understandings of the Union's exclusive identity – control of the Union's external borders and the sensitive issue of finally establishing its geographical limits. In the context of the 2004 Eastern enlargement, these matters became inextricably linked. Thus concerns were raised about the ability to function of a constantly enlarging and increasingly heterogeneous Union and, as we saw above, about the potential for significant population movements into established Member States from the less prosperous new Member States, and their even less prosperous neighbours. Three issues are raised by these concerns – movement of people from new to established Member States following the 2004 accession; movement of people from neighbouring states such as Ukraine; and determining the physical limits of the Union. This last potentially involves excluding from candidacy states other than those already promised membership at some future point – that is Romania, Bulgaria, Turkey and the five states of the Western Balkans.

Since internal free movement of persons is one of the fundamental freedoms associated with the Single European Market, movement of people between new and established Member States should not, in principle, have been an issue. In practice, however, the Accession Treaty permitted existing Member States to introduce transitional arrangements restricting movement of people from the new Member States for

up to seven years. For an initial period of two years (to May 2006) national measures restricting movement can be taken without any obligation to give reasons for their use. With the exception of Ireland, all Members States introduced some initial restrictive measures. These can be extended for a further two years, and potentially three years more, provided that the Commission is notified of Member States' intentions. In consequence complete freedom of movement for citizens of the new Member States will be delayed until May 2011. It is interesting to note the exceptions to these exclusionary measures, which apply only to the eight new Member States from Central and Eastern Europe. Due to their small size and relative prosperity, Cyprus and Malta are exempt. Of interest too, is the extension, from June 2002, of full free movement rights to Swiss nationals – despite the status of Switzerland outside both the EU and the European Economic Area (EEA).[21]

The exclusion of those EU citizens who stand the most to gain from access to the opportunities afforded by the Single Market is related to the requirement that the new Member States implement in full all aspects of JHA policy, including the Schengen *acquis*, as a condition of accession. This involved, first, implementation of the Schengen visa regime, a requirement which implies classifying citizens of non-candidate countries such as Ukraine as 'undesirable illegal migrants' (Jileva 2003: 79). Second, meeting the technical requirements of the Schengen Information System (SIS), which has proved particularly expensive and demanding.[22] Pending implementation of this requirement by all new Member States, full internal freedom of movement is unlikely to be granted to their citizens. Finally, new Member States were required to strengthen control of their external borders, a process which began prior to accession.

Strengthening the external borders of the Union, and moving towards common control practices, became a priority following the 1985 Schengen Agreement, which provided for the removal of internal borders between signatories. By the late 1990s, when it had become clear that the external borders of the Union would shift substantially Eastwards, the border management systems of candidate states became a matter of great concern within the EU. As a Commission official commented, 'The political focus of enlargement is now on tightening borders' (Interview, DG JHA, July 2001).

Historically, in the context of the Cold War, the emphasis within the candidate countries had been upon control of their Western borders using military personnel. A shift of control to the Eastern borders necessitated creation of additional border crossings, recruitment and training of professional border guards and installation of expensive equipment to meet the standards required by the EU. Despite funding and technical support from the EU, these measures were not fully in place at the time of accession. Meantime, the terrorist attacks of 9/11 had generated pressure for further strengthening of border controls.

In its communication, *Towards an Integrated Management of External Borders*, the Commission made a number of recommendations, including establishment of a European Corps of Border Guards (Commission 2002b). These led to the establishment (in November 2002) of the Union's Agency for the Management of Operational Cooperation at the External Borders, which has an oversight role. The further strengthening of policy on external borders again drew attention to deficiencies in candidate countries, in that their border arrangements did not accord with the Union's post-9/11 security priorities. Despite reservations concerning the impact on relations with their Eastern neighbours, the new Member States have implemented much of the Schengen *acquis*. Indeed Bulgaria moved forward in this policy area, well in advance of accession, as a condition for removal (in 2001) from the EU's negative list of countries whose citizens require a visa for entry into the Schengen area (Jileva 2003: 81).[23]

Does the perceived need to strength the Union's external borders indicate that the time has now come to firmly establish the geographical limits of the European Union? In 1992 the Delors Commission was clear that it did not:

> The term European ... combines geographical, historical and cultural elements which all contribute to the European identity. The shared experience of proximity, ideas, values and historical interaction cannot be condensed into a simple formula, and is subject to review by each succeeding generation ... it is neither possible nor opportune to establish now the frontiers of the European Union, whose contours will be shaped over many years to come.
>
> (Commission 1992b: 11)

Since 1992, the progressive strengthening of the Union's external borders has contributed significantly to the process of excluding adjacent non-members such as Belarus, Moldova, Russia and Ukraine. The European Neighbourhood Policy, with its rhetoric of 'partnership not membership', compounds the impact of exclusionary border management practices. While not necessarily signifying final determination of the Union's geographical limits, these processes of active othering indicate the current absence of widely shared understandings about the 'European' credentials of outsiders.

