

**The EU as a Regional Normative Hegemon:  
The Case of European Neighbourhood Policy**

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## Introduction

The successive rounds of enlargements are a factor shaping the European Union. The previous enlargements<sup>1</sup> have all resulted not only in an increase in quantity – member states, population, the size of economy, etc. – but they have also ushered in qualitative changes in the Union’s agenda, institutions and decision-making, as well as shaping the ways in which the external world has perceived the European integration and its different manifestations, be they institutions or policies (Ginsberg, 1998; Ginsberg, 1989, pp. 151–152). There is a dialectic at work, where the “shadow of enlargement” (Friis, 1999) compels the EU and its member states to adapt their own dynamic to meet the changing circumstances (Haukkala and Ojanen, 2002, p. 204; see also Vobruba, 2005). This adaptation – together with the geographic exposure to new neighbours – start the dialectic anew by creating an opening and a demand for further enlargements.

This intricate interplay between the internal and external facets of European integration has meant that the Union’s enlargement has been seen as one of its most effective foreign policy tools (Vachudova, 2005<sup>2</sup>). From the vantage of point of European foreign policy, enlargement can be seen as having basically two main functions. Firstly, it acts as an instrument through which the Union can seek to enhance stability in its immediate neighbourhood. In its policies, the EU acts in a manner similar to any regional power that has a stake in preserving stability on its doorstep (Missiroli, 2004). The EU has often used enlargement as an instrument in locking its neighbours into stable and democratic transition. This was the case with Greece, Portugal and Spain, and the same logic applied in the recent Eastern enlargement as well. Especially in the post-Cold War era the Union has come to acknowledge the indivisibility of security in Europe: the EU cannot feel secure and continue to prosper if the rest of the continent is in a downward spiral towards increased insecurity and poverty. The European Security Strategy is based on this line of argument (European Council, 2003). It is also the starting point for the EU’s new European Neighbourhood Policy, ENP (European Commission, 2003, p. 3).

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<sup>1</sup> “The Original Six” (Belgium, France, Germany, Italy, Luxembourg, and the Netherlands) have been joined by Denmark, Ireland, and the United Kingdom (1973); Greece (1981); Portugal and Spain (1986); Austria, Finland, and Sweden (1995); and Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia (2004).

<sup>2</sup> Also the Union acknowledges this. For example, the communication on neighbourhood policy states, that the enlargement has “unarguably” been the Union’s most successful foreign policy instrument (European Commission, 2003, p. 5).

Secondly, the enlargement process acts as a conduit through which the EU as a “Normative Power Europe” (as defined in Manners, 2002) can project its norms and values in a way that is both efficient and legitimate. It is only through the unique and rich combination of stick and carrots that are present in the accession process that the EU can exert the strongest influence on its partners.

But now, in the aftermath of the latest round of enlargement in May 2004, the Union’s willingness and ability to enlarge further seems to be increasingly in doubt. This has been reflected in the adoption of ENP: Since 2003, the Union has been preparing a policy for its new neighbourhood that would seek to promote “a ring of friends” around itself ranging from Murmansk to Marrakesh without including the prospect of immediate membership in the package. But even if the EU has its own internal imperatives for setting the limits to its territorial enlargement, it cannot escape the fact that the new neighbours are subjecting the Union and its policies with demands for belonging as well as for assistance and support. Moreover, if one accepts the role of enlargement as a key instrument of European foreign policy, and the dual function ascribed to it above, then one must ask how the Union expects to retain these functions in the future, if the continued rounds of accessions are no longer deemed appropriate? Can the ENP be seen as a step in the right direction that would help the Union to solve the conundrum of how to both maintain the beneficial logic of successive rounds of enlargements while protecting its institutions and budget from an overload?

These questions have also theoretical relevance. In this article, Ian Manners’s Normative Power Europe concept (2002) is discussed in the light of enlargement and its limits. It is argued here that Manners’s scheme is based on too passive an understanding of the EU as a norm entrepreneur in international relations. Instead of relying on passive diffusion alone, the EU is taking more active measures in promoting its norms and values. This is so especially in Europe, where the Union’s enlargement can be seen as the main instrument of its normative power. In fact, the EU can be envisaged as a regional normative hegemon which is using its economic and normative clout to build a set of highly asymmetrical bilateral relationships that help to facilitate an active transference of its norms and values. However, the Union’s ability to project its normative power rests not (only) on coercion, but is crucially dependent on the perceived legitimacy of the Union’s actions in the eyes of its partners. It is argued that the open-ended nature of the Union’s membership is a key factor in promoting this legitimacy in Europe.

The article is divided into four main parts: Firstly, the difficulties the EU faces as it seeks to cease to enlarge are analysed. This is followed by a more theoretical exposition of the negative repercussions this would have on the Union's normative power in Europe. Next, the prospects of ENP in alleviating some of the likely problems and shortcomings are briefly discussed. Ukraine is selected as a case, as it can – due to its size and location alone – be seen as the litmus test for the viability of the Union's new approach. The article ends with some conclusions.

## The Difficulties in Ceasing to Enlarge

In a nutshell, for its partakers, European integration is meaningful as a process only as long as it is built on a demarcation between states internal and external to the project. First and foremost, European integration is economic integration where the demarcation between the internal and external realms is manifested in the boundaries of the Single Market. Here the determining factors for inclusion and exclusion are concerns of utility, efficiency and competitiveness (Mattli, 1999). But one must not forget that European integration is also a deeply political project. Here the EU institutions enter the picture and it is the integrity of the Community legislation, the *acquis communautaire*, and the viability of common institutions that set the limits for enlargement. Finally, but also relatedly, the EU is also an identity project – it is about building a European community of values (Schimmelfennig, 2003; see also Howe, 1995). Here, the EU is of course only one contender for being “the vessel of Europeanness<sup>3</sup>,” but as will be argued below, it is perhaps the most vociferous and successful one at that – partly also to its own detriment.

Applying the work of Michael Smith (1996), the three facets of European integration and the logic of inclusion and exclusion are summed up in table 1 below. When it comes to the limits of its enlargement, the stakes are high for the Union. In the words of one British analyst: “Inclusion means bridging the old Cold War divide and uniting a continent, but could end up shredding the carefully woven fabric of the Union itself. Exclusion means isolating countries that can ill afford isolation, and making a mockery of the very term ‘European union’.” (Smith, 2005, p. 757) But often the debate within the Union is framed along the economy–politics axis with the identity being largely excluded (Turkey perhaps being the exception here). To quote the President of the European Commission Romano Prodi: “[w]e cannot go on enlarging forever. We cannot water down the

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<sup>3</sup> Others include at least the Council of Europe and the OSCE.

European political project and turn the European Union into just a free trade area on a continental scale” (Prodi, 2002).

<b>Facet of integration</b>	<b>Central concern</b>	<b>Smith’s boundary</b>
Economy	Utility	Transactional
Politics	Institutions	Institutional/legal
Identity	Europeanness	Cultural

**Table 1. The different facets of European integration.**

The Cold War and its bipolar overlay served the Western Europeans well, for they could take the concept of “Europe” as their own without having to think about where the final outer boundaries of European integration really lay (Wallace, 1992, p. 34). Rhetorically, the European Community portrayed a pan-European vocation; for example, the Article 237 of the Treaty of Rome accorded “any European state” the right to apply for membership (Schimmelfennig 2003, p. 266). This served of course also a useful propaganda purpose by highlighting the key differences between the Western and Soviet integration processes in Europe: One was based on voluntary functional integration and pooling of sovereignty while the other grew from the barrels of the Soviet guns. However, with the end of the Cold War the situation changed and the EU was flooded with membership applications from a host of Northern, Central and Eastern European countries. This incurred that riding on the European card and identity became a much more costly exercise. It also meant that the EU had to either start drawing the limits of “Europe” or be “shamed” by the rhetorical action of the aspirants into enlarging (about rhetorical action and shaming, see Schimmelfennig, 2001 and 2003). Now, after over fifteen years since the fall of the wall, the EU has still not been able to decide where its boundaries will eventually lie. Instead, the recent wrangling over Turkey’s candidacy and the growing uneasiness with which the Union has greeted Ukraine’s aspirations, seem to verify the point made by William Wallace already in the early 1990s that the EU does not really have any clear criteria for determining which countries can get in and when enlargement should ultimately stop (Wallace, 1992, p. 40).

As such, the recent “Big Bang” enlargement is only the latest, although a major, step in the drawing of the EU’s outer boundaries in a piecemeal fashion. To date the process has not reflected any serious pre-meditated strategy on the part of the Union. Instead, it has been part and parcel of the dialectical process where it seems that at times the Union has been haplessly caught in the middle of its own pan-European rhetoric, internal economic and political success and dynamism, and the

external pressures and calls for belonging. This has led Wallace more recently to suggest that the Union should seek to detach the issue of its membership from more existential questions of “cultural – let alone ethnic – limits of Europe.” Instead, the EU should approach the issue in a more practical manner, answering the “policy question” of “where should the EU end?” (Wallace, 2003, p. 13). Also Karen Smith has argued that the current ambiguity concerning the EU’s limits is counterproductive and not boosting its leverage. Instead, the reverse is the case, as the Union is repeatedly forced into a “reactive and defensive” mode and eventually further enlargements (Smith, 2005, p. 769). In order to escape from this entrapment, also Smith urges the Union soon to decide where its final outer boundaries will eventually lie (*Ibid.*, p. 773).