External roles of the EU

As we shall see in the chapters that follow, the EU, as a global actor, engages in a variety of external activities. These reflect understandings of identity and a range of associated, overarching roles offered to, or claimed by, the Union.

The relationship between identities and roles is, we believe, important but indirect. In the context of the ideas, expectations and events which constitute the policy environment, identities offer understandings of appropriate and inappropriate behaviour. To the extent that these understandings are widely shared within the Union, they promote or constrain action. In circumstances where one or a few Member State governments reject certain understandings of EU identity, these understandings nevertheless continue to provide a frame of reference, and hence a source of influence, for EU action – for it is in terms of these understandings that the Union may be judged by others.

Above we have discussed two distinct facets of the Union's identity. The first, which we see as dominant, provides understandings of the Union as singular in character and relatively inclusive. Prominent here, because of their strong promotion internally, are notions of the EU as a value-based community. The second, or alternative, facet of the Union's identity is negative and exclusive, potentially involving

processes of constructing stereotypes of alien outsiders – of active othering. Here, notions of the EU as fortress are prominent. Both sets of understandings are constitutive of the Union's hybrid identity. Each proposes distinct sets of overarching roles for the Union. Since these roles are reflected in each of the chapters that follow, our discussion here provides only a brief overview.

The Union's roles as a singular and inclusive actor

Understandings of the Union as a singular, inclusive and/or value-based actor suggest three broad, complementary roles for the EU in international affairs – as a model; as a promoter of its (proclaimed) internal values; and as a counterweight to the USA.

The first of these roles reflects identity understandings emanating from the Union's character and its international presence. These project the EU as a model – of integration on a regional scale and as an island of peace and prosperity – which others aspire to join or to emulate (Tunander 1997). The impacts of the Union as model do not simply reflect its presence, however. Through its 'narratives of projection' the Union actively promotes understandings of its character and practices as a positive model for others (Nicolaïdis and Howse 2002). Thus the Preface to the draft Constitutional Treaty considered 'how to develop the Union into a stabilising factor and a model in the new world order' (European Convention 2003).

Beyond these discursive projections, the Union takes measures actively to export aspects of its internal practices. Thus, in the context of the wider European region, the Union has imposed its model of integration through the requirement that candidate countries implement the *acquis* in its entirety, and through the conditionalities inserted in the plethora of association agreements entered into with CEE countries since the end of the Cold War. This practice continues in the context of the European Neighbourhood Policy, which similarly emphasizes adherence to the Union's values and practices as a condition for closer partnership. More widely again, there has been active promotion of regional cooperation – through, for example, the 1995 Interregional Framework Agreement between the EU and Mercosur (Mercado Común del Sur), which supports regional economic cooperation in Latin America. Thus, the EU insists on dealing with Mercosur as a common entity, obliging its members (Argentina, Brazil, Uruguay and Paraguay) to negotiate as a bloc. This is seen, in the Commission, as 'a model for EU relations with other regional groupings' (Interview, DG Relex, September 2001). In the context of its relations with the African, Caribbean and Pacific Group (ACP), too, the Union actively promotes development of regional groupings – as we shall see in Chapter 5.

A second, broad role available to the Union reflects understandings of its identity as a value-based community; that is as a promoter of norms associated with protection of human rights, extension of democratic governance and safeguarding the natural environment. We have referred, above, to Ian Manners' (2002) discussion of the Union's active promotion of an abolitionist international norm in relation to the death penalty. In several of the chapters that follow we will be reviewing EU practices in the promotion of human rights, in particular the inclusion of conditionalities in negotiations and agreements with third parties. Also of importance, here, is the Union's

(proclaimed) singular role in development cooperation and humanitarian assistance, which is the subject of Chapter 5. Finally the Union claims, with some justification, to have played not only a singular role, but also to have exerted leadership, in global environmental negotiations. In Chapter 4 we consider the Union's achievements, and aspirations, in relation to protection of the global environment.