But things might not be as straightforward as Wallace and Smith both argue. What makes the case of the EU interesting, is that as a *sui generis* entity of regional integration it has to take into consideration not only the issue of how best to project its power in order to ensure stability and security in its immediate neighbourhood, but also how to project its normative power in Europe and elsewhere. It is not, however, entirely clear why the EU has decided to marry its normative agenda and “foreign policy” so tightly. Part of the reason can undoubtedly be found from the Union’s own historical experience and its own identity as a qualitatively different entity in international relations (Smith, 2001<sup>4</sup>). This is partly due to the Union’s still largely civilian and normative power nature, which instead of using (military) power and coercion relies on persuasion and dialogue (see Duchène, 1973; Manners, 2002). Also, the Union is a complex legal animal (although not yet an entity), and one that seems to have problems in interacting with other international actors that do not work on the basis of the same norms, values and procedures. The EU’s emphasis is not, however, entirely unique, as it can be seen as part and parcel of the wider post-Cold War debates about “good governance” and second wave of conditionality (Haukkala, 2005, p. 9).

The Union’s normative power is dependent on the perceived legitimacy of its actions and policies in the eyes of its partners. The same of course applies to any international actor where the attraction of their “soft power,” i.e. “the ability to get what you want through attraction rather than coercion or payments” (Nye, 2004, p. x, see also p. 5) is conditioned by the policies the given actor itself undertakes. But at least in Europe the EU has an additional structural constraint compared to, for example, the United States: The Union is not a state actor that can apply its “soft power” at will, but

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<sup>4</sup> Also the *Treaty establishing a Constitution for Europe* makes references to this (Title V, Chapter I, Article III-292).

it is a regional integration process to which the ‘objects’ of that power can, and often do, aspire to join before accepting its norms and values as entirely legitimate.

This tendency has been fuelled by the Union’s own rhetoric. Since its inception it has been committed to keeping its membership open to “any European state” that respects the founding values and principles of the Union.<sup>5</sup> As a consequence, a large part of the EU’s legitimacy in the eyes of third parties stems from the fact that at least until recently European integration has been a geographically open-ended “European project” and enlarging the Union has been the best way of countering the oft-voiced concerns of a “Fortress Europe” and thus ensuring the legitimacy as well as stability in the EU’s own immediate environment.

Obviously, the point of contact where these pressures are felt most urgently is at the outer boundaries of the EU. Previously the countries emerging at the outskirts of the enlarging Union (the “new neighbours”) have often also been potential future members. The logic of an empire is partly at work here. But the EU is a reluctant empire, ever aware of the dangers posed by the entry of newcomers into the club. Moreover, the EU has not become an empire by the traditional means of conquest, but, and to paraphrase Geir Lundestad, rather by means of invitation (Lundestad, 1998). Nevertheless, the EU can be seen as having some empire-like qualities, as each successive enlargement creates new borderlines beyond which the EU normative order has to be imposed if the Union is to be secure and able to do business with its new neighbours.<sup>6</sup>

The factors limiting the expansion of previous empires in world history apply to the “EU Empire” as well<sup>7</sup>. But due to its *sui generis* nature, the Union has some unique concerns as well. Perhaps the most pressing one is the internal imperative and the question of the future viability of the EU’s own institutions and structures. Already the recent round of ten new members have spurred alarmist tones warning of a possible meltdown of EU’s structures in the post-enlargement situation. The

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<sup>5</sup> Treaty on European Union, Article 49. Also in the Constitutional Treaty the same commitment can be found (Title I, Article I-1.2).

<sup>6</sup> The EU’s zeal for the use of empire-like (normative) power is nothing new, of course. For example, also the Roman and the British empires were keen to and adept in exporting their norms, values and modes of governance (see Ferguson, 2003 and Holland, 2003, respectively). The crucial difference, however, is, that the Union is seeking to project its normative power well *beyond* the reach of its pilums and maxim guns.

<sup>7</sup> For recent treatments about the role of empires in international relations, see, for example, Ferguson, 2003 and 2005; and Lieven, 2003.

words of Romano Prodi quoted above are a case in point. Also the analysts were quick to note that at least part of the blame for the negative results in the French and Dutch referenda on the Constitutional Treaty in May/June 2005 was due to the “enlargement fatigue” and the mistrust that especially the French electorate harboured over the possible Turkish membership in the coming years.

Therefore, it seems clear that the EU wants the enlargement soon to stop. But it is at a loss on how to go about it. The current Treaty on European Union and the so-called Copenhagen criteria do not offer any clear guidance in the matter. Nor does the Constitutional Treaty, which might still be abandoned entirely before it can enter into force. Consequently, it seems that it is the Luxembourg 1997 decision on an added criteria, that of the readiness of the Union itself to accept new members, that is coming to the forefront.<sup>8</sup> In the end of the day it seems that instead of “imperial overstretch” it is the danger of an “institutional overstretch” that will set the limits of EU enlargement<sup>9</sup>.

From the vantage point of the Union’s normative power the problem is that this is not a very moral argument. It rings of double standards and reinforces the image of the EU as a “Fortress Europe” shielding its precious *acquis* behind the Schengen border. As a consequence, by relinquishing enlargement, the EU is in danger of not only losing its capacity for effectively stabilizing its nearest neighbours, but it is also in danger of losing its legitimacy and justification in the eyes of them. In order to better understand why this is so, we need to take a closer look at the Union and its normative power in Europe.

## The Enlargement and the EU’s Normative Power

As has already been argued, the EU enlargement is not only about drawing geographical boundaries. It is also about establishing, or imposing, an EU order especially to the neighbouring areas in the East through the transference and diffusion of EU norms, values, rules, and regulations (Aalto, 2003; Christiansen *et al.*, 2000; Friis and Murphy, 1999; Smith, 1996). It is true, as Christiansen *et al.* (2000) have argued, that this can result in certain “fuzziness” in the composition

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<sup>8</sup> This has been highlighted in the Commission’s negotiation framework for Turkey; see especially the point 7.

Available at [http://europa.eu.int/comm/enlargement/docs/pdf/negotiating\\_framework\\_turkey.pdf](http://europa.eu.int/comm/enlargement/docs/pdf/negotiating_framework_turkey.pdf), accessed 10 August 2005.

<sup>9</sup> For more about imperial overstretch, see Kennedy, 1989, esp. p. 666.

of the EU, as important parts of the Union, such as the Community legislation, the Single Market, or the Schengen *acquis* are through the pre-accession instruments and the European Economic Area (EEA) mechanism extended beyond its borders. This ties in well with Ole Wæver's "imperial analogy," according to which the "EU Empire" can establish its rule in a radial manner through differing zones of order (Wæver, 1997, p. 64). The imperial analogy is useful in highlighting the fact that the EU perhaps need not have to accept new members perpetually in order to be able to impose its normative order on others. Or, to use Michael Smith's terminology, the EU can modify its transactional boundary in order to accommodate its new neighbours whilst seeking to preserve the integrity of its institutional/legal boundary at the same time (Smith, 1996, pp. 13–17; see also Friis and Murphy, 1999). As such, the EU is seeking to use the creation of new "grey zones" in Europe in order to control the problems that stem from neighbouring areas without having to grant them full membership and European identity (Palosaari, 2001).

But the issue is not as straightforward as the debate above would seem to suggest. The previous experience has already shown that the EU has not in fact been very successful in projecting its normative power in cases where full membership has not been on the cards. This is due to the internal constraints inherent in the Union's own actorness and especially the key role played by enlargement as the main instrument of the Union's normative power in Europe: The EU's expectations of normative convergence and harmonisation in Europe are seen as legitimate and warranted mainly only when the golden carrot of accession is on the cards. Once it is not, the situation changes, and the EU's possibility to act as an anchor for reforms has proven to be severely limited. This has been equally true in the East, as exemplified by the case of Ukraine (Wolczuk, 2004), as well as in the Union's Southern periphery in the Mediterranean (Tovias and Ugur, 2004).

In his seminal article, Ian Manners has suggested that the EU's normative power is diffused through contagion and transference (Manners, 2002, pp. 244–45). Although sound, Manners's scheme betrays too static and passive an understanding of the EU's role as a norm entrepreneur in international relations. Instead of relying on passive diffusion alone, the EU has in fact actively sought to project and promote its norms and values internationally. This is true especially in Europe where enlargement and more specifically the highly institutionalised and structured accession process has been the main instrument of the Union's normative power. Vachudova (2005, p. 63) has made a useful distinction between passive and active leverage that the EU enjoys over its credible future members: passive by the overall attraction of EU membership, and active from the deliberate conditionality exercised by the Union during the pre-accession process. It is, however, important to

take note that it is the active component that is the key to understanding the Union's leverage, as previous studies have shown that it is only through clear (material) incentives and the concrete prospect of a full membership and European identity that the EU can effect substantial economic and societal change in its European partners. Other forms of leverage, such as social influence and transnational mobilization have proven largely ineffective (Vachudova, 2005; Schimmelfennig *et al.*, 2003).

When viewed from the viewpoint of prospective members, a credible offer of membership is crucial in three respects: Firstly, it lends the Union's demands of accepting its normative agenda legitimacy in the eyes of the candidates. It is only by offering a full stake in European institutions and identity that the Union can expect others to subscribe in full to its norms and values. Secondly, it offers politicians in the candidate countries the political cover under which they can make the at times difficult and even painful domestic reforms while claiming that the steps are necessary, as indeed they often are, in order to be able to enjoy the fruits of European integration in full. And finally, the accession process gives not only political but also economic and technical support and aid to the transformation of the candidates. This support is on an entirely different scale compared to the other external assistance schemes of the Union.