The final role suggested by understandings of the Union's identity as a singular actor – as an alternative source of global influence, or counterweight, to the USA – combines its roles as model and as promoter of norms and values. Here the EU serves as model in terms both of its internal arrangements, which have prevented conflict and promoted prosperity among its Member States, and its external practices of cooperative engagement with third countries and international organizations. Engaged multilateralism, Robert Keohane has argued, can serve as an effective alternative to power politics :

> The point is that accepting a matrix of norms, rules, practices and organizations is not necessarily a mark of weakness. On the contrary it can be a sign of strength, self-confidence and sophistication about how to achieve security and welfare for one's citizens in a globalizing world.
>
> (Keohane 2002: 755)

We have referred, above, to discourses that construct the EU's difference from the USA in terms of the Union's superior commitment to shared Western values, manifested in a range of areas from the death penalty to climate change. Significant, also, is the Union's relatively holistic approach to international security (see Chapter 8). Whether in its approach to regional conflict or to international terrorism, the Union has focused upon prevention – emphasizing the need to address fundamental causes rather than deal only with symptoms; and hence to employ a wide range of primarily civilian policy instruments.[24] The distinctiveness of the EU approach to conflict management (when contrasted with that of the USA) is summarized by Andrew Moravcsik (2003: 85):

> ...with regard to each of the policy instruments that could make a difference – trade, aid, peacekeeping, monitoring and multilateral legitimation – Europeans are better prepared than Americans to do what has to be done.

The Union's roles as an exclusive actor

The roles suggested by understandings of the Union's identity as exclusive can be constructed in terms of the EU as protector, of its Member States and citizens, from some form of external threat. For the Union to assume this role, there is a need both for identification of potential threats and for the development of shared understandings that these threats can most effectively be dealt with through common action at the EU level (Rosamond 2001: 168). Three types of threat which evoke the Union's role as protector can be suggested – threats to prosperity; threats to stability and security; and threats to the Union, itself, as provider of protection.

In terms of prosperity, a relatively specific threat is seen to emanate from the potentially unfair trading practices of external competitors. Here, as we shall see in Chapter 3, the Commission acts as vigilant gatekeeper of the Single Market. A more diffuse threat (but potentially also opportunity) is associated with notions of globalization, constructed in terms of radical change, turbulence and unpredictability; and, again, increased pressure from external competitors. The assertive posture of Union negotiators in multilateral and bilateral trade negotiations, whether in opening markets to EU-sourced goods or gaining access to the fish stocks of weaker partners, ensures that the Union is both defended against the depredations associated (rhetorically) with globalization, and well positioned to take advantage of the opportunities. These matters are further discussed in Chapter 3.

The second threat, to societal stability and security, is deemed to emanate from unregulated influxes of external migrants, cross-border crime or terrorist incursions. Here, while Member State governments continue to act as the principal protectors of their citizens, the Union, through the common visa regime and supervision of border management systems, has increasingly become involved in protecting the Union's external borders. Even before 9/11, the Member States had accepted that, in this policy area, 'common problems need common solutions' (Commission 2001b: 8).

The third potential threat is less explicit. It is to the EU itself. Should the Union fail, the Commission informs us darkly:

> Europe, a mere geographical entity, will come under the influence of outside powers which will extort the price of its dependence and its need for protection.
> (Commission 1990a: 5)

Understandings of danger associated with failure of integration are widespread. Among Danes, for example, there is a belief that their 'comfortable situation depends upon the current European order being upheld' (Wæver 1996: 119–20). Fears of failure are reflected, *inter alia*, in concern that successive enlargements threaten the Union's capacity to function and, hence, in exclusionary practices (exemplified by the ENP) intended to restrict or prevent further enlargement. The *record* of enlargement, however, illustrates tensions and inconsistencies associated with the Union's hybrid identity.

Hybrid identity – inconsistent activity?

Inclusive and exclusive constructions of EU identity, as we have seen, offer contrasting roles for the Union in international affairs. Inevitably this leads to inconsistencies in EU behaviour and, in particular, criticism that EU practices deviate from those which might be expected were it to act in accordance with value-based understandings of identity so frequently claimed on behalf of the Union.

As we shall see in the chapters which follow, the Union's exclusionary/'protective' practices in relation to the Single Market undermine value-based commitments such as poverty reduction and environmental protection. The progressive strengthening of the Union's external borders, and associated restrictive practices in relation to

immigration and asylum, also impact negatively on commitments to human rights and a range of inclusive values frequently reiterated in EU rhetoric, such as tolerance, respect for diversity and pluralism. Moreover, the Union's role as model (of successful regional integration) is also implicated in this policy area. The requirement that the new Member States in Central and Eastern Europe strengthen their external borders, and implement in full the Schengen visa regime, is entirely inconsistent with EU exhortations that CEE countries should (in the interest of security and stability in the wider Europe) promote regional economic cooperation and maintain or develop cordial relations with their neighbours (Jileva 2003: 86; Lavenex 2001: 37).