From the vantage point of EU's normative power, the accession process is also beneficial. The Union in effect uses its economic and normative clout to create a set of highly asymmetrical bilateral relationships between itself and the candidates where the projection of norms and values is entirely one-sided: The candidates are supposed to internalise not only the approximately 80,000 pages of *acquis communautaire* but also the value-basis of the Union, as exemplified in the Copenhagen criteria of 1993 which sets out the other prerequisites for European belonging and full accession.

In fact, this approach to enlargement reveals that Manners's assumptions about the crucially different character of EU's actorness have to be clarified with some further remarks. The crux of the issue is indeed to be found from what Manners has described as the Union's "ability to shape conceptions of 'normal' in international relations" (Manners, 2002, p. 239). In Europe, this ability is augmented by the fact that the EU has not only power to set the parameters over the legitimate aspects of international (and also domestic) life in general, but that it also has the recourse of being able to claim almost a sole monopoly on Europeanness. The Union seems to enjoy the authority of pronouncing what it means, and perhaps more importantly what it takes, to be "European." But this

is a mixed blessing for the Union. On one hand it has given the Union almost unprecedented (normative) power over societies in Europe. But on the other, this monopoly has manifested itself in the continued pull of membership that the Union attracts over its neighbours that is now beginning to make the Union itself ill at ease. Therefore, at least in the case of the European Union there is more to the enlargement of regional integration than negative externalities and rational calculus (cf. Mattli, 1999): The current state of affairs implies that the enlargement of the EU deals not only with the material side of European integration but also with more profound questions of belonging and identity. As a consequence, in Europe the Union has great difficulties in unbundling its normative power from Europeanness and consequently questions of (full) membership. This is why it is facing such a hard time when hoping to relinquish enlargement without inflicting serious damage to its (self)image as “The European Project.” In this respect, the President of the Commission Romano Prodi’s remark about the EU’s willingness to share “everything but institutions” (Prodi, 2002) with its neighbours is both disingenuous and misses the point: As an identity project the Union has a hard time sharing what is perhaps its most essential characteristic, Europeanness, with its neighbours without also sharing its institutions and membership in full.

In a sense, the EU can be seen as a regional normative hegemon. Normative, as its foreign policy agenda is laden with norms and values, and a hegemon, as it seeks and seems to enjoy a monopoly on defining what those norms are and entail and thus create the boundaries of normality and Europeanness. But the Union’s claim at hegemony is only regional in its scope as it is most specifically confined to Europe where the prospect of EU membership acts as both the source of attraction and legitimacy to the Union’s normative power. This is not to say that the Union does not try to apply the same principles outside of Europe as well. In fact, the Union’s approach is not confined to Europe alone as in general the Union prefers bilateral relationships with third parties that enable it to enjoy the asymmetric leverage often afforded by its economic and normative power. Aggarwal and Fogarty (2004, p. 231) have suggested that this is in fact a fairly shrewd strategy on the part of the Union: the Union is “playing to its strengths” and applying its commercial power and attraction to promote its normative power in the international system.

But these remarks fail to distinguish between the Union’s normative power globally and in Europe. Although the EU is seeking to build highly asymmetrical relationships with its partners in Europe, it is crucial to understand that they are not based on coercion and domination. The gist of the issue has been captured fairly well by Mark Leonard. According to him, Europe’s “transformative power” is “broad and deep: once sucked into its sphere, countries are changed forever... Europe doesn’t

change countries by threatening to invade them: its biggest threat is to cut off contact with them.” (Leonard, 2005, p. 110). Leonard’s remarks show how the Union’s normative power resides in a delicate nexus of attraction, coercion and legitimacy. As such, it is reminiscent of Antonio Gramsci’s hegemonic discourse where an actor seeks to define its own “interests as general interests and in using this concept to formulate general ideas on the order and development of society” (Brand, 2005, p. 171). The EU might have, as Manners has argued, the power to set the parameters of normality and it might have some means of projecting its vision also internationally but the limits of the Union’s influence are conditioned by the need for this exercise to be seen as legitimate. The experience so far has shown that the only way the Union can legitimately project is normative power in Europe is by offering a full stake in European institutions and identity, i.e. membership in the European Union itself.

The EU is thus in a genuine bind: By playing with the idea of relinquishing enlargement, the previously open “European project” is increasingly perceived from the part of EU’s Eastern neighbours as a form of exclusion. For them it is about extending a normative and highly institutionalized wall, which will isolate them from the rest of Europe (Sherr, 2002, p. 167; Neumann, 1998). Therefore it is clear that the EU needs a third way; something to ease it out of the bind of having to choose between the “ins” and “outs.” Since 2003 the Union has been developing a European Neighbourhood Policy that can for all means and purposes be seen as an attempt at devising new avenues through which the Union could preserve its normative power and its ability to project stability in its neighbourhood while also protecting its institutions, and budget, from an unacceptable overload.

### The European Neighbourhood Policy as a Substitute to Enlargement

The application of the EU’s normative hegemony is by no means confined to its future members alone. During the post-Cold War period the Union has built an extensive web of bilateral relationships in Eastern Europe that are based on the same set of norms and values as the accession process. For example, the EU has negotiated eleven Partnership and Cooperation Agreements (PCAs) with the so-called new independent states of the former Soviet Union. Also there the Union has sought the asymmetric bilateral approach but with a crucial difference, as accession has not been on the cards.<sup>10</sup> As a consequence, the key component of the Union’s active leverage, political

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<sup>10</sup> To be precise, not all of the post-Soviet states have aspired for membership, either.

conditionality, has been weak and inefficient (see Smith, 1998; Youngs, 2001; Zanger, 2000). The Union's own half-hearted attempts at applying conditionality in practice seem to suggest that it, too, has been aware of this. The EU's discouraging track record in conditioning Russia's policy in Chechnya is a case in point (see Haukkala, 2001, esp. pp. 51–62; and Forsberg and Herd, forthcoming), and Ukraine during the reign of the president Leonid Kuchma is another (Wolczuk, 2004).

The European Neighbourhood Policy can be seen as having a dual function: On the one hand it is an attempt to devise an alternative to further enlargements of the Union. On the other it is an attempt at (re)injecting the Union's normative agenda and the application of conditionality more strongly also to the relations with non-candidate countries. As such, it is a conscious attempt at squaring the circle of relinquishing enlargement while retaining the Union's normative power in Europe. These aims are present already in the Commission's first blueprint concerning the policy, presented in March 2003 (European Commission, 2003). The communication clearly states that the new policy is meant for countries that do not currently enjoy the perspective of EU membership. However, the document takes great pains in making the case that the Eastern enlargement is not about exclusion and new dividing lines in Europe but that it would bring tangible benefits also to the new neighbours. At the heart of the initiative is the EU's offer of enhanced relations and closer integration based on shared values between the Union and its neighbours. The mechanism is simple: in return for effective implementation of reforms (including aligning national legislation with the EU *acquis*), the EU will grant closer economic integration with its partners. The approach is twofold, as the EU wants first to tap the full potential of the already existing PCAs, namely the gradual harmonization of legal norms with the EU *acquis* and the creation of a free trade area, and only then go beyond that with the prospect of realizing the so-called four freedoms (persons, goods, services, and capital) within the "Wider Europe" that would include the Southern shores of the Mediterranean, Russia, and everything in between.<sup>11</sup>

The concept was further developed with the Commission's strategy paper in May 2004 (European Commission, 2004). The paper largely reiterates the points of departure of the earlier communication but goes further by identifying better the priorities and how to inscribe them into

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<sup>11</sup> Since 2003 the Commission's blueprint has gone through several substantive transformations: Its name was changed from "Wider Europe" to "European Neighbourhood Policy." Also the list of countries has changed, as Russia – due to its own insistence – was dropped from the initiative, whereas the countries of Southern Caucasus (Armenia, Azerbaijan and Georgia) have been added to the list of "neighbours."

the neighbourhood action plans that are to be jointly adopted with the neighbours. The paper also envisages a process that is based on clear differentiation between countries and regular monitoring of progress. It is, however, here that the Union's attempt at normative hegemony also in its neighbourhood becomes clearly visible, as the process is built on a set of bilateral relationships between the individual neighbours and the EU. Scholars seem to be in agreement that this is a deliberate choice on the part of the Union to maximize its leverage over the neighbours (Smith, 2005, p. 762–63; Joenniemi and Browning, 2005; and Vahl, 2005). Moreover, the ENP does not give any say to the new neighbours in setting the normative agenda: The objectives and the means are non-negotiable and the only place where the partners would be consulted is when the individual action plans with clear benchmarks and timetables are being agreed upon. As such, the Union is offering (or withholding) economic benefits depending on the neighbours' ability and willingness to implement the Union's normative agenda and the EU is willing to give its neighbours influence only over *when* they want to implement the Union's normative agenda and not *how* that is to be done. It seems evident that in the future, the new neighbours are not likely to have a large say in matters that will have a profound effect on their future development and place in Europe. If this stance is accompanied by a persistent neglect of the neighbours' calls for belonging and their claims of Europeaness, the application of the Union's normative hegemony through the ENP can be seen as resting on a fairly dubious legitimacy.