In relation to EU enlargement, however, inclusive understandings of identity have tended to guide practice. The 2004 enlargement, the promise of future membership made to eight further candidates and more recent constructions of Ukraine's European vocation, demonstrate ways in which discourses of belonging and responsibility have prevailed over exclusionary, threat-related discourses – thus supporting inclusive practices that could endanger the integration process itself.

Undoubtedly there are numerous areas where the hybrid identity of the Union is associated with tensions and inconsistencies between roles and associated practices. Nevertheless, there is not *necessarily* a fundamental contradiction between inclusive and exclusive facets of EU identity. The Union's economic power, for example, is used in the context of trade negotiations to pursue value-based goals such as protection of workers' rights and the natural environment (see Chapter 3). Moreover, despite the increased prevalence, post-9/11, of discourses of threat and exclusion, the Union has continued to emphasize the importance of poverty reduction and democracy promotion in combating terrorism. Even if these discourses of 'comprehensive security' were absent, however, the singular nature of the Union impedes use of punitive or aggressive measures against third parties. As Chris Patten (then Commissioner for External Relations) has argued:

> If there is any institution in the world that can demonstrate the benefits of multilateralism, of arguing about fish quotas or budgets rather than murdering each other, it is the European Union.
> (Patten 2001: 3)

An American scholar makes even stronger claims for the Union as civilian power; indeed he posits a direct link between inclusive and exclusive facets of EU identity:

> Arguably the single most powerful policy instrument for promoting peace and security in the world today, is the ultimate in market access: admission to or association with the EU trading bloc.
> (Moravcsik 2003: 85)

Conclusion

Our discussion of identity has attempted to capture shared understandings which give meaning to what the EU is and what it does. In the construction of actorness,

identity mediates between opportunity and action. It links the Union's presence, and understandings about its capabilities, in constructing expectations concerning EU practices. In this chapter we have reviewed two facets of the Union's identity and briefly considered the various overarching roles, and the parameters of appropriate and inappropriate behaviour, suggested by these very different constructions of identity.

We considered, first, a relatively inclusive identity, which is based (primarily) upon constructions of the Union as a value-based community. Within the EU, these constructions represent the dominant approach to the Union's identity. An inclusive identity does not depend upon attribution of negative stereotypes to non-European outsiders, but upon understandings that the Union's roles and behaviour are associated with its singular character and/or its proclaimed values. Here the Union's other may be Europe's violent past; or perhaps the USA. Certainly, in recent years, EU discourses of identity have included reference to the Union's superior commitment to supposedly shared Western values in the conduct of external policy. Contributions to these debates range from constructions which depict the Union's roles and practices as a function of its inherent (military) weakness (Kagan 2002) to constructions of the Union as a 'normative power' (Manners 2002).

Appropriate, broad roles suggested by inclusive understandings of the Union's identity include the EU as model (of internal arrangements and external actions conducive to peace and prosperity); and the EU as promoter and exporter of the values to which it claims commitment. A final role suggested for the Union – as counterweight to the USA – combines elements of the EU as model and as promoter of values. It proposes the EU as exemplar of an alternative approach to international relations, based upon networks of communication and cooperation rather than expressions of military power and political domination.

Second, we considered constructions of the Union as 'fortress'. This reflects understandings of a range of practices, centred around the concepts of access and eligibility, which serve to restrict or exclude participation in the prosperity and security which the Union itself claims to offer. An exclusive identity implies processes of active othering, through which outsiders are characterized as alien, 'non-European' and potentially threatening.

Exclusionary practices associated with the Union's identity as fortress can be found in relation to trade; immigration, asylum and border control; and accordance of candidate status to aspirant members. Here, appropriate roles for the EU are associated with constructions of the Union as protector. The threats from which the Member States and citizens of the EU are to be protected include, *inter alia*, the unfair trading practices of others and illegal cross-border activities. A final threat, to the EU itself as protector of a secure and prosperous Europe, reflects concerns about the future size and viability of the EU, manifested in exclusionary practices towards aspirant non-members among the Union's neighbours.

It is to be expected that the hybrid identity of the Union will be associated with inconsistencies of role and behaviour, and we have shown this to be the case. Nevertheless, the Union, through its practices, maintains links between the exclusive and inclusive facets of its identity – demonstrating, for example, a comprehensive approach to security and using its economic power to impose conditionalities in the

spheres of human rights and environmental protection. In the chapters which follow, the implications of the overarching and potentially competing roles suggested by the Union's hybrid identity will be more fully explored in relation to the policy areas in which the Union acts externally.