The crux of the issue is that the EU is trying to apply its normative power in Europe along the lines of accession process without the legitimising effect of enlargement. From the discussion above it should be clear that this is a recipe for failure, unless the ENP is made on the material side of incentives enticing enough for the neighbours. It is, however, unlikely that the economic side of ENP can be robust enough to act as a sufficient incentive for the neighbours (Milcher and Slay, 2005, p. 7). This is so for several reasons. The wrangling over the next budgetary period in the EU (2007–13) is currently in full swing and if anything the EU's budget – external action included – is more likely to shrink than to increase in the face of new challenges. Moreover the longer term the overall malaise in European economic performance will also be reflected in the allocation of resources. The euro zone's economy is stalling, and the EU is no longer generating the kind of resources that it could use to throw its substantial economic weight around – at least beyond its own borders. It is equally dubious whether the Union is able to provide its neighbours with the kind of market access that would be required, especially in the East. The French and Dutch rejections of the Constitutional Treaty reflect the rise of anti-liberalism and neo-protectionism in the EU. It is unlikely that the vested interests within the Union will allow the Commission to open the Union's

internal market to the products from the East that would be most competitive there. For example, Ukraine's and Moldova's main exports are steel and agricultural products, both commodities that the liberalisation of which would face staunch opposition from within the Union (Grabbe, 2001, p. 8; Milcher and Slay, 2005, p. 9). As a consequence, it could well be that neither aid nor trade will be forthcoming from the EU in the coming years.

Therefore, it can be doubted whether the ENP in its current form is the answer the European Union has been hoping for. A case in point is Ukraine, a country that has since the early 1990s been oscillating between the two main vectors of its foreign policy: the European Union and the Russian Federation. Leonid Kuchma's presidency (1994–2004) saw the schizophrenic situation of continued professions of Ukraine's European calling without a commensurate display of its vocation in terms of actual economic and societal reforms that would have facilitated the country's claim of being a suitable candidate for accession.<sup>12</sup> Thus when the ENP process was launched in earnest in 2004, the Union had an easy time in putting Ukraine to the same basket together with other laggards in its Eastern periphery, Belarus and Moldova<sup>13</sup>.

The negotiations for the neighbourhood action plan with Ukraine in 2004 were protracted and difficult. Kuchma's government was clearly dissatisfied with the Union's offer. The EU, for its part, however, was equally adamant that the package was as good as it would get. However, after the dramatic presidential elections in November–December 2004, the domestic situation changed in Ukraine: The new president Victor Yushenko has not only continued the pro-EU rhetoric of Kuchma but has augmented it with a series of reforms that, if implemented, could lead the country to a path towards EU membership (Gromadzki *et al.*, 2005). But even under the most promising of circumstances Ukraine's path to Europe would be far from linear. The biggest obstacle on Ukraine's road to modernization and europeanisation lies in country's weak institutional framework: as in Russia, state institutions have become hostage and tools of economic interest groups which hinder and obstruct reforms that threaten their power and prosperity (Deutsche Bank, 2005, pp. 4 and 7). The situation has not changed much for the better under Yushenko. Arguably, for the current elites to relinquish their crony capitalism for good it would take a significant incentive structure on the part of the Union.

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<sup>12</sup> For more about Europe as a vocation and a calling, see Medvedev, 1998.

<sup>13</sup> To be precise, although mentioned in the ENP documents, the Union has decided to exclude Belarus from the process due to the policies of the country's authoritarian president Alexander Lukashenko.

The action plan negotiated with Kuchma is thin on such incentives: no significant trade liberalisation, visa facilitation or market economy status for Ukraine – things the Union has been willing to consider and implement, for example, visa-à-vis Russia. Instead, the action plan contains an exhaustive list of priorities and objectives the Union expects Ukraine to implement (for a longer discussion, see Smith, 2005). In the aftermath of the Orange Revolution the EU has not been forthcoming with new initiatives, either. In early 2005 Yushenko was brought from the election euphoria back to the ground by the Union's take-it-or-leave-it approach: There was no room for renegotiation of the action plan which was subsequently adopted on 21 February 2005 (Gromadzki *et al.*, 2005, p. 7). Nor was Ukraine's European aspirations met with an unequivocal nod of confirmation from the EU. As if to sweeten the bitter pill, on the day of its adoption, the High Representative Javier Solana and the External Relations Commissioner Benita Ferrero-Waldner did publish a 10-point letter specifying additional measures to further strengthen the action plan. But a team of analysts have deemed the letter of being little else than a list of unilateral demands on Ukraine with little and vague or non-binding substance on the Union (Gromadzki *et al.*, 2005, pp. 18–9). In short, the burden for the future development of the relations is put squarely on Ukraine's shoulders while the incentives for doing so remain fairly limited, at least for the time being. It is unlikely that the package put forward by the Union – no European perspective and only limited material incentives – would prod Ukraine along the road of convergence and integration with the EU. Once again, a clear membership perspective would be the best anchor for Ukraine (Deutsche Bank, 2005, p. 9; Gromadzki *et al.*, 2005; and Wolczuk 2004, p. 19). As a consequence, it is likely that with its current ENP the Union's normative power is set to remain under-utilised and its normative agenda largely unrealized.

## Conclusions

In the aftermath of the “Big Bang” enlargement, the geographical limits of the European project seem to be approaching, and the EU is increasingly threatening with the idea of ceasing to enlarge. As a consequence, in the external relations of the Union, the exclusionary aspects of European integration are coming to the fore, while the question of how to alleviate the negative impact of relinquishing the most effective foreign policy tool at EU's disposal is emerging. At stake is the Union's ability to act as a normative power in Europe, which is crucially dependent on the EU's perceived legitimacy in the eyes of its partners.

It has been argued in this article that the open-ended nature of the Union's membership is a key factor in promoting this legitimacy. As such, the Union's attempts at divorcing its normative power from the accession process in Europe can be seen as being counterproductive. Yet the Union has several reasons for ceasing – or at least pausing – to enlarge. The recent accession of ten new members has resulted in a need for a gestation period. Also the new Eastern neighbours, at least in their present form, are anything but easily integrated.

For the Union, the new European Neighbourhood Policy thus represents both the avoidance and continuation of enlargement by other means. Avoidance, as it is hoped that it would enable the Union to avoid for the foreseeable future answering their demands for belonging; continuation, as the Union has built the ENP on the same logic of normative hegemony as the accession process. It is hoped that this would facilitate the emergence of an increasingly democratic and prosperous “ring of friends” around the Union with which it would be willing to share “everything but institutions.”

Although the offer sounds generous, the current format is far from a panacea. As has been shown by numerous scholars, the ambiguity concerning the limits of Europe is not working. Instead, it is eroding the legitimacy on which the Union's normative hegemony crucially rests. Moreover, one could argue that after a rather disastrous decade in the 1990s in the EU's new Eastern neighbours, they might not opt for increased “messiness” in their immediate surroundings. In fact, the opposite could be true, as after all the recent turbulence they might prefer clear institutional ties and mechanisms (including, of course, the financial support) that a full membership would provide them.

By demanding reforms right now and offering only vague and amorphous incentives somewhere down the line, the ENP puts the veritable cart before its neighbours' horses with no tangible carrot in sight.<sup>14</sup> The material benefits are not strong enough to entice the elites in the new Eastern neighbours to change the current system that is skewed in their favour. But even if the ENP was made financially robust enough to act as an economic carrot, it does not answer their calls for belonging in full. A case in point is Ukraine, which has to no avail repeatedly voiced her hopes of becoming a full EU member as soon as possible.

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<sup>14</sup> This is not unique in the Union's external policies, however. Tovias and Ugur (2000, p. 412) have shown how the “Euro-Med Partnership” in the South has been based on exactly the same logic.

One can envisage two ways forward for the Union. The first is the continuation of enlargement(s). After all, it seems to be the only avenue through which the Union can project its normative power in a legitimate and efficient manner in Europe. If this road was pursued then Ukraine's European aspiration should be deemed as legitimate and a gradual step-by-step association and integration process should begin<sup>15</sup>. As such, Turkey's long winding road to Europe could also be Ukraine's. The EU should expect Moldova, Georgia and other countries of Southern Caucasus to follow suit as well.

The second is that the EU should perhaps reconsider its normative power in the post-enlargement Europe. This would entail changing the neighbourhood policy, or at least the priorities within it. The current approach is not substantial enough to warrant the attempts at regional normative hegemony and the Union's insistence that the neighbours should engage themselves in adopting the *acquis* without the full European perspective. Instead, the Union should consider a neighbourhood policy that is based less on heavy normative convergence and harmonization and more on tangible cooperation with more modest rhetoric and clearer material incentives. After all, what is the point of insisting on a high level of conformity with the EU *acquis* if these countries are not to become full members in the foreseeable future? One should also keep in mind that often even within the Union it is the case that even if common rules and regulations are formally adopted they are in practice implemented in a rather slow and haphazard manner (Zielonka, 2001, p. 513). If the EU can deal with this internal messiness, maybe it could let the thousand flowers bloom in its neighbourhood and concentrate instead of detailed normative convergence to foster the overall values and norms that matter as prerequisites for good governance: democracy, rule of law, and basic human rights. This would ease the burden of the Union's normative hegemony more manageable and would give the Union's normative agenda added and badly needed legitimacy, as the EU could tie its agenda to the wider normative geography in Europe that already consists also of the OSCE and the Council of Europe.

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<sup>15</sup> This is in fact exactly what a group of experts advocate in Gromadzki *et al.* (2005).

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